



AGENDA FOR THE PLANNING SUB COMMITTEE B

Members of Planning Sub Committee B are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **27 February 2018 at 7.30 pm.**

Yinka Owa
Director of Law and Governance

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Despatched : 19 February 2018

Welcome:
Members of the public are welcome to attend this meeting.

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

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

Quorum: 3 councillors



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

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

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

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

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

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

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

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

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

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

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

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

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

5.	Order of Business	
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B.	Consideration of Planning Applications	Page
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3.	19-21 Challoner House, Clerkenwell Close, EC1R 0RR	67 - 118
4.	Disused Single Garage, 16 Japan Crescent, N4 4BB	119 - 168
5.	Foxama House, 17-18 Hayward's Place, EC1R 0EQ	169 - 202
6.	Northway House, 257-258 Upper Street, N1	203 - 226
7.	Palmer's Estate, 1-39 Greatfield Close, 1-12 Littlefield Close, 1-12 Manorfield Close; 2-24 (Evens) Ward Road, 21-32 Warrander Road, N19 5UE	227 - 240

C. Consideration of other planning matters

D. Urgent non-exempt items

Any non-exempt items which the Chair is of the opinion should be considered as a matter of urgency and to consider whether the special circumstances included in the report as to why it was not included on and circulated with the agenda are acceptable for recording in the minutes.

E. Exclusion of press and public

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

F. Confidential/exempt items

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G. Urgent exempt items (if any)

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

Date of Next Meeting: Planning Sub Committee B, 30 April 2018

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

www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING SUB-COMMITTEES

Planning Sub-Committee Membership

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

Order of Agenda

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

Consideration of the Application

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

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

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

What Are Relevant Planning Objections?

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

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

London Borough of Islington

Planning Sub Committee B - 8 January 2018

Minutes of the meeting of the Planning Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 8 January 2018 at 7.30 pm.

Present: **Councillors:** James Court, Kay Fletcher, Jenny Kay and Robert Khan

Councillor Kat Fletcher in the Chair

327 INTRODUCTIONS (Item A1)

Councillor Kat Fletcher welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.

328 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillor Alice Donovan-Hart.

329 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

330 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

331 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

332 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 21 November 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

333 GROUND FLOOR, 24 RAY STREET, LONDON, EC1R 3DJ (Item B1)

Change of use of ground and lower ground floors from office (B1a) to a mix of office (B1a) and associated crèche (D1) (Sui Generis), including replacement of external roller shutter door with a double crittall door along Crawford Passage (east elevation).
(Planning application number: P2017/3825/FUL)

The planning officer advised that condition 8 would be replaced with a time limit condition of five years. There would also be an additional condition to ensure that the crèche ran in conjunction with the office space and not independently.

In the discussion the following points were made:

- Concern was raised regarding the loss of 30% office space which was a breach in policy. In response, it was noted that the crèche would support and improve the

Planning Sub Committee B - 8 January 2018

function of the existing office accommodation and would be linked to the office space, there would be a time limited condition to control future use and the Local Plan detailed that use, such as childcare facilities, could be appropriate.

- Members also raised concern regarding the length of marketing time which had been nine months and not the required two years. It was noted that during the nine months marketing period there had been only two offers and the other offer was substantially below the rental requested. The marketing evidence was broadly compliant with policy and the application was considered to be broadly acceptable on balance.
- Members raised concern that the proposed five year time limit was not usual and considered that a shorter time period would be more acceptable.
- Concerns were raised that hours for construction work were not restricted and could cause noise nuisance to local residents.

Councillor Robert Khan proposed a motion to reduce the time limit to three years. This was seconded by Councillor James Court and carried.

Councillor James Court proposed a motion to add a condition to limit building work from 9am to 5pm on Mondays and Fridays only. This was seconded by Councillor Jenny Kay and carried.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and the amended condition and additional conditions outlined above, the wording of which was delegated to officers and detailed below for completeness.

Agreed delegated wording

CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2016 (or any order revoking and re-enacting that Order with or without modification), the premises forming the subject of this permission identified on the approved drawings as being used for B1 (office)/D1 (crèche) shall cease within 3 years of the date of this permission. The use shall revert back to being solely B1a office floorspace and for no other purpose including any other purpose within the Schedule of the Town and Country Planning (Use Classes) Order 2015 (as amended, or any order revoking and re-enacting that Order).

REASON: To protect the short to long term viability of the commercial area and unjustified loss of business floorspace in a highly accessible CAZ location.

CONDITION: The approved crèche shall not be used independently from the office accommodation at both basement and ground floor levels of 24 Ray Street. There shall be no use of these crèche facilities hereby approved by public/office users unless used by public/office users in conjunction with the approved basement and ground floor office accommodation at 24 Ray Street and shall be used in accordance with the approved plans and approved management plan and maintained as such thereafter.

REASON: To protect the viability of the commercial area.

Planning Sub Committee B - 8 January 2018

CONDITION: Notwithstanding the hereby approved plans, the hereby approved development works shall only take place between the following hours:

9:00am to 17:00pm Monday to Fridays.

There shall be no development works on Saturdays, Sundays or Bank/Public Holidays.

REASON: To protect the amenity of neighbouring properties.

334

WILLOW COURT, EDEN GROVE, LONDON, N7 8EH (Item B2)

Replacement existing single glazed timber framed windows and doors on the northern and southern elevations with double glazed UPVC windows and doors.
(Planning application number: P2017/1578/FUL)

In the discussion the following points were made:

- Members noted and considered the Council's design and conservation officer's objections to the scheme but assessed the surrounding context and replacement windows within the submission and considered that the application was policy compliant.

RESOLVED:

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

The meeting ended at 8.00 pm

CHAIR

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COMMITTEE AGENDA

1 14 Bonhill Street
Islington
LONDON
EC2A 4BX

2 24 and 26 Almington Street
London
N4 3BG

3 Challoner House, Nos. 19-21
Clerkenwell Close
Islington
LONDON
EC1R 0RR

4 Disused Single Garage, 16 Japan Crescent, London, N4 4BB

5 Foxama House
17 - 18 Hayward's Place
London
EC1R 0EQ

6 Northway House
257 - 258 Upper Street
London
N1 1RU

7 Palmers Estate
1-39 Greatfield Close; 1-12 Littlefield Close; 1-12 Manorfield Close; 2-24 [evens] Ward
Road; 21-32 Warrander Road
Islington
London
N19 5UE

1 14 Bonhill Street
Islington
LONDON
EC2A 4BX

Ward: Bunhill

Proposed Development: Extension of existing building to rear from 1st to 5th floor to create additional office space, relocation of existing plant to roof level and new entrance at ground level. (Reconsultation ammended plans and acoustic report received)

Application Number: P2016/2078/FUL

Application Type: Full Planning Application

Case Officer: Thomas Broomhall

Name of Applicant: .

Recommendation:

2 24 and 26 Almington Street

London

N4 3BG

Ward: Tollington

Proposed Development: Change of use from Sui Generis (Hostel) to C2 (Residential children's home) together with a joint single storey rear extension.

Application Number: P2017/3903/FUL

Application Type: Full Planning Application

Case Officer: Nathan Stringer

Name of Applicant: Ms Elizabeth Rutherfordood

Recommendation:

3 Challoner House, Nos. 19-21

Clerkenwell Close

Islington

LONDON

EC1R 0RR

Ward: Clerkenwell

Proposed Development: Provision of additional office space (use class B1) through the erection of a replacement mansard roof to Nos. 20 and 21; the rear extension of Nos. 19, 20 and 21 with a part one, part two storey rear extension between first, second and third floor levels; erection of a fourth floor roof extension above No. 19 with reinstatement of lost parapet, partial reinstatement of lost roof form and chimney, with contemporary extension and new plant enclosure to the rear; alterations to existing front and rear fenestrations, and creation of new window openings to side and rear elevations; reinstate historic detailing to the frontages of Nos. 19, 20 and 21; excavation of an extended basement level at Nos. 19, 20 and 21; and the provision of x13 photovoltaic panels and a biodiverse roof above third and first floor levels respectively at the rear.

Application Number: P2017/2089/FUL

Application Type: Full Planning Application

Case Officer: David Nip

Name of Applicant: Ms Ettie Lewis

Recommendation:

4 Disused Single Garage, 16 Japan Crescent, London, N4 4BB

Ward: Tollington

Proposed Development: Demolition of an existing building and construction of two storey (above ground) residential dwelling plus the construction of basement level accommodation.

This application may affect the character and appearance of the conservation area. Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended); Section 73.

REASON FOR RECONSULTATION: Addendum to originally submitted Structural Method Statement with associated assessment of SMS Addendum and evaluation of comments to original SMS assessment

Application Number: P2015/4983/FUL

Application Type: Full Planning Application

Case Officer: Daniel Jeffries

Name of Applicant: d4p developments Limited Mr Mark Armstrong

Recommendation:

5 Foxama House

17 - 18 Hayward's Place

London

EC1R 0EQ

Ward: Clerkenwell

Proposed Development: RECONSULTATION - Plant equipment and enclosure moved away from rear edge by 2 metres - revised drawings submitted.

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.

Application Number: P2017/3258/FUL

Application Type: Full Planning Application

Case Officer: Thomas Broomhall

Name of Applicant: n/a

Recommendation:

6 Northway House

257 - 258 Upper Street

London

N1 1RU

Ward: St. Marys

Proposed Development: Change of use from Class B1(a) to mixed A1/A3 sandwich bar/cafe (sui generis use)

Application Number: P2017/3435/FUL

Application Type: Full Planning Application

Case Officer: Heather Lai

Name of Applicant: Pret a Manger (Europe) Limited

Recommendation:

7 Palmers Estate

1-39 Greatfield Close; 1-12 Littlefield Close; 1-12 Manorfield Close; 2-24 [evens] Ward

Road; 21-32 Warrander Road

Islington

London

N19 5UE

Ward: Junction

Proposed Development: Replacement of existing single glazed metal windows with double glazed aluminium units, and replacement of 6no. single glazed metal doors to rear of 2-22 [evens] Ward Road with double glazed aluminium units.

Application Number: P2017/2749/FUL

Application Type: Full Planning Application

Case Officer: Nathan Stringer

Name of Applicant: Islington Council

Recommendation:

ADDENDUM TO PLANNING COMMITTEE REPORT



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

Application numbers	P2016/2078/FUL
Application types	Full Planning
Ward	Bunhill
Listed building	Not Listed
Conservation area	Not in a conservation area
Development Plan Context	Bunhill and Clerkenwell Key Area Central Activities Zone City Fringe Opportunity Area Employment Priority Area
Licensing Implications	None relevant
Site Address	14 Bonhill Street, London EC2A 4BX
Proposals	Erection of a five storey rear extension at 1st to 5th floor levels to create 336.7 square metres of additional office space (B1), removal of existing building plant from rear of the site and location of new plant equipment at roof top level within new acoustic enclosure, inclusion of a gantry walkway to the plant area at rooftop level and creation of new entrance and external alterations at ground floor level.

Case Officer	Tom Broomhall
Applicant	GPAD London
Agent	Max Plotnek – Maddox Associates

1 RECOMMENDATION

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

- subject to the updated conditions set out in Appendix 1 to the addendum to the planning committee report attached;

2. REASON FOR DEFERAL

- 2.1 This application was previously discussed at the Planning Sub-Committee B on 29 November 2016.
- 2.2 At the Planning Sub-Committee meeting the case officer reported that an additional objection had been received proposing an amendment to the noise condition. However, it was the legal view that the amendment would be unenforceable and the condition in the report remained unchanged.
- 2.3 In the discussion the following points were made:
- The report of the noise officer which stated that an increase of 3dB of the lomart would be a worst case scenario however, the site was sensitive due to its complaint history and a potential rise in noise levels could be significant.
 - A condition requiring the developer to submit a noise impact report had not been agreed by the applicant however, it was recommended that this condition be imposed to ensure that there was no unacceptable impact on neighbouring properties.
- 2.4 Council Members proposed to defer the application to further consider the noise impact report in order that the Sub-Committee could be satisfied that measures taken were sufficient to mitigate any noise impact.

3 RELEVANT HISTORY - PLANNING APPROVALS ON THE SITE SINCE DEFERRAL IN NOVEMBER 2016

- 3.1 Planning permission has been granted for works on the site subsequent to the deferral by the planning committee in November 2016. These consented works have now been incorporated into the application.
- 3.2 **P2017/3620/FUL:** External alterations to front facade at ground floor level including the installation of a new canopy, entrance doors and windows and alterations to the sub-station louvre. **Approve with conditions (14/11/2017).**
- 3.3 **P2016/3398/FUL:** Removal of existing external plant at first floor rear and installation of new plant to rooftop level, concealed within a new louvred enclosure. **Approve with conditions (25/10/2016).**
- 3.4 **P2017/4116/S73:** Application for the variation of conditions 2 (drawing numbers), 5 (Acoustic Assessment Report) and 6 (Installation of timer) of planning ref P2016/3398/FUL dated: 25/10/2016. Amendments are proposed to the appearance of the rooftop plant and the inclusion of a gantry walkway to the plant area at rooftop level: **Approve with conditions (13/12/2017).**
- 3.5 No responses were received from neighbouring properties during the consultation period for application P2017/4116/S73. The application included a request for an adjustment to the hours of operation of the plant from [7am to 7pm] to [7am to 11pm] as the applicant's acoustic consultant demonstrated that there is no change to the background noise throughout the evening. The Council's Acoustic officer has reviewed the application and this additional request and did not raise any objection to P2017/4116/S73. Permission has been granted subject to the following conditions:

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

REASON: In order to protect the amenity of neighbouring properties.

CONDITION: The development shall be constructed in accordance with the submitted acoustic assessment report, assessing the noise from the proposed mechanical plant and demonstrating compliance with condition 4. Any noise mitigation measures shall be installed prior to the first use of the plant and permanently retained thereafter.

REASON: In order to protect the amenity of neighbouring properties.

CONDITON: "Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the 9 x condenser units serving the basement to seventh floor areas and the extract fan to between the hours of 07:00 to 23:00 each day only. The plant shall not be operated outside of these hours. The timer shall be maintained as such thereafter."

REASON: In order to protect the amenity of neighbouring properties.

CONDITION: Notwithstanding the hereby approved plans, the galvanised steel acoustic louvre as previously annotated on the original approved plans (517A-PA.10 and 517A-PA.11 - granted under P2016/3398/FUL) and the remaining specifications indicated in the Acoustic Specification details (prepared by ACA Acoustics ref 160418-R004 dated 4th October 2017) shall enclose the plant area. The louvre screen shall be finished in grey aluminium steel material, 2.2 metres in height and shall be maintained as such, as long as the plant area remains in situ.

Reason: To ensure that there is sufficient acoustic attenuators in place to protect against sound travel.

4 AMENDMENTS AND CONSULTATION

SITE CONTEXT

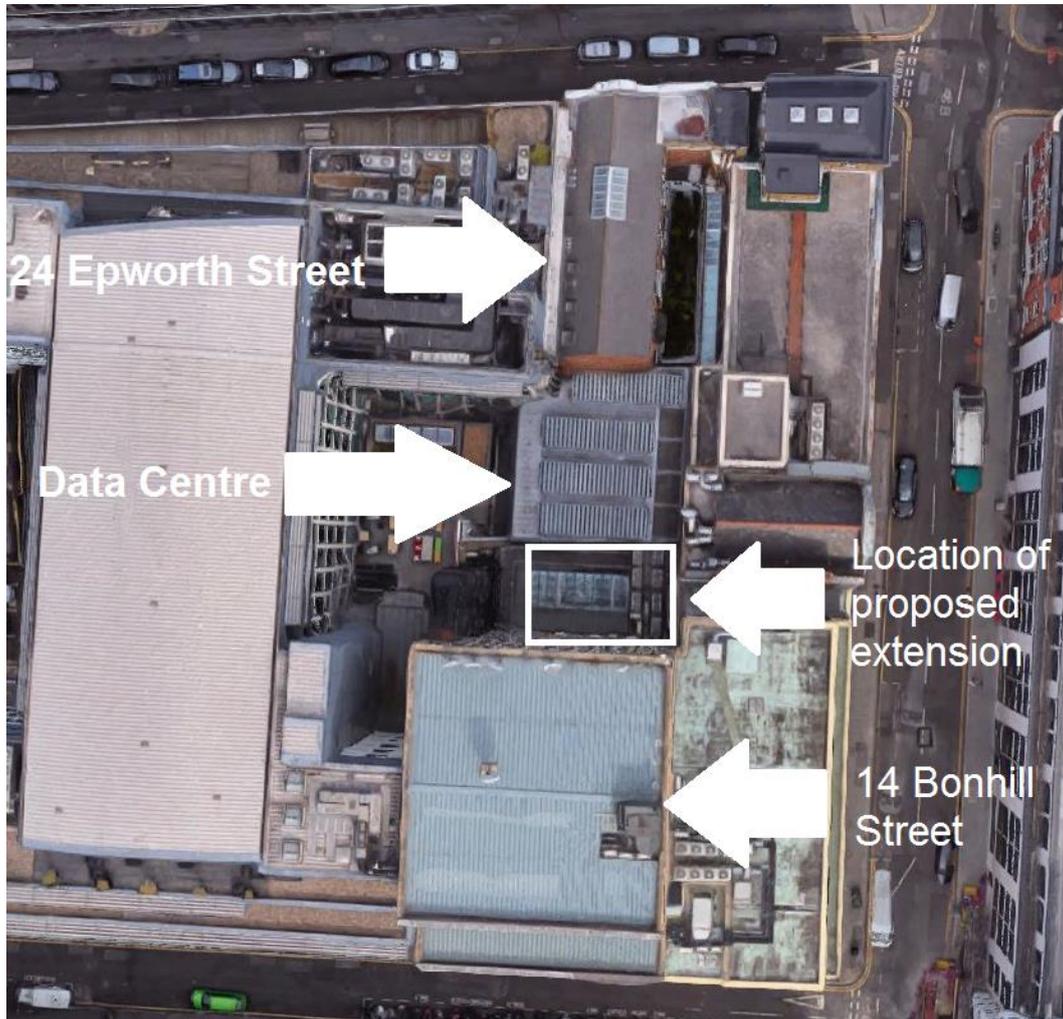


Image 1: Aerial view of site indicating the location of the proposed extension, the location of the existing plant equipment for the Iomart data centre at 16-22 Epworth Street and the nearest residential units at 24 Epworth Street.

- 4.1 In June 2017 the applicant submitted a set of revised drawings indicating revisions to the proposed rear extension and an updated Acoustic Assessment Report ref: 161130-R001C dated 22 May 2017 which relates to the impact of the development on the existing mechanical plant serving Iomart Group PLC's data centre at 16-22 Epworth Street.
- 4.2 The revisions received in June 2017, the proposed five storey rear extension has been reduced in width at first to third floors from the proposed full width of the rear elevation to part of the width of the rear elevation. This results in a reduction in the uplift of the proposed office floorspace from the initially proposed 474 square metres to 336.7 square metres. The amendments also result in the retention of the existing fire escape staircase on the rear elevation of the building. The design and appearance of the rear extension has been amended to remove the proposed glazing from the rear elevation of the extension and change the external materials on the rear elevation from cream render to Perforated Rain Screen Cladding. As a result, the description of the proposed works has been amended as follows:

Erection of a five storey rear extension at 1st to 5th floor levels to create 336.7 square metres of additional office space (B1), removal of existing building plant from rear of the site and location of new plant equipment at roof top level within new acoustic enclosure, inclusion of a gantry walkway to the plant area at rooftop level and creation of new entrance and external alterations at ground floor level.

4.3 Letters were sent to neighbouring properties on the 21 June 2017 following the submission of the revised drawings and updated Acoustic Assessment by the applicant. The reconsultation period expired on the 7 July 2017. Five additional objections have been received from neighbouring properties during this time, including four residents at 24 Epworth Street and the Iomart Data Centre.

4.4 The issues raised can be summarised as follows (including the corresponding paragraphs in this addendum report addressing the issues in brackets):

- Loss of daylight to windows which face the courtyard at 24 Epworth Street (para 5.11);

- Proposed rear extension would result in an increase in temperature and plant services load on the data centre at 16-22 Epworth Street and its associated plant equipment (See para's 5.12-5.37);

- The latest acoustic report fails to provide appropriate technical detail supported by robust acoustic prediction to justify the proposed mitigation of the impact on the data centre at 16-22 Epworth Street and its associated plant equipment (See para's 5.12-5.37);

- Cumulative noise disturbance of existing breach of planning controls by the data centre at 11-21 St Paul Street known as Iomart plc and further impact of proposed works on the noise disturbance to 24 Epworth Street (See para's 5.12-5.37);

- Latest noise report does not reference the requirements of the NPPF, London Plan or Islington's Development Plan (See para's 5.38-5.41);

- Additional noise disturbance from relocation of the plant equipment to roof top level (See para's 5.42);

5 ASSESSMENT OF REVISED SCHEME AND NOISE IMPACT ASSESSMENT

Land Use

5.1 The revised proposals result in a reduction in the uplift of B1 Office floorspace from 474 square metres to 336.7 square metres. Whilst reduced in total floor area, the revised scheme continues to provide additional B1 Office floorspace to an existing B1 Office building. The application continues to propose a rear extension to an established B1(a) use, and the new floorspace would use the same access and circulation routes as the existing floorspace. Therefore, the proposals continue to comply with the aims of policy BC8 of the Finsbury Local Plan and are acceptable in land use terms.

Design and Appearance

5.2 The design of the extension has been amended during the course of the assessment. Initially the original scheme proposed to have a full width extension at first to third floors and part width at fourth and fifth floors. The amended design would now be part width from floors 1 to 5, with the first to third floor reduced in width to match the proportions of the rear extension at fourth and fifth floors. The design and appearance of the extension

has been revised to remove glazing from the rear elevation and is proposed to be clad in entirely in Perforated Rain Screen Cladding on the rear elevation.

- 5.3 The Council's Building Control officer has not raised any objection to the materials proposed on the extension, however the applicant is advised that the materials used must have regard to the requirements of Approval Document Part B of the Building Regulations 2010 or equivalent.
- 5.4 The scale, bulk, massing, design and appearance of the proposed rear extension continue to remain acceptable given their reduction in size, the site's commercial use and the relationship to the surrounding properties. The use of Perforated Rain Screen Cladding is considered to be acceptable subject to a condition requiring details and samples to be submitted to and approved by the Local Planning Authority. This is included as a revised wording of condition 9 from that originally proposed.
- 5.5 The revised design of the plant enclosure with the inclusion of a gantry walkway to the plant area at rooftop level has already been consented under permission P2017/4116/S73. The plant enclosure would be centrally located within the rooftop and given the height of the building and the width of the road, there would be no public views of the plant enclosure. Therefore the impact on the character and appearance of the host building and surrounding area is minimised.
- 5.6 In summary, the revised proposals accord with the aims of policy DM2.1 of the Islington Development Management Policies 2013 and guidance contained within the NPPF, and Islington Urban Design Guide 2017.

Neighbouring Amenity

- 5.7 The revised scheme presents a reduction in the width of the proposed rear extension and a resultant overall reduction in scale and massing at first to third floors. This reduction in width, scale and massing would therefore have a lesser impact on the amenities of neighbouring properties in terms of loss outlook or creation of undue sense of enclosure and there would be some reductions in the impact. The application was not deferred for any reason in relation to massing.
- 5.8 The submitted Daylight and Sunlight report for the initial scheme indicated that there would be some losses of daylight and sunlight to neighbouring properties at 16-22 Epworth Street and 23 St Paul Street. The initial committee report (29 November 2016) concluded that the impact is considered to be acceptable in planning terms given the affected non-residential uses. The planning committee raised no objection in this regard. A letter from a firm of chartered surveyors has been submitted, considering if the changes to the revised design of rear extension would detrimentally impact on the residential properties at 24 Epworth Street. The letter concludes that the revised proposals will not have a greater impact on 24 Epworth Street than proposed by the initial scheme (which was compliant in any event).
- 5.9 The revised design of the rear extension is reduced in width, scale, massing and bulk at first to third floors. Whilst a revised daylight and sunlight report to reflect the revised design, has not been submitted, it is reasonable to expect the impact on levels of daylight and sunlight to be the same and in some cases, the impact is likely to be reduced as a result of the reduced width, scale, bulk and massing.
- 5.10 The original scheme was considered to be acceptable in amenity terms. It is considered that the impact of the revised design of the rear extension, reduced in width, scale, bulk

and massing will therefore reduce the impact on neighbouring amenity and continues to accord with policy DM 2.1 of the Islington Development Management Policies (2013).

- 5.11 An objection has been received concerning the impact on windows which face the courtyard at 24 Epworth Street. However, the daylight report has considered the impact on windows which face the courtyard at 24 Epworth Street identified as W1 and W2 at ground and first floor levels, and indicates that the proposals accord with the requirements of the BRE requirements in relation to daylight and sunlight. Therefore, the proposals are acceptable in this regard, in accordance with policy DM2.1 of the Islington Development Management Policies (2013).

Noise/Acoustic Assessment

- 5.12 The application was deferred pending further information to address concerns over the impact of the proposed extension on the noise levels generated by the lomart data centre plant equipment which sits directly adjacent to the proposed extension.
- 5.13 As a result, further consideration has been given to the impact of the proposed development on the noise levels from the nearest noise sensitive receptor from the lomart plant operation. There is an existing plant noise condition attached to the planning permission relating to the lomart plant equipment. Planning permission ref: P111161 granted consent for a replacement acoustic roof to existing plant equipment and installation of acoustic cowls to condenser outlets at Standard House, 16-22, Epworth Street dated 2 September 2011.
- 5.14 It should be noted that the following condition is attached to planning permission P111161 dated 2 September 2011.

CONDITION 3: The rating level of noise emitted by the plant, one metre from the nearest noise sensitive facade of 24 Epworth Street EC2, shall not exceed the following values at the times given below:

50 dBA 0701 hrs to 1900 hrs 46 dBA 1901 hrs to 2300 hrs 41 dBA 2301 hrs to 0700 hrs

The rating level of noise from the plant shall be determined as per the guidance of BS 4142:1997.

REASON: In order to protect residential amenity.

- 5.15 In June 2017 the applicant provided an updated Acoustic Assessment dated 22 May 2017 which relates to the impact of the proposed extension on the existing mechanical plant serving lomart Group PLC's data centre. This has been reviewed by the Council's Acoustic Officer.
- 5.16 The acoustic consultant for the applicant is known as 'ACA'. ACA carried out a noise assessment of the lomart Group PLC data centre. This assessment took place late evening/early morning period of 9th to 10th March 2017. Sound levels were measured outside the resident's window at 24 Epworth Street to assess the potential impact of the development on existing mechanical plant equipment noise levels that serve the lomart data centre. Also short term measurements of the specific sound level were undertaken at 1m from the specific sound sources at the location.
- 5.17 It is understood that lomart did not allow any machinery to be turned off for any time during this assessment and so the acoustic assessment had to be carried out with that stipulation. Background sound levels in the latest assessment are quoted from the

Acoustic Assessment which took place in 2011 with the lomart plant equipment switched off.

- 5.18 The Council's Acoustic Officer has carefully considered the Acoustic Assessment and his input has fed directly into the assessment in this report. The Acoustic Officer has noted that in any measurement there is uncertainty to be managed. The Acoustic Officer has also noted that the operation of the lomart cooling plant will vary according to the air temperature but clearly it would be unfeasible to run an acoustic survey of the plant for a duration that enabled the entire range of temperatures that the plant could operate in to be surveyed. The measurement is a snapshot of the sound emitted at the time of the survey and provided that reasonably similar conditions are encountered then it would be feasible to reproduce this measurement. The L_{Aeq} s recorded during the ACA survey are all 52dB or 53dBA. It is noted ACA advised that during the survey the lomart plant noise was relatively constant and claimed that the lomart engineer onsite stated that the noise level was normally relatively constant anyway. The measurement was taken using a microphone on a boom.
- 5.19 The small extract fan noted within the ACA report was serving another property and ACA were unable to switch that off. The fan was noted "not dominant above the level of the other equipment." Using the LA90 rather than the LAeq will result in a lower specific sound level for the plant (and hence a more onerous baseline).
- 5.20 Following concerns over the impact of the extension on the operation of the data centre plant equipment and the condition attached to consent P111161, the applicant met with Council officers. It's understood that following that meeting the applicant met with the operators of the lomart data centre and in response to concerns over the age of the background noise data gathered in 2011, a noise assessment was undertaken by lomart.
- 5.21 The noise assessment was carried out by MLM Group on 14 November between 12am and 1am where a combination of noise and receptor measurements were undertaken in relation to the plant equipment for the data centre owned by lomart Group PLC at 16-22 Epworth Street. A Technical Report by MLM Group was received on 21 December 2017. This has been reviewed by the Council's Acoustic Officer.
- 5.22 Condition 3 attached to P111161 referred to above, requires the plant equipment for the data centre to not exceed a sound rating level of 50dBA between 0701 hrs to 1900 hrs; or exceed 46dBA between 19001 hrs to 2300 hrs; or exceed 41dBA between 2301 hrs to 0700 hrs at 1m from the nearest noise sensitive façade of 24 Epworth Street. The report by MLM concludes that the overall sound level measured outside the closest residential property was 51dBA and that the plant serving lomart is contributing 41dBA; thus it is not breaching the noise criteria of the condition at the time of measurement.
- 5.23 The ACA report calculates that the impact of the proposed rear extension will potentially increase the sound level of the lomart plant between 0dBA and 2dBA. The MLM report predicts an increase in the lomart plant of between 1 and 3dB.
- 5.24 With the relocation of the existing 14 Bonhill Street plant to the roof this will result in the cumulative plant sound level being reduced by 3dB at the one end of the predictions to no increase at the worst case. For reference it is noted that a 3dB change is commonly quoted as the minimum difference in sound level that is detectable by the human ear. The Council's Acoustic Officer has not raised any objection to the updated Acoustic Assessment submitted by the applicant or the impact on the data centre plant equipment, subject to conditions. Conditions 3, 4, 5, 6 7, 9 and 10 within Appendix 1 of this report have been recommended by the Acoustic Officer as mitigating measures to deal specifically with potential noise. Officers consider that the full compliance with these

conditions would ensure the impact on adjoining neighbouring properties would be limited in terms of noise.

- 5.25 It has been demonstrated by the MLM report (Iomart – noise assessment report) that at the time of the measurement, the impact of the extension would not result in a breach of the noise condition on the plant equipment at the data centre.
- 5.26 The Council has to consider the application on its merits and the potential noise impact upon the residential uses. The application proposes the relocation of the existing Bonhill Street plant from the first floor at the rear of the building, onto the rooftop and away from the nearest receptor, which will clearly result in less noise at the receptor and have a positive impact as a reduction of 10dB is stated within the ACA report. In assessing the application, the Council is required to look at the current noise levels, use these as a baseline and recommend conditions to avoid significant adverse impacts.
- 5.27 As a result of the MLM Technical Note, previously proposed conditions 3 & 4 have been removed from the recommendation. In addition, the following condition 9 has been requested by the Acoustic Officer to minimise the reflected sound from the developments' rear façade:

CONDITION: Full particulars and details and samples of the Perforated Rain Screen Cladding shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site.

This shall include a schematic drawing and the sound absorption properties of the scheme

The rear facade shall be constructed strictly in accordance with the details so approved prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

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

REASON: In the interest of securing sustainable development, to ensure that the resulting appearance and construction of the development is of a high standard, to ensure compliance with fire safety and to protect the amenity of neighbouring properties through the use of acoustic treatment to minimise reflected sound.

- 5.28 Within the initial recommendation for approval presented to the Planning Sub-Committee, the Council's Acoustic Officer requested conditions relating to mitigation of the impact of noise disturbance, and these are retained and now listed at 3, 4, and 10. These conditions remain unaltered in this latest recommendation for approval.
- 5.29 Conditions 5, 6 and 7 have been attached to consent P2017/4116/S73 for the revised plant equipment to ensure the amenities of neighbouring occupiers are protected and to ensure sufficient acoustic attenuation is in place to protect against sound travel. Therefore, it is recommended that those conditions are attached to this latest application.
- 5.30 It should be noted that there is an ongoing investigation by the Planning Enforcement Team into the noise generated by the Iomart data centre plant equipment and this is a separate issue from the assessment of the proposed planning application. That case remains open despite recent conclusions that the noise levels met the condition (tested in November 2017).

- 5.31 The updated Acoustic Assessment by ACA, the MLM report and the revised conditions are considered to be sufficient to mitigate any noise impact to protect the operation of the adjoining and adjacent commercial and residential occupiers and therefore the reasons for the deferral of the decision on the application have been addressed.
- 5.32 In February 2018, the applicant submitted revised drawings to incorporate the works approved under permissions P2017/4116/S73 and P2017/3620/FUL. When these proposals were originally advertised no responses were received from neighbouring properties and no objections were received from the Acoustic Officer or the Design Officer. As these works have already been consented and could be implemented independent of this current application, it is therefore not considered that neighbouring properties are prejudiced through the inclusion of these amendments as part of this application.
- 5.33 The Council's Acoustic Officer has considered the impact of implementing the revised plant enclosure approved through planning consent ref: P2017/4116/S73 in December 2017 and associated Acoustic Assessment dated November 2017.
- 5.34 The primary air conditioning approved under consent P2016/3398/FUL in October 2016 operates within a 0700-1900 hours period only. The lowest measured background sound level L_{A90} during this operational period is 49dBA. The predicted level for these units is 40dBA at 1m from the receptor which is 9dBA below the background noise levels.
- 5.35 The revised scheme ref: P2017/4116/S73 includes 10 small condensers that future tenants may require for server rooms operating 24 hours a day. The smaller condensers are much quieter and the manufacturer's data states three-night time modes of step 1: 47dBA, step 2: 44 dBA, step 3: 41 dBA at a distance of 1m. In comparison the previously approved 9 primary condensers (3 different types) are stated as 61, 65 or 66dBA at 1m. The details submitted with the revised scheme predicted a level of 42dBA at the receptor, which is 7dB below the background noise levels.
- 5.36 The lowest measured background sound level L_{A90} during the 24-hour operational period is 46dBA. The revised scheme ref: P2017/4116/S73 predicts a level of 22dBA at the receptor outside of normal office hours, which is 24dB below the background noise levels and therefore an improvement on the previously proposed plant equipment.
- 5.37 Following the above assessment, the Council's Acoustic Officer has not raised any objection to the revised plant equipment or the proposed extension rear extension.
- 5.38 An objection has been received concerned that the Acoustic Assessment has not referred to the requirements of the National Planning Policy Framework (NPPF), London Plan or Islington's Development Plan.
- 5.39 Paragraph 123 of the NPPF sets out that:

Planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*

- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*

- 5.40 However, the NPPF requirements are for Local Planning Authorities to make decisions which mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. The acoustic assessment is a technical document which seeks to provide evidence that noise emissions from the equipment comply with the Council's acoustic requirements applicable for mechanical services equipment affecting nearby noise-sensitive properties.
- 5.41 Therefore, it would be unreasonable to refuse the application on the basis of failing to directly refer to the NPPF. In any event, as set out by the assessment of the information in the preceding paragraphs in this addendum, the impact of the proposed works is considered to be acceptable subject to the conditions detailed at the end of the report. Mitigation measures recommended by the Council's Acoustic Officer through these conditions would ensure compliance with the details set out in paragraph 123 of the NPPF.
- 5.42 An objection has been received concerned that the relocation of the plant equipment from the first floor courtyard to the roof top of the building would lead to an increase in noise disturbance to neighbouring properties. The proposals would result in an increase in the separation distance of the plant equipment on the property, from the neighbouring properties and includes the provision of a new acoustic enclosure. The Council's Acoustic Officer has reviewed the information submitted and has not raised any objection to the proposals subject to conditions and that aspect of the proposals has already been approved.
- 5.43 Therefore, the works proposed by the application are acceptable subject to the recommended conditions at Appendix 1 at the end of this report.

6. CONCLUSION

- 6.1 The proposal is for the erection of a four storey rear extension and results in the creation of an additional 336.7 square metres of B1 office floorspace, removal of existing building plant from the rear first floor of the site and the location of new plant equipment at roof top level within a new acoustic enclosure, and the creation of a new entrance at ground level.
- 6.2 The provision of additional B1 floorspace and its design and layout is considered to meet policy requirements and is acceptable. The design, scale, bulk, massing, appearance and use of materials of the proposed rear extension are considered to be acceptable and would not detract from the character and appearance of the host building or surrounding area subject to conditions.
- 6.3 The impact of the proposed extension on the amenity of neighbouring properties is considered to be acceptable in terms of the impact on privacy, daylight, sunlight and outlook as a result of the new extension. The impact of noise emissions from the proposed new plant equipment on the roof top of the building is considered to be acceptable subject to conditions.
- 6.4 The updated acoustic assessment, additional Technical Note and recommended conditions are considered to ensure that the extension does not lead to plant noise levels having a significant adverse impact on the amenity of nearby residential receptors.
- 6.5 Therefore, subject to conditions, the proposal is considered to accord with relevant policies.

6.6 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 Full Planning be subject to **conditions** to secure the following:

List of Conditions:

1	<p>3 Year Consent</p> <p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</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	<p>Approved Plan List</p> <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>517-EX.01; 517-EX.02; 517-EX.03; 517-EX.04; 517-EX.05; 517-EX.06; 517-EX.07; 517-EX.08; 517-EX.09; 517-EX.10; 517-EX.11; 517-EX.12; 517-EX.13; 517-EX.14; 517-EX.15; 517-EX.16; 517-PA.01 RevB dated 05.02.17; 517-PA.02 RevB dated 05.02.18; 517-Pa.03 RevB dated 05.02.18; 517-PA.04 RevB dated 05.02.18; 517-PA.05 RevB dated 05.02.18; 517.PA.06 RevB dated 05.02.18; 517.PA.07 RevB dated 05.02.18; 517.PA.08 RevB dated 05.02.18; 517-PA.09 RevB dated 05.02.18; 517-PA.10 RevE dated 05.02.18; 517-PA.11 RevD dated 05.02.18; 517-PA.12 RevE dated 05.02.18; 517-PA.13 RevE dated 05.02.18; 517.PA.14 RevE dated 05.02.18; 517.PA.15; Daylight and Sunlight Report project ref 21BHS; Planning; Design and Access Statement May 2016; Acoustic Assessment of proposed mechanical Equipment at 14 Bonhill Street 160418-002A dated May 2016; Acoustic Design Review ref: 160914-002A dated 28/09/2016; Acoustic Assessment Report ref: 161130-R001 dated March 14 2017; Acoustic Assessment Report ref:161130-R001C dated May 22 2017; Sustainable Design and Construction Statement; Area Schedule of NIA Gained; Letter from CPMC dated 22 September 2017 ref: 14 BS; Acoustic Assessment Report ref: 160418-002D dated November 2017;</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Acoustic Condition A/C Plant</p> <p>The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>
4	<p>Validation Report A/C Plant</p> <p>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 3. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before first use of the extension hereby permitted and permanently retained thereafter</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>

5	A/C Timer Condition
	<p>CONDITION: Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the 9 x condenser units serving the basement to seventh floor areas and the extract fan to between the hours of 07:00 to 23:00 each day only. The plant shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p> <p>Reason: In order to protect the amenity of neighbouring properties.</p>
6	Noise Report
	<p>CONDITION: The development shall be constructed in accordance with the submitted Acoustic Assessment Report ref: 160418-002D dated November 2017, assessing the noise from the proposed mechanical plant and demonstrating compliance with condition 3. Any noise mitigation measures shall be installed prior to the first use of the plant and permanently retained thereafter.</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>
7	Acoustic Louvre
	<p>CONDITION: Notwithstanding the hereby approved plans, the galvanised steel acoustic louvre as previously annotated on the original approved plans (517A-PA.10 and 517A-PA.11 - granted under P2016/3398/FUL) and the remaining specifications indicated in the Acoustic Specification details (prepared by ACA Acoustics ref 160418-R004 dated 4th October 2017) shall enclose the plant area. The louvre screen shall be finished in grey aluminium steel material, 2.2 metres in height and shall be maintained as such, as long as the plant area remains in situ.</p> <p>Reason: To ensure that there is sufficient acoustic attenuators in place to protect against sound travel.</p>
8	Construction Management Plan
	<p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust, dirt and vibration 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>
9	Façade Treatment
	<p>CONDITION: Full particulars and details and samples of the Perforated Rain Screen Cladding shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site.</p> <p>This shall include a schematic drawing and the sound absorption properties of the scheme.</p>

	<p>The rear facade shall be constructed strictly in accordance with the details so approved prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>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, to ensure that the resulting appearance and construction of the development is of a high standard, to ensure compliance with fire safety and to protect the amenity of neighbouring properties through the use of acoustic treatment to minimise reflected sound.</p>
10	Acoustic Enclosure
	<p>CONDITION: The acoustic enclosure shown on the approved plans shall be installed prior to the first use of the roof plant hereby approved, and shall be retained as such in perpetuity.</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>
2	INFORMATIVE: HOURS OF CONSTRUCTION
	<p>INFORMATIVE: The applicant is advised that the accepted working hours for development within the borough are:</p> <p>08.00am - 6.00pm on Mondays to Fridays, 9.00am - 1.00pm on Saturdays and not at all on Sundays and Bank Holidays.</p>
3	Construction Materials
	<p>The applicant is advised that the materials used in the construction of the extension must have regard to the requirements of Approval Document Part B of the Building Regulations 2010 or equivalent.</p>

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:	29th November 2016	NON-EXEMPT

Application number	P2016/2078/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed Building	Not Listed
Development Plan Context	Bunhill and Clerkenwell Key Area Central Activities Zone City Fringe Opportunity Area Employment Priority Area
Conservation Area	Not in a conservation area
Licensing Implications Proposal	None
Site Address	14 Bonhill Street, London EC2A 4BX
Proposal	Extension of existing part 5, part 8 storey office building to rear from 1st to 5th floor to create 474 square metres of additional office space (B1), removal of existing building plant from rear of the site and location of new plant at roof level within new acoustic enclosure, removal of existing rear fire escape and creation of new entrance at ground level.

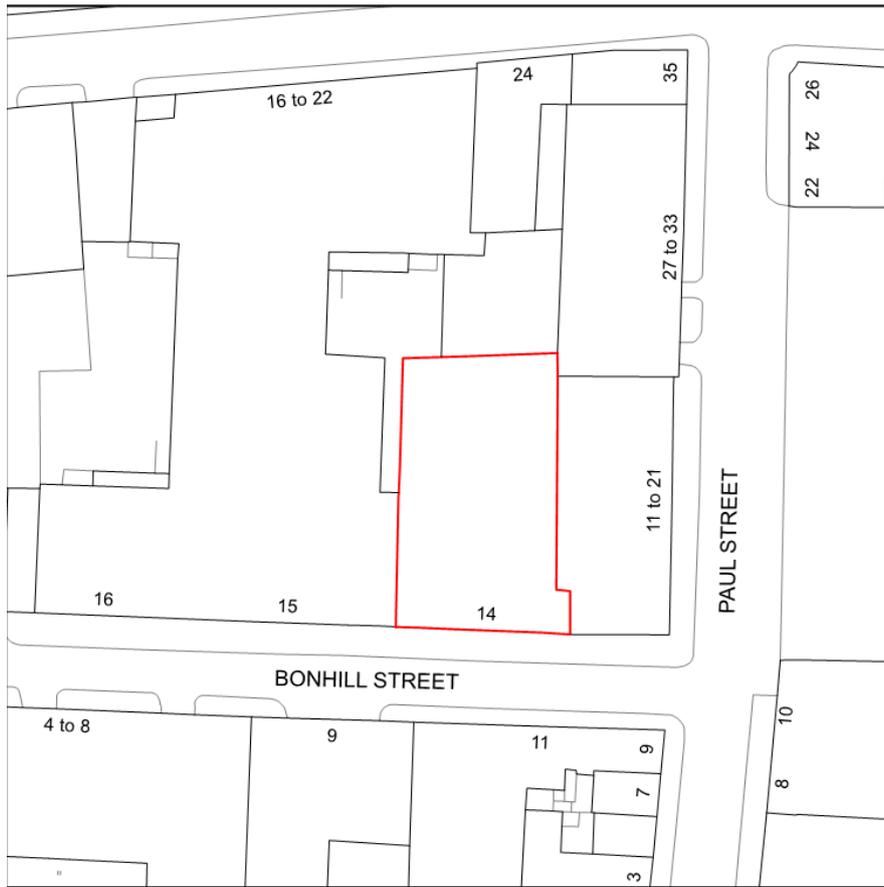
Case Officer	Duncan Ayles
Applicant	GPAD London
Agent	Matt Bailey

1. RECOMMENDATION

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

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

2 SITE PLAN (SITE OUTLINED IN BLACK)



3 PHOTOS OF SITE/STREET

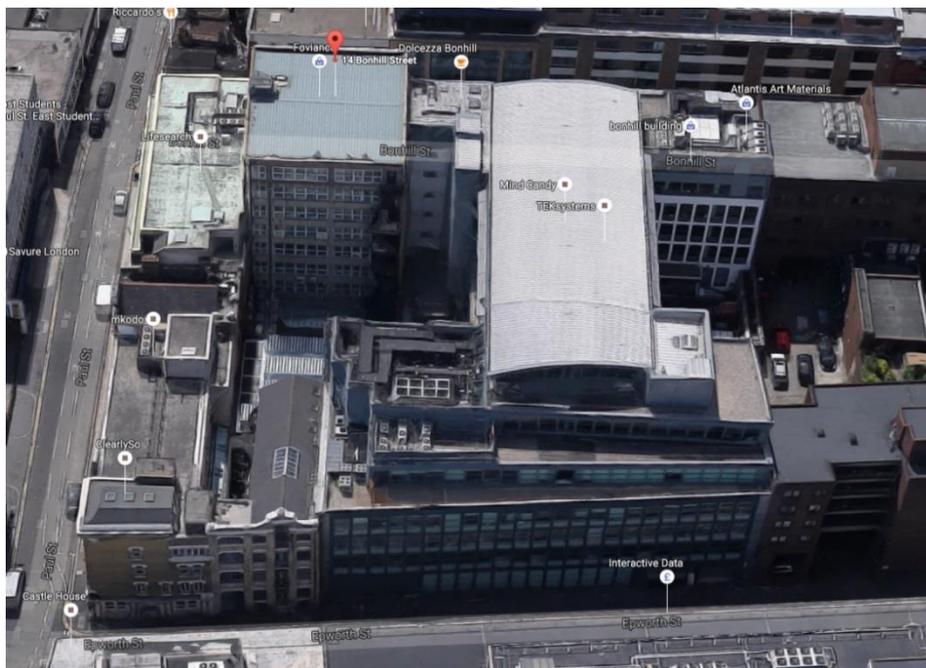


Image 1: Aerial View of the Site



Image 2: View of the Rear of the building from existing fire escape including existing A/C plant and plant serving data centre



Image 3: View of Existing Data Centre Plant and part of rear façade of 24 Epworth Street

4. SUMMARY

- 4.1 The application proposes the erection of a five storey extension to the rear of an office building within the south of the Borough, the relocation of existing air conditioning plant to the roof of the property and the creation of a new entrance from Bonhill Street into the property. The proposed land use is considered to be acceptable given the existing use at the site and the requirements of the Finsbury Local Plan. The proposed extension is also considered to be acceptable in terms of its design, given its location at the rear of the building, and the character of the courtyard area to the rear of the site. The impact on the amenity of neighbouring properties is also considered to be acceptable.
- 4.2 Objections have been received from a data centre located in close proximity to the site, which relies on heat exchange plant situated immediately to the north of the application site. The objection is submitted on the grounds that the extension would reduce air flow to the plant which would give rise to an increase in temperatures and an increase in the noise emission from the plant. Objections have also been received in respect of the new air conditioning plant proposed to the roof of the application building.
- 4.3 The Council's acoustic officer has reviewed the objections received, and has confirmed that subject to appropriate conditions being imposed on the approval, the impact on the data centre and the amenity of neighbouring properties would be acceptable.

5. SITE AND SURROUNDING

- 5.1 The application site is located at 14 Bonhill Street, a part five, part eight and part single storey office building located within the south of the Borough. The building includes a five storey element on the frontage to Bonhill Street, a further three storeys set back from Bonhill Street and a single storey element at the rear. The site is located to the north east of Finsbury Square. The site is located within a predominantly commercial location, with surrounding office buildings at 15 and 16 Bonhill Street and at 11 to 21 Paul Street. Residential uses are also located in close proximity to the site at 24 Epworth Street and 23 Paul Street to the north east of the site contains a bar/night club.
- 5.2 To the rear of the site is a courtyard that is bounded by the development at Paul Street, Epworth Street and the Bonhill Building which is an I shaped building with frontages on Bonhill Street and Epworth Street. This courtyard contains a number of heat exchangers that serve the Iomart data centre at 11 to 21 Paul Street. The buildings

6. PROPOSAL (in Detail)

- 6.1 The application seeks planning permission for the erection of a five storey rear extension between the first and fifth floors, the creation of a new ground floor access into the building from Bonhill Street, the removal of existing A/C plant at the first floor rear and an existing fire escape, and the installation of new air conditioning plant to the roof of the building enclosed in a 2.2 metre high acoustic enclosure.
- 6.2 The proposed extension will be built along the site boundary line with 11 to 21 Paul Street, and will project 7.7 metres in depth from the existing rear façade of the building. The extension will extend across the full width of the rear of the building at first to third floor level, with a chamfered corner in the north-western part of the site closest to 15 Bonhill Street. At fourth and fifth floor level the rear extension also projects to a depth of 7.7 metres but will be part width and extends

9.3 metres across the rear facade. The erection of the proposed rear extension requires the removal of an existing fire escape staircase.

- 6.3 The application also proposes to remove existing air conditioning plant from the ground floor level at the rear of the property and located new building plant on the 8th floor roof of the building, where it will be located within an acoustic enclosure. The application also proposes the formation of a new entrance on the Bonhill Street frontage with associated changes to the elevation.

7. RELEVANT HISTORY

PLANNING APPLICATIONS

- 7.1 **P2016/3398/FUL:** Removal of existing external plant at first floor rear and installation of new plant to rooftop level, concealed within a new louvred enclosure: **Approved with conditions (25/10/2016).**

- 7.2 The proposed removal of the existing plant from the rear of the site and installation of new plant to the roof has there been approved.

Standard House Epworth Street

- 7.3 **P010148:** The installation of four generators and dry air coolers, within a housing structure and louvres within the ground floor yard area east of and adjoining Standard House: **Approved with conditions (29/9/2001).**

ENFORCEMENT

- 7.4 None

PRE APPLICATION ADVICE

- 7.5 None

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 37 nearby and neighbouring properties on the 31st of May 2016. Neighbours were reconsulted on the 26th of October following the submission of an updated acoustic report by the applicant. The final reconsultation expires on the 10th November 2016. Two objections were received from neighbouring properties, including one resident at 24 Epworth Street and the Iomart Data Centre. The issues raised can be summarised as follows (including the corresponding paragraphs in the report addressing the issues in brackets);

-Impact on the function of the adjacent data centre, including in terms of restricted air flow, causing increased noise emissions, increased energy use and therefore impact on the ongoing operation of the data centre. (Paras.10.26-10.35)

-Impact on the new roof plant on the amenity of neighbouring properties. (Para 10.24-10.25)

Internal Consultees

- 8.2 **Acoustic Officer:** Has assessed the report submitted, the engineer's report with the Computational fluid dynamic (CFD) analysis. The Acoustic officer has confirmed that he is not an expert on CFD and can't comment on the validity of the assumptions within the report. However, the report submitted has taken a worst case scenario. A one degree increase in air temperature would cause an increase in sound pressure of an average of 1 dB over the values quoted, at most 2dB and at the least no change. The structure of the building has also been modelled to cause a 1.1 dB increase.
- 8.3 Therefore, as a worst case scenario there would be an increase of 3.1 dB and at some temperatures at 1.1 dB increase. Predictions are quoted to a 1 decimal place in line with the report, but this suggests a level of accuracy that is unrealistic certainly in the noise predictions and probably in the CFD analysis too. The impact of the development will be variable over the range and will be less at lower temperatures. This is a site where the Council has previously received complaints, although planning and noise nuisance are different regimes, it may be difficult for use to take action if the development led to noise complaints. Although 3 dB is commonly quoted as the minimum discernible impact, this is a sensitive receptor and any increase in noise levels could lead to a moderate impact that should be minimised in line with the NPPF, through the imposition of a condition.
- 8.4 It not a typical situation as planning applications tend to deal with noise plant or uses, or introduce sensitive uses that need to be conditioned to ensure adequate noise insulation.
- 8.5 **Updated Comment 13th October.** Complaints were historically received from 24 Epworth Street, and this is why this has been used as the monitoring position in the MLM report submitted by lomart. There have been no complaints following the mitigation measures, and the Council are not aware of any issues raised from the residential units at Paul Street. The dominant noise from the Epworth Street property is likely to be from the lomart Plant rather than the Bonhill Street plant and it likely to have little effect on the sound received at 24 Epworth Street (and may even make the sound more noticeable).
- 8.6 The situation is sensitive due to the complaint history and a potential rise in noise levels could be significant. The objector's position is that the proposed new building will have a significant effect on the noise level of their plant at the receiver. The CFD analysis would seem to demonstrate that (and the applicant has not submitted information to address this point). Therefore, the condition is necessary
- 8.7 **Legal Department:** The proposed condition meets relevant statutory tests. The main concern is whether it is reasonable given that it requires the applicant to undertaken measures on land outside of its control. There is case law [British Railways Board v Secretary of State for the Environment (1993)] which held that as long as the condition is negative in character, and is imposed for sound planning reasons, then the fact that it may be difficult to fulfil does not mean that it would be unlawful to impose it. The PPG also addresses this issue:

When can conditions be used relating to land not in control of the applicant?

Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability. It may be possible to achieve a similar result using a condition worded in a negative form (a *Gramplan* condition) – i.e. prohibiting development authorised by the planning permission or other aspects linked to the planning permission (e.g. occupation of premises) until a specified action has been taken (such as the provision of supporting infrastructure). Such conditions should not be used where there

are no prospects at all of the action in question being performed within the time-limit imposed by the permission.

- 8.8 As long as there is some prospect of the action being performed that it will meet the policy tests. In this case there is such a prospect, as the adjacent land owner itself has invited a condition being imposed. However, the proposed wording should be discussed with GL Hearn, which addresses the event that the mitigation measures turn out to be ineffective.
- 8.9 **Design and Conservation:** The proposed extension is not located in a conservation area and public views of the extension will be limited due to its location at the rear of the building. While the extension is relatively large, it would be subordinate to the application building as a punctuating gap is provided to the top of the building and because the upper floors are part width. Given the character of the existing rear courtyard area, the design is considered to be acceptable.

External Consultees:

- 8.10 None

9 REVELANT 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 The National Planning Practice Guidance 2014 is a material consideration and has been taken into account as part of the assessment of these proposals.

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.

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.4 The relevant SPGs and/or SPDs are listed in Appendix 2.

10 ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:
- Land Use
 - Design and Impact on the Character and Appearance of the Area

- Impact on the Amenity of Neighbouring Properties
- Impact on the Function of the adjacent data centre
- Sustainability

Land Use

- 10.2 The existing use at the site is an office (B1(a)) and the application proposes to extend this use with a further 474 square metres of B1 (a) floor space. The site is located within the central activities area and within an employment priority area. Policy BC8 of the Finsbury local plan confirms that new office development should not be an unfettered B1 (a) floorspace, but should also include a proportion of non-B1(a) or other business related floor space such as light industrial workshops, galleries and exhibition space. BC 8 C confirms that within employment priority areas the proportion of B1(a) floor space should be optimised.
- 10.3 Therefore, the principle of an extension to the existing office use to provide additional employment floor space is considered acceptable on land use grounds. The application proposes unfettered B1(a) floorspace, however, it is not considered appropriate to include non B1(a) floorspace, as the application is a rear extension to an established B1(a) use, and because the new floorspace would form part of an enlarged use that would use the same access and circulation routes as the existing floorspace. Policy BC8 (I) requires the new business floorspace to be designed to allow for future flexibility. The floorspace shown is open plan and therefore is considered to allow for future flexibility in accordance with policy.
- 10.4 Policy BC8 (B) requires the provision of micro and/or affordable workspace or retail space to be provided for major office development. However, the new floorspace does not meet the 10,000 square metre threshold and therefore this element of the policy is not applicable.

Design Impact of the development on the Character of the Area

- 10.5 The application site is located within a predominantly commercial area and is not located within a conservation area. Policy DM 2.1 of the DM Policies requires all new development to be of a high quality to respect and respond positively to existing buildings, the streetscape and wider context. Sections 2.2 and 2.3 of the Islington Urban Design Guide provide general principles for the consideration of design, confirming that new development should harmonise with their setting and existing built form, while also enhancing and complementing the local
- 10.6 The proposed five storey extension would be built up against the side elevation of 11 to 21 Paul Street, and would project 2 metres above the roof of this building. Given the limited projection above this building, and the narrow width of Paul Street, it is not considered that the extension would be visible from Paul Street to the east of the property, including within long views further from the north and south. The proposed rear extension would, however be visible from a range of private viewpoints within the courtyard to the rear of the property, including windows at 16-22 Epworth Street, the Dolcezza café and the development at Paul Street. As these views are private, the impact of the rear extension on the character and appearance of the area would be limited, and for the reasons set out below the design is considered to be acceptable.
- 10.7 Section 3.2.1 of Islington Urban Design Guide supports the perimeter block arrangement with consistent building lines at the front and rear. The building lines that define the courtyard to the rear of the site are relatively weak with the depths of the building varying significantly, and as a result, the proposed form and massing would not erode a uniform perimeter block arrangement, and is considered to be appropriate, and in accordance with policy DM 2.1 (vii) which requires buildings to respect and respond to existing buildings and locally distinctive patterns of the development. The proposed rear extension is part width at upper floor level, and terminates two storeys below the top of the property. As a result, the proposed extension is considered to be

subordinate to the existing property, and therefore is considered to be acceptable in terms of its scale and massing.

- 10.8 The rear courtyard has a utilitarian character characterised by areas of curtain walling, blank facades, building plant and a large metal staircase at the application site. Within the rear courtyard there is little uniformity to the buildings in terms of their age, detailed design or materials used. The proposed extension includes matching aluminium window with white render, and this design is considered to be appropriate to its context although it is acknowledged that the building does not match the treatment of the existing rear façade.
- 10.9 The application also proposes to alter the ground floor of the property to provide a new access to the basement and ground floor level. This is a minor change that involves inserting a door to part of the façade at ground floor level that comprises a window, and as such is considered to be acceptable on design grounds. The application also proposes to move existing plant to the roof of the property, and to enclose this within an acoustic enclosure. Due to the height of the building, and the location of the plant within the centre of the roof, it is not considered that the plant or associated acoustic enclosure would be visible from street level. As such, this would not lead to any adverse impact on the character and appearance of the area. The application does not propose to alter the existing lift over run which provides access to the roof.
- 10.10 The proposed design is therefore considered to be acceptable because the scale, massing and detailed design of the rear extension is acceptable, because of the minor nature of the alteration to the existing façade at ground floor level and because the new roof level plant will not be visible from views along the street, and therefore it is in accordance with policy DM 2.1 of the Development Management Policies 2013 and the principles of the Urban Design Guide SPD. Design and Conservation officers have not objected on design grounds due to the location of the extension at the rear of the property which limits public views of the extension.

Impact of the Proposed Development on the Amenity of Neighbouring Properties

- 10.11 Policy DM 2.1 aims to protect the amenity of residential properties from overlooking, loss of daylight and sunlight, over dominance, sense of enclosure and outlook. This policy is full in compliance with the NPPF, which seeks to provide a good standard of amenity for all current and future occupiers of the land.

Loss of Daylight and Sunlight

- 10.12 The proposed rear extension would be in close proximity to a number of commercial uses and a single residential use, at 24 Epworth Street, and the application is supported by a daylight and sunlight report which considers the possible impact on these properties. The report assesses the impact of the proposed rear extension and removal of the existing fire access to all of the properties that enclose the courtyard to the rear of the site, including, the Dolcezza coffee shop, 16-22 Epworth Street, the residential flats at 24 Epworth Street, 35 Paul Street, 23 Paul Street and 21 Paul Street.
- 10.13 The proposed development, including the removal of the existing fire escape, increases the amount of daylight received by the windows on the adjacent property to the west at 15 Bonhill Street and 16-22 Epworth Street. This is because the proposed removal of the existing metal fire escape to the rear of the site would outweigh any loss of light from the proposed extensions, because the fire escape is closer to these buildings than the proposed extension and because the fire escape extends to the seventh floor. The VSC reduction to windows at 24 Epworth Street, which is the only residential use affected by the proposed rear extension, is within the BRE

criteria as the daylight reduction is only 0.99 times its previous figure. There is no reduction to the daylight received by 35 Paul Street.

- 10.14 The daylight report submitted finds VSC reductions to a glazed door within the Dolcezza coffee shop, which is at ground floor level between the application site and 16-22 Epworth Street and first and second floor windows at 23 Paul Street, a bar/night club to the north-east of the application site that is greater than allowed by the BRE criteria. The reduction to window W2 of the Dolcezza coffee shop experiences a reduction to 0.63 times its previous figure. The second and third floor windows at 23 Paul Street experience reductions to 0.76 and 0.74 times their previous figure.
- 10.15 However, the report also tests the Daylight Skylight Component impact, and finds that the daylight penetration into these properties would still be in accordance with the relevant Daylight Skylight Component criteria, which assesses the amount of daylight that would penetrate into a particular building. In assessing the impact on the amenity of both properties it should be noted that the buildings are used as a coffee shop and bar/nightclub respectively, and section 2.2.2 of the BRE guidance confirms that the BRE criteria should be applied to non-domestic buildings where the occupants have a reasonable expectation of daylight. The two uses do not fall into any of the categories of non-domestic uses where there is a reasonable expectation of daylight, and therefore the loss of daylight to these spaces would not lead to any planning harm.
- 10.16 The impact on direct sunlight is also considered to be acceptable. 17 windows within 16-22 Epworth Street experience a reduction in winter sunlight measured through the Available Sunlight Hours measure in excess of the BRE guidance. However, in each case the existing level of winter daylight is very low, with the existing winter daylight figure not exceeding 5%. One opening within the Dolcezza coffee shop also experiences a reduction in winter sunlight in excess of that allowed by the BRE criteria. In assessing the planning harm caused by these reductions it should be borne in mind that section 2.2.2 of the BRE Guidance specifies that sun lighting testing is only required for commercial spaces that have a special requirement for sunlight. It is not considered that the affected windows which serve an office and coffee shop have any special requirement for sunlight, as these uses generally benefit from artificial lighting in any event. There is no reduction in daylight to 24 Epworth Street, the only residential use in close proximity of the proposed rear extension.
- 10.17 Finally, the application has tested the loss of daylight to two amenity spaces, including a fourth floor rear roof terrace to the rear of 21 Paul Street and the seating area adjacent to the Dolcezza coffee shop. In both instances the testing found that these spaces currently receive no direct sunlight and therefore the impact is acceptable.
- 10.18 Overall, the loss of daylight and sunlight identified by the submitted report is considered to be acceptable in planning terms. The daylight and sunlight impact on the only residential use in close proximity of the rear extension, at 24 Epworth Street, is within the BRE criteria. Any losses of daylight or sunlight in excess of the BRE criteria relate to uses which do not require significant levels of daylight and sunlight, and the BRE Guidance confirms that the daylight and sunlight criteria should not be applied in these cases. The impact on the sunlight and daylight received by neighbouring properties is therefore in accordance with policy DM 2.1 of the DM Policies 2013.

Loss of Outlook

- 10.19 The impact of the proposed development on the outlook of neighbouring properties is also considered to be acceptable. There would be no loss of outlook to the residential windows at 24 Epworth Street, as the only windows on this property facing toward the proposed rear extension serve circulation spaces.

- 10.20 The proposed extension would impact on the outlook from the windows on the eastern elevation of the properties at 15 Bonhill Street, which is an office building to the west of the site. While the extension would somewhat reduce the spaciousness of the outlook in this direction, as the east facing windows on the middle wing of the building are situated approximately 9 metres away from the western boundary of the application site. However, the resultant loss of outlook would be acceptable as the new extension would be viewed against the backdrop of the existing development at Paul Street. The impact on the outlook from the windows on the eastern façade of 16-22 Epworth Street would also benefit from the removal of the existing fire access.
- 10.21 The proposed rear extension would also give rise to an impact on the rear windows at first and second floor of 23 Paul Street, which serves a bar/night club, particularly on the two windows closes to the proposed rear extension. However, a bar/night club is not considered to be sensitive to the loss of outlook, and as such this would not give rise to any harm in planning terms.
- 10.22 The proposed extension would give rise to a significant loss of outlook to an existing amenity space that serves 21 Paul Street, an office building to the east of the site, as it would be constructed on the boundary and would project 7 metres to the rear façade of the existing building. However, this amenity space is currently in use as an ad hoc seating/break area that serves the office/data centre at 21 Paul Street. As a result, it is not considered that the loss of outlook to this space would give rise to any material harm in planning terms.

Loss of Privacy

- 10.23 The rear facades that enclose the courtyard to the rear of the site are already subject to extensive overlooking from the large windows on the facades of 16-22 Epworth Street and 14 Bonhill Street, which gives rise to extensive view between properties. While the proposed extension would increase the intensity of these views from the application site, as the windows would be closer to the windows at 14 Bonhill Street, this would impact only on commercial uses which do not have a specific requirement for privacy. No adverse privacy impact would occur to the residential flats at 24 Epworth Street as these properties do not have windows on their southern façade facing the application building.

Noise from New A/C Plant at Roof Level

- 10.24 The application proposes to remove the existing air conditioning plant that is located at the rear of 14 Bonhill Street at first floor level and install new air conditioning plant to the roof of the building at eight floor level. The application is supported by an acoustic report that assesses the noise emissions from the air conditioning units.
- 10.25 The Council's Acoustic Officer has confirmed that noise emissions from the air conditioning plant at roof level would be acceptable, subject to a condition being imposed controlling noise emissions, and requiring a further report being submitted prior to the commencement of development. An objection has been received from a resident of 24 Epworth Street which concerns possible noise emissions from the plant at roof level, but it is considered that the conditions proposed would be sufficient to ensure no adverse impact on neighbours, including the residential at 24 Epworth Street. In addition, this element of the application has been approved under application: P2016/3398/FUL.

Impact on the Ongoing Function of the Data Centre at 21 Paul Street

- 10.26 The application site is located in close proximity to a data centre situated at 21 Paul Street, and the data centre relies on cooling plant situated within the courtyard area to the north of the application site bounded by the development at Paul Street, Epworth Street and Bonhill Street (including the application site at 14 Bonhill Street), and 15 Bonhill Street which is building with

frontages to Bonhill Street and Epworth Street connected by a central wing. The data centre is a tier 3 data centre that requires the ability to manage maintenance so that there is no downtime, and be operational to 99.982% of each year (which equates to no more than 94 minutes of non-operational time per year).

- 10.27 The NPPF confirms that the planning system should contribute to and enhance the natural and local environment by: 'preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution'. Similarly policy 7.15 of the London Plan requires Council to manage noise to improve health and quality of life through the planning system.
- 10.28 Policy CS 10 of the Core Strategy confirms that the Council will seek to minimise Islington's contribution to climate change and ensure the borough develops in a way which respects environmental limits and improves quality of life. Policy DM 7.5 of the DM policies 2013 require all developments to maximise the incorporation of passive design measures to control heat gain and to deliver passive cooling, following the sequential cooling hierarchy. Policy DM 6.1 promotes healthy developments and aims to reduce environmental stresses. Part G of the policy relates to noise sensitive development, and confirms the noise sensitive developments should be adequately separated from major sources of noise.
- 10.29 An objection has been received from Iomart Plc, who objected on the grounds that the proposed envelope of the building will reduce the volume of the courtyard by over 1,400 cubic metres, and that this will constrain the capability for air to be dissipated effectively, and therefore cause an increase in heat within the courtyard. This increase in heat (predicted to be approximately 1 degree C through computational fluid dynamic modelling) would require the existing cooling plant to work harder, which would increase energy usage and noise emissions by neighbours. The increase in temperature would likely give rise to a +2 dB increase in noise emissions to neighbours. Any increase in noise emissions is significant, because the site is in close proximity to a sensitive residential façade associated with the residential units at 24 Epworth Street, and because there have been historical noise complaints from this property. For the avoidance of doubt, the impact of a development on the function of an adjacent use is a material planning consideration, and therefore the possible impacts on the Iomart Data Centre need to be considered as a result of the application, despite the fact that the data centre is not directly subject of the application.
- 10.30 The applicant has been provided with copies of the reports submitted by the objector, and has submitted additional information including a further acoustic report. The applicant has not disputed the Computational Fluid Dynamic modelling submitted by the objector, but submitted an amended acoustic report that states that even if the worst case scenario of a one degree increase in temperature occurred as a result of the loss of air volume, this would not lead to a significant increase in noise emissions to neighbours. The applicant has also referred to the proposed relocation of the existing A/C plant from the rear of the building to the roof, as a factor that needs to be taken into account when assessing the noise impact, as this will reduce noise emissions to neighbours.
- 10.31 The Council's Acoustic Officer has reviewed the information submitted by the objector and applicant, and has confirmed that the situation is sensitive given the history of noise complaints from residents at 24 Epworth Street regarding the cooling plant that serves the data centre. It is noted that the objector has based their case on a worst case scenario within their associated reports, both in terms of the increase in air temperature caused by the construction of the extension and in terms of the increase in noise emissions from the cooling plant that would result from the increase in temperature. Given that the extension itself would also contribute to the increase in noise emissions by increasing noise reflections back toward 24 Epworth Street, the

acoustic officer has confirmed that the worst case scenario would be a 3.1 dB increase, with a 2dB average increase and minimum 1 dB increase at lower temperatures.

- 10.32 The Acoustic Officer has also noted that while 3dB is usually considered to be the minimum discernible increase, in this case the site is particularly sensitive and therefore a lower increase may give rise to complaints from 24 Epworth Street. Therefore, the Acoustic Officer has concluded that the resultant increase in noise emissions would be acceptable, subject to a condition requiring the developer to submit a noise impact report comprising noise mitigation measures. This condition was suggested by the objector, has not been agreed with the applicant, who maintains that the reports submitted are sufficient to demonstrate that there would be no adverse impact and therefore the condition is not necessary. However, legal advice has been received that confirms that this condition meets the six tests and relevant case law, and therefore it is recommended that it is imposed. Without this condition the scheme may give rise to unacceptable impact on the amenity of neighbouring properties through noise emissions.
- 10.33 In addition to the above issues regarding increase noise emission, the objector has made reference to other possible impacts on their business, including through increased energy requirements, possible impacts on business continuity and construction impacts. While it is acknowledged that the objections submitted suggests that an increase in energy uses may occur, it is not considered that the level of energy usage would be sufficient to form a reason for refusal. Possible impacts on business continuity are also considered to be acceptable, given the advice that noise emissions would likely be within an acceptable range (subject to further mitigation).
- 10.34 The objector has also referred specifically to impacts during the construction phase, particularly through dust and vibration impacts. Although some construction impacts are unavoidable, it is considered that the impacts could be kept to a sufficient level by requiring the applicant to agree a construction management plan prior to the commencement of development.
- 10.35 As a result of the above, the impact on the ongoing function of the data centre, including in terms through possible increased noise emissions to neighbours, is considered to be acceptable subject to conditions.

Sustainability

- 10.36 Policy DM 7.1 of the DM Policies requires commercial extensions over 100 square metres to be accompanied by a Sustainable Design and Construction Statement that clearly sets out how the application complies with relevant sustainable design and construction policies and guidance. Policy DM 7.4 G requires non-residential extensions of 100 square metres or greater to demonstrate how they would achieve all credits for water efficiency in the relevant BREEAM Scheme. A sustainable design and construction statement has been submitted, which specifies means to achieve sustainable design including fabric performance, air tightness and the use of sustainable materials. The statement also includes details of low flow taps and dual flush toilets, to meet the relevant water efficiency requirement.

Other Matters

- 10.37 The application proposes to remove the existing fire escape from the rear of the site to facilitate the construction of the new extension. It is acknowledged that this will affect the compliance of the building with relevant fire regulation, but the compliance with relevant fire safety criteria will be assessed under the Building Regulations. Therefore, this issue cannot be given weight as part of the planning determination.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed extension to the existing office use is considered to be acceptable in land use terms given the location of the site and the relevant policies within the Finsbury Local Plan, which support new office development in this area. The design of the proposed extension is also considered to be acceptable given the location of the extension at the rear of the site and the character of this space.
- 11.2 The impact of the proposed extension on the amenity of neighbouring properties is also considered to be acceptable in terms of the loss of privacy, daylight, sunlight and outlook as a result of the new extension and as a result of noise emissions from the new plant proposed to the roof of the building.
- 11.3 The impact of the proposed extension on the ongoing function of the adjacent data centre is also considered to be acceptable subject to the conditions imposed, which ensure that the reduction in the amount of ventilation space does not lead to any significant increase in noise emission to neighbouring residents.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the grant of Full Planning be subject to **conditions** to secure the following:

List of Conditions:

	3 Year Consent
1	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</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>
	Approved Plan List
2	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>[Daylight and Sunlight Report project ref 21BHS, Planning, Design and Access Statement May 2016, Acoustic Design Review ref: 160914-002A dated 28/09/2016, Acoustic Assessment of proposed mechanical Equipment at 14 Bonhill Street 160418-002A, Sustainable Design and Construction Statement, 517-PA. 15, 517-EX.01, 517-PA.01, 517-PA.02, 517-Pa.03, 517-PA.04, 517-PA.05, 517.PA.06, 517.PA.07, 517.PA.08, 517-PA.09, 517-PA.10, 517-PA.11, 517-PA.12, 517-PA.13, 517.PA.14, 517.EX.02, 517.EX.03, 517.EX.04, 517-EX.05, 517-EX.06, 517.EX.07, 517.EX.08, 517.EX.09, 517-EX.10, 517.EX.11, 517.EX.15, 517.EX.16, 517.EX.12, 517.EX.13, 517.EX.14,]</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
	Noise Condition
3	<p>CONDITION: “The development hereby permitted shall not commence until a noise impact report, prepared by an appropriately experienced and competent person, which assesses the direct and indirect noise impact of the proposed development (including for the avoidance of doubt noise from the datacentre at 16-22 Epworth Street, London EC2A 4DN resulting from the proposed development) on nearby sensitive receptors and identifies any necessary mitigation measures, has been submitted to and approved in writing by the Local Planning Authority (after consultation with the operators of the datacentre). Any noise mitigation measures identified in the report shall be installed and made fully operational prior to the occupation of the extension. The mitigation measures shall be permanently retained thereafter.”</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>
	Noise Validation Report
4	<p>CONDITION: Within three months of occupation of the development hereby permitted, an acoustic validation report, prepared by an appropriately experienced and competent person, which assesses the effectiveness of the mitigation measures referred to in condition 3 and, where the measures are not effective, recommends further mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority (after consultation with the operators of the datacentre). Any further mitigation measures identified in the acoustic validation report shall be installed and permanently retained thereafter within one month of approval.</p>

	REASON: In order to protect the amenity of neighbouring properties.
	Acoustic Condition A/C Plant
5	<p>The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>
	Validation Report A/C Plant
6	<p>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 5 . The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before first use of the extension hereby permitted and permanently retained thereafter</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>
	A/C Timer Condition
7	<p>Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the condenser units and extract fan to between the hours of 07:00 to 19:00 each day only. The plant shall not be operated outside of these hours. The timer shall be maintained as such thereafter.”</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>
	Construction Management Plan
8	<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, dirt and vibration 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>
	Materials Compliance
9	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. 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</p>

	resulting appearance and construction of the development is of a high standard.
	Acoustic Enclosure
10	<p>CONDITION: The acoustic enclosure shown on the approved plans shall be installed prior to the first use of the roof plant hereby approved, and shall be retained as such in perpetuity.</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>
2	INFORMATIVE: HOURS OF CONSTRUCTION
	<p>INFORMATIVE: The applicant is advised that the accepted working hours for development within the borough are:</p> <p>08.00am - 6.00pm on Mondays to Fridays, 9.00am - 1.00pm on Saturdays and not at all on Sundays and Bank Holidays.</p>

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

The National Planning Policy Framework 2012 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.

The NPPG is also a material consideration in the determination of this application.

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)

7 London's living places and spaces

Policy 7.2 An inclusive environment
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.15 Reducing and Managing Noise

B) Islington Core Strategy (2011)

Spatial Strategy

Policy CS 7- Bunhill and Clerkenwell
Policy CS 10 - Sustainable Design
Policy CS13 - Employment Space

C) Development Management Policies (2013)

DM 2.1 Design
DM2.2 Inclusive Design
DM 5.1 New business floorspace
DM5.4 Size and affordability of workspace
DM 6.1 Healthy Development
DM7.1 Sustainable design and construction
DM7.2 Energy efficiency and carbon reduction in minor schemes
DM7.4 Sustainable Design Standards
DM 7.5 Heating and Cooling

D) Finsbury Local Plan (2013)

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

3. Designations

- None

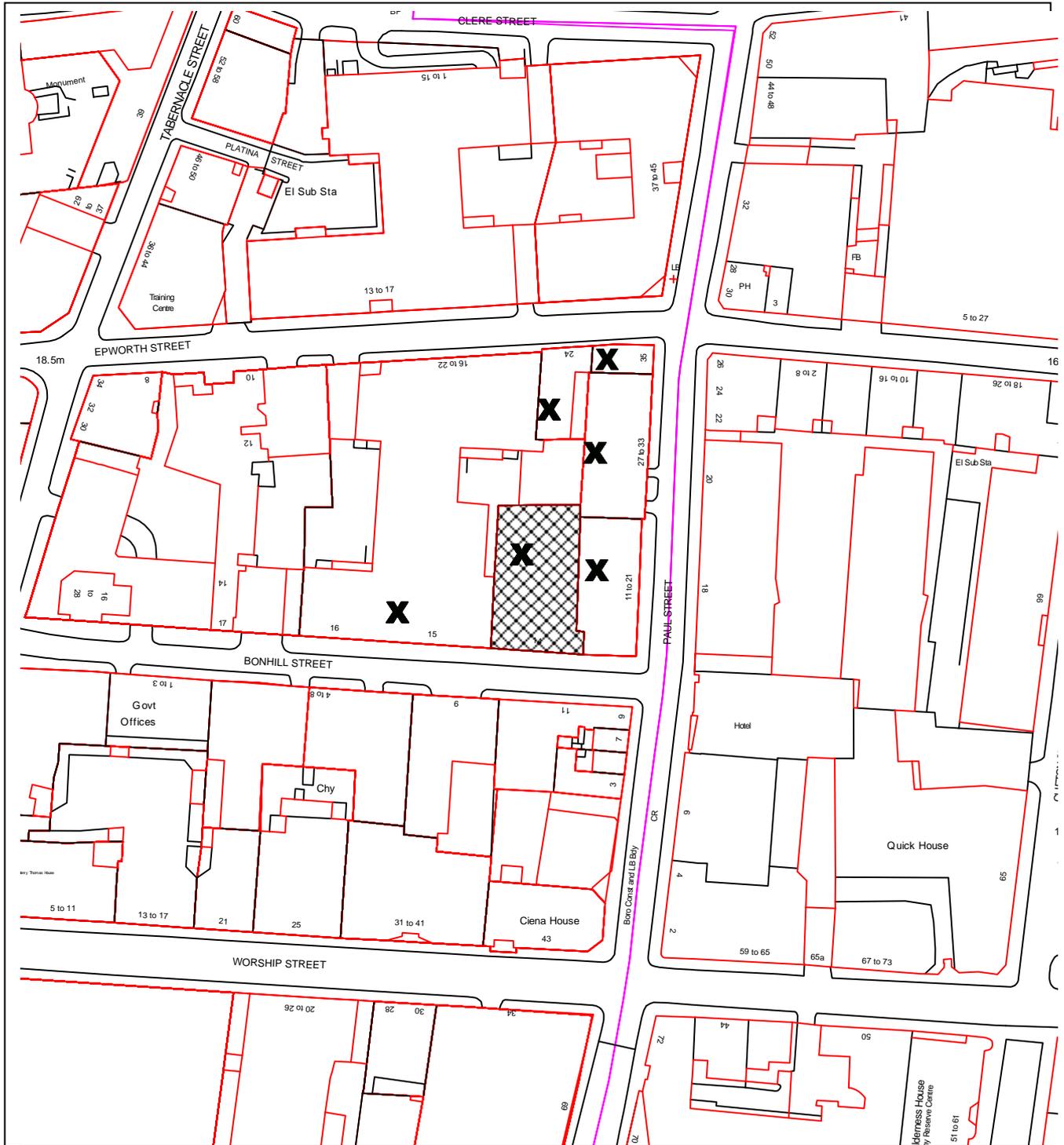
4. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Urban Design Guide (2017)

Environmental Design SPD

ISLINGTON SE GIS Print Template



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P2016/2078/FUL

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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	P2017/3903/FUL
Application type	Full Planning Application
Ward	Tollington Ward
Listed building	Not a listed building
Conservation Area	Not within a conservation area
Development Plan	Within 50m of Tollington Park Conservation Area Article 4 Direction (A1-A2)
Licensing Implications	None
Site Address	24 and 26 Almington Street, Islington, London N4 3BG
Proposal	Change of use from Sui Generis use (Hostel) to C2 use (Residential children's home) together with a joint single storey rear extension at ground floor level to facilitate conversion into single residential unit.

Case Officer	Nathan Stringer
Applicant	Single Homeless Project – Ms Elizabeth Rutherford
Agent	Avalon Planning & Heritage – Mr Murray Ross

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission – subject to the conditions set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET (REMOVED - SENSITIVE)

Image 1: Aerial View of the Application Site

Image 2: Photograph of the front of the 

Image 3: Photograph of the rear elevation of the Site

Image 3: Photograph showing the rear 

4. SUMMARY

- 4.1 Planning permission is sought for the change of use of the properties at nos. 24 and 26 Alington Street from homeless support hostel (Sui Generis) to a residential children's home (use class C2), including the erection of a [REDACTED] rear ground floor extension at both properties. The key considerations in determining the application relate to the land use, including the loss of the homeless support hostel and the acceptability of the introduction of a residential children's home, the associated impact on neighbouring amenity; and the impact of the external alterations on the appearance of the existing building and on the character and appearance of the surrounding area, as well as the quality of the proposed residential children's accommodation including accessibility.
- 4.2 The application is brought to committee because the proposal has received six objections from neighbouring residents, generating a lot of interest in the development. The main concerns from objectors include the impact of the proposed use on neighbouring amenity and safety, and impacts from the proposed rear extension on the character of the area and neighbouring amenity.
- 4.3 The application site comprises 2no. two storey (plus attic) mid-terrace Victorian properties. The site is located on the western side of Alington Street. The host property is not listed, and the site is not located within a conservation area, but it is situated within 50m of the boundary of the Tollington Park Conservation Area which runs to the rear of the site. The surrounding properties are predominantly residential in character, with Victorian terraces dominating. The southern end of Alington Street is a cul-de-sac, which restricts access to through traffic. At the southern end of the street, approximately 50m away from the Site, sits the Islington Arts and Media School.
- 4.4 The proposal would result in minor internal reconfiguration of the existing properties to allow for use as a residential children's home. The external alterations include the erection of a [REDACTED]
- 4.5 The proposal is considered to be acceptable in land use terms, given that the former hostel service was decommissioned in 2013/14 and alternative provision was found for the service users. Given the standard of facilities proposed for children's services, the location of the property and suitable use of the site, the proposed change of use is considered acceptable. The proposed external alterations together with this use are not considered to harm the character nor visual appearance of the host building or the surrounding area and the adjoining conservation area. It is considered not to have a significant impact on the local highway network or the amenity of 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 application site consists of 2no. two storey (plus attic) mid-terrace Victorian properties on the western side of Alington Street. The properties were last occupied as a homeless support hostel until September 2013, by Single Homeless Project. Prior to this, the properties were in use as self-contained residential properties, a use that ceased circa mid-1980s.
- 5.2 The application site is not located within a conservation area, however it is adjacent to the boundary of the Tollington Park Conservation Area. It is largely residential in character, and the immediate area around the application site is characterised by similar residential terrace developments to the north, south and east, and larger semi-detached residential properties fronting Turleway Close to the rear. The southern end of Alington Street is a cul-de-sac, which restricts access to through traffic. At the southern end of the street, approximately 50m to the south of the site, sits the Islington Arts and Media School, a large educational facility with a variety of building styles, heights, and designs.

6. PROPOSAL (IN DETAIL)

- 6.1 Planning permission is sought for the change of use of the properties from homeless support hostel (Sui Generis) to a residential children's home (use class C2), including the erection of a [REDACTED] rear ground floor extension at both properties.
- 6.2 The existing properties have been leased by the applicant for the previous 30 years, during which they have operated as two separate hostels providing temporary accommodation for residents with substance abuse issues, each accommodating five individuals in five separate bedrooms. Following changes in government funding and care requirements, the properties were decommissioned by the Council's Supporting People team and Single Homeless Project restructured their services for clients with substance use issues by providing alternative high support beds at a facility in Ashley Road, approximately 500 metres away.
- 6.3 The application proposes to change the use of the properties to C2 (residential children's home), to facilitate the provision of a single supervised residential children's home. The applicant has confirmed that the facility would provide living accommodation for a total of 8 children aged 10-16 years old. Staff would be present at the property 24 hours per day, with a minimum of 2 staff overnight and up to 6 staff present during the day. Overnight staff would not sleep, however there are additional rooms that will be for the use of staff.
- 6.4 Planning permission is also sought for the erection of a [REDACTED] rear ground floor extension to both properties. [REDACTED]. This would allow the support home to operate as a single entity. The extension would project approximately 3.75m from the rear of the outrigger to each property when viewed from the flank. The rear elevation of the extension would be set back from the eaves, projecting approximately 2.9m from the rear of the existing outrigger. The addition would incorporate a flat roof, with a height of approximately 3.15m. The extension would be set in from the boundaries with adjoining properties by approximately 1.8m.
- 6.5 The extension would be constructed with timber cladding, with double glazed aluminium framed bi-folding doors to the rear, and an aluminium framed casement window to each flank elevation.

7. RELEVANT HISTORY:

840577 (24/26 Almington Street) – Alterations conversion and repairs to form a cluster dwelling. Application refused 28/08/1984.

REASON: The properties are two of a limited number of two storey houses in the Borough considered to provide valuable single family accommodation which it is the Council's intention to retain and conversion in the manner proposed would prejudice this aim.

P2017/2199/COL (24 Almington Street) - Certificate of Lawfulness (Existing) for change of use from residential (use class C3) to hostel (Sui Generis). Approved with no conditions 01/08/2017.

P2017/2200/COL (26 Almington Street) - Certificate of Lawfulness (Existing) for change of use from residential (use class C3) to hostel (Sui Generis). Approved with no conditions 01/08/2017.

ENFORCEMENT

- 7.1 None

PRE-APPLICATION ADVICE

- 7.2 Q2015/0968/MIN – Change of residential (C3) to a children's home (C2). Council advised that the use class of the site would be C3(b) if the number of full time carers did not exceed two and the number of children did not exceed four. However, the proposal would involve a change of use to C2 if the number of residents or the working patterns of the carers were to change or increase above this figure.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 43 adjoining and nearby properties on 11 October 2017. The public consultation of the application therefore expired on 3 November 2017, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 At the time of the writing of this report 8 no. responses had been received from the public with regard to the application, with 6 no. letter of objection and 2 no. providing comment. The responses raised the following summarised concerns (paragraph numbers refers to where the matter is addressed in this report):

- the level of care and supervision to be provided for the residents of the home (paragraphs 10.1-10.17)
- concern regarding lack of information regarding operational standards of the residential home (paragraphs 10.1-10.17, and 10.47)
- impact of the proposal on street traffic (paragraph 10.42-10.43)
- neighbouring amenity impacts including noise (paragraphs 10.34-10.39)
- impact on resident health and safety (paragraphs 10.34-10.41)
- fire safety impact resulting from the combined rear extension (paragraph 10.45)
- lack of consultation with neighbours regarding the proposed use (paragraph 8.1)
- concern regarding lack of community consultation with regard to the previously approved certificate of lawfulness application regarding use of the properties as homeless support hostel (Sui Generis) (paragraph 8.2 below)
- impact of the proposed rear extension on the character of the wider area (paragraphs 10.25-10.33)
- impact of the proposed rear extension on neighbouring amenity, including access to day light and sunlight (paragraphs 10.34-10.41)

Officer notes: concern has been raised regarding lack of consultation with regard to the previously approved certificate of lawfulness regarding the use of the properties as a homeless support hostel. As this application was for a certificate to determine the existing lawful use of the site (and therefore no consideration was given to the merit of the scheme), public consultation was not undertaken.

Internal Consultees

8.3 **Planning policy:** officer raised no objection, and advised that she is satisfied that the loss of the hostel is acceptable given the time that has elapsed since the hostel use ceased, and considering that an alternative provision was found for the service users. Also advised that the use of the site as a children's residential home is acceptable in accordance with policy DM3.8 part A and DM4.12 part C.

8.4 **Safeguarding and Family Support:** supports the application, as it would provide suitable accommodation for children within the borough who are currently placed more than 20 miles away from London due to an under-supply of places. Advised that the facility would need to be accredited by Ofsted prior to occupation.

8.5 **Building Control:** raised no concern regarding the proposed [REDACTED] rear extension and its impact on fire safety. Advised that an informative should be placed onto the approval recommending that internal fire safety doors be installed within each property [REDACTED].

External Consultees

8.6 Metropolitan Police: advised that Secured by Design standards should be met for the property, including details such as doorsets and accessible windows.

9. RELEVANT POLICIES

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

National Guidance

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

Development Plan

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

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
- Quality of Accommodation
- Design and Conservation
- Neighbouring Amenity
- Other issues

Land use

- 10.2 The application site consists of two adjoining dwellings with existing lawful use as a homeless support hostel (Sui Generis use class), which was granted lawful (existing use) certificates in 2017 [ref numbers P2017/2199/COL and P2017/2200/COL]. The application seeks to change the use of both properties to a residential children's home (C2 use class), which would be used to provide accommodation for a total of ■ children aged ■ years old. Staff would be present at the property 24 hours per day, with a minimum of 2 staff overnight and up to 6 staff present during the day. ■

Loss of existing hostel use

- 10.3 The proposal would result in the loss of the existing homeless support hostel floor space (Sui Generis use class). In terms of assessing this loss, policy DM3.9 Part F of the Development Management Policies 2013 is applicable.
- 10.4 Part F of this policy states '*the council will resist the loss of hostels unless:*
- I. adequate replacement accommodation will be provided for the particular group; or*
 - II. it can be demonstrated that the accommodation is no longer needed for the particular group; or*
 - III. it can be demonstrated that the existing accommodation is unsatisfactory for modern standards and/or not fit for purpose in its current use.'*

- 10.5 The properties were previously used as a hostel for low support step down services for high support clients at a separate facility located in Ashley Road. This use at the site ceased in September 2013, when it was decommissioned in association with Council's Supporting People team following changes to funding arrangements. The site was no longer needed as the level of client needs were too high for a financially unsupported project, and all residents were resettled into private rentals sourced by Single Homeless Project or other hostel accommodation where required, and those who were unable to manage without support moved into repurposed high support accommodation at the Ashley Road facility.
- 10.6 Therefore, it is considered that policy DM3.9 part F(i) has been satisfied, given that residents were resettled into alternative accommodation, in addition to the time that has elapsed following the closure of the hostel facility and considering that it is unlikely the site would be brought back into hostel use. Council's policy officer has advised that the loss of the hostel is therefore acceptable from a policy perspective.
- 10.7 Part G of policy DM3.9 states that *'where the loss of a hostel is acceptable, development should provide accommodation to meet an acute need identified by the council's housing department, which may include social rented housing.'* In this instance, the applicant has provided information detailing the need for residential places for children in the care of Islington Council. Supporting information suggests that there is currently only one residential home for children within the borough [REDACTED] meaning that 24 Islington children were placed outside of the borough as of March 2017. The proposed change of use would provide accommodation for [REDACTED] children, which could go some way towards meeting the identified need for specialist children's services in Islington.
- 10.8 Section 22G of the Children Act 1989 requires local authorities to take strategic action in respect of those children they look after and for whom it would be consistent with their welfare for them to be provided with accommodation within their local authority area. In those circumstances, section 22G requires local authorities, so far as is reasonably practicable, to ensure that there is sufficient accommodation for those children that meets their needs and is within their local authority area. As such, the local authority is to ensure that suitable provision is available in the borough. Islington does not have enough spaces within the borough, and therefore a number of children have needed to be placed more than 20 miles away from London. Islington's Safeguarding and Family Support Commissioning Manager has advised that the Council has been working with the applicant with regard to this application, and that she has met with the applicant on two separate occasions to discuss the application in her role as Commissioning Manager. The application is therefore supported by the Safeguarding and Family Support team as it would provide much needed accommodation for local children within the borough.
- 10.9 Whilst the proposal may not comply with Part G of policy DM3.9 as children's support homes do not fall under the scope of the borough's housing department (nor does it include the provision of social rented housing), the proposed use would meet a significant gap in the existing provision of housing for vulnerable children. Given the current shortage of care facilities identified by the safeguarding and community support team, and as it provides social accommodation for vulnerable children, the proposal is considered acceptable with regard to Part G of policy DM3.9.

Provision of Children's Care Home

- 10.10 Policy DM3.8 Part A states that *'the council will support the provision of sheltered housing and care homes provided the development will be:*
- I. suitable for the intended occupiers in terms of the standard of facilities and the level of independence, and provide the necessary level of supervision, management and care/support;*
 - II. accessible to public transport, shops, services and community facilities appropriate to the needs of the intended occupiers; and*
 - III. a suitable use for the site considering the surrounding neighbourhood, and contribute to mixed and balanced communities.'*

- 10.11 In relation to part (i) of this policy, the applicant advises that the children's home will be registered with, and regulated by Ofsted. The proposed home would provide a fully supported domestic scale care facility for ■ children (■■■■■■■■■■) aged ■■■ who are unable to remain in the family home. Residents would generally stay for ■■■■■■■■■■. The home would provide a safe environment alongside the structure of a 'family' routine, with staff delivering care, support and all the tasks of parenting. With regard to staffing and management of the site, staff will be present 24 hours a day and will provide emotional, domestic and educational support, with the site registered and regulated by Ofsted. There would be a minimum of 2 staff overnight and up to 6 staff present during the day.
- 10.12 The Council's Safeguarding and Family Support team confirms that all children's support homes are required to be regulated. In this instance, the regulator would be Ofsted, who would undertake unannounced visits to the home throughout the year. Ofsted would have the power to downgrade the home if there are any concerns. Council's Commissioning Manager of Safeguarding and Family Support, as the responsible commissioner for the site, has confirmed that she will be required to undertake monitoring visits and assess the home prior to commencement of operations, and then yearly following this. On-site workers will not be social workers, they will however be skilled and qualified as per Ofsted regulations. All children will have their own social worker and would be open care cases with the Council. Overall, it is considered that the proposed site would be suitable for the intended occupiers, and therefore the proposal accords with part (i) of policy DM3.8.
- 10.13 In relation to part (ii) of this policy, the site is reasonably located and is accessible by public transport, being located in an area of the boundary of three different PTAL ratings of 6a, 3 and 2. This suggests that there is a good level of access to public transport from the site. The site is located within close proximity to shops, services and community facilities including educational facilities. No educational operations would be undertaken at the site, and the children will be supported to remain where possible in the schools they have been attending prior to the point where they were moved into the home. If, for risk reasons, they cannot remain in their schools they will be enrolled locally. Overall, it is considered that the proposed site is adequately accessible for the intended use, and therefore the proposal accords with part (ii) of policy DM3.8.
- 10.14 In relation to part (iii) of this policy, the applicant's assessment discusses the impact that the operation of a children's home may have on neighbouring properties. It states that the site would be wholly appropriate for the purpose, which would make a contribution to a mixed and balanced community, noting that the predominantly residential street would be an ideal location for the use of a home for children and that management would ensure that the amenity of neighbours is preserved.
- 10.15 The Council's Commissioning Manager of Safeguarding and Family support confirms that, as the responsible commissioner for the site, she would be the primary contact for any complaints regarding the operation of the site. The providers would be statutorily obliged to complete Area Risk assessments which are submitted to the regulator (Ofsted) and to the Police. The Council will work in partnership with the applicant to ensure that the group of children placed are appropriately matched with due regard to preventing any escalating issues that may impact on the community, advising that council would retain oversight in managing who goes into the placement and assessing alongside the social workers whether each individual is able to be placed.
- 10.16 Further, consideration must also be given to the current lawful use of the site as a hostel (Sui Generis), which would have the potential to be much more disruptive to local residents than the proposed use as a children's home. Overall, taking into consideration the operational and regulatory requirements of the proposed children's home, as well as council oversight regarding the placement of children in this location, it is considered that the proposed use would be suitably managed and would therefore be a suitable use for the site, contributing to a mixed and balanced community. Therefore, the proposal accords with part (iii) of policy DM3.8.
- 10.17 Overall, the proposal is considered to be acceptable, on balance, in land use terms given the supporting documentation provided, the operational regulation and oversight by Council's Safeguarding and Family Support team as well as Ofsted, and the above recommended conditions. It is therefore considered consistent with the aims of the policies on land use within London Plan 2016 policies 7.4 (Character) and the Council's policies CS8 (Enhancing Islington's character) of

the Core Strategy 2011, and Development Management Policies (2013) DM3.8 (Sheltered housing and care homes) and DM3.9 part E (Hostels).

Quality of Accommodation

- 10.18 The London Plan 2016 sets out minimum overall residential size space standards (policy 3.5, Table 3.3). The council also sets out minimum housing standards for all new housing developments, including sheltered housing in policy DM3.4 of the Development Management Policies, with regard to size, shape and layout of rooms, aspect, outlook, noise, ventilation, privacy, light and circulation.
- 10.19 Table 3.2 of the Development Management Policies 2013 outlines minimum space standards for housing developments. However, this does not specifically relate to applications for sheltered housing. With regard to this proposal, whilst each bedroom in both properties would be classified as a double bedroom in a C3 residential dwellinghouse, in this instance only one occupant is to be accommodated in each bedroom. Therefore, the properties are each considered to be used for 5bed/5person occupation.
- 10.20 Each property is a purpose built dwellinghouse, and was used for this purpose up until circa 1985, when they began use as hostel accommodation. Therefore, the properties are considered to be suitable for C2 residential accommodation. Each property provides an internal area of approximately 131 sqm, which is acceptable for a 5bed/5person support dwelling. Further, each property provides a significant amount of storage space (approximately 3.8m of built in storage space in each property).
- 10.21 The largest bedrooms measure 13.9sqm in size and the smallest measure 10.2sqm. Each bedroom would exceed the minimum width required of at least 2.75m, in accordance with Table 3.3 of the Development Management Policies, and would meet or exceed minimum size standards.
- 10.22 Dual aspect dwellings must be provided in all situations in accordance with Core Strategy policy CS9 Part F, and Part D of the Development Management Policies DM3.4, unless exceptional circumstances can be demonstrated. Both properties are dual aspect, and it is noted that they would both provide windows on opposite elevations, facing different spaces. Each property benefits from suitable outlook and access to sunlight and daylight.
- 10.23 Each level would provide a floor to ceiling height of at least 2.45m within the main dwelling or 2.35 within the outrigger (and 2.23m within the attic). It is noted that these are established properties that have previously been in use as self-contained residential dwellings, and therefore the floor to ceiling height would be acceptable for residential use. Each property benefits from adequately sized living/dining/kitchen areas, each of which measure approximately [REDACTED] when taking into consideration the [REDACTED] extension at the rear of both properties.
- 10.24 Overall it is considered that the properties would provide a good level of accommodation, suitable for use as a residential children's home. Therefore, the proposal complies with policy 3.5 of the London Plan and policy DM3.4 of the Development Management Policies 2013.

Design and Conservation

- 10.25 Policy CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.26 The Islington Urban Design Guide 2017 advises that rear extensions must be subordinate to the original dwellings. Paragraph 5.138 states that *"where they can be neatly accommodated, there will normally be scope for lower ground or ground floor extensions within a lightwell or beyond the line of the existing back addition providing sufficient garden space is retained to provide high quality and useable amenity space for day to day uses (for example clothes drying, dining, relaxation, gardening, children's play) and does not result in fragmented areas incapable of supporting soft*

landscaping. High quality contemporary extensions are encouraged on lower floors except where conservation guidelines require extensions to conform to the design of the existing building.”

10.27 The application proposes the erection of a [REDACTED] rear ground floor extension at the rear of the outriggers to both properties. [REDACTED]

[REDACTED] The extension would project approximately 3.75m from the rear of the outrigger of each property when viewed from the flank. The rear elevation of the extension would be set back from the eaves of the roof, projecting approximately 2.9m from the rear of the existing outrigger, and creating a covered outdoor space to the rear. It would be set in from the boundaries with adjoining properties by approximately 1.8m., and would match the width of the outrigger structure, at approximately 6m. The addition would incorporate a flat roof, with a height of approximately 3.15m. Overall the extension would appear subordinate in the context of the properties and surrounds.

10.28 The extension would be constructed of timber, with double glazed aluminium framed bi-folding doors to the rear, and an aluminium casement window to each flank elevation. It is noted that the adjoining property at no. 22 includes a rear infill extension with aluminium doors to the rear. It is considered that the aluminium doors and windows would not result in unacceptable visual harm to the appearance of the building or the character of the area given the location at ground floor. Similar materials have been adopted to the existing roof extension and also it is evident from inspections aluminium has been used within the finishes of neighbouring extensions.

10.29 The height of the extension would match the height of the bay windows to both flank elevations of the outrigger structure, and it would not project beyond the flank walls of the existing outrigger. A punctuating gap would be left between the eaves of the extension and the window cills at the rear first floor elevation of the existing outrigger. Further, the timber addition would be lightweight in appearance with large glazed bi-folding doors to the rear. For the stated reasons, it does not appear to over-dominate the rear elevation of the host building.

10.30 The existing rear garden at no.4 measures approximately 61.3sqm, whilst the adjoining rear garden at no. 26 measures approximately 65.2sqm. Following the erection of the joint rear extension, the gardens would cover an area of approximately 54.5sqm and 57.4sqm, respectively. [REDACTED]

[REDACTED] Overall, it is considered that the proposal would retain a high level of useable amenity space for day to day uses that would not result in fragmented areas incapable of supporting soft landscaping, in accordance with the Urban Design Guide 2017.

10.31 The proposed materials would be light-weight in nature and would not appear as incongruous with the host property, and the extension would appear as a well design contemporary extension when viewed from the rear. Overall it is considered that the rear extension would be subordinate to the host building due to its scale and appearance, and would not materially harm the character of the property or the wider area.

10.32 The application properties are Victorian terrace style developments with traditional style proportions and materials, including timber windows, and properties immediately adjoining and adjacent are similar in character. Many of the properties host large modern rear dormer roof extensions. To the rear of the site is the boundary to the Tollington Park Conservation Area. To the rear, and within the conservation area, sits larger semi-detached Victorian dwellings. However, these are located a significant distance from the rear boundary of the site and the rear extension would not materially harm the character or appearance of these dwellings. It is therefore not considered that the proposal would cause demonstrable harm to the character and appearance of the property or wider street scene, or the adjoining conservation area. It is considered that given the type of housing and the presence of large roof dormers to the rear on the host and a number of adjoining properties, the erection of the rear ground floor extension is acceptable.

10.33 Given the above, the proposal is considered to be consistent with the aims of Council’s policies on design and accord with policies 7.6 (Character) of the London Plan 2016, CS8 (Enhancing

Islington's Character) of the Core Strategy 2011, Development Management Policies DM2.1 (Design) and DM2.3 (Heritage), and the Islington Urban Design Guide 2017.

Neighbouring Amenity

- 10.34 Policy DM2.1 of the Development Management Policies 2013 states that development should not have an adverse impact on neighbouring amenity in terms of noise, overshadowing, overlooking, privacy, direct sunlight and day light, over-dominance, sense of enclosure and outlook.
- 10.35 A number of concerns has been raised by neighbouring occupiers regarding the impact of the proposed use on neighbouring amenity, primarily relating to noise and safety. These relate to operational elements of the residential children's home, including the impact of ■ additional children on the social character of the street. As discussed previously, the home would provide a high level of care with staff present 24 hours per day, with a minimum of 2 staff overnight and up to 6 staff present during the day. Further, operational standards of the property (and therefore the opportunity for the operation of the site to impact upon neighbouring amenity) would be regulated by Ofsted, who would undertake unannounced visits to the home throughout the year and would have the power to downgrade the home if there are any concerns. Should the standards have dropped below Ofsted judgement of 'Good', then the Council would review the operations of the facility with Ofsted and make an informed decision regarding the continuation of placements.
- 10.36 In addition, Council's Commissioning Manager of Safeguarding and Family Support, as the responsible commissioner for the site, would also undertake monitoring visits and assess the home prior to commencement of operations, and then yearly following this. Further, the Commissioning Manager and the Safeguarding and Family Support Team are available in the event that residents have a complaint or concerns regarding the operation of the facility. The Council and the provider would work proactively in partnership to ensure that the group of children placed are appropriately matched with due regard to preventing any escalating issues that may impact on the community, and Council will retain oversight in managing who goes into placement and assess alongside the social workers whether they are able to be placed. Therefore, taking into consideration the operational safeguards to be utilised, it is considered that the proposal would be acceptable with regard to impact upon noise and resident safety.
- 10.37 To ensure that operational standards are adequate to minimise potential impacts upon neighbouring residents, a condition has been included requiring an Operational Management Plan to be submitted and approved by Council prior to the commencement of operations at the site.
- 10.38 Concern has also been raised regarding the impact of the proposed rear extension on neighbouring amenity, relating to access to daylight and sunlight at adjoining properties. Each property within the terrace group contains an existing deep rear outrigger, and dormers are present above the outrigger at both nos. 32 and 28 Alington Street. The rear extension, which is approximately 3.15m in height, would be set back from the boundaries with no. 22 and 28 by approximately 1.8m.
- 10.39 Due to the presence of the existing deep two storey rear outriggers at each property, the orientation of the properties (which face south-west at the rear), and the setback of the proposed extension from the boundaries with neighbouring properties, the proposal is not considered to materially harm neighbouring amenity with regard to access to daylight and sunlight, or sense of enclosure. The proposal would also not fail the 45-degree initial assessment established within the BRE Guidance.
- 10.40 The rear extension would include a window on each flank elevation, facing toward the adjoining properties at no. 22 and 28. The existing outriggers also contain flank windows facing toward the adjoining properties. Therefore, it is considered that the windows would not unacceptably increase overlooking between the properties.
- 10.41 Further, due to the minor scale of the proposed works, the proposal is not expected to materially harm neighbouring amenity with regard to overlooking, privacy, over-dominance, sense of enclosure or outlook. It is therefore considered compliant with the Council's policies in relation to amenity with policy DM2.1 of the Development Management Policies (2013).

Highways and Transportation

- 10.42 In accordance with policy DM8.4, the proposed development should provide one cycle parking space per three staff. In this instance, two cycle parking space should be provided. Although no cycle parking is proposed, the properties would have sufficient space in the rear garden to securely store a number of bicycles. Therefore, a condition has been included requiring details of cycle storage for 2no. bicycles to be submitted and approved in writing by the LPA prior to the first use of the approved development.
- 10.43 Concern has been raised from neighbouring residents regarding the impact of the proposal on street traffic. Due to the small scale nature of the proposal, it is not expected to materially increase traffic along Alington Street.

Refuse and Recycling

- 10.44 No details have been provided regarding a dedicated refuse store or refuse collection activities. Therefore, a condition has been included requiring details of proposed refuse and recycling to be submitted to and approved in writing by the LPA prior to the first use of the approved development.

Fire Safety

- 10.45 Neighbour concern has been raised regarding the impact of the [REDACTED] rear extension on fire safety, [REDACTED]. Council's Building Control officer has advised that the impact of the [REDACTED] extension on fire safety between the properties raises no concerns. However, he advised that an informative be included noting that internal fire safety doors be installed [REDACTED]

Other Issues

- 10.46 The Metropolitan Police noted that the applicant's Design and Access Statement states the build would meet Secured by Design standards. However, they advised that no contact has been made by the applicant to ensure that SbD is achieved. Therefore, a condition has been included requiring the applicant provide evidence of liaison and agreement with the Metropolitan Police that SbD requirements have been met, prior to the commencement of operational use of the property.
- 10.47 Residents have raised concern regarding potential behavioural impacts on the safety and amenity of neighbours. It is noted that the Commissioning Manager and the Safeguarding and Family Support Team are available in the event that residents have a complaint or concerns regarding the operation of the facility. A condition has also been included requiring the submission and approval of an Operational Management Plan prior to the first occupation of the children's home. This condition requires that the operator provide contact details for residents in the event that they have any queries or concerns. Whilst the concerns are acknowledged, Officers consider that similar contacts and report mechanisms (including contact with the Metropolitan Police) are available to the community to report anti-social behaviour if this does in fact occur. The integration of [REDACTED] vulnerable children back in the local community with the necessary support mechanisms from the Council and other groups (including Ofsted) would far outweigh the risks in this instance. Anti-social behaviour can occur from any member of society and the regular means of reporting this are always available to members of the public to report. The Operational Management Plan would also ensure that details of the management are available to the public, if they so wish to contact them on a matter.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed change of use of the properties from an existing hostel use (Sui Generis) to a use as a residential children's home (C2 use class) is considered acceptable, on balance, in land use terms given the supporting documentation provided, and the operational regulation and oversight by Ofsted and Council's Safeguarding and Family Support team. The proposed care facilities are considered to provide a good level of accommodation for future occupiers, and would prevent [REDACTED] children being sent up to 20 miles away, keeping them closer to their families and friends. The

external alterations are not considered to materially harm the character or appearance of the host building or the wider area, nor the adjoining Tollington Park Conservation Area. The proposed use is considered not to result in any significant harm to the amenity of occupiers of neighbouring properties, subject continual oversight of operations by Ofsted and Council, and adherence to the operational management plan.

- 11.2 As such, the proposed development is considered to accord with the policies of the National Planning Policy Framework 2012, the London Plan 2016, the Islington Core Strategy 2011, the Development Management Policies 2013, and Supplementary Planning Documents and as such is recommended for approval subject to appropriate conditions.

Conclusion

- 11.3 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 approved shall be carried out in accordance with the following approved plans:</p> <p>Planning Statement dated October 2017, Design and Access Statement Revision C dated 28/09/2017, 15_002 010, 15_002 100 Rev A, 15_002 110 Rev A, 15_002 120 Rev A, 15_002 122 Rev A, 15_002 200 Rev C, 15_002 210 Rev C, 15_002 220 Rev C, 15_002 224 Rev A, 15_002 230 Rev C, 15_002 232 Rev C and 15_002 234 Rev C.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans. 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	Standard of Care
	<p>CONDITION: The residential children’s facilities shall be staffed 24 hours per day, with a minimum of 2 staff present on site overnight.</p> <p>REASON: To ensure a high level of care and to protect the safety and amenity of neighbouring residents.</p>
5	Operational Management Plan
	<p>CONDITION: Prior to the commencement of operations, an Operational Management Plan must be submitted to and approved in writing by the LPA. The management plan shall include:</p> <ul style="list-style-type: none"> a) details of the day to day operation of the facility, including staffing arrangements b) details of relevant contact information for management, including provision for the establishment of a contact point for any neighbour enquiries or complaints <p>REASON: To ensure a high level of care and to protect the amenity of neighbouring residents.</p>
6	Compliance with Secured by Design Standards
	<p>CONDITION: Notwithstanding the drawings hereby approved, the residential children’s home units shall be constructed to achieve Secured by Design certification</p>

	<p>Evidence, confirming that the Metropolitan Police has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the construction of the proposal to Secured by Design standards.</p>
7	Details of refuse and recycling
	<p>CONDITION: Prior to the first use of the hereby approved residential children's home facilities, details of the refuse and recycling shall be submitted and approved in writing to the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.</p> <p>REASON: To ensure the proposal benefits from adequate refuse and recycling facilities.</p>
8	Ofsted registering
	<p>CONDITION: Within 3 months of the commencement of the first use of the hereby approved residential children's home facilities, details shall be submitted to the Local Planning Authority which confirm that the approved facilities are registered with Ofsted. The facilities shall be registered until the use of the residential children's home facilities cease.</p> <p>REASON: To provide good quality children's residential facilities.</p>
9	Details of cycle storage
	<p>CONDITION: Prior to the first use of the hereby approved development details of the cycle storage shall be submitted and approved in writing to the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.</p> <p>REASON: To provide adequate cycle storage.</p>

List of Informatives:

1	Positive statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
2	Fire Safety
	<p>It is recommended that internal fire safety doors be installed within each property [REDACTED]</p>

APPENDIX 2: RELEVANT POLICIES

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

1 **National Guidance**

The National Planning Policy Framework 2012 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.

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

London's living places and spaces
Policy 3.16 Protection and enhancement of social infrastructure
Policy 3.17 Health and social care facilities
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Policy CS8 (Enhancing Islington's Character)
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable design)
Policy CS11 (Waste)

C) Development Management Policies June 2013

Policy DM2.1 Design
Policy DM2.3 Heritage
Policy DM3.8 Sheltered housing and care homes
Policy DM3.9 Houses in Multiple Occupation, hostels and student accommodation
Policy DM8.4 Walking and cycling

3. **Designations**

Within 50m of Tollington Park Conservation Area
Article 4 Direction A1-A2

4. **Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan
- Urban Design Guide (2017)

- Tollington Park Conservation Area Design Guidelines (2002)
- Street Services Refuse and Recycling Guidelines

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PLANNING COMMITTEE REPORT

PLANNING SUB COMMITTEE B		AGENDA ITEM NO:
Date:	27 th February 2018	NON-EXEMPT

Application number	P2017/2089/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	Locally Listed (Class B and C)
Conservation area	Clerkenwell Green
Development Plan Context	CAZ Historic Clerkenwell – BC7 Employment Priority Area (General) Archaeological Priority Area (Clerkenwell)
Licensing Implications	N/A
Site Address	Challoner House, Nos. 19-21, Clerkenwell Close, Islington, LONDON, EC1R 0RR
Proposal	Provision of additional office space (use class B1) through the erection of a replacement mansard roof to Nos. 20 and 21; the rear extension of Nos. 19, 20 and 21 with a part one, part two storey rear extension between first, second and third floor levels; erection of a fourth floor roof extension above No. 19 with reinstatement of parapet, partial reinstatement of historic roof form and chimney, with contemporary extension and new plant enclosure to the rear; alterations to existing front and rear fenestrations, and creation of new window openings to side and rear elevations; reinstate historic detailing to the frontages of Nos. 19, 20 and 21; excavation of an extended basement level at Nos. 19, 20 and 21; and the provision of x13 photovoltaic panels and a biodiverse roof above third and first floor levels respectively at the rear.

Case Officer	David Nip
Applicant	Challoner House Ltd
Agent	Lichfields

1. RECOMMENDATION

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

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

2 SITE PLAN (SITE OUTLINED IN BLACK)



3 PHOTOS OF SITE/STREET



Image 3.1: The front and side elevation of Challoner House (view from north).



Image 3.2: The front elevation of Challoner House and the adjacent site at no.18 Clerkenwell Close (view from south).

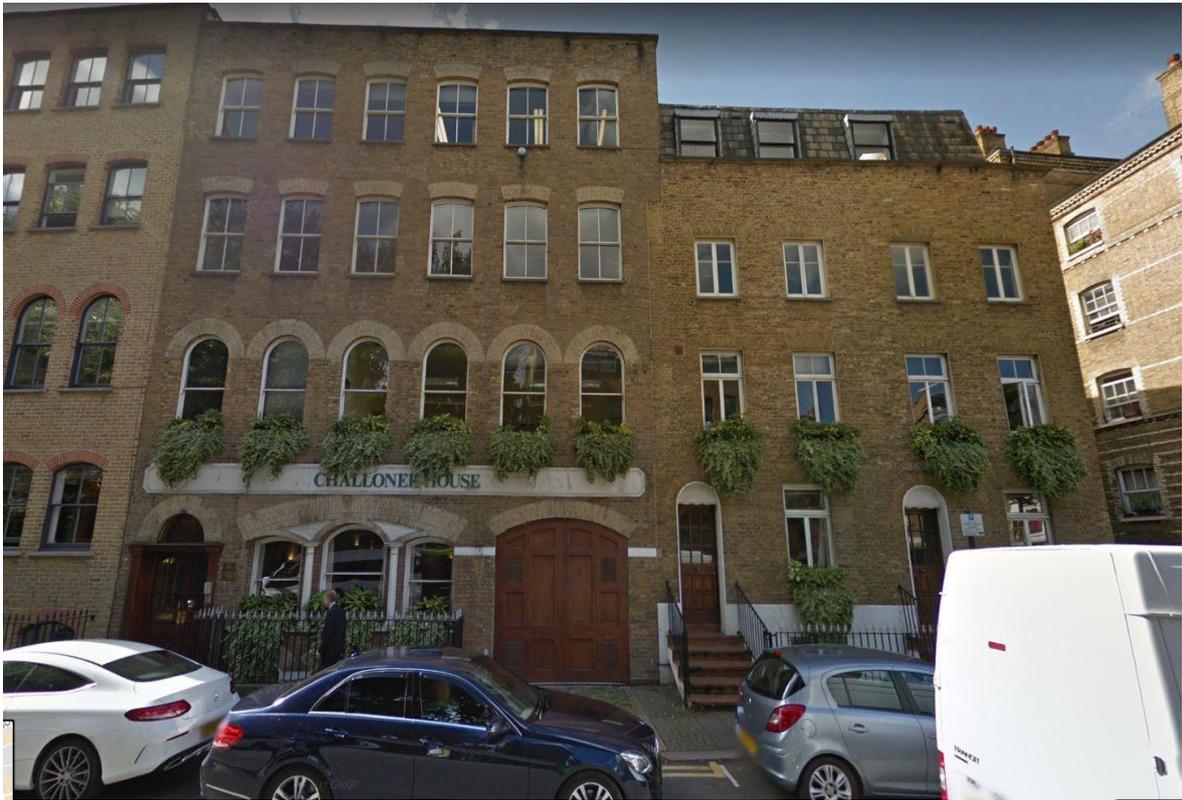


Image 3.3: The front elevation of the site building.



Image 3.4. The rear elevation of the building, and the adjacent building at no.23 Clerkenwell Close (right)



Image 3.5. The view of the building from Farrington Road, which part of the rear elevation of the building is visible through the gap in townscape.

4 SUMMARY

- 4.1 The application seeks planning permission for the office extension at basement, rear (first to third) and roof level, it is also proposed to reinstate some of the historic elements to enhance the appearance of the building. The proposal would create an additional 498sqm (GIA) of additional office floorspace under Class B1a, and additionally refurbished and modernised layout of the existing floorspace.
- 4.2 The application is brought to the sub-committee because of the 2 objections received, and due to the uplift in floorspace which comprises over 250sqm of additional business floorspace.
- 4.3 The proposal has been amended during the assessment with revisions to the design of the proposal following initial feedback from consultees on the scale and massing of the proposed extension, and the amenity impact to the neighbours such as privacy and loss of daylight/sunlight.
- 4.4 The principle of the creation of additional office floorspace is considered to be acceptable and supports the strategic priority of the Central Activities Zone to maximise office delivery.
- 4.5 The key considerations in determining the application relate to the visual impact of the development on the existing locally listed building and the surrounding conservation area, including the setting of the adjacent grade II* listed St. James Clerkenwell Church, as well as neighbouring residential amenity.
- 4.6 The building is within the Clerkenwell Green Conservation Area.

- 4.7 The design of the proposed roof extension, terraces and other elements such as plant enclosures would be visible from the Farringdon Road streetscene and would partially restrict small section of the view of the church spire; whilst there may be visual harm caused by the proposal towards the setting of the designated heritage asset from other streets (Farringdon Road), this visual impact is less than substantial . The vast majority of the spire would remain visible.
- 4.8 Notwithstanding the less than substantial harm caused by the roof extension, it is accepted that the proposed front elevation would be an enhancement to the Clerkenwell Close streetscene and the wider conservation area; the accurate restoration to some of the original features at the front elevation would significantly improve the appearance of the locally listed building, and as such, it is judged that the public benefit achieved in this proposal would outweigh the less than substantial harm identified in the rear due to the roof extension restricting views of the church spire.
- 4.9 There would be some impact to windows of a ground floor residential unit in terms of daylight/sunlight loss, however, it is considered that the revised plans have reduced further the extent of loss of sunlight and daylight to the properties to the north at Peabody Estate. When balancing the townscape and other benefits against the sunlight and daylight losses to these properties the harm to these properties is considered to be acceptable. The remaining properties on adjoining streets and in immediate area would not be impacted upon in terms of amenity. Overall, the amended proposal would not unacceptably impact on the amenity of the neighbouring properties due to the design, position, use of appropriate materials and scale in this dense part of the borough.
- 4.10 The principle of the creation of additional office floorspace is considered to be acceptable and supports the strategic priority of the Central Activities Zone to maximise office delivery.
- 4.11 The proposal is therefore considered on balance (amenity, impacts weighted against employment uplift and heritage benefit to be acceptable and it is recommended that the application be approved subject to conditions.

5. SITE AND SURROUNDINGS

- 5.1 The application site is situated on the southern side of Clerkenwell Close and is approximately 565sqm in area. It is currently occupied by an office building namely Challoner House, which accommodates a total of 1,786 sqm (GIA) of office floorspace. The office building is four-storey high with a basement area to the front part of the building.
- 5.2 The site comprises both No.19 and No.20-21 Clerkenwell Close, which are two visually distinctive buildings. No.19 Clerkenwell Close is a four storey building of brickwork, with a roof behind the brick parapet wall. Nos.20-21 Clerkenwell Close is a four storey building which comprises a mansard roof at third floor level. At the rear, No.19 has an existing extension which is four storeys in height; To the rear of Nos.20-21 there is an existing two storey rear projection. The buildings cover the full site area with the exception of the small lightwell areas at the front of the building. At Nos.20-21, the first floor flat roof area comprises a number of AC units serving the office use.
- 5.3 Generally, the surrounding buildings are a mixture of uses including office, commercial and residential, with most of the buildings four to five storeys in height. The nearest

residential properties are the Peabody Blocks immediately to the north west of the site, where Block E is sited closest to the site building, and only separated by a private road.

- 5.4 The site is within a relatively sensitive location in terms of heritage assets. The Clerkenwell Green Conservation Area covers the site and adjacent land. To the east of the site, the Grade II* Listed St. James Clerkenwell Church is sited approximately 60m away and the church tower and spire are a designated local landmark (LL13 within Policy DM2.5).
- 5.5 As noted, both buildings are locally listed (Nos.19 – Class C, Nos.20-21 – Class B) and also lie within an Archaeological Priority Area (Clerkenwell).
- 5.6 The site is within a Controlled Parking Zone. The site has a PTAL score of 6b (excellent). The servicing of the site is from the front of the site on Clerkenwell Close.
- 5.7 The application site has no trees or areas of soft landscaping. The closest open space is the St. James Clerkenwell Churchyard directly opposite the site.
- 5.8 The site is located within the Central Activities Zone (CAZ) and an Employment Priority Area (General) within the Finsbury Local Plan.

6 PROPOSAL (IN DETAIL)

- 6.1 The proposal seeks planning permission to create additional office space (498sqm) in the form of several extensions to Nos 19-21 Clerkenwell Close. The main elements of the proposed for each property are described in detail below.

Rear of 20-21 Clerkenwell Close

- 6.2 At the rear of Nos.20-21, it is proposed to remove the existing first floor mansard roof and erect a replacement part single, part three storey rear extension on the first, second and third floor. The first floor extension would be full width (13.5m) of Nos. 20-21, it would be 3.5m in height and in full depth (13.5m). Above this extension, there would be another two storey part-width extension on the second and third floor level. In terms of appearance, the extension would be contemporary in style with a combination of steel panels and full height glazing (mix of clear and obscure glass), which contrasts to the appearance and architectural style of the existing host building.

19 Clerkenwell Close

- 6.3 At the top of the building at No.19, it is proposed to reinstate the valley roof to the front part of the original roof, and construction of a roof extension to create an additional storey (fifth floor) over the four storey building and the existing rear projection. The roof extension will provide an additional 100sqm office (Class B1) floorspace. At the rear of the roof extension, a plant enclosure is proposed to be installed with acoustic screens and will facilitate all the new plant work at this level. The existing rear projection will also be altered with installation of full height windows at the rear elevation.

- 6.4 At the roof level, it is also proposed to install Solar PV panels, planters and an outdoor terrace with low railings.

Basement

6.5 Below the ground floor, it is proposed to excavate and extend the existing basement area to provide an additional 160sqm of B1 floorspace under the ground floor. The floor to ceiling height of the basement would be approximately 2.6m; compare to the existing basement area, the proposed new basement would be 500mm deeper.

Front and side elevation

6.6 The front elevation of both buildings will be altered to improve the appearance of the façade. The proposed works include:

- Installation of new timber double glazed windows to no.20-21, existing sash windows refurbished;
- New mansard roof extension at nos.20-21 to replace the existing mansard roof, with a new gable wall between the two units to visually separate the mansard roof extension; to the side elevation fronting the Peabody blocks, new obscured glass windows are installed at all levels;
- Installation of new railings to enhance the appearance of the street frontage
- New doors to replace the existing doors;
- New parapet walls, pediment, slate tile valley roof, brick chimney and gable walls to reinstate the historic roof form to No.19;
- Existing brick wall to be repaired and repointed as necessary.

6.7 The proposed building would provide a total of 2,284sqm (GIA) of office (B1) floorspace, which is an uplift of 498sqm of B1 floorspace. Each floor would have its own toilet, lift lobby area and stair access.

6.8 The bin storage will be located at the front (east) corner of No.19 Clerkenwell Close, a separate access door is provided for bin collection. A dropped kerb is also proposed to the front of the refuse storage area.

6.9 No on-site car parking is proposed. Space for the parking of a total of 22 cycles, and space for accessible cycles bays is proposed, with shower facilities at basement level.

6.10 The proposal has been amended during the course of the application, this includes:

Submitted 25/07/2017

- Omission of a side window on the end gable wall at fourth floor level adjacent to no.18 Clerkenwell Close
- Increase in the extent of lowering of the basement level slab from 300mm to 500mm
- Revisions to the design of the new front doors to the office.
- Changes to the design and extent of opacity of the 2nd and 3rd floor elevations facing the Peabody Flats to enhance the relationship in terms of residential amenity.

Submitted 15/09/2017

- Reduction in height for the proposed roof extension
- Reduction in the size of the plant enclosure
- Alteration to the windows to the rear of No. 19 to improve the appearance in relation to the existing rear projection
- Set back of the fourth floor terrace
- Internal layout to address concerns from the Inclusive Design Officer, including amended corridors and lobbies to increase accessibility, a new WC layout to

include DDA WC. The fire escape core stair has also been enlarged and revised to eliminate winders

Submitted 19/09/2017

- Additional drawing to show the extent of basement work in response to GLAAS consultation comment.

Submitted 08/11/2017

- Further reduction of the depth of the fourth floor side terrace by 1m to address officer's concern on amenity.

Submitted 22/11/2017

- Revised Archaeological Written Scheme of Investigation to address comment from GLAAS

Submitted 19/12/2017

- Reduction of rear third floor parapet wall by 200mm

Submitted 04/01/2018

- Updated daylight/sunlight assessment to reflect all the changes made since the original submission and included an additional Daylight Distribution (No sky line) test in the assessment.

Submitted 19/01/2018

- Further update to the daylight/sunlight assessment, including expansion of scope of the Daylight Distribution (No sky line) test to include other floor levels within the adjacent Peabody Estate Block E and F, and 47-48 Clerkenwell Close on the opposite side of the road.

7 RELEVANT HISTORY

Planning Applications

- 7.1. 861047 - Roof extension and second floor rear extension and use of building for light industry (939 sq.metres) and offices (812 sq.metres). Approved. 11/12/1986
- 7.2. 890339 - Change of use of building to Business (Class B1). Approved. 20/10/1989

Pre-application Advice

- 7.3 The council issued a pre-application advice letter on 20 December 2016. The main points included in the advice were:
 - Provision of new office floorspace is acceptable in land use terms.
 - The proposed rear extension would remain publicly visible from various view points, and would have an impact towards the Local Landmark. This is still considered to be harmful to a certain degree. The visual harm would be weighed against any public benefit including the restoration of the front elevation.

- The plant enclosure can be supported in principle, however, due to its height and visual impact to the rear of the building, the enclosure should be minimised in height and footprint.
- It is clear that the proposed development would have some impact towards the amenity of the adjoining neighbours in terms of outlook, daylight/sunlight, overlooking and sense of enclosure.

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 107 adjoining and nearby properties on Clerkenwell Close, Peabody Estate Block E and F, and Farringdon Lane. A site notice and press advertisement were displayed on 16/06/2017. The public consultation period expired on 07/07/2017, however it is the council's practice to continue to consider representations made up until the date of a decision.
- 8.2 A total of 2 objections have been received from the public with regard to the application following the council's consultation. The issues raised following the council's consultation can be summarised as follows (paragraph numbers refer to where the matter is addressed in this report):
- The proposed additional of floors would have adverse impact towards the appearance of the building and the wider area, and fails to maintain the historical character of the area (See the Design, Conservation and Heritage section below)
 - Concern raised in relation to the proposed basement excavation and the additional level, it will block the view and the amount of light to the units at 47 Clerkenwell Close, as well as privacy concern. (para. 10.56 and 10.68)
 - The proposed alterations are substantial and would cause further impact of building nuisance and health and safety, there would be accumulative impact in terms of noise, dust, trepidation, traffic, loading/unloading (para. 10.69)
- 8.3 Apart from the objectors, there are also 3 local residents/stakeholders who have written in support of the application, including the Chair of the Peabody Clerkenwell Tenants and Residents Association, and the Vicar of the St. James Clerkenwell Church.

The points raised in the support letters/emails are summarised as follows:

- The proposed biodiverse green roof is welcomed
 - The proposed cycle storage would promote less cars in the residential street
 - The impact of the extension towards the church spire will be minimal
 - The proposal is a sensitive improvement to the overall appearance of the building and that will give a better outlook to residents of the Peabody Estate
 - The reinstatement of the historic parapet, pediments and pitched roof, alongside the newly proposed windows and railings are sympathetic additions which will better match other historic buildings in this important conservation area
- 8.4 Apart from the council's statutory consultation process mentioned above, it is worth noting that prior to the submission of the application, the applicant conducted their own public consultation in early 2017. Comments and feedbacks is summarised within the submitted Statement of Community Involvement (by Quatro, May 2017).

External Consultees

- 8.5 Historic England (Greater London Archaeology Advisory Service) (commented 27/11/2017) – The revised desk based assessment’s deposit model is helpful and although not as reliable as test pits within the site it does make best use of such information available from nearby. Having visited the site, I appreciate the difficulties undertaking test pit evaluation whilst the building is in use.

With respect to the overall assessment of the site’s potential, I agree that remains of local/regional importance are likely to be encountered but I don’t think the possibility of remains of national importance (to which the NPPF policies for designated assets should be applied) can be entirely ruled out. The site lies within the precinct of St.Mary’s Augustinian nunnery. The main nunnery buildings lay immediately opposite the site and are now a scheduled monument. The medieval use of this site is uncertain but we do know this would have been a prominent and probably prestigious location facing the nunnery across Clerkenwell Close and that in the 16th century a great house (Challoner’s House) was built on or near the site. In my view the site forms part of the setting of the adjacent scheduled nunnery and once explained the relationship between them can be appreciated both in the modern townscape and through archaeological research. Historic England guidance states that “Heritage assets that comprise only buried remains may not be readily appreciated by a casual observer, they nonetheless retain a presence in the landscape and, like other heritage assets, have a setting.” The significance of any remains found within the site should therefore be assessed not purely on their own merit but also in relation to the medieval and Tudor history of the area.

I therefore welcome the proposal in the WSI to provide for the option of preservation in-situ if nationally important remains are found – in practice in this location that is likely to mean substantial structural features of medieval or Tudor date which might be retained (and perhaps displayed) within the extended basement. The proposed trial pit evaluation would be an appropriate first stage. This evaluation would then (if necessary) inform a second stage of mitigation involving archaeological investigation and (again if necessary) preservation in-situ measures which could entail some redesign of the basement.

I think that in this case given the relatively modest scale of the development it ought to be possible to achieve a successful outcome through a carefully worded multi-stage condition as long as you are comfortable with that allowing for control over design of the foundations and basement.

- 8.6 London Fire and Emergency Planning Authority (commented 04/07/2017) – No objection, provided the proposals meet the requirements of the Building Regulations. Sprinklers should be installed.
- 8.7 Historic England (commented 17/10/2017) – The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 8.8 MET Police – Crime Prevention Officer – No comment received.

Internal Consultees

- 8.9 Design and Conservation Officer (commented 05/07/2017) – The proposed roof extension partially obscures views of part of St James’ church spire in a view from Farringdon Road and results in the loss of open sky due to a post-war building which is lower than those on the rest of the street which may, or may not, be raised in the future.

In any case the proposed extensions harm the character and appearance of the conservation area and the setting of the GII* church. However, some of this harm could be outweighed by the heritage/public benefits that are proposed which includes the

reinstatement of the pediment/original roof form to the main building and removal of inappropriate modern alterations (including very poorly detailed mansard roof extensions) to the two Georgian townhouses and full accurate restoration including railings, sash windows and correctly detailed mansard roofs.

However, following case review with managers on assessing of the roof impact on the view from Farringdon Road, it was considered necessary to reduce roof extension further. The roof extension has now been reduced in size substantially reducing thereby reducing the extent of built form on the setting of the Grade II Listed church.

If you were to recommend approval, it is very important that all the heritage/public benefits are conditioned. A legal agreement may be appropriate here as well.

All heritage/public benefits (which help weigh in favour of the approved scheme) outlined in the Design and Access Statement shall be undertaken prior to occupation of the building. For the avoidance of doubt these primarily considered to be:

- The reinstatement of the pediment and original pitched roof form to no.19
- The removal of mansard roof to nos. 20 & 21 and replacement with accurately detailed mansard roof
- Full restoration of nos. 20 & 21 with new sash windows, doors and railings that accurately replicate those from the Georgian period

No objection to the solar panels.

8.10 Inclusive Design Officer – There are still small parts of the office area which do not have level access, which is not ideal. However, the revised plan dated 15/09/2017 is an overall improvement to the scheme, in terms of the improved access to the corridor, DDA WC, and the emergency staircase.

8.11 Pollution Team, Public Protection – The application includes relocation of the existing plant on the 3rd floor to the 4th floor roof. The area is to be surrounded by acoustic screening. There are no complaints listed against the existing installation which is not currently screened. To minimise the impact for nearby residents, a plant noise condition is recommended.

8.12 Commercial Environmental Health, Public Protection: No objection.

8.13 Highways, Public Realm:

- The main entrance door cannot open out over the highway. (Case officer's note: amended plan submitted)
- The crossover removal and bin drop works will be undertaken by LBI Highways.
- They will also need to re-arrange the parking as they have put the bin drop in a parking bay.
- They need to show a drawing altering the parking. They can continue the bay where the crossover was so there is no net loss.
- They will also need to pay for Traffic Management Order that coincides with the change in parking.

8.14 Street Parking, Public Realm: There would be a need to replace the current DYL outside the dropped kerb and relocate this section of DYL to where the bin store will be so the parking stock is not lost. The applicant will need to justify the need for the DYL extension. The applicant must not do any highway work themselves, a fee of £7.5K would be required from them to carry out the changes. (Case officer's note: Grampian condition recommended for the applicant to enter into S278 agreement prior to commencement of development).

9 RELEVANT POLICIES

9.1 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

9.2 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.

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

Development Plan

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

Designations

9.5 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Clerkenwell Green Conservation Area;
- Locally Listed Building (no. 19);
- Archaeological Priority Area;
- Central Activity Zone;
- Core Strategy Key Area - Bunhill & Clerkenwell;
- Finsbury Local Plan - Bunhill & Clerkenwell Designated Area;
- Finsbury Local Plan - Employment Priority Area (General);
- Local Cycle Route.

10 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land use
- Design and conservation
- Archaeology
- Inclusive design
- Neighbour amenity
- Sustainability, energy efficiency and renewable energy
- Highways and transportation
- Fire safety
- Noise and air quality
- Planning obligations

Land Use

- 10.2 The existing building on site provides for 1,786sqm (GIA) of Use Class B1 business floorspace. The proposal would provide an additional 498sqm (GIA) of business floorspace in the basement and from first to fourth floors of the proposed development. The submitted Design and Access Statement estimates that the proposed additional office floorspace would create an addition of approx. 34 employees within the site.
- 10.3 No site allocation applies to the application site, however it is located within the Central Activities Zone (CAZ) and an Employment Priority Area (General). Planning policies relevant to this site safeguard existing employment floorspace, and generally encourage office development.
- 10.4 London Plan (LP) Policy 2.10 recognises that development within the area should enhance and promote the unique international, national and Londonwide roles of the CAZ, supporting the distinct offer of the Zone based on a rich mix of local as well as strategic uses and forming the globally iconic core of one of the world's most attractive and competitive business locations; in appropriate parts of the CAZ, the LPA should ensure that development of office provision is not strategically constrained and that provision is made for a range of occupiers especially the strategically important financial and business services.
- 10.5 The renewal and modernisation of existing office stock in viable locations is also supported. The supporting text of LP policy 4.2 identifies a need for significant increases in office floorspace in the years to 2031. Part B of policy CS13 of Islington's Core Strategy 2011 states that in relation to existing employment floorspace, development which improves the quality and quantity of existing business floorspace provision will be encouraged. Part Aii of policy BC8 in the Finsbury Local Plan 2013 states that within Employment Priority Areas (General and Offices), proposals should incorporate the maximum amount of business floorspace reasonably possible on the site.
- 10.6 The proposed uplift in office floorspace (498sqm GIA, 341sqm NIA) is welcomed and is considered policy-compliant. Given the constraints of the site and considering the context of the area, and the amendments necessary to ensure protection of heritage and neighbours amenity, it is considered the maximum uplift on the site has been obtained without any adverse impacts on the other considerations of this assessment. Officers accept that the proposed development is modest in scale and would incorporate the maximum reasonable amount of business floorspace on site, which is in compliance with part Aii of policy BC8 of the Finsbury Local Plan.
- 10.7 It is considered that the development is acceptable in land use terms with regard to the development plan and the cascade of policies from the London Plan, Islington Core Strategy, Development Management Policies, Finsbury Local Plan, and as such would make an efficient use of this brownfield site. The proposal would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth.

Design, Conservation and Heritage

- 10.8 The delivery of high quality design including the conservation and enhancement of the historic environment is a key objective of the planning system which is to contribute to achieving sustainable development as supported by the NPPF. Sustainable development is further described as Page 80 positive improvements in the quality of

the built and historic environments including but not limited to replacing poor design with better design (para 9). A core planning principle of the NPPF is to always seek to secure high quality design (para17).

- 10.9 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the council to pay special attention to the desirability of preserving or enhancing the character and appearance of the Clerkenwell Green Conservation Area when determining this application. Paragraph 134 of the NPPF states 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.
- 10.10 NPPF Chapter 12 'Conserving and enhancing the historic environment' sets out the criteria for the conservation and enjoyment of the historic environment in the strategy of local plans as well as relevant criteria for assessing and determining planning applications. Consideration includes harm posed to both designated and non-designated heritage assets and their setting.
- 10.11 London Plan policy 7.4 states that development should have regard to the scale, mass and orientation of surrounding buildings, buildings should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. London Plan policy 7.6 states that buildings should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should not cause unacceptable harm to the amenity of surrounding land and buildings.
- 10.12 London Plan policy 7.9 relates to Heritage-led regeneration, it states that the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration.
- 10.13 At the local level, policy CS9 of Islington's Core Strategy sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity. Policy DM2.1 of Islington's Development Management Policies requires development to be based upon an understanding and evaluation of an area's defining characteristics, confirms that acceptable development will be required to respect and respond positively to existing buildings, and sets out a list of elements of a site and its surroundings that must be successfully addressed – this list includes urban form including building heights and massing.
- 10.14 Part B of policy BC7 in the Finsbury Local Plan states that new buildings should be of a height, scale and massing that respects and enhances the immediate and wider context, consistent with the predominant building height. In addition, Part C of policy BC7 states that new development should not result in the demolition or amalgamation of buildings with existing character value. Buildings that frame strategic and local views of landmarks should enhance the quality of the view, in particular components within the view that are of heritage value.
- 10.15 In context, directly to the east of the site is the Grade II* listed St. James Clerkenwell Churchyard; the Church building, which is a designated local landmark, is also sited at close proximity.
- 10.16 Most buildings within the surrounding area range from three to six storeys in height. The Peabody Estate blocks to the north west of the site are 4/5 storeys high; No.23 Clerkenwell Close is located at the rear (south west) of the site and is three storeys in height. Adjacent the application site, to the south east, no.18 Clerkenwell Close is five

storeys in height. The prevalent height in the area would not be jeopardised by the proposed extensions

- 10.17 It is worth noting that to the west of the site, there is a building gap from Farringdon Lane, as Nos.1-5 Peabody Terrace is only 2 storey in height (as identified in the image below). This means parts of the rear elevation of the building and the side elevation of the rear projection are visible from the Farringdon Lane streetscene.

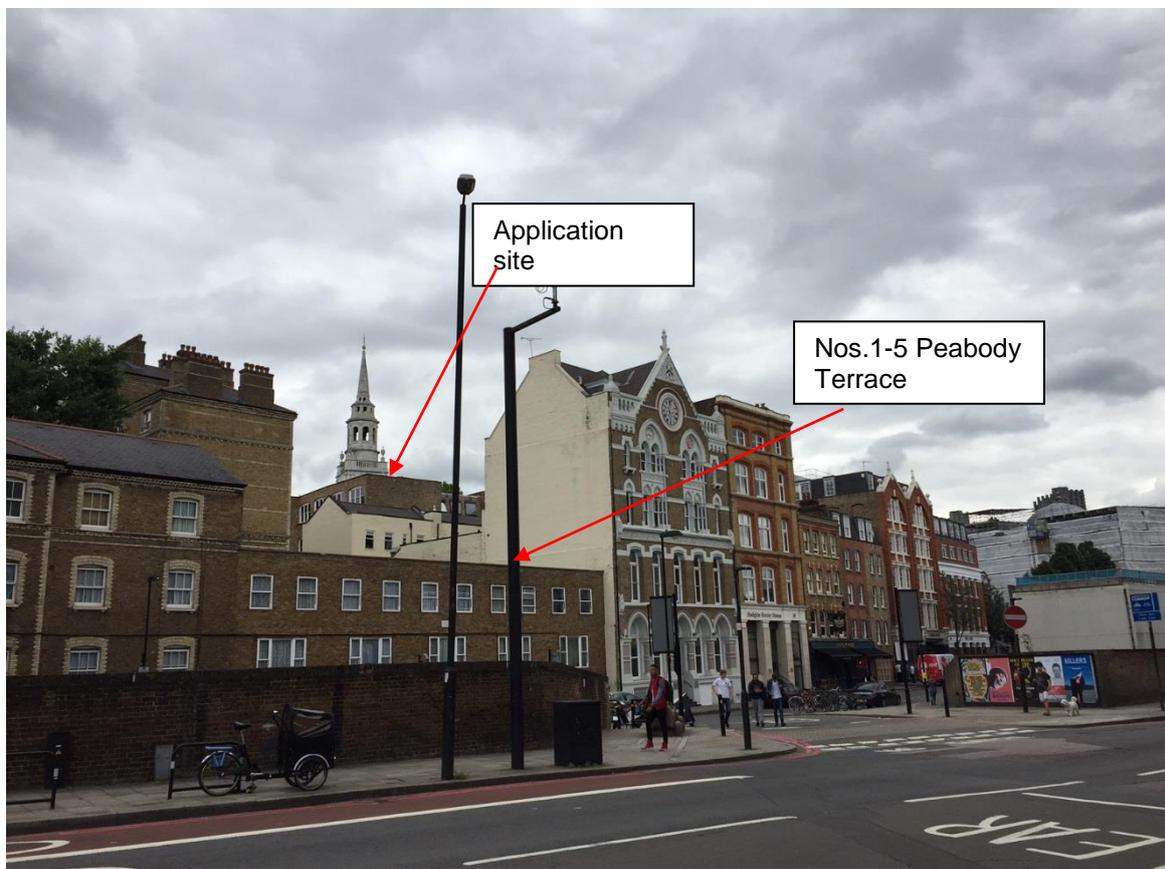


Image 10.1. The rear of the site is partially visible from Farringdon Lane, between the building gap on Peabody Terrace. The spine of St. James Clerkenwell Church is also visible behind the site building.

- 10.18 The site is within a sensitive location in terms of heritage assets. The Clerkenwell Green Conservation Area covers the site and adjacent sites, apart from the St. James Clerkenwell Church, which is Grade II* Listed, the nearby No.34 Farringdon Lane is also Grade II listed. Nos.47-48 Clerkenwell Close, which are located directly opposite the front of the site, are locally listed.
- 10.19 The existing building is a 4-storey plus basement end of terrace brick-built building with its main frontage onto Clerkenwell Close. The building is locally listed for their local architectural and historic interest.
- 10.20 On the local list, the façade of no.19 Clerkenwell Close was described as '*Simple stock brick six windows wide. Parapet and simple pediment with stucco works name, first floor, round arches, second and third floors, segmental arched openings. Arches and ground floor painted, including three arches to ground floor window recess supported by CI columns*'.
- 10.21 For Nos.20-21 Clerkenwell Close, the local list describes the building as '*Original terrace dwellings, each two windows wide, three storeys and semi-basement. Stock brick. Stone parapet. Gauged brick flat arches to windows. Second floor original glazing bars. Lower*

windows attend late 19th Century. Original railings to entrance steps. Round-arched doorways, dentilled doorheads, stucco fanlight, one original panelled door.'

Elevational design and materials

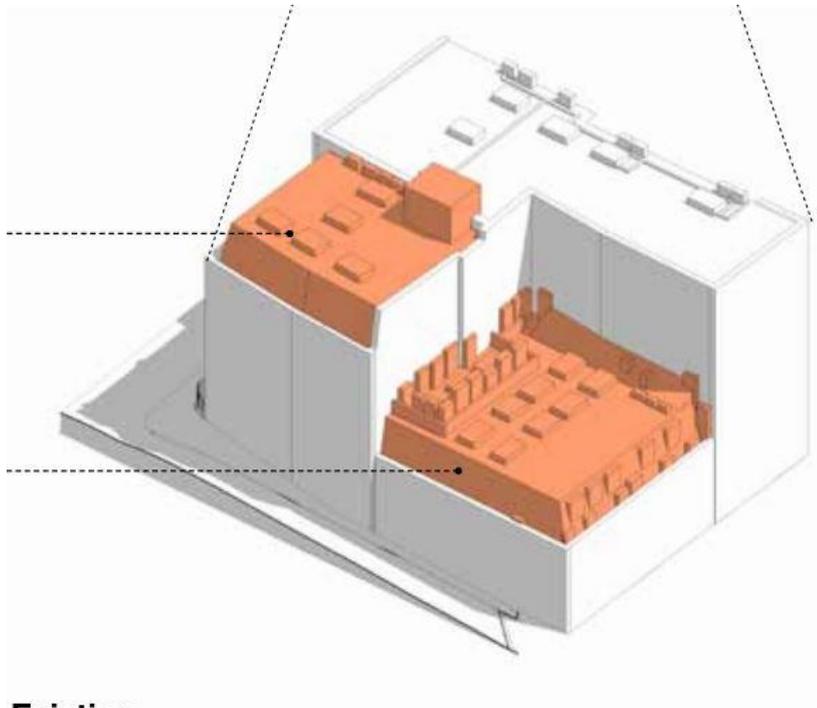
- 10.22 The proposed front alteration works include installation of new timber double glazed windows, new mansard roof extension, new railings, as well as reinstatement of parapet walls, pediment, slate tile valley roof, brick chimney and gable walls to the façade. The case officer agrees with the Design and Conservation Officer's comment that the proposed front alterations would provide some enhancement to the appearance of the building when viewed from the public realm on Clerkenwell Close, as well as the churchyard of St. James Clerkenwell.
- 10.23 The proposed work would restore some of the historic and original features including the pediment and original roof form to the main building, and removal of the poorly detailed mansard roof extensions to the two Georgian townhouses. The Design and Conservation Officer welcomes the accurate restoration of railings, sash windows and mansard roofs. The details of the restoration works are secured by planning condition (condition 3). The proposed side elevation of no.21 comprises obscured timber sash windows, which is considered to be an improvement to the existing side elevation by reducing the solid nature of the blank wall through careful insertion of fenestration visually this improves the façade which also provide additional security measure which may deter anti-social behaviour.
- 10.24 In considering applications for extensions and refurbishment, the Conservation Area Design Guidelines sets out that the Council will normally require the use of traditional materials. For new development, materials should be sympathetic to the character of the area, in terms of form, colour, texture and profile. On all redevelopment, extensions and refurbishment schemes the Council expects to see the use of appropriate materials such as stock brick, render, stone, timber windows and slate roofing, which will blend with and reinforce the existing appearance and character of the area.
- 10.25 The proposed rear and roof extension comprises a hierarchy of steel and frameless glass panels over four floors (first to fourth), which is a decontextualized design to the existing building and its surroundings, which reflect the light industrial history of the building as a zip factory. The steel mullions decrease in density as the floor level increases, in order to provide a greater opacity at lower levels and transparency at the upper levels. The proposed green roof will be located on the first floor flat roof area, it would improve the appearance of the building from the existing providing some green relief, especially from the neighbours' view at rear. Furthermore, the proposed green roof would not be highly visible from the public realm and would provide some green vegetation that would visually contribute towards the significance of the non-designated heritage asset and the wider conservation area.
- 10.26 Obscure glazing is used on some of the side and rear glazed panels to mitigate the impact of overlooking (further discussion in the amenity section below). Details and samples of the obscure glazing and the materials will need to be submitted and agreed by the council prior to commencement of development. This will be secured by condition 3 of the report as outlined in recommendation B.

Scale, massing and impact on heritage assets

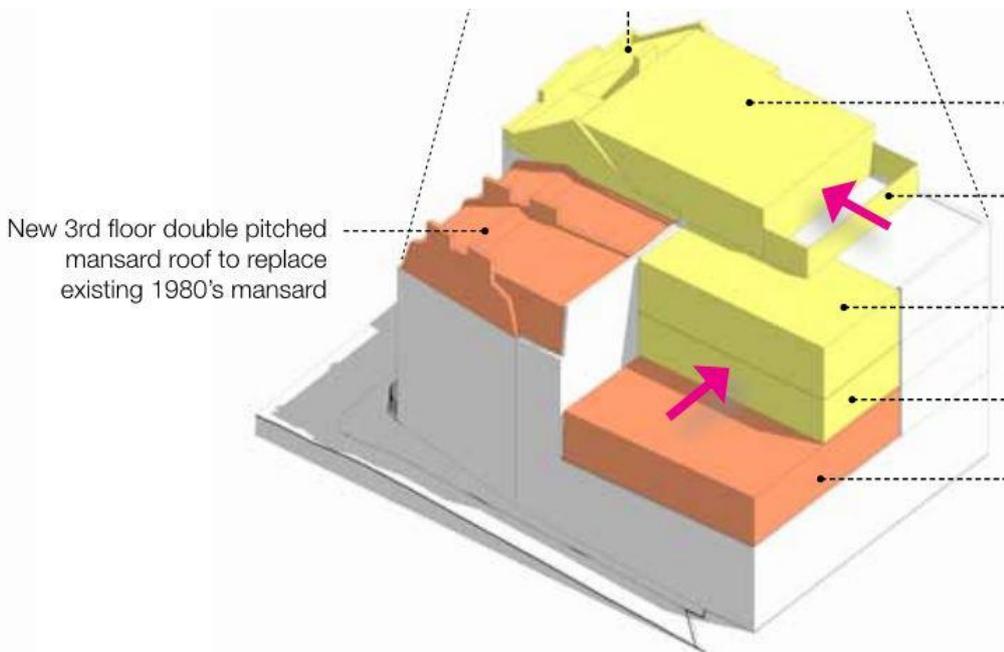
- 10.27 Policy DM2.3 states that in relation to non-designated heritage assets such as the locally-listed buildings listed earlier in this report, proposals that unjustifiably harm the significance of a non designated heritage asset will generally not be permitted. Part C of

policy BC7 in the Finsbury Local Plan also requires the conservation and enhancement of heritage assets.

- 10.28 The scale and massing of the rear and roof extension is one of the main issue highlighted at the pre-application stage. At that stage a concern was that the proposed extension, due to the cumulative scale and massing, would be visible from the Farringdon Lane/Road and would cause visual harm to the area. Although the proposed roof and rear extension would not be visible from most of the Clerkenwell Close frontage, the case officer and the Design and Conservation officer have expressed concerns in relation to the scale and bulk of the extensions (especially the roof extension) with regard to the overall built form and visual prominence from the Farringdon Road streetscene. This issue has been considered and options have been explored by the applicant's architect, and the revised proposal shows a minor reduction in the height of the roof extension, with a set back of the plant enclosure and the removal of the rear extension parapet wall at third floor level. The changes were made in order address the officers' concern since the pre-application stage.
- 10.29 Scheme have been reviewed by the Design and Conservation Officer, who considered that the extent of the revised roof extension would still represent a prominent addition when viewed from the rear, with the proposed roof extension partially obscuring part of St James' church tower in a view from Farringdon Road.



Existing



Proposed

Image 10.2. The massing diagram showing the scale and massing of the proposed extension (yellow) at rear and roof level. (Illustrative only)

10.30 It is judged that the proposed roof extensions would pose some to harm the character and appearance of the Clerkenwell Green CA and the setting of the GII* Church from nearby streets (Farringdon Road) as shown in image 10.1. However, the harm identified is less than substantial and is considered to be sufficiently outweighed by the heritage/public benefits that are proposed at the façade, which includes the reinstatement of the pediment/original roof form to the main building and removal of inappropriate modern alterations to the two Georgian townhouses and full accurate restoration including railings, sash windows and correctly detailed mansard roofs. It must

also be noted that the rear of property whilst visible would create a more coherent view of the church with a more formal roofline of the extension below.

- 10.31 Therefore, it is considered that the proposal would be an appropriate form of development in terms of scale, massing, appearance, as well as conservation and heritage considerations, the proposed front alterations and the extension at the rear and roof level would integrate with the site and streetscene and not detract from or compete with the character of the streetscene or adjoining or nearby buildings, and would be in accordance to the relevant design policies within Appendix 2.

Other design considerations

- 10.32 In terms of protected vista, the proposed development would not intrude into or crowd the London wide protected view 1A.2 (Alexandra Palace to St Paul's Cathedral) which passes close to the site, over land to the west.

Design and Conservation summary

- 10.33 During the assessment, special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, as well as special regard to the desirability of preserving the surrounding listed buildings or its setting or any features of special architectural or historic interest which it possesses. Overall, it is considered that the proposed development would have acceptable impact in terms of massing, scale and appearance, as well as its impact towards the setting to the heritage assets nearby, and in accordance with the relevant planning policies including DM2.1, DM2.3, the Urban Design Guide SPD and the Conservation Area Design Guidance.

Basement development

- 10.34 The proposal results in basement level excavation at basement level through lowering of the existing internal floor level by 0.5 metre and excavation of new basement area to provide an addition of 160sqm of floorspace. Most of the new basement area would accommodate the new cycle storage area.
- 10.35 The Basement Development SPD does not provide specific reference to basement excavation within commercial properties. However, section 8 of the SPD makes reference to basement development in conservation areas with the key objective:

Development should make a positive contribution to Islington's local character and distinctiveness, be of high quality contextual design and conserve and enhance a Conservation Area's significance.

- 10.36 Taking into account that the site is almost built up over 100% of the footprint, the extent and depth of the proposed basement development is considered to remain proportionate, subordinate to the above ground building element, and reflect the character of its surroundings. The extent and depth of the proposed basement excavation accords with the relevant guidelines in the Basement Development SPD and is acceptable in this regard. A Structural Method Statement has been provided and a construction method statement condition is recommended (condition 4) to ensure details of how the construction would be undertaken without causing harm to amenity of neighbours.

Archaeology

- 10.37 The application site is within an Archaeological Priority Area. The applicant's original and updated Written Scheme of Investigation (WSI) (the most recent dated Nov 2017)

considers the archaeological potential of the site, noting that the site lies within the precinct of St.Mary's Augustinian nunnery. The main nunnery buildings lay immediately opposite the site and are now a scheduled monument. The medieval use of this site is uncertain but based on Historic England's estimation, this would have been a prominent and probably prestigious location facing the nunnery across Clerkenwell Close and that in the 16th century a great house (Challoner's House) was built on or near the site. The Archaeological Advisor from Historic England considers that the site forms part of the setting of the adjacent scheduled nunnery. The details of archaeology are at paragraph 8.6.

- 10.38 The Archaeological Advisor concluded that given the relatively modest scale of the development it ought to be possible to achieve a successful outcome through a carefully worded multi-stage condition (condition 9).

Inclusive Design

- 10.39 Paragraph 57 of the NPPF is relevant to the current proposal in relation to inclusive design. London Plan policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor's Accessible London SPG. At the local level, Development Management Policy DM2.2 requires all developments to demonstrate that they i) provide for ease of and versatility in use; ii) deliver safe, legible and logical environments; iii) produce places and spaces that are convenient and enjoyable to use for everyone; and iv) bring together the design and management of a development from the outset and over its lifetime. The Inclusive Design in Islington SPD is also relevant.
- 10.40 The proposed business floorspace would have lift access to each floor with accessible WCs proposed for the offices across each level. The revised plans show that the emergency staircase has been improved in terms of safety. The Inclusive Design Officer is satisfied that the works represent a significant improvement to the existing and the proposed office accommodation, in terms of accessibility for all.
- 10.41 Given the existing physical constraints of the existing building as a non-designated heritage asset, it is considered that the proposed works generally conform to accessible standards set out within the Inclusive Design in Islington Supplementary Planning Document and conform to Policies DM2.1 (Design) and DM2.2 (Inclusive Design) of the Development Management Policies (2013).

Neighbour Amenity

- 10.42 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.43 London Plan policy 7.6 (part Bd) states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. Policy 7.15 (part B) states that development proposals should seek to manage noise by mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development; separating new noise sensitive development from major noise sources through the use of distance, screening or internal layout in preference to sole reliance on sound insulation; controlling and mitigating potential adverse effects through the application of good acoustic design principles; and promoting new technologies and improved practices to reduce noise at source and on the transmission path from source to receiver.

- 10.44 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required 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. Paragraph 2.13 states that the design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing. This supporting text goes on to specifically reference relevant guidance prepared by the Building Research Establishment (BRE).
- 10.45 Officers have visited the site and observed the relationship between the site and the neighbouring residential properties during the life of the application. It is noted that the Peabody Block E is the closest residential property that is most likely to be affected by the proposed rear and roof extension. Therefore, this impact will need to be assessed carefully.

Daylight and Sunlight Impact

- 10.46 All new developments are subject to an assessment of their impact on neighbouring amenity; including in terms of daylight, sunlight, privacy, increased sense of enclosure, noise and disturbance as required by London Plan Policies 7.14 and 7.15 and Development Management Policy DM2.1A (X).

BRE Guidance: Sunlight and Daylight:

- 10.47 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.
- 10.48 BRE Guidelines (2011) 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".

BRE Guidance: Daylight to existing buildings

- 10.49 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 (or reduced by more than 20%), known as "the VSC test".

- 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 (or reduced by more than 20%), known as the “No Sky Line” (NSL) or “Daylight Distribution” (DD) test.

10.50 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.”

10.51 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.

10.52 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”.

10.53 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.

10.54 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”*

BRE Guidance: Sunlight to existing buildings

10.55 The BRE Guidelines state in relation to sunlight at paragraph 3.2.11: *“If a living room of an existing dwelling has a main window facing within 90 degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected.”*

10.56 This will be the case if the centre of the window:

- Receives less than 25% of annual probable sunlight hours (APSH), or less than 5% of annual (winter) probable sunlight hours between 21 September and 21 March (WPSH) and;

- Receives less than 0.8 times its former sunlight hours (or a 20% reduction) during either period and;
- Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

10.57 The BRE Guidelines state at paragraph 3.16 in relation to orientation:

“A south-facing window will, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit.”

10.58 The Guidelines go on to state (paragraph 3.2.3):

“... it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun.”

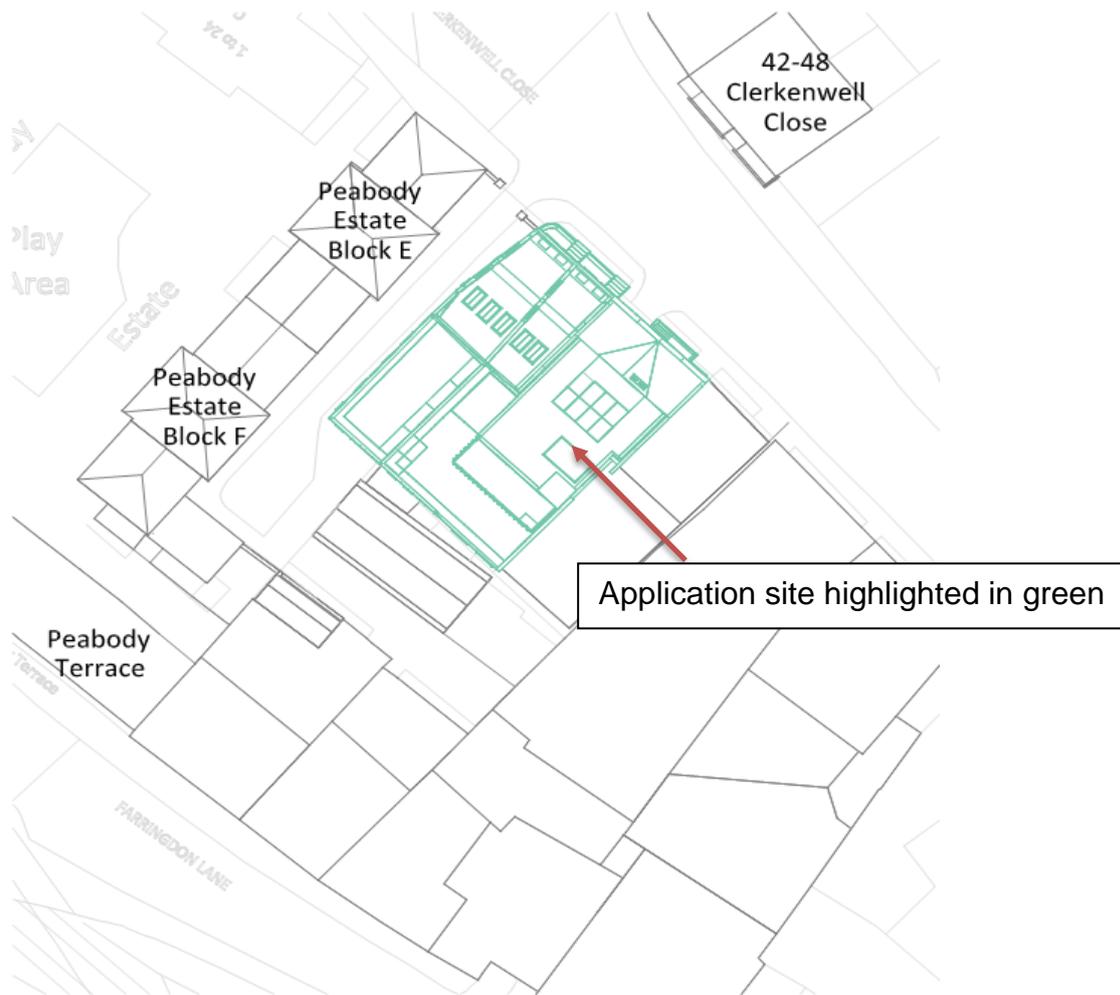
Daylight and Sunlight Assumptions for neighbouring residential properties

10.59 The surrounding uses are a mix of offices or other commercial uses, and residential blocks at the Peabody Estate. The nearest residential properties are Block E of the Peabody Estate adjacent to the north west, and 47-48 Clerkenwell Close on the opposite side of the road (see image 10.2 below).

10.60 The exact plans for the Peabody Estate blocks are not available, and the agent had to make reasonable assumptions as to the internal configurations behind the tested windows by considering layouts obtained for similar Peabody Estate buildings in London. The modelling of the rooms within the Peabody Estate Blocks E and F are based on the assumed layouts, and this has been included in the Daylight Distribution analysis.

Assessment: Daylight to existing buildings

10.61 The daylight tests were applied to the above mentioned residential properties near to the site.



Surrounding Windows Assessed

Image 10.3: The application site and the surrounding buildings that are included in the daylight/sunlight assessment.

Peabody Estate Block E

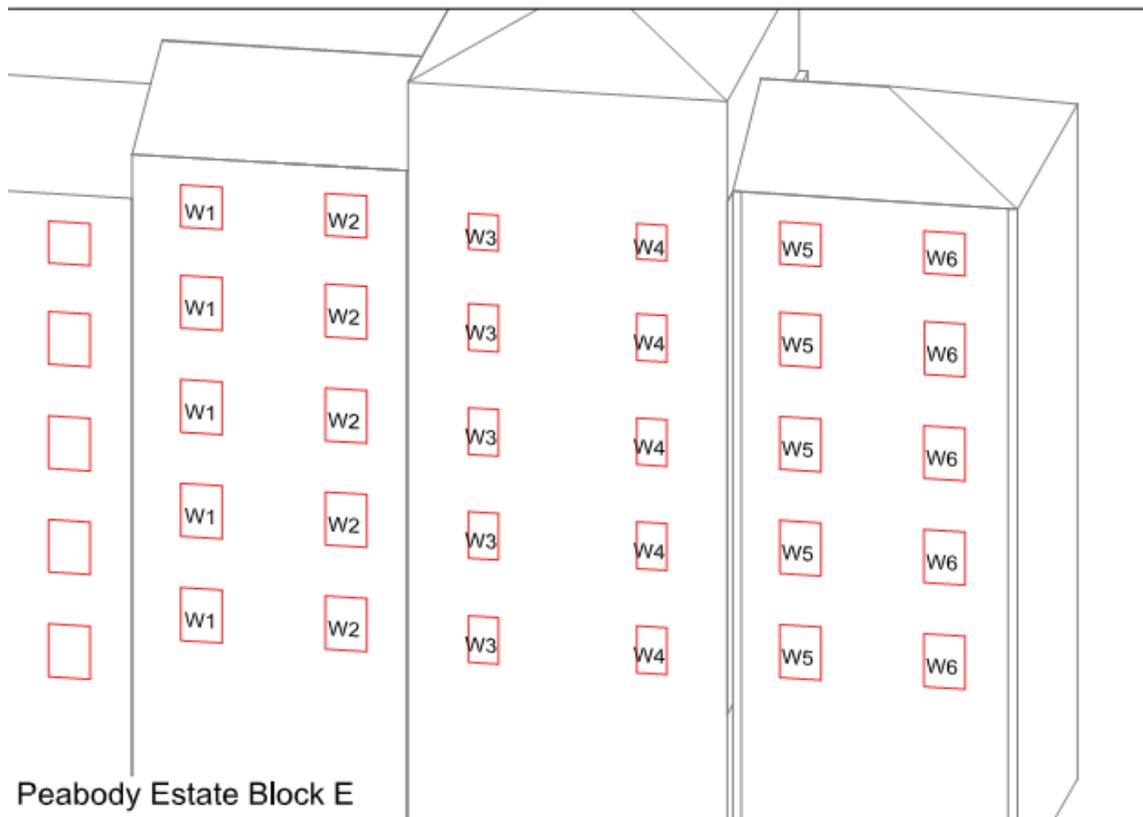
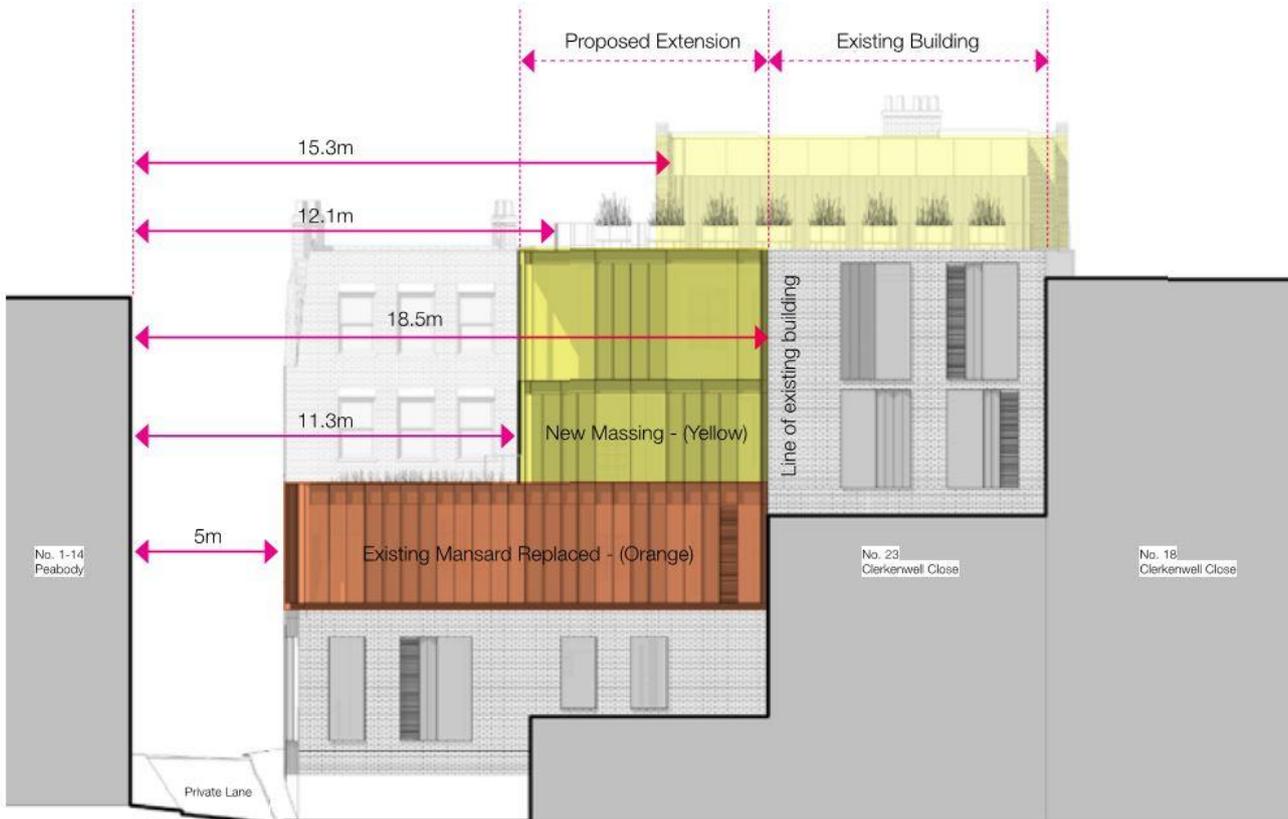


Image 10.4: The rear elevation of Peabody Estate Block E (left), there are in total 30 windows that front the site building (right).



Proposed - South Elevation: Distances to Peabody Estate Block E

Image 10.5: Illustration showing the relationship and separation distance between the site building and the adjoining Peabody Estate Block E.

10.62 At Block E there are 30 site facing windows, which were all assessed. Of those, 11 would experience a loss in VSC of over 20% of their former value, which, according to the BRE guidelines, means that they would experience a noticeable impact. The windows impacted are highlighted in bold on table 10.1 below. 1 of those windows would pass the Daylight Distribution test, so there would be only 10 windows to rooms which fail both daylight tests.

Floor	Room/Window	(Window)			Distribution (Room)			
		Existing (%)	Proposed (target: ≤27%)	Reduction (target: ≤20%)	Whole room m ²	Existing Lit area m ²	Proposed Lit area m ²	Reduction (target: ≤20%)
Ground	R1/W1	15.84	11.09	30	12.88	5.65	3.49	39
	R2/W2	13.41	8.91	34	12.78	4.86	2.73	44
	R3/W3	11.65	7.67	35	11.84	2.18	1.17	47
	R4/W4	9.15	7.08	23	11.78	1.89	1.23	35
	R5/W5	11.18	9.75	13	12.83	4.86	4.63	5
	R6/W6	17.87	16.82	6	12.90	9.14	9.03	2
First	R1/W1	22.36	16.96	25	12.88	9.86	5.97	40
	R2/W2	19.09	14.01	27	12.78	7.74	4.54	42
	R3/W3	17.03	12.25	29	11.84	3.47	2.04	42
	R4/W4	12.61	9.85	22	11.78	2.34	1.83	22
	R5/W5	14.54	12.37	15	12.83	5.23	4.89	7
	R6/W6	21.71	20.25	7	12.90	9.50	9.26	3
Second	R1/W1	27.44	23.24	16	12.88	12.49	8.74	30
	R2/W2	24.03	19.56	19	12.78	11.02	7.03	37
	R3/W3	21.83	17.11	22	11.84	5.20	3.15	40
	R4/W4	17.42	13.72	22	11.78	3.01	2.48	18
	R5/W5	19.37	16.11	17	12.83	6.58	5.68	14
	R6/W6	25.85	23.67	9	12.90	10.45	9.93	6
Third	R1/W1	32.49	29.18	11	12.88	12.50	12.22	3
	R2/W2	29.64	25.83	13	12.78	12.22	11.73	5
	R3/W3	28.67	23.97	17	11.84	8.30	5.50	34
	R4/W4	25.91	20.75	20	11.78	5.68	4.22	26
	R5/W5	27.05	22.49	17	12.83	11.44	8.89	23
	R6/W6	31.77	29.03	9	12.90	12.38	11.80	5
Fourth	R1/W1	36.73	34.42	7	12.88	12.49	12.49	1
	R2/W2	34.78	32.01	8	12.78	12.28	12.28	1
	R3/W3	36.19	32.72	10	11.84	11.46	8.76	24
	R4/W4	35.86	31.26	13	11.78	11.43	8.61	25
	R5/W5	34.82	30.84	12	12.83	12.34	12.34	0
	R6/W6	37.08	34.68	7	12.90	12.51	12.51	0

Table 10.1: VSC and DD test results for Peabody Estate Block E. Individual fails in BOLD, and windows which fail both tests in GREY.

10.63 Although noticeable, the resultant figures for VSC would represent a relatively minor reduction from the former value, with the largest reduction being 35% for ground floor window R3/W3 (against a 20% target), which is a window located at ground floor level that has a relatively low existing VSC percentage. Two other ground floor windows (R1/W1 and R2/W2) would have a reduction of 30% and 34% respectively. Of the remaining 11 that fail, 6 of those would have a reduction between 20%-25%, with the remaining 2 windows having 25-30% reduction. Taken into account the existing daylight figures, the location and the context of the site, it is considered that the perceived daylight impact would be within an acceptable range, and it is judged that the resultant loss of daylight to the units at Block E would not be unacceptable.



Image 10.6. The rear elevation of Peabody Estate Block F, there are in total 30 windows that front the site building.

**Vertical Sky Component
(Window)**

**No Sky Line / Daylight
Distribution (Room)**

Floor	Room/Window	Existing (%)	Proposed (target ≤ 27%)	Reduction (target: ≤20%)	Whole room m ²	Existing Lit area m ²	Proposed Lit area m ²	Reduction (target: ≤20%)
Ground	R1/W1	20.61	20.15	3	12.77	9.58	9.58	1
	R2/W2	20.18	19.42	4	12.78	9.97	9.80	2
	R3/W3	20.17	18.83	7	11.14	6.55	6.02	9
	R4/W4	17.71	15.48	13	11.30	5.30	5.07	5
	R5/W5	15.85	13.28	17	12.91	7.83	7.06	10
	R6/W6	14.49	10.93	25	12.95	4.77	3.37	30
First	R1/W1	25.79	25.35	2	12.77	10.94	10.94	1
	R2/W2	24.76	24.05	3	12.78	11.84	11.84	1
	R3/W3	24.52	23.31	5	11.14	7.70	7.39	5
	R4/W4	22.52	20.45	10	11.30	6.42	6.34	2
	R5/W5	21.22	18.53	13	12.91	9.84	8.80	11
	R6/W6	21.38	16.56	23	12.95	9.34	5.67	40
Second	R1/W1	29.36	29.02	2	12.77	12.00	12.00	1
	R2/W2	28.71	28.15	2	12.78	12.30	12.30	0
	R3/W3	29.06	28.10	4	11.14	9.92	9.94	0
	R4/W4	27.83	26.11	7	11.30	9.70	9.75	0
	R5/W5	26.37	23.96	10	12.91	11.86	10.50	12
	R6/W6	26.71	22.73	15	12.95	11.63	8.96	23
Third	R1/W1	32.78	32.48	1	12.77	12.41	12.41	1
	R2/W2	32.08	31.66	2	12.78	12.30	12.30	0
	R3/W3	33.37	32.66	3	11.14	10.75	10.75	1
	R4/W4	33.06	31.74	4	11.30	10.95	10.95	1
	R5/W5	31.30	29.31	7	12.91	12.43	11.95	4
	R6/W6	31.53	28.58	10	12.95	12.55	11.18	11
Fourth	R1/W1	35.92	35.58	1	12.77	12.39	12.39	1
	R2/W2	34.97	34.54	2	12.78	12.29	12.29	1
	R3/W3	36.41	35.78	2	11.14	10.74	10.74	1
	R4/W4	36.35	35.34	3	11.30	10.94	10.94	1
	R5/W5	34.86	33.34	5	12.91	12.42	12.42	1
	R6/W6	35.52	33.28	7	12.95	12.54	12.33	2

Table 10.2: VSC and DD test results for Peabody Block F. Individual fails in BOLD, and windows which fail both tests in GREY.

10.64 At Block F, there are also 30 site facing windows that were assessed. Of those, only 2 would experience a loss in VSC of over 20% of their former value and would fail both daylight tests. The resultant figures for VSC would represent a relatively minor reduction from the former value, with the largest reduction being 25% (against a 20% target). Expectedly, the two windows that fall below the target VSC and DD percentage are closest to Block E (W6) at ground and first floor level. It is considered that the proposal would have an acceptable daylight impact towards the occupiers at Block F.

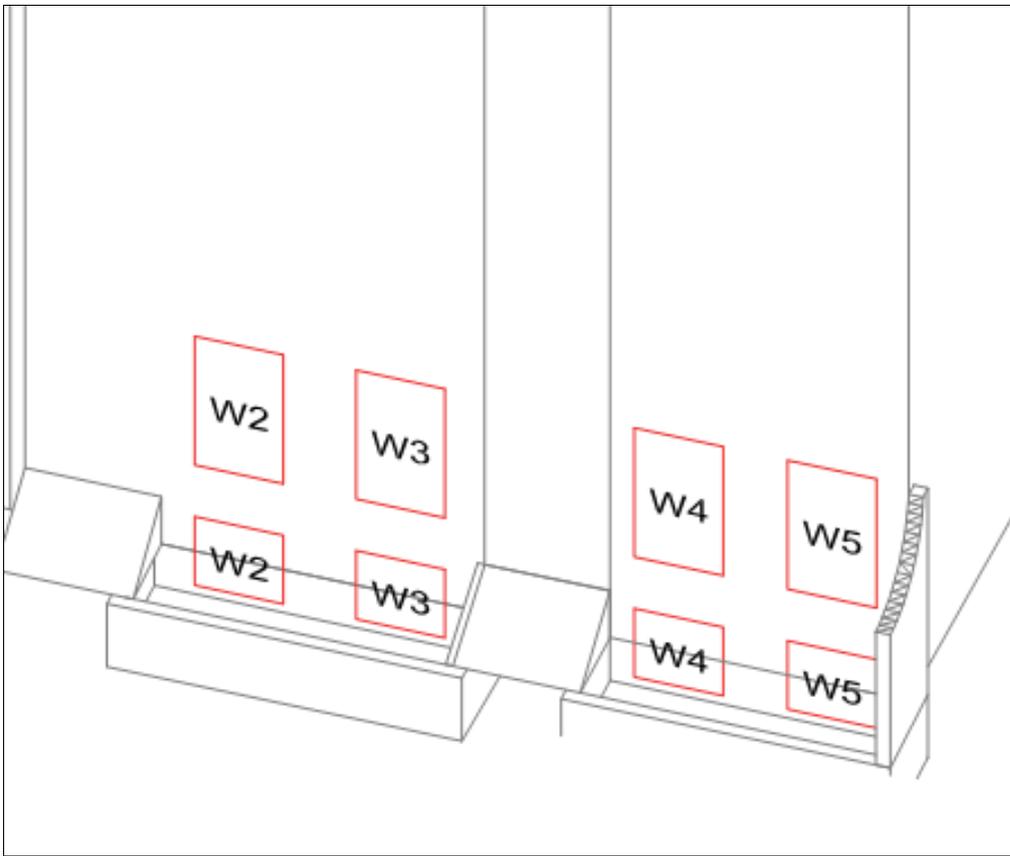


Image 10.7. Front elevation of 47-48 Clerkenwell Close, which is located on the opposite side of the road.

**Vertical Sky
Component (Window)**

**No Sky Line / Daylight
Distribution (Room)**

Floor	Window	Existing (%)	Proposed (target ≤ 27%)	Reduction (target: ≤20%)	Whole room m ²	Existing Lit area m ²	Proposed Lit area m ²	Reduction (target: ≤20%)
Basement	W2	22.92	22.67	2	24.62	16.80	16.66	1
	W3	23.09	22.83	2				
	W4	19.66	19.36	2	24.62	11.88	11.79	
	W5	17.69	17.35	2				
Ground	W2	27.22	26.91	2	23.10	19.65	19.58	1
	W3	26.42	26.09	2				
	W4	25.18	24.80	2	23.10	13.79	13.76	
	W5	24.41	23.99	2				

Table 10.3: VSC and DD test results for 47-48 Clerkenwell Close.

10.65 47-48 Clerkenwell Close is sited opposite of the site building, separated by the main road. The daylight test focuses only on the ground and basement level, and it shows that there would be negligible change on daylight of the basement and ground floor area from the proposal. It is satisfied that the proposal would not have a negative impact towards the occupiers at 47-48 Clerkenwell Close.

Peabody Terrace

10.66 For the Peabody Terrace properties, the windows that are fronting the site are north facing (40° – 43°N) and therefore, in accordance with the BRE guidance testing is not required and to the residents of Peabody Terrace. The VSC test also indicates that there would be minimal loss as a result of the development (approx. 2% reduction).

Sunlight to existing buildings

10.67 Similar to daylight, the south-east site facing windows at Peabody Estate Block E would also be affected by the proposal in terms of sunlight, which has been analysed within the submitted assessment.

10.68 It is noted that losses of sunlight would occur in the winter months to south-facing windows of the adjoining buildings. According to the applicant's testing, the majority of infringements against BRE sunlight guidance would be minor.

10.69 On Block E, there will be 5 windows (16.7%) out of a total of 30 which would receive a noticeable reduction of annual sunlight, and 4 of the windows (13.3%) on the same block which also fall short of the winter sunlight target. All windows on the Peabody Estate Block F, Peabody Terrace and 47-48 Clerkenwell Close would meet the BRE target for the Sunlight test and would not experience a noticeable impact.

Daylight and Sunlight summary

10.70 It is noted that some of the adjoining neighbours will be affected by the reductions in daylight and sunlight experienced, particularly for the occupiers at the ground floor units in Peabody Estate Block E. However, it is considered that the reduction of the daylight/sunlight figures from the former value is relatively minor, and overall, officers consider the proposal would not lead to unacceptable losses of daylight and sunlight to residential neighbours to warrant refusing the application on this ground.

10.71 To complement the assessment in line with the updated daylight and sunlight assessment, the agent has also carried out supplementary analysis by looking at the Daylight

Distribution of other ground floor rooms located within the same Peabody Estate and tested two flats located within Blocks C and D. The tested flats demonstrate that they currently enjoy the levels of daylight which are similar to what the daylight levels within the ground floor flats on Block E (Table 10.1) will be once the development is implemented.

No Sky Line / Daylight Distribution – Peabody Estate Block C				
Floor	Room	Whole room m²	Existing Lit area (m²)	Existing Lit Area (%)
Ground	R1	11.78	1.03	9%
	R2	12.83	2.00	16%
	R3	12.90	2.42	19%
First	R1	11.78	1.66	14%
	R2	12.83	3.01	23%
	R3	12.90	3.34	26%
Second	R1	11.78	3.08	26%
	R2	12.83	4.76	37%
	R3	12.90	4.87	38%
Third	R1	11.78	5.81	49%
	R2	12.83	8.24	64%
	R3	12.90	8.27	64%

No Sky Line / Daylight Distribution - Peabody Estate Block D				
Floor	Room/Window	Whole room m²	Existing Lit area (m²)	Existing Lit Area (%)
Ground	R1	11.78	4.00	34%
	R2	12.83	4.87	38%
	R3	12.90	4.33	34%
First	R1	11.78	4.73	40%
	R2	12.83	5.89	46%
	R3	12.90	5.75	45%
Second	R1	11.78	5.61	48%
	R2	12.83	7.61	59%
	R3	12.90	7.89	61%
Third	R1	11.78	7.15	61%
	R2	12.83	10.82	84%
	R3	12.90	11.28	87%

Table 10.4 and 10.5: Existing DD test results for Peabody Estate Block C and D, to demonstrate the level of daylight similar to the flats at Block E under the proposal.

10.72 As per the BRE Guidance, regard must also be had to the application site's central, dense location, where it is reasonable to assume expectations of unusually high levels of amenity

would be lower than in less dense, suburban areas. In this context, and given the need to ensure efficient and optimised use of accessible sites, it is considered that some infringements of standards and requirements set out in relevant guidance could be accepted.

- 10.73 The adverse daylight/sunlight impact, particularly towards the ground floor residents at Peabody Block E would be weighed against the characteristic of daylight received nearby and the public benefit of the proposed development, however, it is considered that a balance has to be struck between making more efficient use of this central and highly accessible site, securing design and heritage improvements through high quality design and the provision of new office floorspace and it is considered that these wider benefits outweigh the degree of daylight and sunlight loss and resulting harm to the amenity of these properties.

Privacy

- 10.74 Paragraph 2.14 of Islington's Development Management Policies states that "To protect privacy for residential development and existing residential properties, there should be a minimum distance of 18m between windows of habitable rooms. This does not apply across the public highway – overlooking across a public highway does not constitute an unacceptable loss of privacy". In the application of this policy, consideration must be given to the nature of views between habitable rooms – for instance, where views between habitable rooms would be oblique as a result of angles or height differences between windows, there may be no harm.
- 10.75 Paragraph 2.3.36 of the Mayor of London's Housing SPG states that such minimum distances "can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density". This is noted, and there have indeed been instances where window-to-window distances of less than 18m have been accepted where exceptional circumstances apply, however the Mayor's guidance does not override Islington's Development Management Policies, and there remains a need to ensure that proposed developments maintain adequate levels of privacy for neighbouring residents.
- 10.76 The proposed development includes no residential accommodation or habitable rooms, therefore the 18m requirement does not necessarily apply. Nevertheless, there is potential for office windows to adversely affect the privacy of neighbouring residential properties.
- 10.77 For neighbouring residents at Peabody Estate Blocks E and F, the proposed rear extension comprises a mixture of full height glazing (clear and obscure) with steel panels, the side elevation of the extension would be sited closer to the neighbours on Peabody Estate, and the façade-to-façade distance of approx. 11.3m would be maintained. Taken into account the existing rear and side windows, and the fact that the neighbours are already overlooked by the existing office building from the side and rear, it is considered that the privacy of Peabody properties would not be significantly reduced by the proposed rear extension. To mitigate against direct overlooking to the Peabody residents, it is considered appropriate to secure details of the obscure glazing on the side elevation to be agreed by the Council prior to the occupation of the site. This would ensure that the proposed extension would not pose an adverse impact towards the adjoining neighbours. A condition is recommended (condition 7).



Images 10.8 and 10.9: Existing (above) and proposed (below) view from Peabody Estate Block F. (The proposed view is for illustrative purpose only)

- 10.78 A roof terrace is proposed at the new fourth floor level to the side of the roof extension, it is at a modest size of 12sqm and is set back from the edge of the extension by 2m and away from the Peabody blocks at a separation distance of 13.7m. Given the siting and design of this top level terrace, it is considered that the proposed roof terrace would have a restricted viewing angle towards the neighbouring properties on Block E and F of the Peabody Estate. It is anticipated that the use of the terrace would be generally during the normal office hours (9am-6pm, Monday to Friday), where during out of office hours, residents would be more likely to be present when the relationship between the site

building and the adjoining neighbours, in order to address the issue, it is considered reasonable to restrict the hours of use of the fourth floor terrace in order to minimise the overlooking impact especially during evenings and weekends. This is controlled via condition 10.

- 10.79 An occupier of No.47 Clerkenwell Close has raised concern towards the impact of the proposal, specifically in terms of privacy. Given that the site is on the opposite side of the Road and that there is a public highway between the application site and no.47 Clerkenwell Close, officers are satisfied that the proposal would not have any detrimental impact towards the privacy of the occupiers at no.47 Clerkenwell Close, especially the existing building already comprises front windows which is judged to have a same effect as proposed.

Light Pollution

- 10.80 Given the proposed number and proximity of new full height glazing panels facing the adjoining buildings at Peabody Estate, it is concerned that the amount of light emanating from the proposed development would have the potential to harm neighbour amenity. There is a possibility of late night light pollution should office staff need to work outside normal office hours. Despite this, it is not recommended that the hours of use of the office to be restricted, in order to allow the flexible use of the proposed office floorspace. To address the light pollution issue, it is considered that measures such as the use of daylight and occupancy sensors can be adopted for the development's internal lighting, and roller blinds can also be used to reduce the extent of light pollution during evening and night time. Condition 11 is recommended to address light pollution concerns.

Construction related activity

- 10.81 It is expected that the proposed development would cause some degree of disruption and nuisance towards the neighbours during the construction phase, the neighbours concern is acknowledged and it is agreed that the environmental impact during the construction period would need to be minimised to ensure that the neighbours' quality of life would not be adversely affected by the construction work. The applicant has submitted a draft Construction Traffic Management Plan. A full Construction Method Statement would be required to be submitted and agreed by the Council prior to the commencement of work. This is recommended in condition 4.

Sustainability, Energy Efficiency and Renewable Energy

- 10.82 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF. Further planning policies relevant to sustainability are set out in chapter 5 of the London Plan, Core Strategy policy CS10 and chapter 7 of the Development Management Policies. Islington's Environmental Design SPD is also relevant.
- 10.83 The submitted Energy Statement confirmed that the proposed development would achieve a reduction in regulated CO₂ emissions of 19% against the 2013 Building Regulations, and is therefore compliant with the relevant London Plan policy. This saving would be achieved through energy efficiency measures such as cross ventilation utilising windows to reduce the need for cooling and mechanical air supply, improvement on u-values, efficient light control and fittings, and renewable measures such the installation of PV at roof level to generate "clean" electricity for the building.
- 10.84 A new 32m² of biodiversity green roof is proposed at the second floor level with a hidden irrigation system, with new planting on the fourth floor extension level. Both measures

would enhance the biodiversity and ecological value of the site, which it currently offers very little. The new PV panels at the roof level would also enhance the renewable energy measures of the site, to mitigate the uplift of the B1 floorspace and the intensity of the use of the site.

- 10.85 In accordance with the Council's Zero Carbon Policy, the council's Environmental Design SPD states "after minimising CO₂ emissions onsite, developments are required to offset all remaining CO₂ emissions (Policy CS10) through a financial contribution". "All" in this regards means both regulated and unregulated emissions. The Environmental Design SPD states "The calculation of the amount of CO₂ to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement."
- 10.86 In this instance, a contribution of £1,617 would be secured via legal agreement towards offsetting any projected residual CO₂ emissions (estimated at 1.76 tonnes) of the development, to be charged at the established price per tonne of CO₂ for Islington (currently at £920). Given the scheme is not a major development and that it is relatively modest in scale, it is considered that there is no requirement of the development to establish connection to the decentralised energy network (DEN) as per Policy DM7.3.

Highways, Transportation and Servicing

- 10.87 According to the submitted Transport Statement, the proposal would alter the highways arrangement immediately outside the site, to improve the street parking and servicing of the site building and to accommodate the proposed additional office floorspace and employment. The main pedestrian entrance to the building would be relocated to the centre of building with a secondary entrance along the private road on the side of the building.
- 10.88 The site is located on the south side of Clerkenwell Close it is subject to a 20mph speed limit. The site has a high PTAL rating of 6b with a number of bus stops located within walking distance. The building footprint is almost at maximum to the plot and therefore, the site has no on-site parking or servicing provision. There are pavements on both sides of the street.
- 10.89 The site is within a Controlled Parking Zone. A short section of Double yellow lines exist directly outside the application site with a dropped kerb, with residents' parking / pay-at-machine and solo motorcycle parking spaces along this section of Clerkenwell Close kerb.
- 10.90 There are bus stops nearby on Clerkenwell Road and Farringdon Road. The nearest tube/railway station is Farringdon. The overall accessibility of the site to further workers provides a broad range of transport modes.

Proposed arrangement

- 10.91 In terms of person trip generation, the applicant's consultant expects there to be no material change in numbers associated with the proposed B1 use, given what the consultant considers to be a minimal increase in floor area.
- 10.92 Given the site's PTAL rating, it is expected that there is no additional vehicular trip generation for the proposed development and that the majority of trips to site would remain as non-car modes. Officers agree with this conclusion.
- 10.93 Wheelchair accessible parking should be provided in line with Development Management Policy DM8.5 (Vehicle parking), Part C (Wheelchair accessible parking). Given the site's constraints to provide for on-site wheelchair parking, it is proposed to

extend the existing length of bays by 0.4m to the east and subsequent removal of permit parking to provide a single wheel chair accessible parking space adjacent to the site. This is considered acceptable and complies with the relevant policy requirement.

- 10.94 In terms of street parking, it is proposed to remove one permit bay to provide an extended double yellow line in front of the site, in order to provide a sufficient loading area for the servicing requirement as per policy DM8.6. Along this section of double yellow line, a new dropped kerb is proposed outside the refuse storage, to assist collection of goods/refuse from the site. Such highways arrangement is considered to be appropriate to the development and would improve the current situation, which sees the existing double yellow line insufficient for HGV type vehicles. The works to the highways would be secured via section 106 agreement.
- 10.95 The proposed arrangement would mean that there would be a direct loss of two permit bays with a total net loss of one bay (one additional accessible bay proposed). The submitted Transport Statement has included a parking beat survey to determine the existing level of on-street parking, it is found that the parking space utilisation ranges from 44% (18:30 Thursday) to 78% (11:30-12:30 Wednesday), and during the survey, there is no result that indicates the area experienced parking stress (over 90% of utilisation) during the two days.
- 10.96 The proposed removal of two permit bays would reduce the overall available bays (within 200m radius of the site) from 115 to 113 spaces. Footway and highway reinstatement works would be necessary following completion of the proposed development. This matter is referred to in the recommended Section 106 Heads of Terms.

Refuse

- 10.97 The proposed refuse and recycling stores are considered adequate, and are compliant with the council's current Recycling and Refuse Storage Requirements (June 2013). The stores are adequately sized to ensure that waste need not be stored outside the building. It is estimated that the proposed building (2,284sqm) would lead to a requirement of approx. 6000L of storage which can be accommodated by 4 x 1280L and 2 x 660 Euro Bins. The proposed ground floor plan only shows 4 Euro Bins, however, it is considered that the proposed new refuse storage area would provide adequate refuse arrangement for the development.

Cycle parking

- 10.98 Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for cycling. The levels of cycle parking required for this development would need to be in line with the Council's Development Management policy. A total of additional 7 cycle spaces would be required (1 per 80 square metres) for the proposed office extension.
- 10.99 The proposed new bike storage comprises 22 parking spaces and 2 dedicated accessible bicycle/tricycle bays, the bike storage would be located at basement level with an improved access via the main entrance and lift core; the provision of shower facilities is also considered to be an improvement to the existing building. The proposed cycle storage is considered acceptable in both quality and quantity terms and would be secured via condition.
- 10.100 The development does not propose any car parking in accordance with Core Strategy Policy CS10 (Sustainable development), Part H, which requires car free development.

Fire Safety

- 10.101 Part B of the London Plan policy 7.13 states that development proposals should contribute to the minimisation of potential physical risks, including those arising as a result of fire.
- 10.102 The London Fire and Emergency Planning Authority (LFEPA) has commented on the proposed development. It was confirmed that the LFEPA will be satisfied subject to the proposal meeting the requirements of Approved Document B5 of the Building Regulations. It is advised the applicant should contact the council's Building Control team in relation to fire safety, an informative is recommended.

Noise and Air Quality

- 10.103 The application site is located in an area subject to traffic noise. The area has a mix of commercial and residential uses located in close proximity to one another. Another source of noise would be from the proposed plants, which would be located behind the fourth floor extension, and would be screened with an acoustic enclosure.
- 10.104 The existing building comprises a number of AC units on the flat roof area at rear of Nos.20-21 Clerkenwell Close. The removal of the existing AC units and the proposed new plant enclosure at roof level is generally welcomed as it is sited at further from the residents of Peabody Estate. The applicant has submitted a noise impact assessment (Clement Acoustics, May 2017) to demonstrate the potential impact of the development. It was concluded that the proposal would be expected to meet the requirements of the relevant British Standard.
- 10.105 The Council's Acoustic Officer has reviewed the submission, and concluded that the proposed development would be acceptable subject to the provision of appropriate noise control measures (condition 5), to ensure that plant would not lead to unacceptable disturbance to neighbouring occupiers.
- 10.106 The whole of the borough has been designated by the council as an Air Quality Management Area. It is recommended that, for the proposed development's construction phase, the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including in relation to air quality, dust, smoke and odour) be secured by condition (condition 6). This would help ensure that the proposal would not detrimentally impact upon the amenity of the neighbouring occupiers with regard to air quality. Emissions from non-road mobile machinery would also need to be addressed in submissions made pursuant to condition 6.

Planning Obligations

Community Infrastructure Levy

- 10.107 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) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.
- 10.108 Both Islington CIL and Mayoral CIL would be payable in relation to the proposed development.

Crossrail CIL

- 10.109 The Crossrail Funding SPG (March 2016) sets out that planning obligations/S.106 contributions should be sought in respect of retail and hotel and office development in central London and the northern part of the Isle of Dogs, which involves a net increase in office floorspace of more than 500 square metres with contributions proportionate to the calculated impact.
- 10.110 The application results in an uplift of 498 square metres of B1 Office floorspace, which is just lower than the 500sqm threshold set out within the Crossrail Funding SPG. Therefore, the proposed development does not require financial contribution for Crossrail funding.

Section 106 agreement

- 10.111 Prior to and following the amendment of the proposals, officers advised the applicant that a Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The necessary Heads of Terms are set out at Appendix 1 Recommendation A:
- Highways reinstatement (general) - The provision of highways work, including reinstatement of kerbs at the front of the site, and one additional accessible parking bay of £7,500.
 - Carbon offset of £1,617 towards the remaining CO₂ emission in relation to the development.
 - Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.
- 10.112 All payments to the council would be index-linked from the date of Committee and would be due upon implementation of the planning permission.

11 SUMMARY AND CONCLUSION

Summary

- 11.1 The benefits of the proposed development must be noted. These include the uplift of the office floorspace and employment, the improvement to the appearance of the front elevation of the locally listed building, as well as improved accessibility within the building, with new cycle and refuse facilities of a higher quality.
- 11.2 These benefits must, however, be weighed against the shortcomings of the proposed development, the material harm that the proposed development would cause, and the development's non-compliance with development plan policies. Officers' primary concerns relate to the visual impact of the roof extension from the rear, and the impacts of the proposed development upon the amenities of some neighbouring properties.
- 11.3 The comments made by residents and neighbouring businesses have been considered, as have responses from consultee bodies.
- 11.4 The council's assessment is against all relevant Development Plan policies and other material considerations, and determine the proposal in accordance with the plan as a whole unless material considerations indicate otherwise.
- 11.5 In this case, the benefits of the proposed development (as amended) have been given due consideration, and are considered to outweigh those shortcomings of the development (daylight impacts and obstruction of view of the St. James Clerkenwell

Church spire from Farringdon Road) which cannot be adequately mitigated through the use of conditions and the provisions of a Section 106 agreement.

Conclusion

- 11.7 It is recommended that planning permission be granted subject to conditions and Section 106 agreement Heads of Terms as set out in Appendix 1 – RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

1. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
2. The alteration of any existing on-street parking bays to accommodate the proposed servicing/loading bay. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways.
3. A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount: £1,617 – based on information submitted in Sustainable Design and Construction Statement.
4. All payments to the Council are to be index-linked from the date of Committee are due upon implementation of the planning permission.

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

RECOMMENDATION B

That the Committee resolve to GRANT planning permission subject to conditions to secure the following:

List of Conditions:

1	<p>3 YEAR CONSENT PERIOD</p> <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	<p>DRAWING AND DOCUMENT NUMBERS</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>E001, E002 rev.B, E009 rev.B, E010 rev.B, E011 rev.B, E012 rev.B, E013 rev.A, E014 rev.B, E030 rev.A, E031 rev.B, E032 rev.A, E040 rev.A, E041 rev.B, 003, 009 rev.Q, 010 rev.S, 011 rev.P, 012 rev.Q, 013 rev.R, 014 rev.T, 015 rev.M, 030 rev.P, 031 rev.P, 032 rev.P, 033 rev.D, 040 rev.Q, 041 rev.Q, 043 rev.S, 050 rev.Q, 061 rev.A, 063 rev.A, 064 rev.A, 065 rev.A, 066 rev.A, 067 rev.A, 068 rev.A, 069 rev.A, 070, 071, 072, 073, 074, 075, 080 rev.A, Design and Access Statement rev.A part 1 and 2 dated May 2017, Daylight and sunlight assessment May 2017 including updated assessment dated 04 Jan 2018 and 19 Jan 2018, Area schedule 25/05/2017, Sustainable Design and Construction Statement rev.2 May 2017, Noise Impact Assessment 11519-NIA-01-Rev.C 25 May 2017, Statement of Community Involvement- Quatro May 2017, Written Scheme of Investigation for Archaeological Test Pit Evaluation Nov 2017, Archaeological Desk Based Assessment Nov 2017, Draft Construction Traffic Management Plan Caneparo Associates May 2017, Transport Statement Caneparo Associates May 2017, Delivery and Servicing Management Plan Caneparo Associates May 2017, Structural Method Statement Morph Structures dated July 2017</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>MATERIALS</p> <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> <p>a) - A sample panel of facing brickwork to be constructed in situ.</p> <p>All new facing brickwork shall match the original brickwork in respect of colour, texture, face bond and pointing. The bricks shall be second-hand Imperial yellow stock bricks. No permission is granted for the use of brick slips. The pointing shall be carried out using a lime mortar with a ratio of 1:3 (lime:sand) and shall be flush/slightly recessed and not weatherstruck. The brickwork shall be soot washed to match the colour and appearance of the original brickwork.</p>

	<p>b) Details of the windows</p> <p>All new sash windows shall accurately replicate, in terms of material, profile and detailing, the Georgian windows. They shall be painted timber, double-hung 6/6 sash windows with a slim profile and narrow integral (not applied) glazing bars with a putty finish (not timber bead). The glazing shall be no greater than 12mm (4mm glass: 4mm gas : 4mm glass) in total thickness. No horns, trickle vents or metallic/perforated spacer bars are permitted.</p> <p>c) - Details of the railings.</p> <p>The new railings shall accurately replicate original late-Georgian railings, in terms of material, profile and detailing, surviving to the adjacent property. Each bar shall be individually inserted in to a drilled hole in a stone or reconstituted stone plinth and sealed with lead.</p> <p>d) - Roofing materials; e) - balustrading treatment (including sections); f) - Any other materials to be used, including the steel mullion and frameless glass panels at rear extension</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>CONSTRUCTION METHOD STATEMENT</p>
	<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>
5	<p>PLANT EQUIPMENT NOISE LEVELS</p>
	<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 façade of the nearest noise sensitive premises, shall be a rating level of 140 5dB(A) below the background noise</p>

	<p>level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS4142:2014.”</p> <p>REASON: For the protection of neighbouring amenity.</p>
6	<p>CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN</p> <p>CONDITION: A Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, emissions from non-road mobile machinery, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts.</p> <p>The CEMP shall refer to Islington’s Code of Practice for Construction Sites, BS5228:2009 and 2014, the GLA’s Control of Dust and Emissions During Construction and Demolition SPG and shall commit the developer to sign up to the Non-Road Mobile Machinery Register.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of residential and local amenity, and air quality</p>
7	<p>OBSCURE GLAZING</p> <p>CONDITION: Notwithstanding the plans hereby approved the details of the proposed obscure glazing panels on the side (north west) and rear (south west) elevation shall be submitted and agreed prior to the first occupation of the development.</p> <p>The details of how the windows shall be altered/treated to prevent overlooking shall be submitted to and approved in writing by the Local Planning Authority prior to the windows being installed.</p> <p>The agreed alteration/treatment shall be provided/installed prior first occupation of the development hereby approved and the development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows</p>
8	<p>CYCLE STORAGE</p> <p>CONDITION: The bicycle storage area(s) hereby approved, shall be provided prior to the first occupation of the development hereby approved as shown on drawing no. 009 RevQ 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>
9	<p>WRITTEN SCHEME OF INVESTIGATION – ARCHAEOLOGY</p> <p>CONDITION: No demolition or development shall take until the programme of stage 1 site evaluation specified in the ‘Written scheme of investigation for archaeological test pit evaluation. 19-21 Clerkenwell Close London EC1R. November 2017’ has been completed and a report submitted to the planning</p>

	<p>authority.</p> <p>If heritage assets of archaeological interest are identified by the stage 1 site evaluation then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing.</p> <p>For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:</p> <p>A. A statement of significance identifying remains of worthy of preservation in-situ and other remains worthy of further investigation.</p> <p>B. For remains to be preserved in-situ, a method statement for the construction of foundations and basements to secure their protection during development and where appropriate future display and management</p> <p>C. For remains worthy of further investigation, a statement of research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works</p> <p>D. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.</p> <p>REASON: For the protection of heritage assets of archaeological interest.</p>
10	<p>ROOF TERRACE (COMPLIANCE)</p>
	<p>CONDITION: The roof terrace of the development hereby approved 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> <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.</p>
11	<p>INTERNAL LIGHTING (DETAILS)</p>
	<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"> <input type="checkbox"/> - Automated roller blinds; <input type="checkbox"/> - Lighting strategies that reduce the output of luminaires closer to the façades; <input type="checkbox"/> - 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 protecting neighbouring and future residential amenity and future habitats from undue light-spill in accordance with policies 7.3, 7.5, 7.13 and 7.19 of the London Plan 2016, policies CS9, CS10 and CS15 of Islington's Core Strategy 2011, policy BC7 in the Finsbury Local Plan, and policies DM2.1 and DM6.5 of Islington's Development Management Policies 2013.</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. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
2	Building Control
	<p>The Building Acts and Building Regulations: To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works.</p> <p>T: 020 7527 5999 E: building.control@islington.gov.uk</p>
3	Hours of construction
	<p>Nuisance from Construction Work: Nuisance from demolition and construction works is subject to control under the Control of Pollution Act. The normal approved noisy working hours are:</p> <ul style="list-style-type: none"> " 08:00 to 18:00 Monday to Friday " 08:00 to 13:00 Saturday " No work on Sundays and Public Holidays <p>If you anticipate any difficulty in carrying out construction works other than within normal working hours (above) and by means that would minimise disturbance to adjoining properties then you should contact the Pollution Project Team.</p> <p>T: 020 7527 7272 E: pollution@islington.gov.uk</p>
4	Definition of "Superstructure" and "Practical Completion"
	<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>

APPENDIX 2: RELEVANT POLICIES

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

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.

Development Plan

The Development Plan comprises the London Plan 2016 (incorporating Minor Alterations), 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.

London Plan 2016

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.9 Inner London

Policy 2.10 Central Activities Zone – Strategic Priorities

Policy 2.11 Central Activities Zone – Strategic Functions

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

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

6 London's transport

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

7 London's living places and spaces

Policy 7.1 Lifetime neighbourhoods

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 7.8 Heritage assets and archaeology
Policy 7.9 Heritage-led regeneration
Policy 7.11 London View Management Framework
Policy 7.13 Safety, security and resilience to emergency
Policy 7.14 Improving air quality
Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

8 Implementation, monitoring and review

Policy 8.1 Implementation
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

Islington Core Strategy 2011

Policy CS7 (Bunhill and Clerkenwell)
Policy CS8 (Enhancing Islington's Character)
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS13 (Employment Spaces)
Policy CS18 (Delivery and Infrastructure)

Development Management Policies June 2013

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage
DM2.4 Protected Views
DM2.5 Landmarks
DM5.1 New Business Floorspace
DM8.5 Vehicle Parking
DM8.6 Delivery and servicing for new developments
DM9.2 Planning obligations

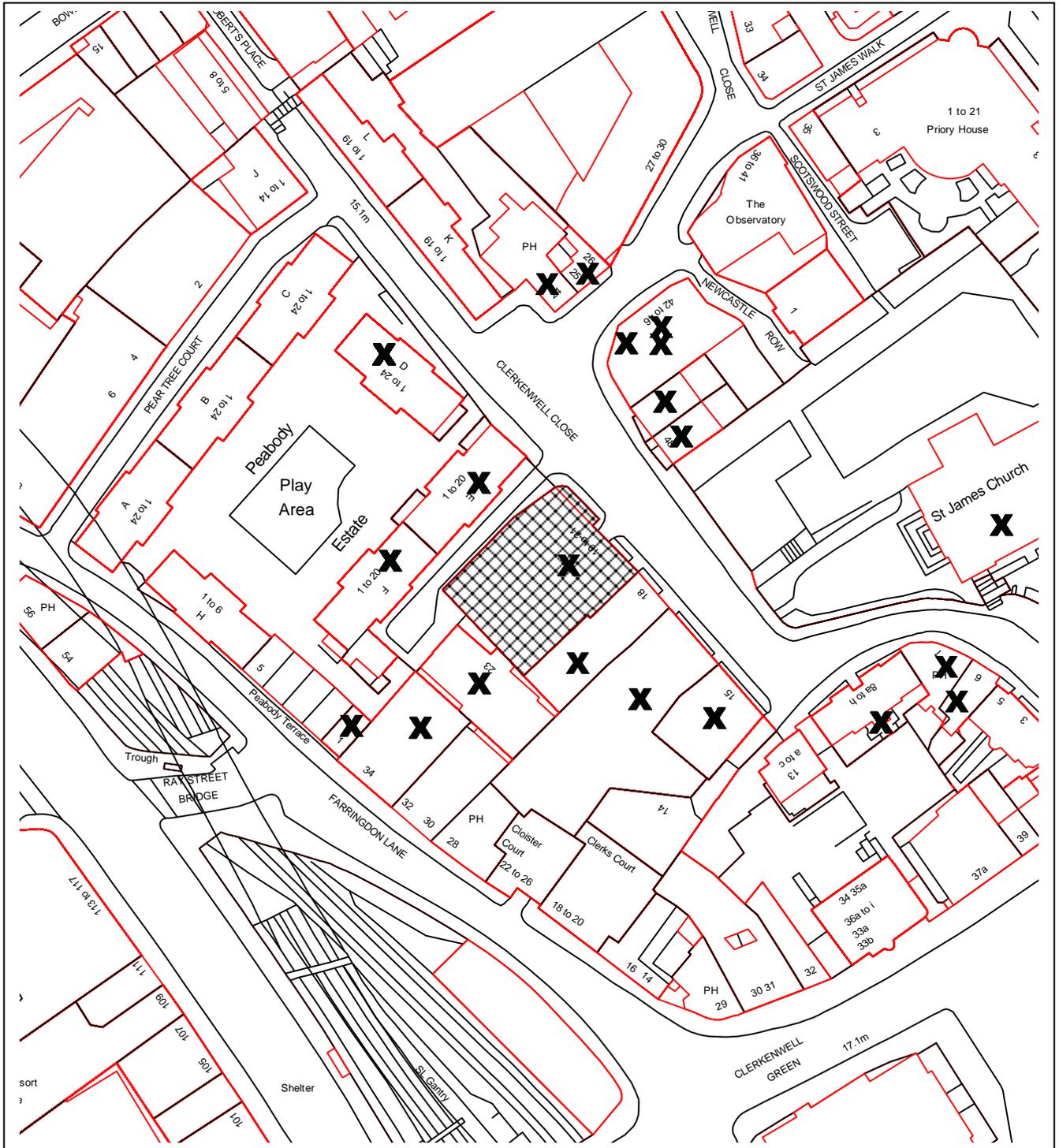
Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

- Urban Design Guide
- Conservation Area Design Guidance
- Basement Development
- Planning Obligation

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NORTHGATE SE GIS Print Template



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P2017/2089/FUL

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PLANNING COMMITTEE REPORT

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

Application number	P2015/4983/FUL
Application type	Full Planning Application
Ward	Tollington Ward
Listed building	Not listed
Conservation area	Stroud Green conservation area
Development Plan Context	Local Cycle Route
Licensing Implications	None
Site Address	Disused Single Garage, 16 Japan Crescent, London, N4 4BB
Proposal	Demolition of existing disused derelict building and construction of two storeys over basement single dwelling house (C3 use class) and associated excavation at basement level.

Case Officer	Daniel Jeffries
Applicant	Mr Mark Armstrong - d4p developments Limited
Agent	Mr J. Brown - ShrimplinBrown Ltd,

RECOMMENDATION

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

- subject to the conditions and heads of terms for a Section 106 legal agreement set out in Appendix 1 of the original report attached;

2. REASONS FOR DEFERRAL

- 2.1 This application was previously discussed at the Planning Sub-Committee B meeting on 27 February 2017 where objectors were given the opportunity to speak.
- 2.2 In the discussion the following points were made:
- Concerns raised regarding the reference to the term master bedroom in the report indicating a two bedroom dwelling. Noted the response by the applicant that this was a typing error.
 - It was noted that without the inclusion of a home office, the accommodation would fall below minimum standards required by the London Plan.
 - The concerns of objectors who had commissioned their own survey by a civil engineer which raised concerns about the inaccuracies contained in the Structural Method Statement provided by the applicant.
 - It was noted that the accessibility of the toilet at first floor level would need to comply with Building Regulations and a condition to ensure that the premises would be accessibility compliant had been recommended.
 - Concerns raised by Councillor Convery that the scheme did not comply with the minimum provision of adequate private outdoor amenity space as set out in policy DM3.5.
- 2.3 Members decided to defer the application in order for the Sub-Committee to further consider structural method statements from the applicant and from the objectors.

3. UPDATES FOLLOWING COMMITTEE 27th FEBRUARY 2017

- 3.1 Following the conclusion of the Planning Sub-Committee, additional information has been submitted, including amended floor plans and information relating to the structural impact of the development.
- 3.2 As such letters were sent to the occupiers of neighbouring properties along Mount Pleasant Crescent, Japan Crescent and Albert Road. Letters were sent on 26th April 2017, 31st May 2017, 29th September 2017, and 1st December 2017. Whilst the consultation expired on 15th December 2017, the Council will consider comments until the date of the determination of the application.
- 3.3 Apart from the comments provided from Mr. Eldred which are discussed below, the consultation period has resulted in a total of five additional responses, from neighbours who have previously commented on the application including one letter of support and four letters of objection raising the following summarised concerns. In addition, a letter has been submitted via email on behalf of 12 no. named residents (with the paragraph that provides responses to each issue indicated within brackets):
- The impact on the conservation area (**Paragraphs 4.19 below and Paragraphs 10.5 to 10.11 within attached Appendix 1**)
 - Quality of accommodation as two-bedroom unit (**Paragraphs 4.20 to 4.22**)
 - Privacy and Overlooking issues (**Paragraph 10.17 within attached Appendix 1**)

- Structural impact of the basement excavation including underpinning of adjoining properties, potential subsidence and flooding issues to neighbouring properties (**Paragraphs 4.1 to 4.19**)
- Ownership and Party Wall issues (**Paragraph 4.15**).

4. ASSESSMENT OF UPDATED INFORMATION, REASON FOR DEFERRAL: FURTHER CONSIDERATION OF STRUCTURAL METHOD STATEMENTS FROM THE APPLICANT AND FROM THE OBJECTORS

Basement Development – Structural Method Statement

- 4.1 In terms of the basement element of the proposal, paragraph, 6.11 of the Basement Development SPD states ‘the Council may choose to consult (at the expense of the applicant) an independent suitably qualified person to undertake an independent assessment for specific cases where substantive conflicting information has been presented to the Council, or where there are any particularly sensitive buildings, trees or other structures within proximity of the site’.
- 4.2 In accordance with the above guidance, and to resolve the disagreements regarding whether the structural information submitted in support of the information was adequate to accord with the Council’s requirement a structural and engineering company (Alan Baxter Ltd) was appointed to undertake an independent assessment. The assessment carried out included a review of the Structural Method Statement information submitted by the applicant and the geotechnical and structural assessment of the application documents submitted by Mr. Eldred, on behalf of the objectors to the scheme.
- 4.3 The information originally submitted in support of the application included a ‘Hurley Palmer Flatt’ produced Structural Method Statement in February 2016 (the 02 issue of the report is dated 22/02/16). This was amended and re-issued in July 2016 (the 05 issue of the report is dated 28/07/16) following ground investigations on site in May 2016 and the issue of a Desk Study and Site Investigations report by Southern Testing on 14 June 2016. The original independent review of these documents, in September 2017, considered the latter two documents submitted in support of the application. In addition, a review of the geotechnical and structural assessment information submitted and prepared by Mr Eldred on behalf of the objectors was undertaken.
- 4.4 The original independent review, received in September 2017, considered how the original SMS and associated SMS Addendum, complied with the requirements of the Basement Development SPD, together with an assessment of the geotechnical and structural information submitted by Mr. Eldred. The original independent review is within Appendix 2 of this report.
- 4.5 Following the receipt of the above mentioned independent review, on 15th September 2017, neighbour notification letters were sent on 29th September 2017.
- 4.6 Appendix B of the Islington Basement Development SPD (2016) states that for a planning application submission the engineering design should be advanced to Developed Design Stage (RIBA Stage 3). The SMS should convey a clear design process that demonstrates how the proposed design responds to findings of the site-specific survey and investigations undertaken and specifically how designers have addressed:
- ground conditions and ground water
 - existing trees and infrastructure
 - drainage

- flooding
- vertical and lateral loads
- movements
- integrity of existing structures (including adjoining buildings and wider where relevant)

4.7 Also the Appendix B states that a SMS should include an outline of the proposed structural engineering general arrangement and details such as drawings of underpinning, piled wall etc. The statement should include an assessment of both short and long term effects of movement expected to the property, the adjoining properties and adjacent properties. Damage should be limited to a maximum of Category 2 as set out in the Construction Industry Research and Information Association (CIRIA) Report 580 'Embedded Retaining Walls' (or as updated).

4.8 The main concerns raised by Mr. Eldred's (objector's SMS) geotechnical and structural review identifies six issues to be addressed which relate to the seven bullet points which the Basement Development SPD states designers should demonstrate they have addressed. On all six issues he concludes that the applicants SMS fails to adequately define and ameliorate the risks associated with these issues. It also sets out the facts as he sees them and discusses various aspects of the proposal. The six issues identified in the report are as follows:

- Ground conditions and water,
- Drainage,
- Flooding,
- Vertical and lateral loads,
- Ground and structural movements,
- Integrity of existing structures.

4.9 The report by Mr. Eldred has outlined the main concerns in relation to the above issues and how this assessment was carried out, which can be summarised below:

- Ownership issues, stating that the flank wall of no. 14 Japan Crescent is a boundary wall rather than a party wall,
- Ground and surface water with flooding to neighbouring properties, including in relation to no. 7 Mount Pleasant Crescent,
- Risk of ground movement, and the risk of building damage due to changes in moisture content in London Clay as a result of trees.
- Viability and safety of the method of construction of the basement, as well as the detail of the design
- Concerns in relation to temporary works and sequencing of works
- The damage category should be 3 rather than 2 as assessed by HPF based on the Cording rather than the Burland method

4.10 This original review (dated 15th September 2017) of the information submitted in support of the application, by Alan Baxter, concluded that due to the number of revisions made to the SMS, in response to previous comments and additional information becoming available the information submitted was not clear in some parts. As such they concluded, at that time, that there were some areas where further consideration was needed on issues such as groundwater, heave, street trees and aspects of the temporary works proposals. The recommendations identify that structural engineering plans/sections and drainage drawings are needed to illustrate the proposals more clearly and further assessment was needed of the impact on 18 Japan Crescent and 7 Mount Pleasant Crescent.

- 4.11 Alan Baxter's review of the submission by Mr. Eldred (submitted on behalf of the objectors), considered that it is detailed, and makes a number of points on omissions and potential issues relevant to the SMS, which the review is in agreement to. However, the review also confirms that it raises a number of issues and 'matters of concern' which are not relevant to the SMS, including Party Wall and ownership issues.
- 4.12 This independent review (by Alan Baxter dated 15th September 2017) confirmed that overall the structural information submitted, within the SMS and SMS Addendum, broadly covers the need for desk studies, building appraisals, site investigations and the bullet points set out in Basement SPD (including the six issues highlighted in the Mr. Eldred report). However, the review highlighted that there are a number of areas where further consideration is needed and additional information should be provided.
- 4.13 The assessment (by Alan Baxter dated 15th September 2017) against the seven key points outlined within Appendix B of the Basement SPD are summarised below:
- **Ground Conditions and Groundwater:** Confirms that it appears to have been adequately addressed given the scale and nature of the proposals and the anticipated ground conditions. Requests that further confirmation of the nature and extent of these pockets and the implications for groundwater are obtained when works commence on site.
 - **Existing trees and Infrastructure:** Considers they have generally been adequately addressed in the report. The semi-mature tree in the pavement in front of 14 Japan Crescent is not specifically referred to and the potential impact of the tree maturing should be considered as part of their design. They should also review the general impact of the street trees and shrinkable clay subsoil on the houses in street.
 - **Drainage:** The SMS confirms that separate foul and surface water drainage systems are to be provided and some details are described in the text. However no drawings have been provided and the proposed arrangement is unclear. Some drainage from the basement and lightwell at the rear to a manhole at the front and the sewer below Japan Crescent are likely to be needed and may require deeper excavations which could influence the construction methodology. The drainage proposals should therefore be clarified further, preferably on drawings.
 - **Flooding:** Considers that this appears to have been adequately considered and reported.
 - **Vertical and lateral loads:** These have been addressed in both the temporary and permanent conditions, including producing a series of sketches to illustrate the proposed sequence which show the underpinning proposed to adjacent buildings, temporary propping across the excavation and battered excavations to the front and rear. The sketches are indicative at this stage and the proposals will need to be developed during detailed design and by the contractor (once appointed) in preparing the Construction Management Plan. For the purposes of the SMS they appear sufficient. The structure is designed as a separate building supported on a reinforced concrete box to the rear and strip foundations and reinforced concrete ground beams to the front. Details of the proposed loading and a preliminary load takedown are provided. Considers that the outline basement design appears to ignore groundwater, hydrostatic uplift and heave on the basement which ST recommended should be allowed for in the design. Alan Baxter recommends that appropriate measures, along with waterproofing, are incorporated.

- **Movements:** Confirmed that assessment was carried out on the likely settlement of the proposed building and had considered the possible change in bearing stress below the flank wall to 14 Japan Crescent. This assessment concluded that the anticipated damage will be less than Category 2. Alan Baxter confirmed that on the basis of the applicants analysis they report in the SMSA that the risk of movement of the proposed building and neighbouring properties has been considered and mitigated by the proposed sequencing. Monitoring is also proposed. Alan Baxter confirmed that the scale and nature of the project the assessment carried out for the proposed building and 14 Japan Crescent appears reasonable. However, no specific assessment is included for the garage to 18 Japan Crescent where the SMS and sequence drawings indicate provision will be made for differential movement, or for 7 Mount Pleasant Crescent, one corner of which is to be locally underpinned.
- **Integrity of Existing Structures:** Confirms that whilst 14 and 18 Japan Crescent have been looked at and reported on in the SMS, which appears to have dealt with these building adequately, there is no specific information on the nature or condition of 7 Mount Pleasant Crescent although it appears to have been considered in the design and mitigation proposals (underpinning and monitoring).

- 4.14 As a result of the above findings, the applicant submitted an SMS Addendum (titled Design for People dated 30/11/2017) to address these concerns identified by Alan Baxter in terms of its compliance with Appendix B of the Basement SPD. This information was received on 30th November 2017 and resulted in further consultation with letters sent 1 December 2017. This consultation period ended on 15th December 2017. However, the Council accepts comments up until the date of the determination of the application.
- 4.15 On 6th December 2017, Alan Baxter provided further review of the above mentioned SMS Addendum report submitted to support the application, together with the response from Mr. Eldred to Alan Baxter's initial review of the submitted SMS and initial SMS Addendum. The main concerns raised by Mr. Eldred related to Party Wall and ownership issues in terms of receiving the correct permissions to carry out works.
- 4.16 The review (dated 6 December 2017) confirmed that the new Addendum report (dated 30/11/2017) has now addressed all of the concerns in their latest submission, in terms of its compliance with Appendix B of the Basement SPD. The review confirms that the Addendum has concluded that there are no records available of any flooding in the area, and based upon the desk study research and physical investigations carried out by Southern Testing (ST) the risk of significant groundwater is low. Appropriate waterproofing measures have been incorporated in the design. The information concludes that the requested plans/sections/construction sequence drawings have been included and are satisfactory. It also confirmed that the following requested investigations have been carried out:
- Commentary on the condition and integrity of 18 Japan Crescent and 7 Mount Pleasant Crescent.
 - Site investigations and subsequent groundwater monitoring
 - The impact on the tree
 - Proposed drainage arrangement
 - Groundwater, hydrostatic uplift and heave

- 4.17 The review of Michael Eldred's feedback (dated 6 December 2017), to Alan Baxter's initial review (dated 15th September 2017) of the applicant's structural information, has concluded that *their assessment was carried out generally and also raised a number of broad issues relating to ownership, insurance and Party Wall matters, which are not directly relevant to the SMS or planning.* Alan Baxter's review concluded that *the purpose of the Mr Eldred assessment appears to have been to assist his client in objecting to the proposals.* It also states that *the method of construction will need to be developed during the detailed design and by the contractor (once appointed) in preparing the Construction Management Plan (CMP), which doesn't need to be submitted and approved until just prior to works commencing. By this stage, party wall awards should also be in place and it should be clearer what agreements have been reached with the neighbours regarding underpinning and temporary access to carry out the works. Again, this is not, we believe a Planning matter, but if aspects of the proposals are not agreed or temporary access not obtained, revisions will be needed to the scheme and/or the method of construction.*
- 4.18 Alan Baxters review (dated 6th December 2017 in Appendix 2) of the SMS and Addendum SMS has confirmed that *the designer has now considered and assessed the impact of the street tree maturing in their design. Also that the proposed drainage arrangement has been clarified following the inclusion of a drawing (009923-98-SP-900 P1) in the information submitted.* They confirmed that *the SMS Addendum has considered the design and details of groundwater, hydrostatic uplift and heave which are considered adequate for planning purposes.* However, they have stated that this will need to be developed further by the designers. In conclusion the independent assessor has confirmed that *all comments raised previously in relation to the compliance with the Basement Development SPD have been addressed in the latest submission (dated 30th November 2017).*
- 4.19 It is considered that the issues raised in relation to the impact on the conservation area, by the basement excavation, has been addressed within the report presented at 27th February 2017, Planning Sub-Committee B (attached as Appendix 1).

Quality of Accommodation

- 4.20 The applicant has provided amended floor plans which show the relabelling of the first floor room as a 'bedroom' rather than a 'master bedroom'.
- 4.21 The applicant has confirmed that the originally submitted scheme (ref. P2014/3205/FUL) which was withdrawn was for a 2 bedroom dwelling with a home office. As result, the applicant has confirmed that when the proposal was being revised for the current application a typing error occurred as the main bedroom was retained but not renamed. It is considered that the submission of the amended drawings has addressed this issue.
- 4.22 The applicant has confirmed that the inclusion of a home office is essential to meet the internal space requirements of the London Plan 2016. However, the applicant has confirmed that it was always the intention to provide a home office as part of the development. They consider that this is demonstrated by the inclusion of a home office in all of the submitted applications together with the pre-application request. Following a review of the previous submissions, Officers can confirm that a home office was included, this has been marked on the drawings as a 'creative studio'. Whilst it is acknowledged that in the event that this office is changed into a bedroom the unit would fall below the required internal space standards for a 2 bedroom dwelling. However, the proposal generally provides a good standard of accomodation, and it is also acknowledged that there is no policy requirements which restrict the use of home offices. As such it is considered that on balance, the inclusion of a home office which is located at lower ground floor level would be acceptable in this instance.

Accessibility

- 4.23 As recorded within the original report within (attached within Appendix 1) the original Planning Committee minutes concerns of Members in relation to how the proposed residential development would comply with the Council's Policy DM2.2 and the Inclusive Design SPD. In particular the first floor toilet was considered to fail to comply Building Regulations and as such would not be accessibility compliant. Following the presentation of the report at the Planning Sub-Committee B, amended drawings were submitted to enlarge the size of this toilet, now measuring an area of 1.6m x 1.6m.
- 4.24 It is acknowledged that the Inclusive SPD recommends that a toilet measures 3m x 4m to fully comply with accessibility requirements. However, given the constraints of the site and that it is at first floor level, and that a condition has been recommended in relation to complying with accessibility, (see Appendix 1) it is not considered to warrant refusal in this instance. It should also be noted that in the event the application was approved the scheme would need to accord with the Building Regulation requirements which are separate to the assessment of this planning application.

Private Amenity Space

- 4.25 Part C of Policy DM3.5 states 'the minimum requirement for private outdoor space is 5sqm on upper floors and 15sqm on ground floors for 1-2 person dwellings. For each additional occupant, an extra 1m² is required on upper floors and an extra 5m² on ground floors up to a minimum of 30m² for family housing (three bedroom residential units and above). In this instance the proposed development provides a total of 15sqm, being located at lower ground floor (5 sqm) and ground floor (10 sqm). It is considered that this adequate to comply with the above policy requirements and address the concerns raised.

5. CONCLUSION

- 5.1 Given the submission of the Structural Method Statement Addendum and independent assessment carried out by Alan Baxter, the proposed basement development is considered to comply with the requirements of Appendix B of the Basement SPD (2016) and would have an acceptable structural impact on the host properties and those found within the surrounding area.
- 5.2 The submission of amended drawings in relation to the relabelling of the first floor bedroom and the enlargement of the first floor bathroom, together with the recommended accessibility condition is considered to address the concerns identified by Members.
- 5.3 Whilst there are concerns in relation to the potential change of the use of the lower ground room named as a home office as bedroom, in this instance it is considered that this would not warrant refusal.
- 5.4 The proposal is considered to provide adequate private amenity space to accord with the requirements of Policy DM3.5. It is recommended that on balance and subject to the amended condition 2 which is outlined below, planning permission be granted subject to conditions and upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 – RECOMMENDATION

5.5 **Condition 2:**

Approved plans list:

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

Location Block and Site Plan Proposed - Ref: 01L004- 2PD000 Rev A, 01L004 – AED000, 01L004 – AED100, 01L004 – AED150, 01L004 – AED160, 01L004-2PD100C, 01L004-2PD101B, 01L004- 2PD151A, 01L004-2PD161A, 01L004-2PD162A; 01L004 – 2PD502A, 01L004 – 2PD152, Design and Access, Planning and Heritage Statement, D4p- UK Ltd Ref: 01:004-DR002 – DAS; Daylight Assessment, Twenty 16 Design, Feb 2016; Structural Method Statement, Hurley Palmer Flatt, July 2016 Ref: PUR09923- Jpn Cr - 160728; Desk Study and Site Investigation Report, Southern Testing, 16 June 2016; Sustainable Design and Construction Statement, 01L004-DR003 Rev A; Application Planning Letter, Shrimplin Brown, 24 November 2015. Structural Method Statement Addendum dated 30/11/2017.

REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.

APPENDIX 1 – COMMITTEE REPORT

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department



PLANNING SUB COMMITTEE B		
Date:	27 February 2016	NON-EXEMPT
Application number	P2015/4983/FUL	
Application type	Full Planning Application	
Ward	Tollington Ward	
Listed building	Not Listed	
Conservation area	Stroud Green conservation area	
Development Plan Context	Local Cycle Route	
Licensing Implications	None	
Site Address	Disused Single Garage, 16 Japan Crescent, London, N4 4BB	
Proposal	Demolition existing disused derelict building and construction of two storeys over basement single dwelling house and associated excavation at basement level.	
Case Officer	Sandra Chivero	
Applicant	Mr Mark Armstrong - d4p developments Limited	
Agent	Mr J. Brown - ShrimplinBrown Ltd,	

1. RECOMMENDATION

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

- 1.1 Subject to the conditions set out in Appendix 1;
- 1.2 Conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET

Application Site



Aerial View of site



Existing Street view of Application Site



Figure 10:- Site Photograph - Dead zone - could be used for anti-social activities



Figure 11:- Site Photograph - existing building in a state of disrepair



Figure 12:- Site Photograph - back yard relationship with 14 Japan Crescent



Figure 13:- Site Photograph - back yard relationship with 7 Mount Pleasant Crescent

Photos of the site

4. SUMMARY

- 4.1 The application seeks planning permission for the construction of a two-storey over basement one bedroom dwelling house including excavation of the site. The new dwelling will be located at lower ground, ground and first floor levels.
- 4.2 The main considerations are the acceptability of the proposed residential use of the site, design and impact on the character and appearance Stroud Green Conservation Area, basement excavation, amenity, standard of accommodation, transport, sustainability, affordable housing contributions and carbon offsetting contributions.
- 4.3 The development would be acceptable in visual terms and the proposed building would have no significant harm on neighbouring amenity in terms of loss of light, outlook or privacy. The proposed standard of residential accommodation is considered adequate and the proposed building raises no concerns in relation to sustainability and transport.
- 4.4 The design for the proposed house is conceived as a continuation of the terrace. Overall the proposal which would replicate the existing terrace to the front elevation would accord with the Islington Urban Design Guide which seeks particular care to be taken on frontage infill to ensure a satisfactory match of design and materials with neighbouring properties.

- 4.5 Concerns have been raised regarding excavation of the site. The proposed basement excavation will be less than 50% of the site. The proposed basement excavation is therefore considered acceptable in principle and would not result in harmful, permanent, irreversible damage and would not impact on drainage and biodiversity to the surrounding area. In addition, the new basement is not located adjacent trees or listed buildings.
- 4.6 During the course of the application the applicant provided an amended Structural Method Statement (SMS) endorsed by a suitably qualified person as required by the Islington's Supplementary Planning Document for Basement Extensions. The updated report also includes more detailed designs and construction method statement based on the further information contained within the intrusive geotechnical report including the specific onsite ground conditions and widths and depths of the existing foundations supporting the adjacent properties. It is accepted that the detailed information clearly indicates that the works can be carried out in a safe sequence which minimise the risk to the adjacent properties.
- 4.7 In addition the basement level will not be visible from the street and no lightwells are proposed to the street frontage. The proposed basement is therefore not considered to detract from the character and appearance of the surrounding Stroud Green Conservation Area.
- 4.8 In terms of the impact to the neighbouring properties, given its end of terrace sitting the development is not considered to have significant impact on the adjacent neighbours. A daylight and sunlight report was submitted with the application which demonstrates that the proposed development would not result in harmful loss of light to neighbouring properties and would accord with the BRE guidance. A condition has also been attached requiring the rear first floor windows to be obscure glazed to minimize overlooking from these windows.
- 4.9 The applicant has agreed to make the full required small sites affordable housing and carbon offsetting contributions. The development will be car free and this will be secured by condition.
- 4.10 The proposal is considered acceptable and it is recommended for approval subject to conditions and legal agreement.

5. SITE AND SURROUNDING

- 5.1 The application site is occupied by a vacant derelict single storey building located on the southern side of Japan Crescent and it adjoins the end of a two-storey residential terrace set back from the edge of the pavement with small front gardens. The site fronts on Japan Crescent to the north and is bounded by 14 Japan Crescent the end property of a two storey terrace to the west, 7 Mount Pleasant Crescent to the south and two single storey garages which serve the three storey modern residential block at 18 Japan Crescent to the east. The building is not listed but it is located within the Stroud Green Conservation Area. The immediate surrounding area is predominantly residential in character.

6. PROPOSAL (IN DETAIL)

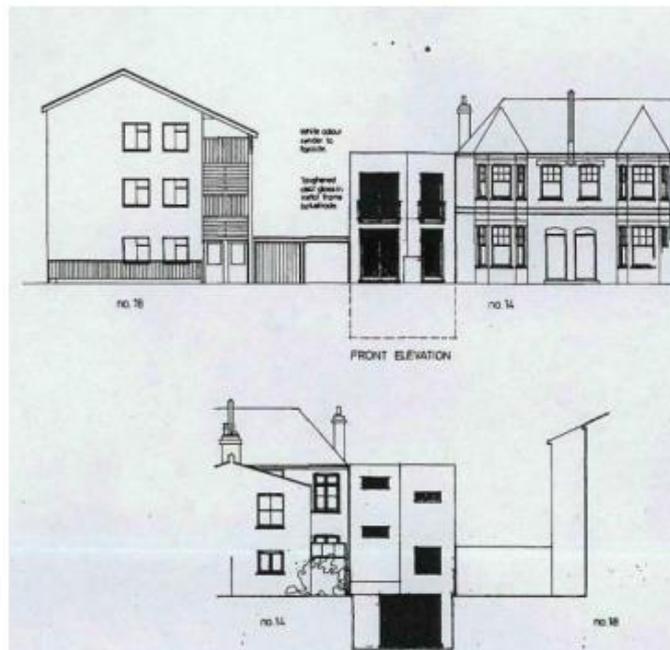
- 6.1 It is proposed to erect a two-storey over basement dwelling house with associated excavation at basement level. The new dwelling will be located at lower ground, ground floor and first floor levels and would follow the line of the existing terrace. The existing building takes up approximately 50% of the site and is located right up to the edge of the pavement. The site also has an overgrown back yard.
- 6.2 The dwelling house would be constructed of red bricks with bond to match the adjoining Victorian terrace. The proposed building will incorporate a hipped roof with roof tiles and pitch to match the adjoining terraces. All front elevation windows including bay window and the main entrance door are positioned to follow rhythm of terrace.
- 6.3 To the rear the new house will incorporate casement windows at and sliding doors at rear ground and basement levels.
- 6.4 The new dwelling will also incorporate a front and rear gardens at ground floor level and a patio at lower ground floor level.
- 6.5 **Revisions:**
- 17.02.2016: Amends to base plan on red line and updated to Sustainable Design and Construction Statement
 - 19.02.16 Amended sunlight and daylight report with error corrected
 - 08.03.16 Original Structural Method Statement Submitted, Dated February 2016
 - 01.08.2016 Amends to drawings to correct an error with the representation of the proposed boundary wall with Nos 14 Japan Crescent and updated Structural Method Statement.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 September 2007: Conservation Area consent (Ref. P070767) Refused for the demolition of existing building and construction of a single family dwelling house. (lower ground floor, ground floor and first floor). The reasons for refusal were as follows:
- REASON: The proposed demolition without the granting of planning permission on the site is considered to be premature, as set out in policy D21 of the Islington Unitary Development Plan 2002 and PPG15 Planning and the Historic Environment.*
- 7.2 A subsequent appeal was dismissed in February 2009.
- 7.3 September 2007: Planning application (Ref. P070049) Refused for the demolition of existing building and construction of a single family dwelling house. (lower ground floor, ground floor and first floor). The reasons for refusal were as follows:
- *REASON: The proposal fails to conserve and enhance the Stroud Green Conservation Area by reason of it not creating an appropriate relationship with the surrounding buildings and wider Conservation Area. This is contrary to policies D1, D4, D11, D22, and D24 of the Islington Unitary Development Plan (2002) and the Draft Stroud Green Conservation Area Design Guidelines (2007).*

- **REASON:** *The proposed development would have a serious adverse effect on the amenity of occupiers of neighbouring properties by reason of loss of daylight and outlook. This is contrary to policy D3 of the Islington Unitary Development Plan (2002).*
- **REASON:** *The proposal fails to create a suitable residential environment for a family sized unit by virtue of it not providing a suitably sized and located amenity space. This is contrary to policies H3, H7 and H10 of the Islington Unitary Development Plan (2002) and the Planning Standards Guidelines (2002).*



Dismissed appeal scheme elevations

- 7.4 A subsequent appeal was dismissed in February 2009.(Attached Inspectors decision)
- 7.5 March 2006: Planning application (Ref. P060099) Refused for the construction of a three storey single family dwelling house. The reasons for refusal were as follows:
- *The proposed development, due to its scale, bulk, height and design would fail to create a positive and appropriate relationship with surrounding buildings and would cause harm to the character of the surrounding area contrary to policies H10, H12, D1, D4 and D5 of the Islington Unitary Development Plan 2002.*

- *The proposed development would provide unacceptable amenity for future residents due to lack of amenity space and the size of the resulting accommodation contrary to policies H3, H7, H10 and H12 of the Islington Unitary Development Plan 2002 and Islington's Planning Standard Guidelines 2002.*
- *The proposed development, due to its scale, bulk and height would cause undue loss of light and outlook to No. 7 Mount Pleasant Crescent and No 18 Japan Crescent contrary to policy H3 and D3 of the Islington Unitary Development Plan 2002 and Islington's Planning Standards Guidelines 2002.*

PRE-APPLICATION ADVICE

- 7.13 The applicant was advised that based upon the drawings submitted, the second (traditional) option would be the preferred scheme. However as highlighted by the Inspector for the previous appeal on this site, the impact of the scheme upon No 18 Mount Pleasant Crescent is a concern (and would be considered carefully with the benefit of a full site visit should an application be submitted), and it would have to be demonstrated that this impact is acceptable

8. CONSULTATION

Public Consultation

- 8.1 Three consultations were carried out. Letters were sent to occupants of 12 adjoining and nearby properties along Japan Crescent and Mount Pleasant Crescent on 19 January 2016 and 09 March 2016. Site and Press notices were displayed during this period. Following submission of amended drawings and submission of a Structural Method Statement further consultation letters were sent on 09 March 2016 and 12 August 2016 the reconsultation period ended on 08 September 2016. It is the Council's practice to consider representation made up until the date of a decision.
- 8.2 At the time of writing this report seventeen objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Basement excavation (Paragraphs 10.12 to 10.14)
 - Basement excavation contravenes with guidance (Paragraphs 10.12 to 10.14)
 - Unwelcome precedent (Paragraphs 10.40)
 - Overlooking, Loss of light and loss of privacy (Paragraphs 10.15 to 10.22)
 - Stress (Paragraphs 10.41)
 - Structural issues (Paragraphs (Paragraphs 10.12 to 10.14)
 - Noise, intrusion, disturbance and nuisance during building works including excavation of the site (Paragraphs 10.42)
 - Heavy goods traffic during building works (Paragraphs 10.42)
 - Adding basement is clear attempt by developer to turn what should be a one bedroom property into a two bedroom unit. (Paragraphs 10.43)
- 8.3 Two letters were also received in support of the application.
- 8.4 **Emails were also received from Cllr Williamson** raising concerns regarding the size of the basement and requesting the application to be called in. **Cllr Richard Watts supported calling in the application.**

- 8.5 **A letter from Jeremy Corbyn MP**, raised concerns regarding unwelcome precedent for basement excavation and highlighted neighbours' concerns regarding sound proofing and overlooking

External Consultees

- 8.6 **None**

Internal Consultees

- 8.7 **The Design and Conservation Officer stated that the** principle of a new dwelling replacing the existing garage is acceptable and the IUDG advises it should either be an accurate replica so to be a continuation of the terrace in terms of design where there is a particularly large gap or otherwise have the appearance of a garden wall and be no higher than a single storey. Previous advice has been that given the constrained nature of the site the latter might be the only acceptable option here. However, the existence of the particularly unsightly garages is a material consideration.
- 8.8 **The Inclusive Design Officer** highlighted that the Design and Access Statement claims that "where possible the dwelling has been designed to the Lifetime Homes Standard". "All doors will have a minimum clear opening of 750mm with 900mm corridors when approached head on and 900mm clear openings when approach is not head-on. The living room is at entrance level. There is a wheelchair accessible WC on the entrance level. Bathrooms and toilets are designed with a capability of taking adaptations such as handrails. Stairlifts can be fitted to all stairs".
- 8.9 It is stated that the claims are not borne out by the plans
- The ground floor WC and basement bathroom do not satisfy the criteria for LTH
 - Winding treads should be avoided since they are not accessible to ambulant disabled people.
 - The landings at the head and foot of the flight will not accommodate a stair lift
 - No furniture is shown and so a full appraisal of the habitable rooms is not possible.
 - No location for a through the floor lift to link the ground and basement floor is shown.
- 8.10 It is further stated that the expectation is now that the dwelling meets Category 2 of the National Housing Standard. The ground floor WC and first floor bathroom both fall short of the standard; as a consequence the unit would be neither visitable nor adaptable. At present the proposal fails to meet the requirements of LPP 3.8 and DMP 2.2.
- 8.11 **Public Realm** – it is stated that any works to the public highway would require permission from the Highways Team and payments will be required for the works to be carried by the Highways Team.
- 8.12 **The Policy Sustainability Officer** stated that the submitted structural method statement should meet the requirements of the basement SPD.

9. RELEVANT POLICIES

9.1 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

9.2 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.

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

Development Plan

9.4 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

9.5 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:

- Stroud Green Conservation Area.

Supplementary Planning Guidance (SPG) / Document (SPD)

9.6 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
- Principle of basement development
- Neighbouring Amenity
- Standard accommodation
- Highways and Transportation
- Sustainability
- Inclusive Design
- Affordable housing small sites and Carbon Offsetting Contributions

Land Use

- 10.2 It is proposed to demolish the existing disused garage and erect a two-storey over basement one-bedroom dwelling house (C3 Use Class).
- 10.3 Vacant and derelict buildings have a demoralising and downgrading effect on an area. The Council therefore welcomes the principle of bringing back into use vacant sites, as in this instance. In judging the acceptability of residential use in this location it is considered that residential use would be appropriate in this predominantly residential area. The provision of additional housing at this location would be supported by policies CS12 of the Core Strategy which seeks to meet and exceed the borough housing targets through the provision of additional housing in suitable locations as in this instance.
- 10.4 The proposed scheme resulting in a creation of a single unit is considered appropriate in principle at this location.

Design

- 10.5 The Council welcomes the demolition of the existing vacant dilapidated single storey structure. The proposal is to set back the building line with the host terrace and is considered to enhance the streetscene.
- 10.6 The design for the proposed house is conceived as a continuation of the terrace. The resulting house would replicate the other properties on the street in terms of street elevation rhythm and proportions, and use materials. The proposed front and rear building lines of the proposal would follow the established building line along Japan Crescent which is welcome. The design approach is considered to be in keeping with the wider adjoining terrace along Japan Crescent. While complete retention of gaps is always desirable the infill a continuation of the terrace is also considered to respond appropriately to the existing frontage.
- 10.7 Overall the proposal which would replicate the existing terrace to the front elevation would accord with the Islington Urban Design Guide which seeks particular care to be taken on frontage infill to ensure a satisfactory match of design and materials with neighbouring properties.
- 10.8 While the proposal would incorporate a basement level, this is not visible from the street and no lightwells are proposed to the street frontage. The proposed basement is therefore not considered to detract from the character and appearance of the surrounding Stroud Green Conservation Area.
- 10.10 The refuse store and bike store are located in concealed positions and are therefore considered not to detract from the streetscene.
- 10.11 Overall, it is considered that the character and appearance of the surrounding Stroud Green Conservation Area would be preserved. The proposal is also considered accord with policies CS8 and CS9 of Islington's Core Strategy 2011, policies DM2.1 and DM2.3 of Islington's Development Management Policies Document June 2013 and the guidance contained within the Islington Urban Design Guide.

Principle of Basement Development

- 10.12 Concerns have been raised regarding excavation of the site. The development does not develop the entire built footprint at basement level but includes half the main buildings footprint being concentrated towards the rear section of the proposed dwelling. It is noted that the site is relatively small and close to adjacent occupiers in this case. However the proposed basement levels would be less than 50% of the site and is considered to be proportionate to the proposed dwellings and the surrounding scale and built form in the immediate area. The proposed development is considered to conform to the guidance set out within the Basement SPD sets out the relevant guidelines for Residential infill developments in paragraphs 7.1.12.

Paragraph 7.1.12 of the SPD sets out:

"For infill residential development, the scale and extent of basement within a site should respond to the site context and the prevailing scale of development in the area. Basements should be proportionate, subordinate to the above ground building element, and reflect the character of its surrounds. The proportion of the site that is built upon/under to the proportion unbuilt upon when compared with surrounding buildings is of particular importance to achieving a compatible scale of development on infill sites. For the avoidance of doubt, both in terms of depth and footprint of basement, all other relevant design of the SPD will apply to infill developments and will have a bearing on the acceptability of a proposed basement design.

- 10.13 Notwithstanding this, the construction of basements can cause harm to the natural environment, the stability of existing buildings, the amenity of nearby residents and the character and appearance of an area. The newly adopted Basement SPD (January 2016) requires the submission of a Basement Impact Assessment, Structural Method Statement (SMS) and a Construction Management Plan (CMP) endorsed by a suitably qualified person(s) are required to be submitted with any planning applications for a basement development. These documents also enable the council to consider the cumulative impacts of basement development across the borough and balance the potential site-specific benefits basements can provide (i.e. additional floor space) against those wider cumulative impacts set out in Policy DM6.3.
- 10.14 During the course of the application the applicant provided an amended Structural Method Statement (SMS) endorsed by a suitably qualified person. The amended report covers the various concerns raised over the proposed development relating to both structural and geotechnical matters. The updated report also includes more detailed designs and construction method statement based on the further information contained within the intrusive geotechnical report including the specific onsite ground conditions and widths and depths of the existing foundations supporting the adjacent properties. It is accepted that the detailed information clearly indicates that the works can be carried out in a safe sequence which minimise the risk to the adjacent properties. In view of the intrusive and non-intrusive investigations findings, followed by the Geotechnical Engineer recommendations and brief structural calculations check together with construction phasing process produced, the proposed development including excavation at basement level will have little or no impact on the neighbouring structures provided that the recommendation set in the report are fully adhered to.

Neighbouring Amenity

- 10.15 Concerns have been raised regarding loss of light, overlooking and loss of privacy to neighbouring properties and gardens.
- 10.16 In terms of the impact to the neighbouring properties, given its end of terrace siting the development is not considered to have significant impact on the adjacent neighbours.
- 10.17 There is no harmful overlooking from the application site into the existing properties on Japan Crescent or Mount Pleasant Crescent. Windows that face other dwellings are considered to be adequately separated to avoid the overlooking of habitable rooms. At ground floor level, overlooking into the rear yards of no. 7 Mount Pleasant Crescent and 18 Japan Crescent is mitigated by the use of a 1.8m high boundary fence. To minimize overlooking from the rear first floor window a condition has been attached requiring the these windows to be obscurely glazed and fixed shut with the exception of the high level ventilator.
- 10.18 The applicant has submitted a daylight and sunlight assessment of the existing and proposed conditions. The reports highlight that the relevant BRE recommendations for daylight and sunlight area:
- The Vertical Sky Component measured at the centre of window should be no less than 80% of its former value
 - The windows should receive at least 25% of available annual sunlight hours and more than 5% during winter months (September 21st to March 21st) and 80% of its former value.
- 10.19 The Vertical Sky Component was calculated for 18 windows to neighbouring properties for existing and proposed conditions. The results in the report show that all windows meet 80% criteria VSC.
- 10.20 The report further highlights that the Annual Probable Sunlight hours is a measure of the number of hours direct sun falling on a surface over a given period. This is of particular importance to living space where direct sunlight is welcomed. It is stated that the BRE Guidance is that windows should continue to receive in excess of 80% of their pre-development value 25% of available over the year and 5% of hours in winter. Only windows which face 90 degrees south need to be assessed for sunlight. In this case 15 windows were analysed. As the proposal lies wholly to the north of these windows, the effect on sunlight provision was negligible in all cases.
- 10.21 The previous application was refused on enclosure and outlook to the neighboring property at no. 18 Mount Pleasant Crescent. The previous scheme was approximately, 7.5m deep and positioned only 2m away from the rear boundary line at first floor level. The dwelling house proposed under the current application will be 3.8m deep excluding the bay window and will set back 4.5m away from the rear boundary line at first floor level. The current scheme which is materially different from the previous refused scheme is considered to be sufficiently set away from the neighbouring properties at first floor level and would not significantly impact on outlook nor result in harmful increased sense of enclosure for the residential occupants of the neighbouring properties at 18 Japan Crescent and 7 Mount Pleasant Crescent. The existing 1.8m boundary fence is considered to mitigate loss of outlook or increased sense of the rear yards of no. 7 Mount Pleasant Crescent and 18 Japan Crescent.

- 10.22 In conclusion, the reduced scale, massing and bulk of the current proposal compared to the previous appeal scheme has sufficiently overcome the concern raised by the Inspector previously. The proposal is therefore considered to accord with policy DM2.1 which seeks to safeguard residential amenity to neighbouring properties from new developments within the borough as a whole.

Quality of residential accommodation

- 10.23 It is proposed to create a single dwelling house comprising of a 2 persons/ 1 bedroom. The single dwelling house would incorporate a home office at lower ground floor level, kitchen/ lounge and toilet at ground floor level and master bedroom with ensuite at first floor level. The new residential units would incorporate storage space, front and rear gardens at ground floor level and a patio at lower ground floor level.
- 10.24 The new dwelling house incorporate adequate size windows, rooflights and full height glazed sliding doors is considered to received adequate daylight and sunlight levels. A daylight and sunlight assessment was also carried and it is demonstrated that the minimum daylight levels would be in excess of the standards set out within the BRE Guide.
- 10.25 As shown in the table 2 below the resulting residential unit would also meet the minimum gross internal area stipulated within the Development Management Policies and the London Plan.

Table 2 - Gross Internal Area required

Dwelling type	Dwelling permutation (b)/persons-bed spaces (p))	Required GIA (sqm)	Proposed GIA (sqm)	Required Outdoor Amenity Space (sqm)	Proposed Outdoor Amenity Space (sqm)
2 storey house	1b/2p	50sqm (1b/2p flat)	53	15	10sqm upper ground rear garden 5sqm lower ground patio 8sqm front garden

- 10.26 The resulting unit meets the minimum standards and provides satisfactory floors space resulting in residential accommodation of adequate quality with a functional layout as well as provision of dual aspect.
- 10.27 The master bedroom and living space to the new house would meet the minimum room size requirements stipulated within the Development Management Policies.

- 10.28 As shown in Table 2 above the proposal would also result in provision of adequate private outdoor amenity space which meets the minimum required standards stipulated within policy DM3.5 of the Development Management Plan.
- 10.29 Overall, scheme would result in good standard residential accommodation with dual aspect, outlook from habitable rooms, natural ventilation, privacy and light levels. This would be in line with Policy 12 of the NPPF; Policy 3.5 of the London Plan 2011; policy CS12 of the Core Strategy and policies DM2.1 and DM3.4 of the Development Management Policies.

Inclusive Design

- 10.30 Amended drawings were received showing amendments to the entrance of the ground floor toilets. However, the concerns remain regarding the resulting dwelling not satisfying the criteria for Lifetime Home Standard. The provision of winding treads is not ideal as they are not accessible to ambulant disabled people. The landings at the head and foot of the flight will not accommodate a stair lift. No location for a through the floor lift to link the ground and basement floor is shown. Furthermore, the first floor bathroom both fall short of the standard; as a consequence the unit would be neither visitable nor adaptable. At present the proposal does not meet the requirements of LPP 3.8 and DMP 2.2
- 10.31 However, the expectation is now that new dwelling houses meet Category 2 of the National Housing Standards. A condition has therefore been attached to this effect.

Affordable Housing and Financial Viability

- 10.32 The Core Strategy Policy CS 12 – 'Meeting the Housing Challenge' requires (part G) all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide financial contribution towards affordable housing provision elsewhere in the borough. The SPD 'Affordable Housing Small Sites' states that in line with the evidence base, the council will expect developers to be able to pay a commuted sum of £50,000 per unit for sites delivering fewer than 10 residential units in the north and middle parts of the borough. The SPD does state, in accordance with the NPPF, that in instances where the applicants consider that this level of contribution would leave the development unviable, that the council will accept viability assessments where the applicants should provide a statement with their application with a justification for not providing the full financial contribution. In this instance the applicant has agreed to make the full £50 000 affordable housing contribution. This fully satisfies the requirement of CS12G and the Affordable Housing Small Sites Contributions SPD. As such, it is considered that this policy requirement has been satisfied and therefore the proposal is acceptable in this regard.
- 10.33 The Environmental Design Planning Guidance Supplementary Planning Document (SPD) and Islington's Core Strategy policy CS10 require minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the offset contribution is a flat fee based on the development type is £1500 per house. The applicant has agreed to make the full required affordable contributions.

Highways and Transportation

- 10.34 The proposed residential scheme would be car free. Therefore, the proposal would not result in a material increase in parking pressure on surrounding roads. It is considered that the proposed development would not have a material impact on highway safety or the free flow of traffic on surrounding roads.
- 10.35 The proposal would also be inline with policy CS10 of the Core Strategy and policy DM8.5 of the Development Management Policies which expects all new developments to be 'car free'.
- 10.36 A condition has been attached to the permission stipulating that the redundant crossover on Japan Crescent should be removed and the footway reinstated with the cost met by the applicant.
- 10.37 The provision of a single cycle space for the one bedroom unit is in line with policy DM8.4 which requires one cycle space provision per bedroom.

Sustainability

- 10.38 The front and rear gardens will incorporate permeable surfaces. This is considered to improve the environmental quality of the house and would be in line with policy DM6.6. This policy requires all new minor new build developments of one unit or more to reduce existing run-off levels as far as possible through the incorporation of SUDS.
- 10.39 A condition has also been attached requiring the submission of a Sustainable Design and Construction Statement detailing how the dwelling will achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 19% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2015, and not exceed water use targets of 110L/person/day. This is to ensure sustainable standard of design interest of addressing climate change and to secure sustainable development.

Other Issues

- 10.40 Concerns have been raised regarding the proposal setting an unwelcome precedent. Each application is assessed on its merits. Any future submission of excavations at basement level will be assessed against relevant policies.
- 10.41 It is regrettable that the submission of the application proposing basement excavation at this site has caused stress to the neighbour. However, this is not a material consideration and the application cannot be refused for this reason.
- 10.42 Disturbance and nuisance during building works including heavy good traffic access the site are not a material consideration. The application therefore cannot be refused for this reason. A condition to secure a construction method plan will ensure noise and disturbances can be controlled to acceptable limits as the development is built.
- 10.43 Concerns have been raised regarding the applicant adding a basement as an attempt to create a two bed unit. The applicant seeks planning permission for a one-bed unit. The application has therefore been assessed on this basis.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The principle of residential development on this land is considered acceptable and the proposed building would not detract from the character and appearance of the Stroud Green Conservation Area.
- 11.2 The impact on neighbours has been assessed and it is considered that the development would not harm the amenities of adjoining neighbouring properties in terms of loss of light, overlooking or overbearing effect. The internal layout and spatial standards of the proposed flats meet the policy standards and would provide adequate outdoor amenity space in accordance with the Council's objectives and planning policies.
- 11.3 The development would be carfree and would provide adequate cycle parking for the future occupants.
- 11.4 The applicant has agreed to make the full required affordable housing contributions and carbon offsetting contributions.
- 11.5 The proposal is considered to be acceptable and to be broadly in accordance with the Development Plan Policies.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

Recommendation A:

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

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

The Heads of Terms are:

- £50 000.00 contribution towards affordable housing within the Borough
- £1 500.00 contribution towards carbon off-setting.

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

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5)
2	Approved plans list
	DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans: Location Block and Site Plan Proposed - Ref: 01L004- 2PD000 Rev A, 01L004 – AED000, 01L004 – AED100, 01L004 – AED150, 01L004 – AED160, 01L004-2PD100C, 01L004-2PD101A, 01L004-2PD151A, 01L004-2PD161A, 01L004-2PD162A; Design and Access, Planning and Heritage Statement, D4p- UK Ltd Ref: 01:004-DR002 – DAS; Daylight Assessment, Twenty 16 Design, Feb 2016; Structural Method Statement, Hurley Palmer Flatt, July 2016 Ref: PUR09923- Jpn Cr - 160728; Desk Study and Site Investigation Report, Southern Testing, 16 June 2016; Sustainable Design and Construction Statement, 01L004-DR003 Rev A; Application Planning Letter, Shrimplin Brown, 24 November 2015.

	<p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials (Details)</p> <p>MATERIALS (DETAILS): Notwithstanding the approved drawings, planning permission is not granted for metal cladding to the roof of the new building. Details and samples of alternative roof materials and all facing materials shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the chair of the Sub Planning Committee 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 treatment (including sections and reveals); d) roofing materials; e) balustrading treatment (including sections); and f) 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	<p>First Floor Windows</p> <p>CONDITION: All first floor windows shown on the plans hereby approved shall be obscurely glazed and shall be provided as such prior to the first occupation of the development and shall be retained as such thereafter.</p> <p>All obscurely glazed windows with the exception of the high level ventilator shall be fixed shut, prior to first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
5	<p>Car free development restriction</p> <p>Car-Free Development: All future occupiers of the single family house hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <ul style="list-style-type: none"> i) In the case of disabled persons; ii) In the case of units designated in this planning permission as non car free; or iii) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year. <p>Reason: To ensure that the development remains car free.</p>

6	Category 2 Condition Accessibility
	<p>CONDITION: Notwithstanding the drawings hereby approved, all residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance with LPP 3.8</p>
7	Sustainable Design and Construction Statement
	<p>CONDITION: A Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The statement shall detail how the dwelling hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 19% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2013, and not exceed water use targets of 110L/person/day.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
8	Removal of PD rights
	<p>REMOVAL OF PERMITTED DEVELOPMENT RIGHTS (COMPLIANCE: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 no additional windows, extensions or alterations to the dwelling house hereby approved shall be carried out or constructed without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwelling house in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme.</p>
9	Construction Method Plan
	<p>CONDITION: No development works shall take place on site unless and until a Construction Method Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The CMP should include details on the access, parking, and traffic management and delivery arrangement throughout the construction phase of the development. This should include:</p> <ul style="list-style-type: none"> a) identification of construction vehicle routes b) how construction related traffic would turn into and exit the site (including appropriate traffic management) c) the method of demolition and removal of material from the site d) the parking of vehicles of site operatives and visitors e) loading and unloading of plant and materials f) storage of plant and materials used in constructing the development g) the erection and maintenance of security hoarding h) wheel washing facilities where applicable i) measures to control the emission of dust and dirt during construction a scheme for

	<p>recycling/disposing of waste resulting from demolition and j) construction works</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change from 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.</p>
10	Bicycle Storage and refuse area
	<p>CONDITION: The bicycle storage and refuse area(s) hereby approved, shall be provided prior to the first occupation of the development hereby approved and permanently maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking and refuse facilities are available and easily accessible on site and to promote sustainable modes of transport.</p>
11	Crossover
	<p>CONDITION: The redundant crossover on Japan Crescent shall be removed and the footway reinstated by Islington Council Highway Services (T:020 7527 2000 / E:streetworks@islington.gov.uk) with the cost met by the applicant. The footway shall be constructed/ provided prior to the first occupation of the development hereby approved.</p> <p>REASON: To secure and maintain an acceptable pavement layout and pedestrian safety.</p>
12	Boundary treatments
	<p>CONDITION: Details of internal boundary treatment within the site between gardens shall be submitted to and approved in writing by the Local Planning Authority prior to the practical completion of the development. The details shall include: all walls, fencing, gates, footings, their design, appearance and materials, the details shall indicate whether the boundary treatments form proposed, retained or altered boundary treatments.</p> <p>The boundary treatments shall be carried out strictly in accordance with the details so approved, installed/erected/operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the resulting boundary treatment(s) is functional, attractive and secure and prevents overlooking of neighbouring properties.</p>
13	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> <ul style="list-style-type: none"> a) an updated Access Statement detailing routes through the landscape and the facilities it provides; b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity; c) existing and proposed underground services and their relationship to both hard and soft landscaping; d) proposed trees: their location, species and size; e) soft plantings: including grass and turf areas, shrub and herbaceous areas; f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; g) enclosures: including types, dimensions and treatments of walls, fences, screen walls.

	<p>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 thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
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List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
2	Section 106
	<p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
3	Community Infrastructure Levy (CIL) (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>

4	Pre-Commencement Conditions:
	These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.
5	Car free development
	You are advised that this permission has been granted subject to a condition securing that all new residents of the development shall not be eligible for parking permits in the area.
6	Working Hours
	The applicant is advised that the accepted working hours for development within the borough are: 8:00am-5:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.

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 2016 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011

Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality of Design and Housing Developments
Policy 3.8 Housing Choice
Policy 3.9 Mixed and Balanced Communities
Policy 3.10 Definition of Affordable Housing
Policy 3.11 Affordable Housing Targets
Policy 3.13 Affordable Housing Thresholds
Policy 5.1 Climate Change Mitigation
Policy 5.2 Minimising Carbon Dioxide Emissions
Policy 5.3 Sustainable Design and Construction
Policy 5.11 Green Roofs and Development Site Environs
Policy 5.14 Water Quality and Wastewater Infrastructure
Policy 5.18 Construction, Excavation and Demolition Waste
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.2 an Inclusive Environment
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.8 Heritage Assets and Archaeology
Policy 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
Policy 8.1 Implementation
Policy 8.2 Planning Obligations
Policy 8.3 Community Infrastructure Levy

B) Islington Core Strategy 2011

Policy CS8 (Enhancing Islington's Character)
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS12 (Meeting the Housing Challenge)

C) Development Management Policies June 2013

Policy DM2.1 Design
Policy DM2.2 Inclusive Design
Policy DM2.3 Heritage
Policy DM2.4 Local Views
Policy DM3.1 Mix of housing sizes
Policy DM3.4 Housing standards
Policy DM3.5 Private outdoor space
Policy DM3.7 Noise and vibration (residential uses)
Policy DM6.5 Landscaping, Trees and Biodiversity
Policy DM7.1 Sustainable Design and Construction
Policy DM7.2 Energy Efficiency and Carbon Reduction in Minor Schemes
Policy DM8.4 Walking and Cycling
Policy DM8.5 Vehicle Parking
Policy DM9.1 Infrastructure
Policy DM9.2 Planning Obligations
Policy DM9.3 Implementation

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan:

- Accessible Housing in Islington
- Affordable Housing Small Sites Contributions SPD
- Conservation Area Design Guidelines
- Planning Obligations and S106
- Urban Design Guide
- Basement SPD
- Inclusive Design in Islington SPD
- Environmental Design Planning Guidance SPD

London Plan:

- Housing
- Sustainable Design & Construction



Appeal Decisions

Hearing held on 22 October 2008
Site visit made on 22 October 2008

by **Margaret Jones MRTPI**

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

The Planning Inspectorate
4/11 Eadle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gov.uk

Decision date:
26 February 2009

Appeal Ref: **APP/V5570/E/08/2071272** **16 Japan Crescent, London N4 4BB**

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by J Bramble Esq against the decision of the Council of the London Borough of Islington.
- The application Ref P070767, dated 13 March 2007, was refused by notice dated 18 September 2007.
- The demolition proposed is the existing building to enable redevelopment for dwelling house.

Appeal Ref: **APP/V5570/A/08/2071275** **16 Japan Crescent, London N4 4BB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by J Bramble Esq against the decision of the Council of the London Borough of Islington.
- The application Ref P070049, dated 18 December 2006, was refused by notice dated 18 September 2007.
- The development proposed is construction of single family dwelling house.

Procedural and background matters

1. The appeals relate to an application for conservation area consent to demolish the existing garage building and a planning application to redevelop the site for a single family dwelling house with accommodation at basement level, ground and first floors. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with them together in this document, except as otherwise indicated.
2. I note that prior to the Hearing the Council decided not to produce evidence to support part of its third reason for refusal in relation to the loss of daylight, although it continues to be a concern of local residents.
3. A completed copy of a Unilateral Undertaking was provided by the appellant in respect of both appeals. It contained a number of provisions relating to the protection of street trees during construction, a highway contribution and undertakings to ensure that the dwelling would be car-free. I have taken it into account as a relevant material consideration.

Decision

4. I dismiss both appeals.
-

fail to reflect the scale and proportions of the adjoining terrace from which it takes its reference. The size and alignment of the storey heights and window proportions do not reflect the strong, repetitive pattern of the elevational treatment of the adjoining terrace.

11. I do not agree with the appellant that the fenestration on the street elevation provides an appropriate transition from the adjoining terrace and the flank wall of No 18. The lack of any detailing at eaves and string course level further reinforces the discordant note the proposed dwelling would create in the street scene. I have no problem with the proposed basement because it would not involve construction of a front lightwell, but I consider the projection and bulk of the building's eastern flank would appear visually intrusive and would dominate views looking west along Japan Crescent.
12. Although the *Islington Urban Design Guide*, adopted in 2006 as Supplementary Planning Guidance (UDG) identifies some circumstances where infill development may be appropriate, it states that any development is required to improve the street frontage. I consider that the appeal scheme fails to respond to the scale and proportions of the existing terrace and would detract from the overall quality of the street scene.
13. The appellant referred me to several examples of infill development at the other end of Japan Crescent, including No 1A, a well established small two-storey gable-fronted building and No 2, a recently converted and extended development incorporating residential flats. The latter is a detached building set well back from the street frontage. I am not persuaded that the circumstances of either of these developments is similar to the appeal site and, in any case, I must consider the appeal scheme on its own merits.
14. To conclude on this issue I consider that the scale and proportion of the proposed dwelling would fail to preserve or enhance the character and appearance of the Stroud Green Conservation Area. This would be contrary to saved UDP Policies D1, D4, D21, D22 and D24 and the advice in PPG15 and locally adopted Supplementary Planning Guidance ADG and UDG. These seek to ensure, among other things, that new development in Conservation Areas is well designed and appropriate to the streetscape, respecting its local character and context to create a positive relationship with surrounding buildings and spaces.

Amenity Space

15. The appeal scheme would provide a limited area of outdoor amenity space, significantly below the minimum garden area of 15sqm set out in the Council's adopted Supplementary Planning Guidance *Planning Standards Guidelines* (PSG) for 1-2 people. The standard for family housing is at least 30sqm of garden space. About 8sqm would be provided in a small rear basement area, separated from the first-floor main living areas by an intervening floor and accessed via the master bedroom.
16. The appellant has referred to the additional contribution from the small frontage area of about 4sqm immediately adjoining the pavement. As this small front garden area would also have to accommodate the front entrance path and refuse storage bins I do not consider it would make any meaningful contribution towards the overall outdoor amenity space for future occupiers.

17. Saved UDP Policy H10 accepts that wherever possible amenity and garden space is provided in new housing developments but the supporting text states that new housing development should be of a high quality and appropriate standards are set out in the PSG. As adopted Supplementary Planning Guidance I accord the PSG significant weight. It clearly states that gardens should be provided for all family dwellings and the description of the proposed development is for a 'single family dwelling house'.
18. In high density inner fringe areas lower amenity standards may be acceptable, but in my view, the amount of amenity space proposed would not be appropriate for the proposed two-bedroom single family dwelling house in the context of the appeal site. While the proposal would make efficient use of previously developed land in a sustainable location, I do not agree that this should be at the expense of unacceptable residential amenity standards.
19. Accordingly, I consider that the proposal would not provide sufficient amenity space for future occupiers contrary to saved UDP Policies H3, H7 and H10 and the advice in the PSG. These seek to ensure, among other things, that the quality of accommodation and living standards in new housing development is appropriate for the type and size of household that will live there both now and in the future.

Neighbours' Living Conditions

20. I saw that the size and siting of the proposed new dwelling would result an overdominant development significantly closer to habitable room windows on the side of No 18 facing the development site. The proposed new house would abut a small courtyard garden to the side of No 18, and would be between approximately 5 and 6m from the west-facing flank wall with 3 habitable bedroom windows. These serve the three flats, one on each floor of this three-storey block. The depth of the proposed house would extend across about one-third of the width of the bedroom windows on the ground and first floors of Nos 18A and B. I do not accept the appellant's assertion that these windows do not serve main habitable rooms. As regards the comment relating to the existing situation where the occupiers currently overlook the flank wall of No 14, this is across the flat roof of the existing garage, approximately 5m further away and, to my mind, the circumstances are not comparable.
21. The appellant submitted a sunlight and daylight study to demonstrate that the proposal would not result in any unacceptable loss of daylight to neighbouring occupiers, especially in Japan Crescent. However this study does not appear to have evaluated the position of No 18, although it did assess the effect on the rear of 7 Mount Pleasant Crescent, which lies to the south and east of the appeal site. Therefore I do not consider that any conclusions can be drawn from this study with regard to No 18. The position is compounded by the appellant's Planning Statement submitted in support of the planning application which wrongly states in paragraph 2.06 that No 18 has no windows on its flank elevation facing the appeal site.
22. I consider that the outlook from both the flank bedroom windows to the ground and first floor flats at No 18 (Nos 18A and 18B) would be severely enclosed by the height, depth and proximity of the proposal, resulting in an unacceptable overbearing development. The height of the proposed dwelling immediately

adjoining the courtyard garden would, in my view, also result in additional overshadowing and loss of outlook to the detriment of the enjoyment of this small outdoor amenity space by the occupiers of the flats.

23. The proposal would adjoin No 14 but would not extend beyond the depth of the rear main wall. Windows in the flank wall of the rear projection would not be unduly affected and although the glazed covered side passage is at a lower level this would not, in my view, result in an unacceptable loss of daylight or outlook to the occupier. The rear garden is small and, due to the mews development to the rear, feels enclosed by surrounding buildings. The proposed ground and first-floor windows on the rear elevation of the new house would be at high level and therefore would not in my view result in any material overlooking of the rear garden.
24. Residents opposite the proposed development who have benefited from a first floor open view over the existing garage would be affected by the increased height and scale of the new house if it were permitted. However this would be no different from the existing relationship of facing dwellings further along the street. Furthermore, the appellant's daylight and sunlight study shows that although Nos 21 and 23 to the north of the appeal site would experience some loss of daylight and sunlight as a result of the proposal, this would be very minor and would remain above the values given as desirable in the BRE Report '*Site Layout Planning for Sunlight and Daylight-a Guide to Good Practice*'.
25. To conclude on this issue I find that the proposal would not result in an unacceptable loss of daylight but that it would have an overbearing effect and cause a harmful loss of outlook to the neighbouring occupiers at 18A and 18B Japan Crescent. This would be contrary to saved UDP Policies D3 and H3 which seek to ensure that the design and layout of new development provides satisfactory aspect to adjoining buildings and does not result in an unreasonable loss of outlook to neighbouring occupiers

Acceptability of demolition

26. The Council objects to demolition of the existing building as premature in the absence of an acceptable replacement scheme for development. It acknowledges that the existing building has no architectural merit but concludes that it makes a neutral contribution to the character and appearance of the Conservation Area. Although the existing garage is forward of the established building line, it is of a modest scale, which I consider provides an important break in the street frontage at first floor level and reads as an ancillary structure in the street scene.
27. The Council has no objection in principle to redevelopment of the site subject to an acceptable scheme for development. However, I see no justification for allowing demolition in advance of an acceptable scheme for development in accordance with the advice in paragraph 4.27 of Planning Policy Guidance Note (PPG) 15: *Planning and the Historic Environment*. This states that where a building makes little or no positive contribution to the character and appearance of the Conservation Area full information is required about what is proposed for the site after demolition.
28. I do not consider the conjoined appeal proposal for a single family dwelling house acceptable, and premature demolition would result in an unsightly gap in

the Conservation Area. Accordingly, I conclude that the proposal for demolition in advance of planning permission for a satisfactory redevelopment scheme would be contrary to national advice in PPG15 and saved Policy 21 of the adopted Islington Unitary Development Plan (UDP) 2002.

Conclusion

29. For the reasons given above and having regard to all other matters raised including the effect of basement construction on neighbouring properties, I conclude that both appeals should not succeed.

Margaret Jones

INSPECTOR

APPENDIX 2 – INDEPENDENT REVIEW FEEDBACK

1734/50/DR/bl

15 September 2017

16 Japan Crescent

Structural Engineering Notes on a review of the Structural Method Statement and Structural Method Statement Addendum submitted in support of a planning application for the development and a geotechnical and structural assessment of the application documents by Michael Eldred.

Introduction

1. Alan Baxter Ltd (ABA) are appointed by the London Borough of Islington (LBI) to review the Structural Method Statement (SMS) and Structural Method Statement Addendum (SMSA) produced by Hurley Palmer Flatt (HPF). These reports form part of a submission for planning permission for the demolition of an existing garage at 16 Japan Crescent and the construction of a two storey house with a basement below the rear of the house and part of the rear garden. The appointment also includes a review of a geotechnical and structural assessment of the proposals by Michael Eldred (ME) on behalf of the owners of 14 Japan Crescent and 7 Mount Pleasant Crescent.
2. Hurley Palmer Flatt first produced a Structural Method Statement in support of the application in February 2016 (the 02 issue of the report is dated 22/02/16). This was amended and re-issued in July 2016 (the 05 issue of the report is dated 28/07/16) following ground investigations on site in May 2016 and the issue of a Desk Study and Site Investigations report by Southern Testing on 14 June 2016.

The July 2016 SMS by HPF covers:-

- Desk studies and ground investigations
- The phasing of construction, including the basement construction sequence
- Access arrangements for vehicles/monitoring of vehicles
- Foundation/substructure proposals
- External drainage proposals

Included within the appendices are:

- The Southern Testing Site Investigation Report
- Details of enquiries with Thames Water
- Selected Historical Maps
- Information on the risk of unexploded bombs
- Structural sketches showing the assumed sequence of construction
- A damage assessment of neighbouring properties.

A site plan, some architects drawings (plans and sections), a Sustainable Design and Construction Statement, a Daylight Assessment and a Design, Access and Heritage Statement are also included in the application documentation.

No overall structural plans or sections are included.

3. Hurley Palmer Flatt have also produced a Structural Method Statement Addendum, dated 13/04/2017, in conjunction with Southern Testing (ST). This followed a Planning Sub-Committee meeting in February 2017 at which the application was considered, but a decision was deferred and additional groundwater monitoring information was requested.

Groundwater monitoring results for the period from 19/05/2016 to 09/03/2017 are presented in the Addendum along with comments on the groundwater conditions and hydrogeology of the site.

Further commentary is provided in response to comments from neighbouring owners and their advisors on the ground conditions below the site, ground subsidence, soil parameters used in the design and the predicted impact of the works on the neighbouring building and mitigation proposals (the sequence of works/temporary works).

4. We understand that Michael Eldred initially reviewed and reported on the application proposals in February 2016. We have not seen this initial review, but following revisions to the application and the addition of supporting information he issued a second geotechnical and structural assessment of the proposals and the potential impact on 14 Japan Crescent and 7 Mount Pleasant Crescent in June 2017. This review was of the information available on the LBI planning portal in June 2017 including the July 2016 SMS and April 2017 SMSA by HPF.
5. This review is of the documents listed in 2-4 above and has been undertaken by David Rathbone BSc CEng MStructE MICE, an Associate at Alan Baxter Ltd with over 35 years experience in the construction industry. He has extensive experience of basement design and of reviewing and advising local authorities, the Church of England and other adjoining owners on basement proposals submitted for planning.

The Structural Method Statement and Structural Method Statement Addendum

6. LBI requirements for Structural Method Statements are set down in the Islington Supplementary Planning Document (SPD) for basements (January 2016), Appendix B Guidance on Structural Method Statement. This sets out the need for a thorough desk study, the findings of which should be set out in the SMS, an appraisal of existing structures affected by the proposals and site investigations. For a planning application submission the engineering design should be advanced to Developed Design Stage (RIBA Stage 3) and the SPD identifies seven key points which designers should demonstrate they have addressed. The SMS should also include an outline of the proposed structural engineering arrangement and details such as drawings of underpinning, piled walls, etc.

The SPD also includes, in Appendix C, Guidance on Construction Management Plans (CMP) and the information that they must include. However it notes that the CMP should be submitted and approved prior to any works commencing on site, not necessarily as part of the planning application.

7. We have reviewed the SMS and SMSA in relation to the requirements of the SPD for basements. Michael Eldred carried out a similar exercise. Our conclusions on whether the SMS meets the requirements follow in points 8 to 12.
8. The desk study information obtained by HPF appears adequate for the nature and size of the project proposed.
9. Physical site investigations were carried out by ST and included two 5.5m and 6.3m deep boreholes drilled with window sampler equipment and three trial pits to the rear of the existing garage to confirm the foundations of neighbouring buildings. These investigations appear appropriate and adequate for the site and a development of this nature and scale.

The results of the site investigation and subsequent groundwater monitoring are reported in the SMS and SMSA which was jointly prepared by HPF and ST.

10. The LBI SPD requires “the engineering design to be developed to RIBA Stage 3 and to include an outline of the proposed structural engineering arrangement and details such as drawings of underpinning, piled wall etc”. The structural engineering arrangement is described broadly in the text and the proposals for the basement construction are shown indicatively on the sequence drawings, but there are no overall structural engineering plans and sections which illustrate the proposals. The sequence drawings do show the proposed underpinning arrangements/details and some proposals at the basement and ground floor front, where the new building is built up against 14 and 18 Japan Crescent. These proposals are indicative only and we would expect to see some structural plans and more developed details as part of the application. No details are shown of the junction with 7 Mount Pleasant Crescent.
11. The seven key points which the SPD specifically identifies that designers should demonstrate they have addressed are as follows:
 - Ground Conditions and Groundwater: This appears to have been adequately addressed given the scale and nature of the proposals and the anticipated ground conditions. Rare thin pockets of sand were found in one of the boreholes. Further confirmation of the nature and extent of these pockets and the implications for groundwater should be obtained when works commence on site. These sand pockets would be expected to contain very little water which should be easily managed during the excavation process.
 - Existing trees and Infrastructure: These have generally been adequately addressed in the reports by HPF and ST. The semi-mature tree in the pavement in front of 14 Japan Crescent is not specifically referred to in the SMS and HPF should consider the potential impact of the tree maturing as part of their design. They should also review the general impact of the street trees and shrinkable clay subsoil on the houses in street.
 - Drainage: The SMS confirms that separate foul and surface water drainage systems are to be provided and some details are described in the text. However no drawings have been provided and the proposed arrangement is unclear. Some drainage from the basement and lightwell at the rear to a manhole at the front and the sewer below Japan Crescent are likely to be needed and may require deeper excavations which could influence the construction methodology. The drainage proposals should therefore be clarified further, preferably on drawings.
 - Flooding: This appears to have been adequately considered and reported in the SMS and ST reports.
 - Vertical and lateral loads: These have been addressed in both the temporary and permanent conditions. HPF have produced a series of sketches to illustrate the proposed sequence which show the underpinning proposed to adjacent buildings, temporary propping across the excavation and battered excavations to the front and rear. The sketches are indicative at this stage and the proposals will need to be developed during detailed design and by the contractor (once appointed) in preparing the Construction Management Plan. For the purposes of the SMS they appear sufficient.

The structure is designed as a separate building supported on a reinforced concrete box to the rear and strip foundations and reinforced concrete ground beams to the front. Details of the proposed loading and a preliminary load takedown are provided. The outline basement design appears to ignore groundwater, hydrostatic uplift and heave on the basement which ST recommended should be allowed for in the design. Appropriate measures, along with waterproofing, should be incorporated.

- **Movements:** HPF have carried out an assessment of the likely settlement of the proposed building and have considered the possible change in bearing stress below the flank wall to 14 Japan Crescent. They conclude that the anticipated damage will be less than Category 2. On the basis of their analysis they report in the SMSA that the risk of movement of the proposed building and neighbouring properties has been considered and mitigated by the proposed sequencing. Monitoring is also proposed. Given the scale and nature of the project the assessment carried out for the proposed building and 14 Japan Crescent appears reasonable. However, no specific assessment is included for the garage to 18 Japan Crescent where the SMS and sequence drawings indicate provision will be made for differential movement, or for 7 Mount Pleasant Crescent, one corner of which is to be locally underpinned.
 - **Integrity of Existing Structures:** HPF have looked at and reported on 14 and 18 Japan Crescent in the SMS, which appears to have dealt with these buildings adequately. There is no specific information on the nature or condition of 7 Mount Pleasant Crescent although it appears to have been considered in the design and mitigation proposals (underpinning and monitoring).
12. Some consideration has been given to access and vehicle movement to the site, site security, dust, noise and road cleaning. These do not constitute a full CMP, but LBI guidance (Appendix C of the SPD) does not require a CMP to be submitted for planning, as long as it is submitted and approved prior to works commencing on site.

The Geotechnical and Structural Assessment by Michael Eldred

13. The report makes a number of good points, but is quite difficult to follow in places and is repetitive in others. For example, the non-technical summary appears to be the same as the opinion (section 5) and other matters of concern (section 6).
14. The report is 40 pages. The following notes do not go through each point in detail. We have provided some broad comments on the key points and issues raised.
15. In section 2.4 and section 5 Michael Eldred (ME) identifies six issues 'to be addressed' which relate to the seven bullet points which LBI's SPD states designers should demonstrate they have addressed and which we have commented on in point 11 above. On all six issues he concludes that the SMS fails to adequately define and ameliorate the risks associated with these issues.
- In coming to this opinion he sets out the facts as he sees them and discusses various aspects of the proposals. He also notes in the summary a number of ways in which he considers the application to be 'inadequate' and in section 6 and the summary raises a number of 'other matters of concern' in relation to the proposals. None of these are relevant matters within the LBI guidance on SMSs and do not need further consideration in this context.
16. In section 2.6, 3.1 and 3.2 ME describes his own visual inspections of the site and adjacent buildings and his feedback from the adjacent owners he interviewed or corresponded with. Some of these comments are useful and could be helpful to HPF in finalising their design.
17. The first part of section 3 setting out the facts in relation to the site and adjoining buildings appears reasonable and correct. In paragraph 61 ME states that the flank wall is the boundary wall to 14 Japan Crescent, not a party wall. This is a matter for Party Wall Surveyors and not relevant to the SMS, or planning.
18. Section 3.2.4 deals with ground and surface water and describes anecdotal evidence from neighbours regarding flooding to the basement to 7 Mount Pleasant Crescent and a redevelopment at 6-18 Mount Pleasant Crescent. The designers should investigate these alleged instances and address the implications (if any) in the SMS.

19. Section 3.2.6 describes in some detail why there is a risk of ground movement causing some building damage due to changes in moisture content in London Clay as a result of trees and section 3.2.7 records some examples of this to properties in Japan Crescent. It is apparent in the SMS that HPF are aware of the risks, but they should review the impact of the street trees as noted in point 11 above.
20. In section 4.1.1 ME queries Southern Testing's interpretation of the soil test results, suggesting that there may be softer ground than advised 2m below ground floor level. He also considers that their interpretation gives a false impression of the extent to which the soil will be self-supporting during excavations and temporary support sequences. Window sampling is an unsophisticated form of geotechnical investigation which can indicate to an experienced geotechnical engineer likely soil properties. Any measured output from it is approximate and open to interpretation. The interpretation by ST (an experienced site investigation contractor with a long track record of working in London) appears reasonable based on our experience of London Clay.
21. In section 4.1.2 ME suggests that the Southern Testing report should be revised with respect to groundwater issues following the extended groundwater monitoring. HPF have indicated that the SMSA incorporates a contribution from ST on the monitoring. There therefore seems no need to amend the ST Geotechnical report as well.
22. In section 4.2 and 4.3 ME assesses the viability and safety of the method of construction of the basement indicated by HPF on their sketches and in the text to the SMS. In the section on underpinning (4.3.1) he notes that the underpinning to 14 Japan Crescent extends to the internal edge of the existing wall footing which impairs the potential for the owner of No.14 to construct a basement in the future. This is a matter for the applicant and the adjoining owner to resolve and not relevant to the SMS.
23. In section 4.3.2 ME raises a number of points regarding the temporary works and sequencing of works, in particular the appropriateness of using trench sheets at the boundary with 18 Japan Crescent, the lack of walings and the encroachment of the battered slope into the garden of 7 Mount Pleasant Crescent. These points should be addressed when the CMP is developed.
24. In section 4.3.3 ME highlights the difficulties of constructing the basement walls assuming walings are incorporated in the temporary works. He also notes the need for a waterproofing system. Neither are relevant to the SMS but should be addressed as the design is developed and as the contractor prepares the CMP.
25. In section 4.3.4 ME returns to the question of the ownership of the flank wall of 14 Japan Court and incursions into neighbouring gardens and whether the application is valid. Neither appears to be relevant to the SMS.
26. In section 4.4 ME raises similar issues regarding drainage design to those highlighted by us in point 11 above.
27. In section 4.5 ME raises a number of points regarding structural design, including the need for more detail at the ground floor level where No. 16 abuts No. 14 Japan Crescent and at the junction with the corner of 7 Mount Pleasant Crescent. He has also queried the omission of groundwater pressure and heave in the design calculations for the basement walls and slab. These are points which we have also noted.

He goes on to state that the damage category should be 3 rather than 2 as assessed by HPF based on the Cording rather than the Burland method. ME has not provided any evidence or calculations to support this more onerous damage category.

Our experience of basement excavations of this nature and scale is that provided they are constructed carefully they are very unlikely to result in damage exceeding category 2, so an assessment of category 3 seems pessimistic.

28. Section 4.6 covers in detail the risk of damage to 14 Japan Crescent due to differential movement between the underpinned flank wall (the underpins are to be stepped up towards the front) and the front and rear walls, particularly in relation to the growth of the tree to the front of No. 14 and vegetation in the gardens. We have noted previously that HPF should review the impact of the street trees, but there is a greater risk of damage from clay shrinkage to the front bay window on No.14 than to the flank wall. ME's comments on insurance are not relevant to the SMS.
29. In section 5 and the summary of his report ME goes into some detail (drawing on sections 3 and 4) why he considers the SMS fails to adequately address the seven bullet points in the SPD guidance document for basement development. The reasons why he considers the SMS fails to address the issues are summarised in points 15-28 above. Our views on the adequacy of the SMS and SMSA in addressing these points is set out in point 11 above.
30. In section 6 and the summary ME raises a number of 'other matters of concern'. These are not matters that are directly relevant to the SMS.

Conclusions

31. The SMS has been revised on a number of occasions in response to previous comments and additional information becoming available and is not clear in some parts. There are some areas where further consideration is needed on issues such as groundwater, heave, street trees and aspects of the temporary works proposals. Some structural engineering plans/sections and drainage drawings are also needed to illustrate the proposals more clearly and further assessment is needed of the impact on 18 Japan Crescent and 7 Mount Pleasant Crescent.
32. The report by Michael Eldred is detailed, and makes a number of points on omissions and potential issues relevant to the SMS. The need to address these has been discussed in points 16 to 19, 23 and 26 to 28. It also raises a number of issues and 'matters of concern' which are not relevant to the SMS.
33. Overall the SMS broadly covers the need for desk studies, building appraisals, site investigations and the bullet points set out in LBI's SPD (including the six issues highlighted in the ME report), but there are a number of areas where further consideration is needed and additional information should be provided.

16 Japan Crescent

Comments on SMS addendum (30.11.17) in response to Alan Baxter Ltd (ABA) Structural Engineering Notes of 15.9.17 and 7.11.17

A Project Chronology

The date of the initial planning application is incorrect. Presumably point 1 should be 24.11.2015.

B Specific Comments

1. We confirmed in point 9 of our structural engineering notes of 15.9.2017 that the site investigations and subsequent groundwater monitoring were adequate for a development of this nature. For clarity the further comment that these 'pose no specific threat to the construction of the new dwelling or the neighbouring properties' is not an ABA comment and appears to have been interpreted by D4P. We believe the method of monitoring and controlling unknown anomalies (some groundwater ingress) are detailed in 4.6 of Hurley Palmer Flatt's SMS, not their SMS addendum (SMSA).
2. We have reviewed the plans/sections/construction sequence drawings listed which were issued in November 2017 in response to our comments of 15 September 2017 and amended in response to our further comments of 7 November 2017. We have no further comments on these drawings. On page 3, point 10 of our notes of 15.9.17, we confirmed the requirements of LBI's SPD for the design to be developed to RIBA stage 3 and include an outline of the proposed structural engineering arrangement (plans) and details. We stated our expectation that this should include some structural plans, and these have now been provided and appear to take on board our comments. (D4P appear to have misunderstood point 11 – bullet point 5 of our notes which relates to the construction sequence, which will need to be developed during detailed design and by the contractor, once appointed, in preparing his Construction Management Plan)
3. The designer has now considered and assessed the impact of the street tree maturing in their design.
4. The proposed drainage arrangement has been clarified following the inclusion of a drawing (009923-98-SP-900 P1) in the information submitted.
5. Groundwater, hydrostatic uplift and heave have now been considered in the design and details. This appears adequate for planning purposes, but will need to be developed further by the designers.
6. We commented in our notes of 15.9.17 that the movement assessment for the proposed building and 14 Japan Crescent was reasonable given the scale and nature of the project. Consideration has now also been given to movements of 18 Japan Crescent and 7 Mount Pleasant Crescent as suggested in our note and subsequent discussions.
7. HPF have now provided a commentary on the condition and integrity of 18 Japan Crescent and 7 Mount Pleasant Crescent.
8. We have been advised that no records are available of any flooding in the area, and based upon the desk study research and physical investigations carried out by Southern

Testing (ST) the risk of significant groundwater is low. Appropriate waterproofing measures have been incorporated in the design.

9. All comments raised in our note of 7.11.17 have been addressed in the latest submission.
10. In the conclusion, D4P have suggested that ABA have provided guidance and recommendations which have been incorporated within the design. This is not correct. We have reviewed and commented on the information provided in relation to the requirements of the LBI SPD guidance for basements.

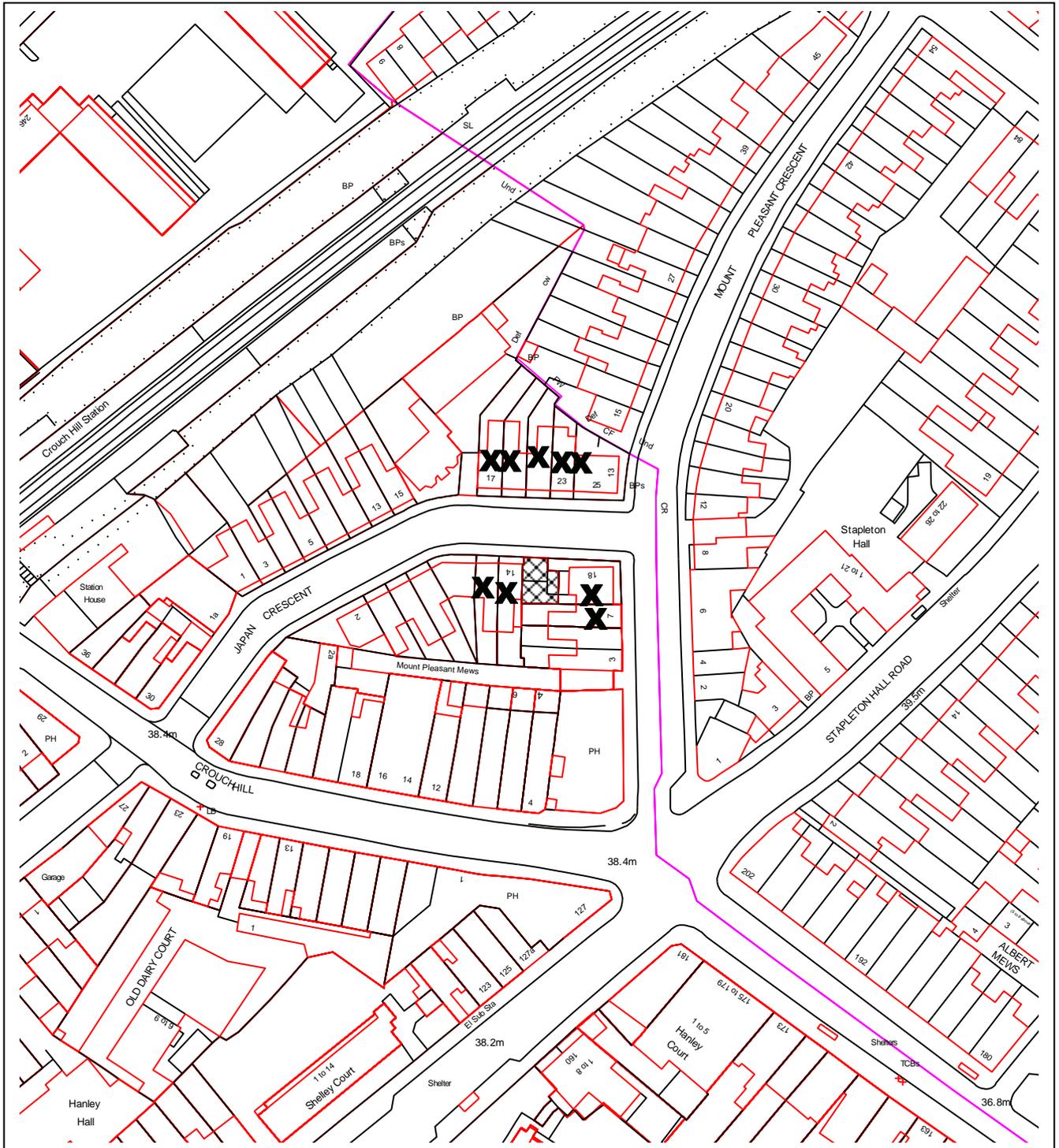
C Structural Engineer's Covering Letter (HPF)

Generally this covers very similar ground to section B above, providing some additional detail on a few points. Ad. 7 describes the existing condition of the adjacent properties and summarises the structural proposals and the potential damage to the neighbouring buildings as a result of the works.

16 Japan Crescent**Comments on further commentary submitted by the objectors in response to ABA Structural Engineering Notes of 15.9.17**

1. The further commentary appears to have been produced by Michael Eldred in response to ABA notes of 15.9.17, which commented on his Geotechnical and Structural Assessment of the proposals.
2. The Structural Engineering notes were prepared for the London Borough of Islington, not Southwark.
3. ABA's brief was to advise on whether the Structural Method Statement (SMS) and Addendum (SMSA) met the requirements of LBI Supplementary Planning Document (SPD) for basements, Appendix B, Guidance on Structural Method Statements. Michael Eldred reviewed the basement proposals more generally and also raised a number of broad issues relating to ownership, insurance and Party Wall matters, which were not directly relevant to the SMS or planning. The purpose of his assessment appears to have been to assist his client in objecting to the proposals. Overall, we found the SMS and SMSA broadly covered the requirements of the SPD, but that there were a number of areas where further more detailed consideration and information was needed. These have now been addressed by amendments to the proposals and the provision of supplementary information.
4. The latest proposed plans show the boundary with 14 Japan Crescent running down the centre line of the flank wall to 14 Japan Crescent. It appears, therefore, that the issue of whether this is a party wall still needs to be resolved by Party Wall Surveyors (as noted in our notes of 15.9.2017) and is not, we believe, a matter for planning.
5. The Construction Sequence drawings have been developed with additional temporary trench sheeting shown and fewer battered excavations. As stated in our notes of 15.9.17, the method of construction will need to be developed during the detailed design and by the contractor (once appointed) in preparing the Construction Management Plan (CMP), which doesn't need to be submitted and approved until just prior to works commencing. By this stage, party wall awards should also be in place and it should be clearer what agreements have been reached with the neighbours regarding underpinning and temporary access to carry out the works. Again, this is not, we believe a Planning matter, but if aspects of the proposals are not agreed or temporary access not obtained, revisions will be needed to the scheme and/or the method of construction.
6. ABA have worked with Southern Testing over a number of years and like Michael Eldred have found them to be a respected and reliable site investigation contractor. However, as noted in point 20 of our notes, our conclusion that their interpretation of the findings was reasonable was based on the nature of the investigations carried out and our own extensive experience of London clay in the area and more generally. On this basis, we consider it unlikely the ground movement assessments are over optimistic, but if slightly larger than predicted movements did occur, they are very unlikely to result in damage exceeding category 2, and therefore meet the requirements of the SPD guidance.

Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department



PLANNING SUB-COMMITTEE 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.

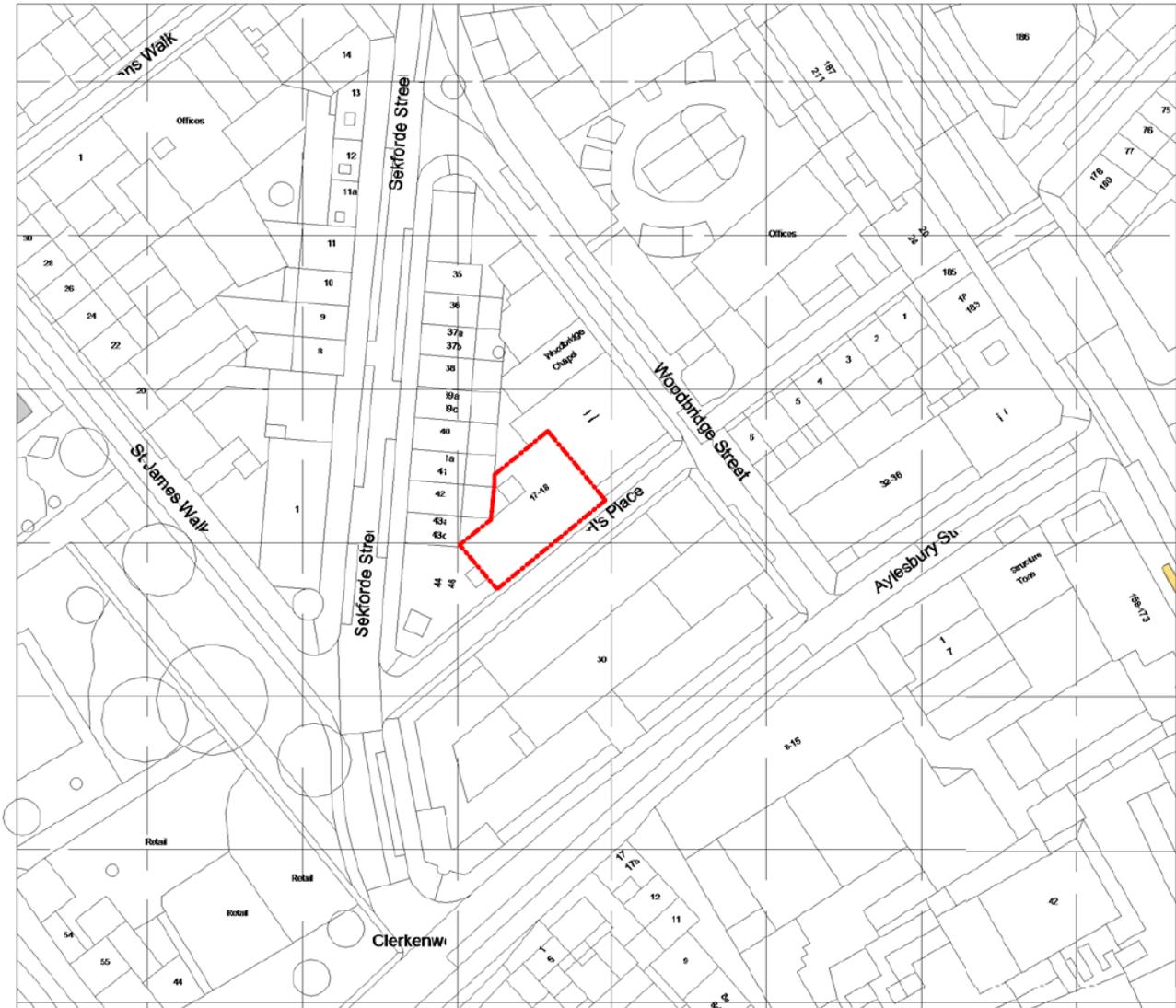
Case Officer	Thomas Broomhall
Applicant	N/A
Agent	Miss Aimee Squires - Savills UK

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

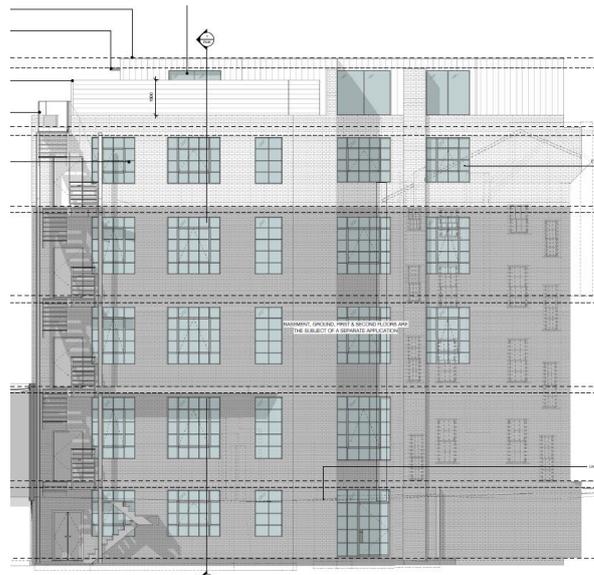


Image 8 – Proposed rear elevation of latest proposal

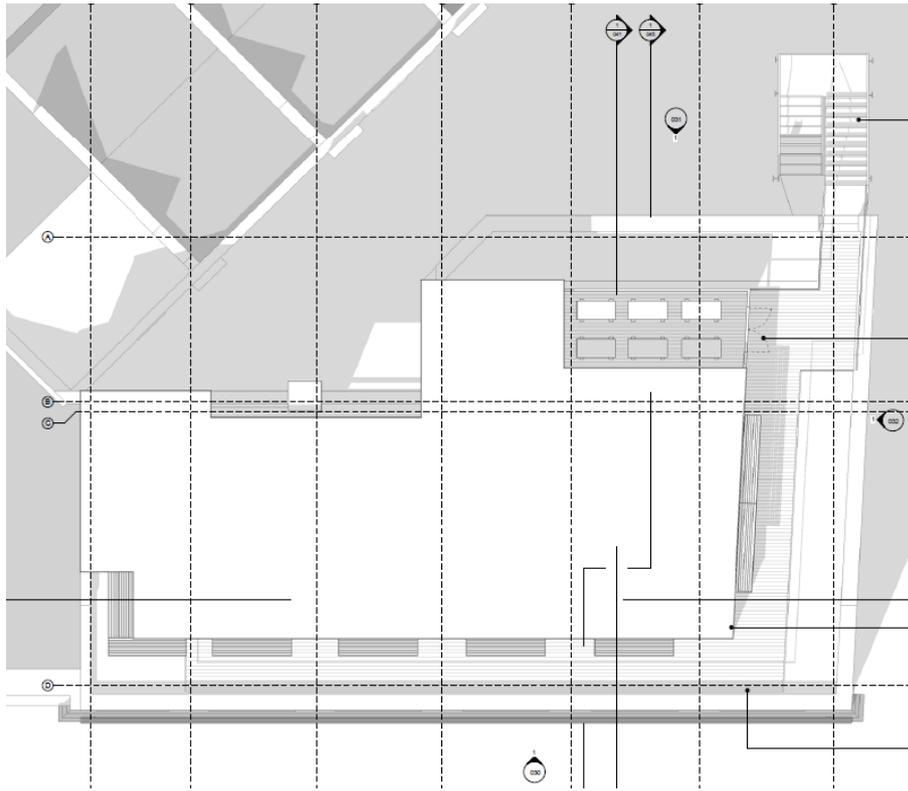


Image 9: Proposed roof plan indicating position of plant equipment and enclosure



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 is 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> <ol 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
	<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 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

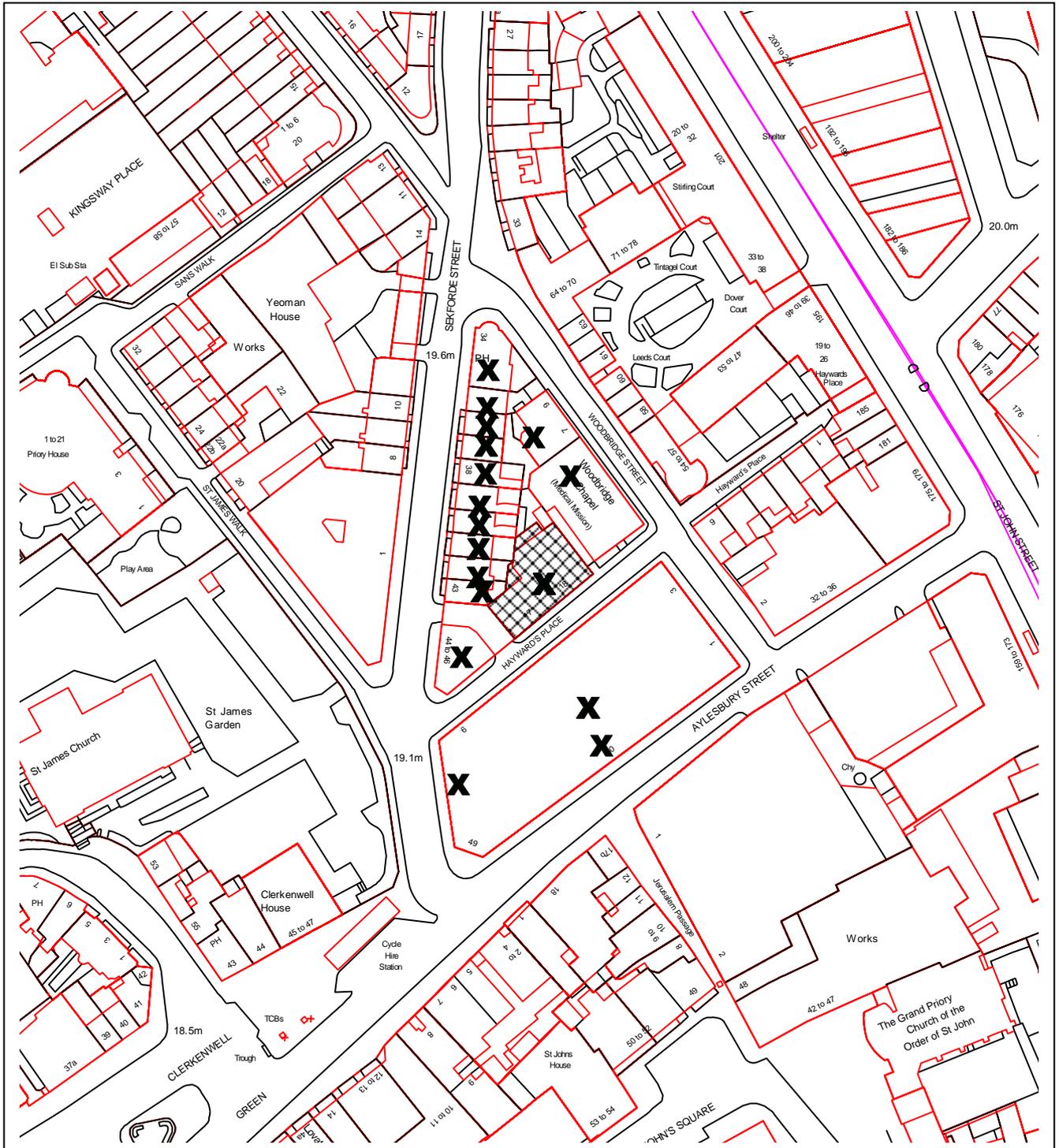
Clerkenwell Green Conservation Area

4. SPD/SPGS

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

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ISLINGTON SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department
 LONDON N1 1YA

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

Application number	P2017/3435/FUL
Application type	Full Planning Application
Ward	St Mary's Ward
Listed building	Not listed
Conservation area	N/A
Development Plan Context	<p>Highbury Corner Employment Growth Area Upper Street Local Shopping Area Highbury Corner and Holloway Road Core Strategy Key Area.</p> <p>This section of Upper Street is a TfL Red Route and forms part of local and strategic Cycle Routes. Article 4 Direction: office to residential Crossrail 2 Safeguarding Area</p>
Licensing Implications	None
Site Address	Northway House, 257 - 258 Upper Street N1 1RU
Proposal	Change of use at ground floor level from Class B1(a) to mixed A1/A3 sandwich bar/café (sui generis use).

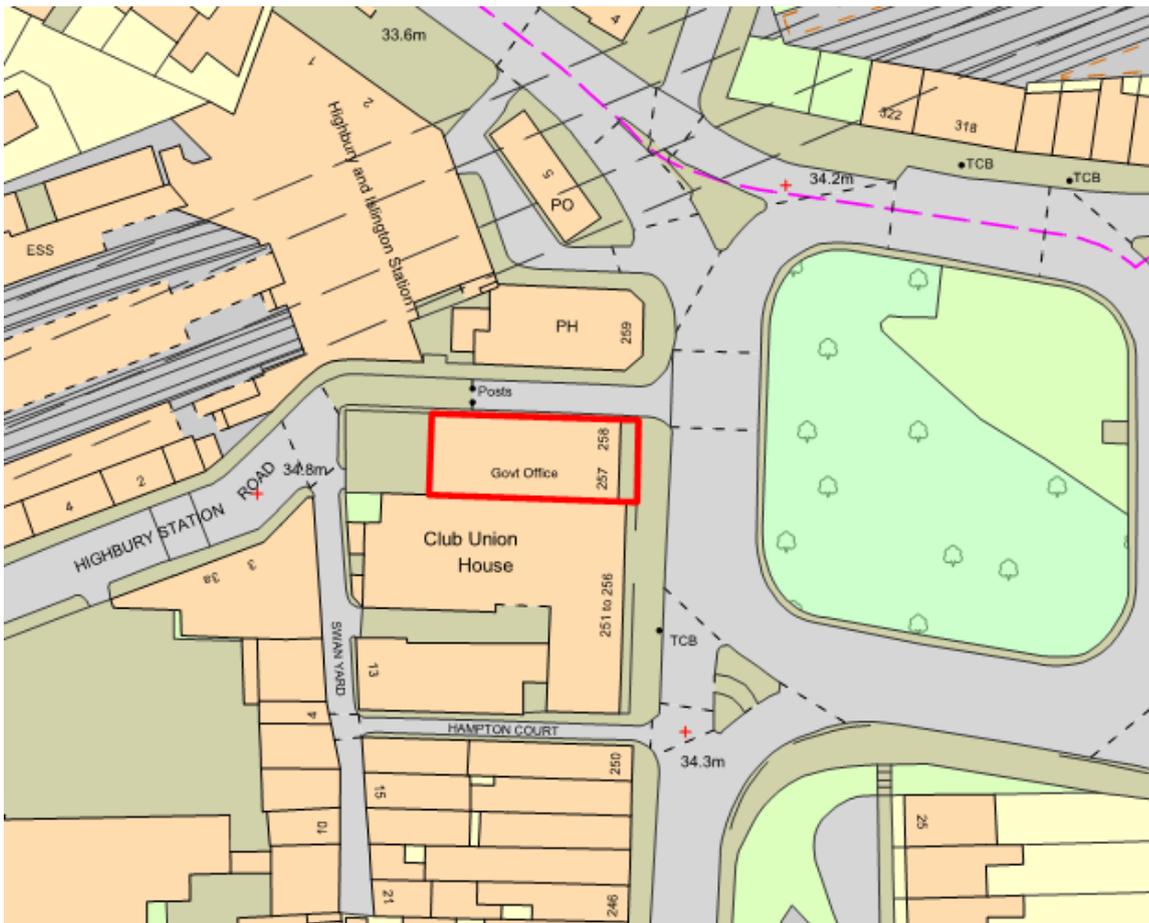
Case Officer	Heather Lai
Applicant	Pret a Manger
Agent	Rhys Govier

1. RECOMMENDATION

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

- 1.1 Subject to the conditions set out in Appendix 1;

2. SITE PLAN (SITE OUTLINED IN RED)



3. PHOTOS OF SITE/STREET



Application site

Image 1: Aerial view of the application site



Image 2: View of existing site from Upper Street



Image 3: View of existing site from Highbury Station Road



Image 4: View of side elevation along Highbury Station Road



Image 5: Upper Street looking north towards application site

4. SUMMARY

- 4.1 Planning permission is sought for the change of use at ground floor from Class B1(a) office floorspace to a mixed use (sui generis) Class A1/A3 coffee shop/sandwich bar. The applicant is Pret a Manger. The four storey plus basement building is the former Islington Council housing offices, however the site has been vacant since November 2017. No change of use is sought for the basement or 1-4th floors which remain as office floorspace.

- 4.2 The application is brought to committee because it is a departure from policy, it would result in the loss of office floorspace in an Employment Growth Area outside of a town centre which is contrary to policies DM 5.2 and DM 5.4.
- 4.3 The issues arising from the application are the loss of the Class B1(a) floorspace, the size of the proposed unit outside of a town centre location, and servicing and delivery impacts associated with the proposed use.
- 4.4 The application site is located within the Upper Street Local Shopping Area and is located adjacent Highbury and Islington Station and opposite Highbury Corner roundabout. Works to the Victorian bridge to the front of the Station are to be completed in 2018, and works to the Highbury Corner gyratory are proposed which if agreed will likely to commence later in 2018. The possible scheme option will involve the pedestrianising of the area to the front of the Station and connecting it to the roundabout, creating a more accessible public realm space (see image 6 below).
- 4.5 In the current option proposes the existing road layout would be altered, with two-way traffic in both directions, moving around the eastern side of the roundabout. The area to the front of the application site, as well as the area to the front of the adjoining Weatherspoon (White Swan) and The Famous Cock pubs would be pedestrianised.
- 4.6 The existing ground floor frontage to Northway House is poor quality, inactive frontage which does not relate well nor positively interact with the street scene. Planning permission was granted on 7 November 2017 (P2017/3436/FUL) for shopfront alterations in association with the change of use, which would result in a more active shopfront, including larger sections of glazing to the front and side of the application site.
- 4.7 The proposal would introduce an A1/A3 unit thereby providing an active frontage at ground floor level which Officers consider would contribute to the vitality and viability of Local Shopping Area. Whilst the loss of B1 office space is undesirable, it must be noted that the upper floors and basement would retain their current B1 function. This would thereby provide a mix of A1 (retail)/A3 (restaurant) and B1 (office) space within the building which would correlate with many of the existing buildings in the area which contain A1 (retail)/A2 (Professional and Financial Services)/ A3 (restaurants) at ground floor with B1 Office space on the upper floors. As such, to an extent the proposal satisfies both functions both as a Local Shopping Area and Employment Growth Area (with the retention of basement and upper floors as Office space).
- 4.8 The proposal would not lead to any adverse impact on neighbours' amenity. The Environmental Health Officers and Acoustic Officers have raised no objections to the scheme given its location away from neighbouring residents and its hours of operation. The proposal would also satisfy highway and pedestrian safety concerns. Whilst Transport for London had initial concerns, these have been addressed through additional information (Transport Strategy). A condition is also recommended on the servicing and delivery arrangements (Condition 3).

4.9 Having regard to the poor quality of the existing building and limited activity at ground floor within this Local Shopping Area as well as the options being considered for the Highbury Corner redesign and investment to improve the quality of the public realm, it is considered in this particular instance while the proposal is contrary to policy there are material considerations that weigh in favour of the application, and whilst finely balanced it is therefore recommended for approval in this particular location.



Image 6: Image of option proposal for new layout to public realm improvements to Highbury Corner gyratory.

5. SITE AND SURROUNDING

The Site Context

- 5.1 The application site is located on the western side of Upper Street, opposite Highbury Corner roundabout. It is on the corner of Upper Street and Highbury Station Road. The site is adjacent to Highbury and Islington Station to the north and west. This area of public highway is a TfL red route, which currently includes a bus lane and a cycle lane.
- 5.2 The site is a four storey plus basement 1980s building with a lawful use as Class B1 offices. Until 3 November 2017 it was occupied by Islington Council. It is located outside of, but lies adjacent to the Upper Street Conservation Area. It is not listed and not within a town centre, but is within the Highbury Corner Employment Growth Area and the Upper Street Local Shopping Area.

Background

- 5.3 The originally submitted application was for 'Change of use from Class B1(a) to mixed A1/A3 sandwich bar/cafe (sui generis use). This application proposed a change of use at ground floor and basement levels from offices to a separate mixed use unit operated by Pret a Manger. That application as originally submitted would have resulted in the loss of 527sqm of office floorspace from the Highbury Corner Employment Growth Area.
- 5.4 This application for a change of use from Class B1 to a mixed use Class A1/A3 unit at ground floors was accompanied by an advert application for new fascia and projecting signage and a shopfront application for changes to the front and side elevations. These two applications were approved on 7 November 2017.

Amendments during the course of the application

- 5.5 Objections were received against the initial proposal from the Council's Highways and Policy teams and TfL on the basis of a loss of Class B1 office space, and lack of a servicing and delivery strategy. Concerns were also raised over the size of the proposed unit for this use outside a town centre. Following discussions with the applicants they have removed the basement floor from this proposal. The proposal would now result in the loss of 268sqm of office floorspace.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks permission for a change of use at ground floor from Class B1 office floorspace to a mixed use Class A1/A3 café/sandwich bar. The proposal would involve the loss of 268m² GIA office floorspace.
- 6.2 Planning permission was granted for shopfront alterations on 7 November 2017 (P2017/3436/FUL), which granted approval for a separate entrance for the ground floor sui generis unit. Therefore, the existing entrance door, which serves offices on all floors would be retained for the office use at basement and 1-4th floors.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 35 adjoining and nearby properties on Upper Street, Hampton Court and Swan Yard on 11 September 2017 when the initial application was received. No responses from the public had been received at the time of writing this report.

Internal Consultees

- 8.2 **Planning Policy:** Represents a loss of Class B1 office floorspace at ground floor which is undesirable, note the removal of the basement floor from the scheme.
- 8.3 **Transport Planning:** No objection.
- 8.4 **Highways:** Following amendments to the proposal including a detailed Servicing and Delivery Strategy, no objection.
- 8.5 **Noise Officer:** Following the removal of the basement floor from the proposal, no objection as this overcomes the need for extraction plant from the basement.
- 8.6 **Refuse and recycling:** No comment.
- 8.7 **Licensing Officer:** No objection.

External Consultees

- 8.8 **TfL:** Objected to the initial proposal based on lack of detailed information regarding servicing and delivery of the site. Following submission of a Transport Strategy they raised concerns that there was still a lack of detail, including regarding the impacts on the planned alterations and improvements to the Highbury Corner gyratory adjacent the site. Following further amendments and submission of detailed information from the applicant, objection is overcome, subject to conditions.
- 8.9 **London Overground:** No response.
- 8.10 **Network Rail:** No objection
- 8.11 **Crossrail 2 (Rail safeguarding):** No objection.

9. RELEVANT POLICIES

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

National Guidance

- 9.1 The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and

PPG are material considerations and have been taken into account as part of the assessment of these proposals.

Development Plan

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

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

- Land Use: loss of existing Class B1 office floorspace
- Size of the proposed unit outside a town centre
- Impact of change of use on amenity of neighbouring occupiers
- Highways and transportation impacts of the proposed change of use, including proposed alterations to the Highbury Corner gyratory
- Issues with servicing and delivery to proposed unit, including frequency of deliveries

- 10.2 As the proposal would result in the loss of Class B1 office floorspace in an Employment Growth Area which is also within a Local Shopping Area it is considered contrary to CS13 and CS14 of the Core Strategy and 5.2 of the Development Management Policies and Policies 4.1, 4.2, 4.3 and 4.7 of the London Plan.

Land Use

Loss of office

- 10.3 The application site is a four storey plus basement building located on the corner of Upper Street and Highbury Station Road. The application pertains to the ground floor of the building. The existing ground floor GIA is 306m², however a separate application for shopfront alterations was approved on 7 November 2017 (P2017/3436/FUL) which permitted a separate ground floor entrance for the new unit and therefore the GIA proposed to the mixed use unit would be 268m², resulting in the loss of 268m² Class B1 office floorspace within an Employment Growth Area, which is contrary to DM 5.2 and DM 5.4. The loss of 268m² at ground floor represents approximately 20% of the overall floorspace, however figures for the floor area for the upper floors have not been provided by the applicant.
- 10.4 Policy DM 5.2 of the Development Management Policies (2013) resists the loss or reduction of business floorspace unless exceptional circumstances can be demonstrated, including robust marketing evidence for a period of two years that

shows there is no demand for the floorspace. In addition, in Employment Growth Areas it is required to demonstrate the loss or reduction in floorspace would not have a detrimental impact on the area's primary economic function.

- 10.5 As the unit has only been vacant since November 2017 it has not had a vacancy and marketing period of two years. In lieu of this, the applicants have submitted marketing evidence covering a non-continuous period between April 2016 and July 2017. This supporting evidence includes mailouts that were undertaken and a demonstration of what type of businesses were targeted by the mailouts.
- 10.6 Whilst the applicant has not provided 2 years continuous marketing evidence that demonstrates there is no demand for the office floor space as set out in Appendix 11 of the Development Management Policies, a report has been provided highlighting what level of marketing of the property has been undertaken since April 2016.
- 10.7 The marketing included
- sending details to registered applicants on the Estate Agents database
 - prominent "To Let" board erected to the front of the building
 - preparation of in-house marketing particulars with site details of building and its location.
 - Weekly lists of available Office Lists sent out in response to telephone and written enquiries from individuals and companies.
 - Marketing particulars sent to registered applicants known to be seeking office space on Estates Agents database
 - Marketing particulars sent to top 500 Central London Commercial Agents (who sought office space)
 - Display on Estate Agents commercial website since April 2017.
 - Property also listed on designated property search engine sites including EGI Property Link, Zoopla, Rightmove and City Agents
- 10.8 The report indicates that the resultant marketing campaign produced 45 enquiries from the mail outs, 22 enquiries from the commercial website, 60 enquiries from property search engine and 120 enquiries from the "To Let" board. Of these, there were 21 resulting viewings with no full offers on market rental value of the premises (£30 per sq ft). Three expression of interest were received however these did not materialise into an offer due to certain issues including cost of upgrading the building; not interested in taken lease of the whole building and the cost of maintaining the building.
- 10.9 The feedback from the enquiries and viewing highlight some of the issues potential tenants have with the building which include

- The building is not very attractive with no character to external or internal appearance
- Facilities dated including lift facilities not compliant with current legislation in terms of size
- Overall size of the building has a set target audience – more demand for individual floors
- Layout would need reconfiguration to meet modern office working environments
- Interest in the basement and ground as a retail function given proximity to transport modes (including underground station)

10.10 Having reviewed the information provided, Officers note that whilst a full two-year marketing campaign has not been fully carried out, substantial efforts have been undertaken to get the building into occupation in its lawful use as a B1 Office. It must also be noted that site is within the Local Shopping Area which would support an active frontage on this building particularly at ground floor. In this specific instance, Officer would argue that part A of Policy DM4.6 of the Development Management Policies (2013) would be as important policy to also consider. This policy seeks to promote an appropriate mix and balance of uses within the Local Shopping Areas. Officers would argue that an active frontage at ground floor level with Office (B1 use) above it provides an appropriate mix that both contributes to the vitality and viability of the Local Shopping Area and also maintains significant employment space at basement and upper floor levels thereby maintaining employment in the vicinity.

10.11 While the application does not demonstrate that there is no demand for the office floorspace, the applicant has made the case that an active retail function to the ground floor would bring other benefits to this site, and to the Upper Street Local Shopping Area which the building is located within. Additionally, the application advises that a workspace provider RNR Property have proposals to refurbish the upper floors to deliver flexible floorspace suited to Small and Medium-sized Enterprises. As the works to the upper floors does not form part of the planning application, nor is permission needed for it, no weight can be attributed to this, nonetheless it does represent an operation that is supported in planning policy terms (CS13 Core Strategy 2011).

10.12 The applicant has advised that Pret would bring 20 full time equivalent (FTE) jobs to the proposed ground floor use. The cover letter refers to an uplift in employment potential from the building overall through the associated refurbishment of the upper floors, however as stated above these floors do not form part of the application site.

10.13 Following amendments to the scheme, the floor area of the proposal is less than 500sqm which is the threshold for employment and training initiatives to be provided to meet policy. As such, no training or development initiatives are to be agreed as part of the application.

Summary Loss of Office space

- 10.14 Whilst the loss of business space is not desirable and a departure from Islington's employment policies (a full 2 years marketing evidence has not been submitted), this must be weighed against the benefits from creating an active frontage within the Local Shopping Area where policy DM4.6 of the Development Management Policies encourages an appropriate mix and balance of uses. The justification provided includes the potential to provide 20 full time jobs within the Highbury Corner Employment Growth Area and also contribute to the vitality and viability of the Local Shopping Area. It also would generally correlate with the character of properties in the area which predominately are mixed developments (retail frontage at ground floor with office or residential spaces above).
- 10.15 Whilst policy DM5.2 (Loss of Business Floor space) has not provided a full 2-year marketing evidence, the marketing report submitted demonstrates significant attempts by the estates agents to lease the property as B1 Office space. In this specific instance, given other retail policies associated with the application sites location, Officers are satisfied that the proposal would provide an appropriate mix and balance of uses thereby complying with DM4.6 of the Development Management Policies (2013). As such, it is considered that the loss of the ground floor business floorspace would be acceptable on balance, given the gain in active retail frontage within the Local Shopping Area. The benefits of the commercial frontage are discussed further in paras 10.20-10.23.

Proposed A1/A3 mixed use

- 10.16 The application site is located within the Upper Street Local Shopping Area, but is outside The Angel Town Centre. The original proposal was for a change of use of two floors to a separate, mixed use planning unit with a GIA of 527.6m². This was considered too large for a mixed A1/A3 use outside a town centre. Following amendments to the scheme which removed the basement floor from the proposal, the change of use only relates to the ground floor of the existing five storey building and the proposed GIA of the mixed use unit would be 268m².
- 10.17 Policy CS 14 (D) of the Core Strategy states that 'Islington will retain the primacy of retail shops in the borough's town centres and shopping areas and actively promote independent retail.' Part F states 'Local shopping areas will be supported by creating coherent pedestrian environments and managing change of use from retail through Development Management Policies.'
- 10.18 Policy DM 4.3 assesses the location and concentration of uses in the borough and considers whether they would result in an unacceptable concentration of such uses in one area or would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area. This policy considers types of use, size of premises, hours of opening, operation and servicing and odour and noise issues and cumulative impacts within 500m radius of the site.
- 10.19 DM4.4 seeks to direct shop units in excess of 80sqm to Town Centre locations. In the event that there are no suitable locations within a Town Centre then Local Shopping Areas are then considered the next most suitable location for greater than 80qm of 'A' class uses.

- 10.20 DM4.6 deals with Local Shopping Areas and advises that only proposals where an appropriate mix and balance of uses, which maintains and enhances the retail and service function of the Local Shopping Area are to be approved. This policy considers that smaller scale Local Shopping Areas complement Islington's Town Centres and play an important role in serving the needs of residents across the borough by providing essential services and also play an important social role for the surrounding community, and contribute to the character and identity of an area.
- 10.21 The Upper Street Local Shopping Area is a long narrow strip, which stretches from Almedia Street in the south to Highbury Corner in the north which includes approximately 113 units along Upper Street, with additional properties on Barnsbury Street, Canonbury Lane, Coopers Yard and Islington Park Street. Therefore, it is considered a sizeable Local Shopping Area.
- 10.22 Policy DM 4.6 seeks to retain retailing within Local Shopping Areas and proposals however the provision of community and/or non-retail commercial uses may be appropriate to support the viability and vitality of the Local Shopping Area (in preference to a change of use to Class C3 residential).
- 10.23 Local Shopping Areas vary significantly in size, character and function. Policy DM4.3 is also considered relevant to securing a mix and balance of uses within each Local Shopping Area and these two policies together work to ensure that an over-concentration of a single type of use does not occur which may harm the vitality or viability of the area.
- 10.24 Whilst Town Centre sites are prioritised for retail units in excess of 80sqm, in this instance the application site is located within a Local Shopping Area and will be located opposite the Highbury Corner roundabout which is under consideration for a significant redesign and improvement, as addressed elsewhere in this report. It is noted that there are a high number of cafes and restaurants along Upper Street, however it is not considered that a retail sandwich shop with an element of seating of 268sqm would be of such a size as to undermine the functioning of the Local Shopping Area, particularly as the application site is currently in business use and therefore does not contribute positively to that shopping area function at present.
- 10.25 The existing building offers an unresponsive façade at ground floor to Upper Street is be considered to detract from the vitality and vibrancy of the Local Shopping Area. In this regard, it is the view of officers that the introduction of a retail / sandwich shop with an element of seating would bring benefits to the appearance of the building and its interaction with the street and also attract a greater degree of vibrancy to this part of Upper Street including having regard to the proposed plans to redesign the Highbury Corner roundabout. In this regard, it is considered that the introduction of an active ground floor use within the Local Shopping Area could be considered in a positive light – to be weighed against other policy non-compliance.

Design and Conservation

- 10.26 Planning permission and advert consent applications for the proposed new shopfront and related adverts were approved on 7 November 2017 (P2017/3431/ADV and P2017/3436/FUL), therefore there are no design issues to consider as part of this current change of use application.

Neighbouring Amenity

- 10.27 The application site fronts a main TfL red route road, Upper Street and is located in a busy commercial area with important local and regional transport links. The surrounding properties include offices, public houses, retail and café/restaurant uses. There are some residential units in the vicinity further to the south on Upper Street, however the immediately adjoining properties appear to have no residential uses associated with them.
- 10.28 The application seeks opening hours of 0600-2200 Monday to Friday, 0630-2100 Saturdays and 0630-2030 on Sundays and Bank Holidays. The Acoustics and Licensing Officers have raised no objection to these opening hours in terms of amenity impacts owing to the commercial nature of the surrounding area.
- 10.29 There is no mechanical extraction or air conditioning plant proposed with the change of use. An informative has been recommended advising the applicants they must apply for planning permission if any associated mechanical plant is required in the future.
- 10.30 The change of use of the ground floor level (268m²) from Class B1 offices to a mixed use A1/A3 unit is not considered to result in any material amenity impacts to neighbouring occupiers, specifically in terms of disturbance caused by the proposed use or extended opening hours. This is compliant with policies DM 2.1 and 4.3.

Highways and Transportation

Servicing and Delivery

- 10.31 Transport for London is the highways authority responsible for Upper Street/Highbury Corner, and are also the authority responsible for Highbury and Islington Station, adjacent to the application site. Highbury and Islington Station is one of the principle stations to accommodate fans travelling to Emirates Stadium and can become very crowded on match days.
- 10.32 The application site, on Upper Street is a TfL red route and is part of a strategic cycle network on Upper Street, and a local cycle network on Highbury Station Road.
- 10.33 This area of the public highway, and the public realm area to the front of the Station are the subject of current works to improve the Victorian Highbury Corner Bridge below the roadway. This scheme, which is understood to be due for completion in 2018 has required the closing of lanes to Upper Street, Highbury Corner and Holloway Road, resulting in congestion for pedestrians, cyclists and vehicles.

- 10.34 While the current disruption to traffic to the highway adjoining the application site is noted, TfL, Crossrail 2 and the Council's Highways team have raised no objection to the impact of the proposed change of use on the cycle networks.
- 10.35 This area of the public highway and public realm around Highbury Corner is the subject of proposed changes to the gyratory and public realm improvement works which will result in a new road layout. Following a consultation period, the Council and TfL are jointly considering these works, which if they go ahead are currently expected to commence in 2018.
- 10.36 The originally submitted documents stated that the existing servicing arrangements were to be retained as part of the change of use. No details of these existing servicing arrangements were provided and TfL and the Highways Team objected stating that a service and delivery plan should be provided for the new unit as it is considered that a mixed A1/A3 use would require more regular servicing than a B1 unit. The Highways Team stated that a servicing and delivery strategy should be provided that considers the proposed changes to the gyratory.
- 10.37 DM 8.6 of the Development Management Policies states that delivery and servicing should be provided off-street, particularly for commercial developments over 200m² gross floor area, that details of the delivery and servicing needs for new developments should be submitted, and that delivery and servicing bays should be strictly controlled. Owing to the constraints of the site on Upper Street, an appropriate off street location for deliveries was not available and therefore the use of a servicing bay outside 242 Upper Street is agreed, subject to condition.
- 10.38 The approved Servicing and Delivery Strategy for this application is an amended document dated February 2018, submitted following discussions between TfL and the applicant.
- 10.39 This document confirms that the existing delivery servicing bay outside 242 Upper Street is located approximately 100m south and would be used once or twice daily between the hours of 0200-0600, in line with restricted hours of no stopping in this area (please see image 6 below). The applicants have also stated that reducing the size of the proposed unit by removing the basement floor will reduce the need for servicing and deliveries to the site. Deliveries will be taken in through the front door at ground floor on the Upper Street elevation.
- 10.40 Refuse collection will be taken by the occupant's private contractor between 1400-1900 daily. While no comments have been received from the Council's waste and recycling team, it is considered given the proposed arrangements confirmed in the Servicing and Delivery Strategy, and that this is to be provided by a private contractor that it is on balance acceptable.
- 10.41 As the basement and first-fourth floors have an existing B1 office use which is to remain unchanged, no proposals to change these servicing arrangements are to be considered as part of this application.
- 10.42 Following the amended Servicing and Delivery Plan, the objections of TfL and the Council's Highways Team have been overcome, subject to condition ensuring noise levels during morning delivery hours (0200-0600) are strictly controlled.

10.43 A condition requiring provision of staff cycle parking has also been recommended (condition 4) to support cycling as part of the change of use.



Image 8: Location of servicing bay used currently by Northway House

Proposed changes to Highbury Corner

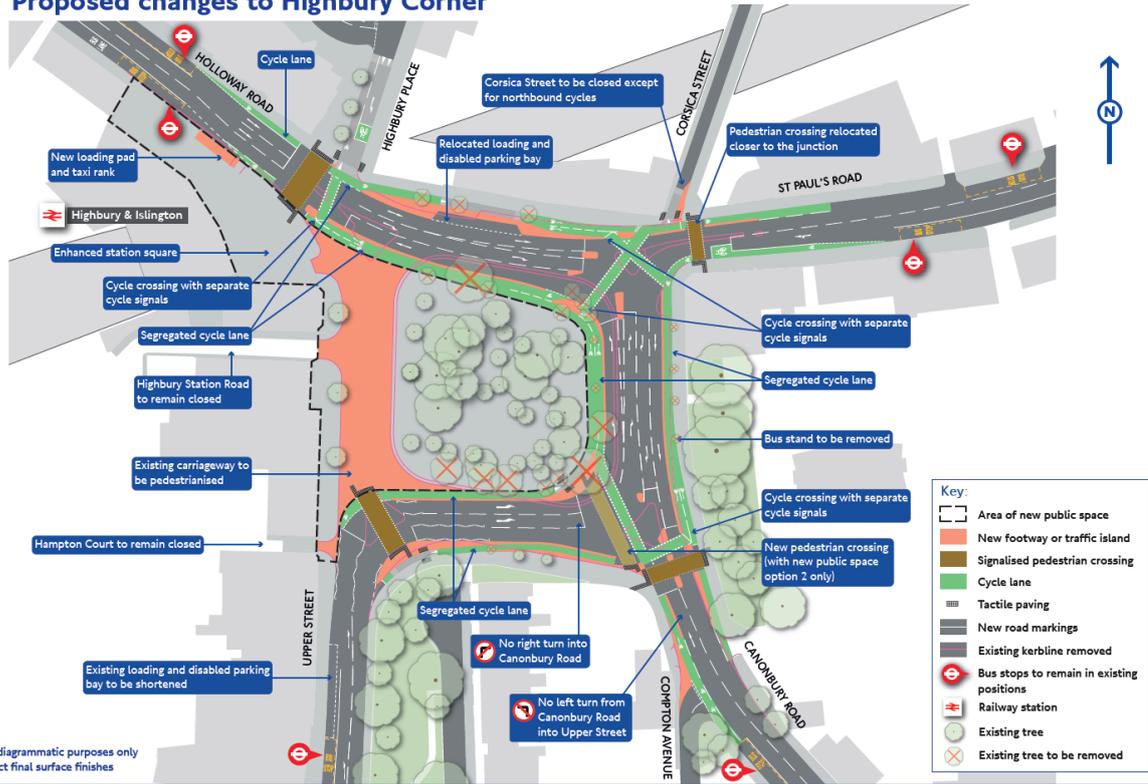


Image 9: Proposed changes to Highbury Corner (TfL image).

11. SUMMARY AND CONCLUSION

Summary

The proposed development has been considered against the relevant policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework. While the proposal has not provided a full 2-year marketing evidence as required by appendix 11 of the DM Policies (2013), significant marketing attempts have been undertaken by the applicant. In this specific instance, the site is in both an Employment Growth Area and also a Local Shopping Area. As such, weight must also be given to the retail policies and function of area in which the site forms a part of.

In this instance policies are pulling in different directions with respect of protecting office floorspace (DM5.2 of Development Management Policy 2013 & London Plan Policy 4.2), but also promoting retail floorspace at ground floor in this specific location (DM4.6 of Development Management Policy 2013). The recommendation is a finely balanced one that is tipped by the greater benefits that an active use would bring to the immediate area with respect of an enhanced public realm and gyratory (subject to the details of this being finalised and agreed). Approval is recommended on a finely balanced basis subject to conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Letter dated 21 December 2017, Letter dated 23 January 2018, Delivery and Servicing Management Plan dated December 2017, Planning, Design and Access Statement dated September 2017, Marketing Report and Recommendations dated August 2017, site location plan, NORWAY-Pret-01, NORWAY-Pret-03 Rev. A.</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	Servicing and Delivery arrangements
	<p>SERVICING ARRANGEMENTS (COMPLIANCE): All service vehicle deliveries /collections/visits to and from the ground floor mixed use unit at Northway House, 257 – 258 Upper Street N1 1RU hereby approved must not take place outside hours of: 0200-0600 daily Noise levels during these times must be kept to a minimum, including avoiding slamming doors, leaving engines running, loud voices and other associated noise creating activities.</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
4	Cycle Parking Provision
	<p>CONDITION: Prior to the use hereby permitted at least four secure bicycle storage spaces shall be provided within the site. These spaces shall be used solely for the benefit of the staff of the ground floor sui generis unit and for no other purpose and shall be permanently retained as such thereafter.</p> <p>Reason: To ensure adequate cycle parking is available and easily accessible on site and promote sustainable modes of transport.</p>

5	Hours of operation
	<p>HOURS OF OPERATION (COMPLIANCE): The ground floor mixed use unit hereby approved shall not operate outside the hours of:</p> <p>0500-2300 Monday-Sunday</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>

List of Informative:

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. The LPA and the applicant have worked positively and proactively in a collaborative manner through the application to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>
2	Community infrastructure Levy (CIL)
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>
3	Installation of mechanical plant
	<p>You are advised that the proposed installation of any plant in association with the ground floor sui generis use will require a separate application for planning permission.</p>

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

a. **The London Plan 2016** - Spatial Development Strategy for Greater London

Chapter 4: London's Economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.4 Promoting Town Centres

Policy 4.3 Mixed use development and offices

Policy 4.6 Local Shopping Areas

Policy 4.7 Retail and town centre development

Policy 4.9 Small shops

b. **Islington Core Strategy 2011**

Policy CS 4 – Highbury Corner and Holloway Road

Policy CS 13 – Employment Spaces

Policy CS 14 – Retail and services

c. **Development Management Policies June 2013**

- Policy DM4.3 - Location and concentration of uses
- Policy DM 4.4 - Promoting Islington's Town Centres
- Policy DM 4.6 - Local Shopping Areas
- Policy DM5.2- Loss of existing business floorspace
- Policy DM8.2 - Managing transport impacts
- Policy DM8.6 - Delivery and servicing for new developments

3. Designations

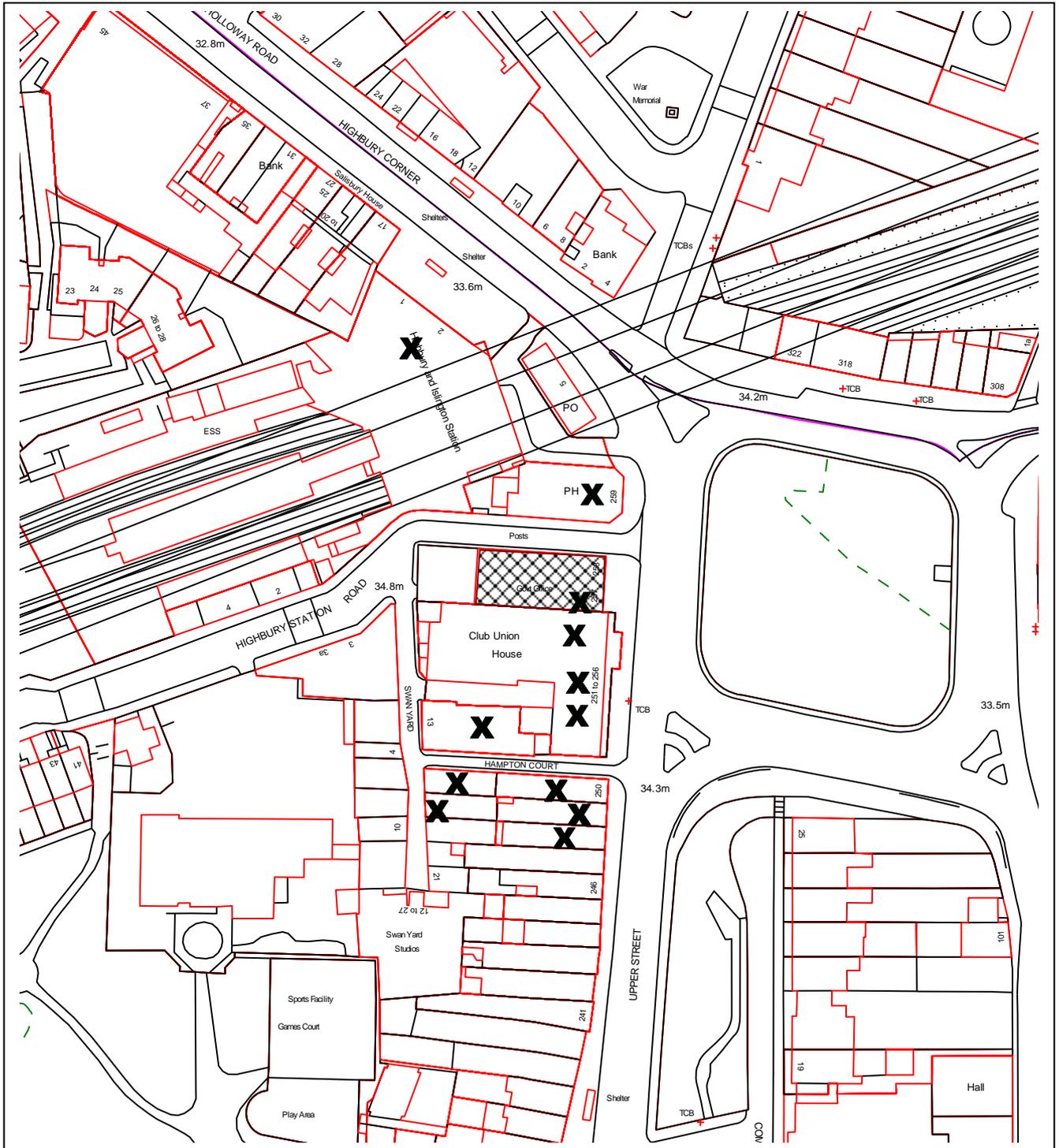
- Highbury Corner Employment Growth Area
- Within Highbury Corner and Holloway Road Core Strategy Key Area
- Within Upper Street Local Shopping Area
- Local cycle route (Highbury Station Road)
- Strategic Cycle Route (Highbury Corner roundabout)
- Within Article 4 Direction Area: A1-A2 (Local Shopping Area)

4. SPD/SPGS

N/A

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB COMMITTEE A		
Date:	1 February 2018	NON-EXEMPT

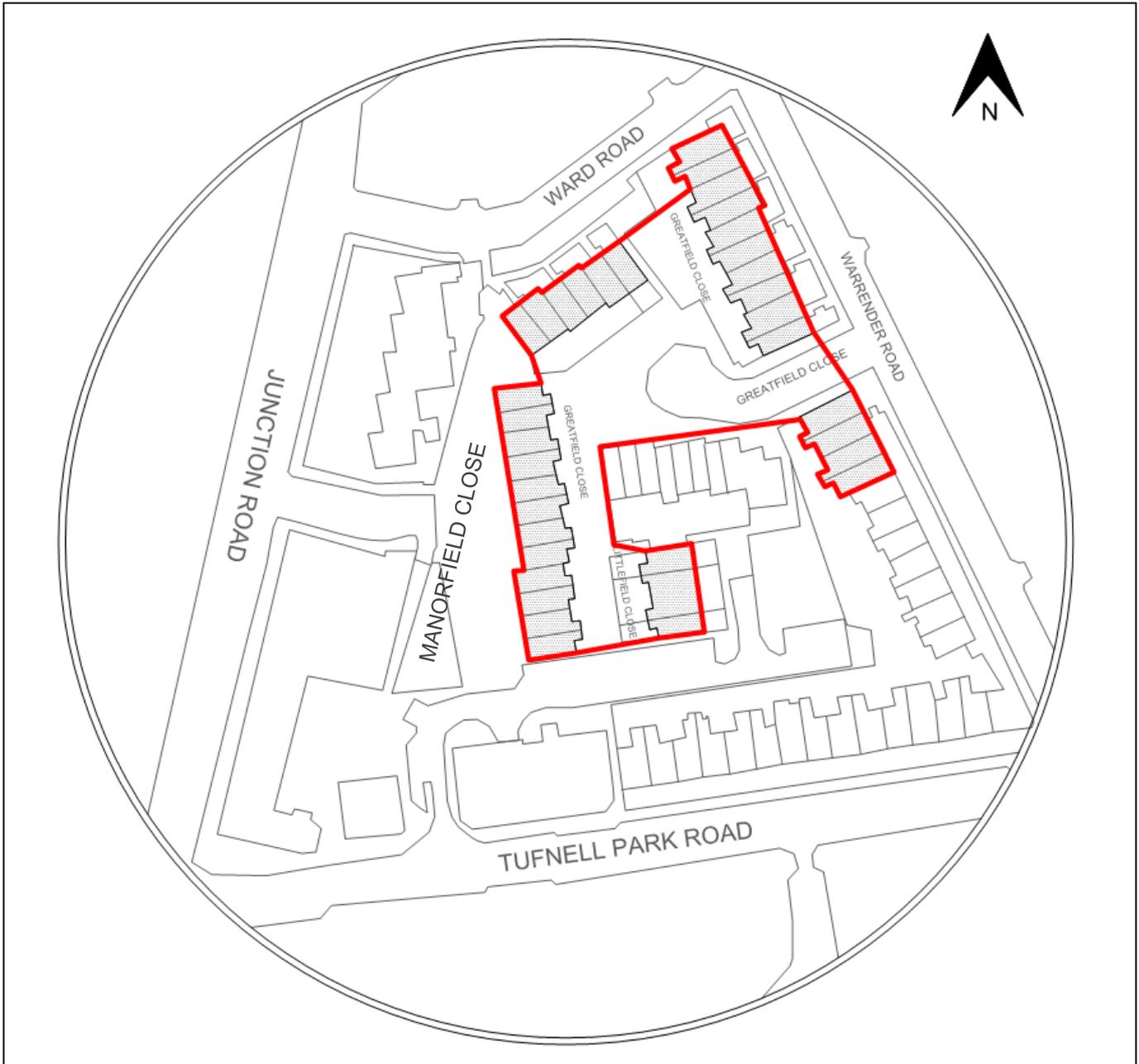
Application number	P2017/2749/FUL (Council's own)
Application type	Full Planning Application
Ward	Junction Ward
Listed building	Not Listed
Conservation Area	Not within a conservation area
Development Plan	Local Cycle Route Major Cycle Route Within 100m of SRN road
Licensing Implications	None
Site Address	Palmers Estate 1-39 Greatfield Close; 1-12 Littlefield Close; 1-12 Manorfield Close; 2-24 [evens] Ward Road; 21-32 Warrander Road, Islington, London, N19 5UE
Proposal	Replacement of existing single glazed metal windows with double glazed aluminium units, to all elevations.

Case Officer	Nathan Stringer
Applicant	Islington Council
Agent	Chelsea Smith – Mears Group

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission – subject to the conditions set out in Appendix 1.

2. SITE PLAN (site outlined in black))



PHOTOS OF SITE/STREET



Image 1: Aerial View of the Application Site



Image 2: Photograph of the Front of 31-32 Warrander Road



Image 3: Photograph of the Rear of 2-24 [evens] Ward Road



Image 4: View of Warrander Road facing north. Front of 21-30 Warrander Road is shown on the left.

3. Summary

- 2.1 Planning permission is sought for the replacement of the existing single glazed metal framed windows with double glazed aluminium windows on the front, side and rear elevations of the residential units known as Palmers Estate (excluding 9-23 [odds] Greatfield Close). The proposal also includes the replacement of 6no. single glazed metal doors to the rear roof terrace level of 2-24 [evens] Ward Road with double glazed aluminium units. The key considerations in determining the application relate to the impact on the appearance of the existing building and on the character and appearance of the surrounding area, as well as sustainability.
- 2.2 The application is brought to committee because the properties are owned by the Council.
- 2.3 The application site comprises of 5 two, three and four storey buildings containing a total of 86 self-contained residential units located on a street block surrounded by Warrander Road, Ward Road, Littlefield Close and Manorfield Close. The application buildings are not listed and the site is not located within a conservation area. The surrounding properties are predominantly residential in character with a mixture of historic and modern flatted developments ranging from three to six storeys in height.

- 2.4 The buildings currently contain single glazed metal framed sash windows and door units which is typical to housing estate buildings of this era, and therefore the main differences in their replacement would be the change from single glazed metal to double glazed aluminium. In addition, the double glazed frames often need to be thicker to compensate for the increased weight of the additional glazing, which can impact on the external appearance of the building. The existing frame is not traditional timber sash but a metal style frame of no significant architectural merit. The change of materials would not result in an unacceptable degree of visual harm to the appearance of the building or to the character and appearance of the area, particularly having regard to the significant variation in building style, age and materials immediately in the vicinity. Whilst a sample frame has been provided with white powder coated finish, it is accompanied by a colour swatch sample to demonstrate the brown colour proposed. A condition is also recommended to require that the window colour matches the existing frames (brown).

3. SITE AND SURROUNDING

- 3.1 The application site comprises 5no. two, three and four storey buildings on a street block bounded by Warrander Road to the east, Manorfield Close and Fulbrooke Road to the west, Littlefield Close to the south and Ward Road to the north. Known as Palmers Estate, the properties are purpose built blocks of flats which date back to the 1960s/70s and are used for residential purposes. Overall, the buildings contain 94 self-contained flats. 1no. block containing 8no. flats located at 9-23 [odds] Greatfield Close does not form part of this application. The existing buildings are constructed out of brick with a slate roof and single glazed metal framed windows located on the front, rear and flank elevations.
- 3.2 The immediate area is characterised by a mix of historic dwellings and modern developments. As such there is a variety of building styles, heights and designs within the locality. The historic properties are characterised by their timber framed windows whilst the modern flatted developments feature a mixture of aluminium and UPVC framed windows.
- 3.3 The building is not listed and is not within a conservation area. The surrounding area is predominantly residential in character.

4. PROPOSAL (IN DETAIL)

Planning permission is sought for the replacement of the existing single glazed metal framed windows with double glazed aluminium windows. The proposal also includes the replacement of 6no. single glazed metal doors to the rear roof terrace level of 2-24 [evens] Ward Road with double glazed aluminium units. The proposed replacement window and door units are similar in appearance, however would be casement in style and will differ in terms of materials. As a new double glazed unit will be used, the proposed windows and doors would be minimally wider than existing when viewed externally.

5. RELEVANT HISTORY:

- 5.1 910127: Installation of handrails and railings to entrance steps (see schedule for list of individual properties). Approved with conditions 18/11/1991.

ENFORCEMENT:

- 5.2 None.

PRE-APPLICATION ADVICE:

- 5.3 None.

6. CONSULTATION

Public Consultation

- 6.1 Letters were sent to occupants of 346 adjoining and nearby properties on 30 November 2017. A site notice was displayed outside the site. The public consultation of the application therefore expired on 28 December 2017, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 6.2 At the time of the writing of this report 3 letters of objection had been received from the public with regard to the application. The comment can be summarised as follows:
- proposed windows would negatively affect the character and appearance of the properties. **paragraphs 8.2 to 8.6)**
 - windows should reflect the design and colour of the original windows. **(See paragraphs 8.2 to 8.6)**
 - concern that proposal would negatively impact property prices. **(not a planning consideration per se and design merits and visual appearance of the development is assessed within paragraphs 8.2 to 8.6)**
 - concern that windows could no longer be used as an escape route in case of fire. **(Similar styled windows to existing with all works carried out required to meet fire safety and building regs)**

Officer's Comment: Initial drawings incorrectly noted that the proposed window and door units are white UPVC. Revised additional information provided note that windows and doors would be brown aluminium, and a condition has been included requiring the use of dark brown aluminium to match existing. The provision of casement windows is not considered to materially harm the character or appearance of the dwellings or the wider area. Further, the applicant has confirmed that the flats have protected stairs for fire escape purposes, and therefore the windows are not required for emergency escape. It is noted that property values are not a material planning consideration, and therefore have not been considered in this assessment.

Internal Consultees

- 6.3 None.

External Consultees

- 6.4 None.

7. 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

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

Development Plan

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

Supplementary Planning Guidance (SPG) / Document (SPD)

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

8. ASSESSMENT

8.1 The main issues arising from this proposal relate to:

- Design
- Neighbouring Amenity
- Sustainability
- Other Issues

Design

8.2 Islington's Planning Policies and Guidance encourage high quality design which compliments the character of the area. In particular, DM2.1 of Islington's adopted Development Management Policies requires all forms of development to be high quality, incorporating inclusive design principles while making a positive contribution to the local character and distinctiveness of an area based upon an understanding and evaluation of its defining characteristics.

8.3 The proposed replacement aluminium windows would match the appearance of the existing windows with the exception that they would be double glazed casement rather than single glazed metal sash windows, and the materials would be altered from metal framed to aluminium framed. The 6no. proposed replacement windows would be double glazed aluminium rather than single glazed metal. The existing building contains single glazed metal framed windows and doors which are currently in a poor state of repair. Whilst the main concern is that double glazing usually requires thicker frames, the details submitted illustrate that the frame thickness of the proposed windows and doors would be appropriately proportioned to the glazed window pane, with a thickness of approximately 120 mm when measured diagonally from the corner of the frame (compared to 45 mm thickness of the existing window frames). Although the windows would be visible on the front, rear and flank elevations of the buildings (and doors visible from the rear of 2-24 [evens] Ward Road), planning officers are of the view that the window and door frames would not appear significantly thicker than the frames they are replacing when taking into consideration the double glazed nature of the units. Further, whilst the proposed windows would incorporate casement rather than sash opening movements, this would not cause significant material visual harm. Overall, the proposed aluminium framed windows would not result in unacceptable visual harm to the appearance of the building or to the character of the area, which is mixed in terms of building style, age and materiality.

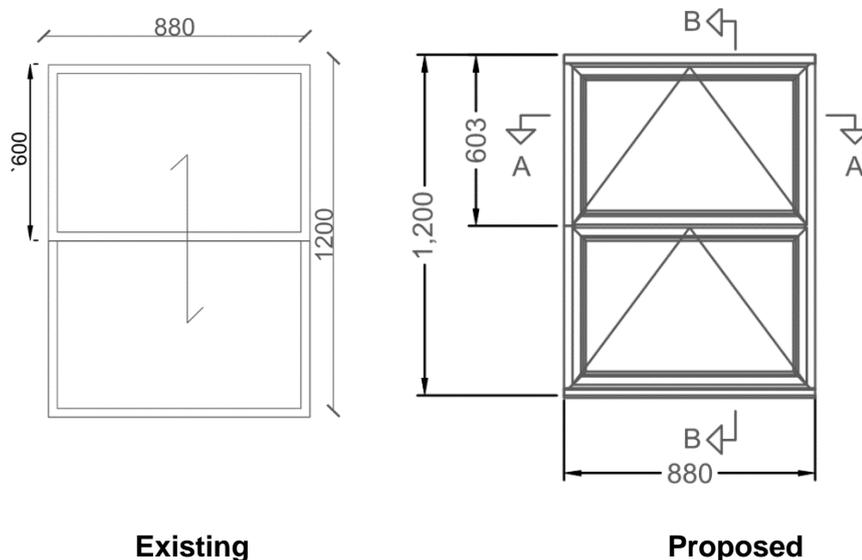


Image 6: Images of existing and proposed window frames

- 8.4 The application properties are a 1960s/70s style of property, and the properties adjoining and adjacent to the site are mixed in character. Similar post-war buildings are located adjacent to the estate on Warrander Road, Ward Road, and Junction Road. Modern developments are located adjacent at the rear of Manorfield Close. Victorian terrace style development with traditional timber sash windows is found immediately adjoining the site on the western side of Warrander Road, and to the south at the rear of Littlefield Close. It is therefore not considered that the proposal would cause demonstrable harm to the character and appearance of the property or wider street scene. It is considered that given the type of housing, the style of the existing windows and the great variety of building style, age, design and materials, the use of the double glazed aluminium casement window and door units are not considered to be harmful to the character and appearance of the streetscene and wider area.
- 8.5 Drawings originally submitted indicated that the proposed window units would be white uPVC. However, revised plans were submitted removing reference to the colour of the proposed frames, and email correspondence from the applicant confirms that the frames would be brown to match existing. In order to maintain a uniform visual appearance and to ensure the resulting appearance of the development is of a high standard, a condition has been included requiring that the windows shall have a dark brown finish to match the existing frames.
- 8.6 Given the above, the proposal is considered to be consistent with the aims of the Council's policies on design and to accord with policies 7.6 (Character) of the London Plan 2016, policy CS8 (Enhancing Islington's character) of the Core Strategy 2011 and policy DM2.1 of the Development Management Policies 2013.

Neighbouring Amenity

- 8.7 The application proposes the replacement of the existing windows and some doors with new windows and doors to be located within the same opening. As no additional windows or doors will be installed, it is not considered that the proposal will have a detrimental impact on the amenity of any adjoining occupiers by way of overlooking or loss of privacy. As such, it would comply with policy DM2.1 of the Development Management Policies 2013.

Sustainability

- 9.7 The proposed double glazing would improve the insulation and thermal efficiency of each individual residential unit thereby contributing to reductions in carbon emissions, reducing energy costs and additionally helping to combat fuel poverty. The proposed double glazing would enhance the sustainability of the buildings, which contain 86 flats in total. The proposals are therefore in compliance with policy DM7.2, which requires developments to be energy efficient in design and specification.

9. SUMMARY AND CONCLUSION

Summary

- 9.1 The replacement of metal framed single glazed sash windows and doors with double glazed aluminium windows and doors in this particular location, due to the specific details of units proposed and variety of building styles, age and materials in the vicinity is acceptable in this instance. The frame thickness of the proposed windows would be appropriately proportioned to the glazed window pane and would not be overly different to those existing in the building. Furthermore, given the appearance of the existing building, it is considered that the proposed replacement aluminium framed units would not result in visual harm to the overall appearance of the building or wider street scene. A condition is also recommended that the windows be finished in dark brown colour to match the existing arrangement. There is also a clear public benefit achieved in the proposal through the enhanced insulation offered by the double glazed windows and doors which will enhance the sustainability of the building.

- 9.2 As such, the proposed development is considered to accord with the policies of the National Planning Policy Framework 2012, the London Plan 2016, the Islington Core Strategy 2011, the Development Management Policies 2013 and Supplementary Planning Documents and as such is recommended for approval subject to appropriate conditions.

Conclusion

- 9.3 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 approved shall be carried out in accordance with the following approved plans:</p> <p>Design & Access Statement Rev 2, SLP Rev 2, SECS Rev 2, WDS001 Rev 2, LIT001 Rev 2, LIT002 Rev 2, LIT003 Rev 2, MAN001 Rev 2, GRE002 Rev 2, GRE003 Rev 2, GRE004 Rev 2, GRE005 Rev 2, GRE006 Rev 2, GRE007 Rev 2, WAR001 Rev 2, WAR002 Rev 2, WD001 Rev 2, WD002 Rev 2, WD003 Rev 2, WDS EX Rev 2, GRE012 Rev 2, GRE013 Rev 2, GRE014 Rev 2, GRE015 Rev 2, GRE016 Rev 2, GRE017 Rev 2, LIT011 Rev 2, LIT012 Rev 2, LIT013 Rev 2, MAN011 Rev 2, WAR011 Rev 2, WAR012 Rev 2, WD011 Rev 2, WD012 Rev 2, WD13 Rev 2 and WDS011 Rev 2.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans. 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	Condition
	<p>CONDITION: Notwithstanding the hereby approved plans, the colour of windows shall have a 'dark brown' finish the match the existing window frames.</p> <p>REASON: In order to maintain a uniform visual appearance and to ensure the resulting appearance of the development is of a high standard.</p>

List of Informatives:

1	Positive statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The 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 a timely manner in accordance with the requirements of the NPPF.</p>

APPENDIX 2: RELEVANT POLICIES

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

1 **National Guidance**

The National Planning Policy Framework 2012 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.

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

London's living places and spaces
Policy 7.4 Local character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

C) Development Management Policies June 2013

Design and Heritage

Policy DM2.1 Design

Energy and Environmental Standards

Policy DM7.1 Sustainable design and construction

Policy DM7.2 Energy efficiency and carbon reduction in minor schemes

Policy DM7.4 Sustainable Design Standards

3. **Designations**

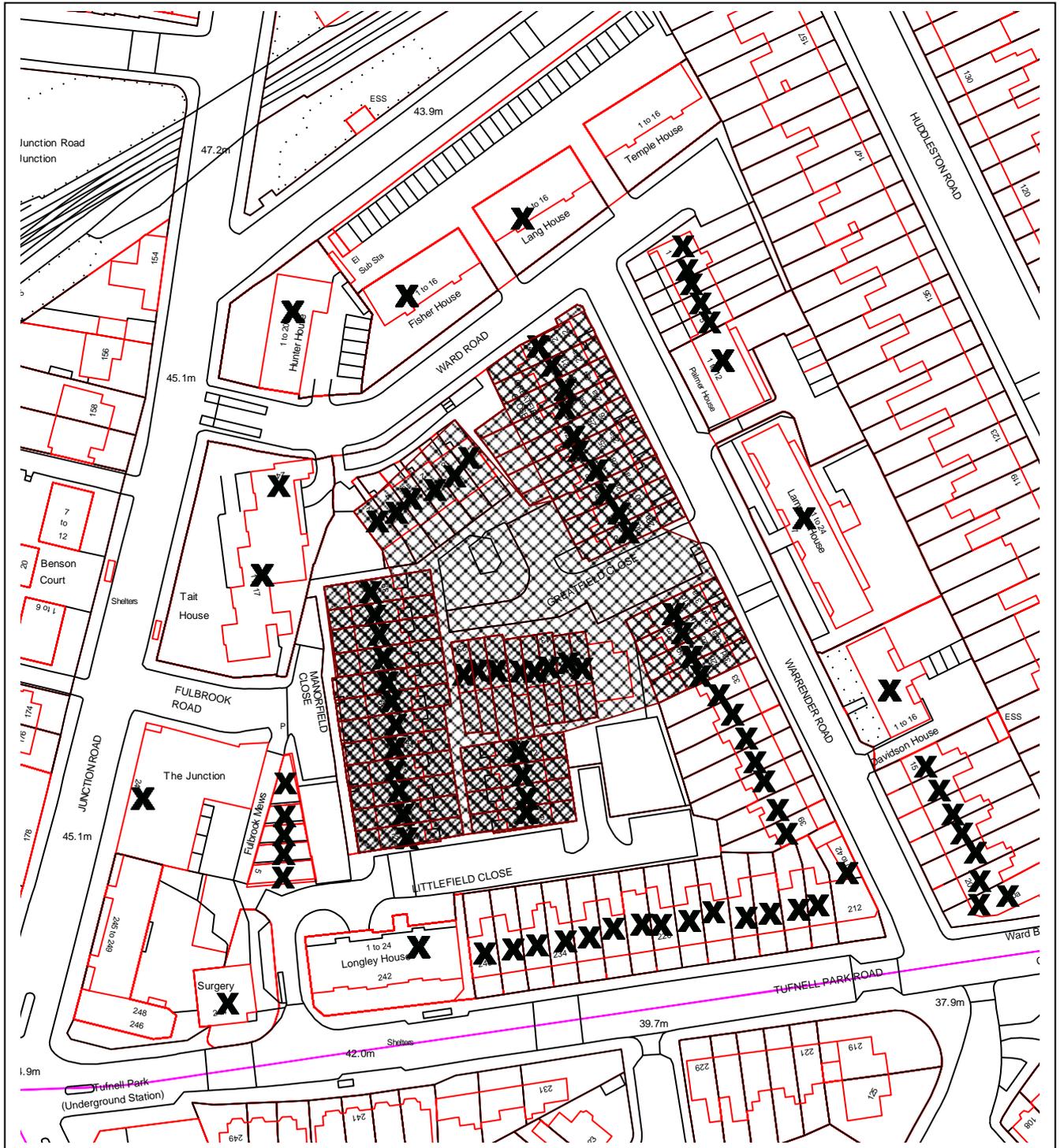
Local Cycle Route
Major Cycle Route
Within 100m of SRN road

4. **Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan
- Urban Design Guide (2017)

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