



Resources Department  
Town Hall, Upper Street, London, N1 2UD

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## AGENDA FOR THE PLANNING SUB COMMITTEE B

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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 - Islington Town Hall on, **17 July 2018 at 7.30 pm.**

**Yinka Owa**  
**Director of Law and Governance**

Enquiries to : Zoe Lewis  
Tel : 020 7527 3486  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 9 July 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](mailto:enquiriesplanning@islington.gov.uk)**

Committee Membership

Wards

Substitute Members

Councillor Kay (Chair)	- Mildmay;	Councillor Convery	- Caledonian;
Councillor Chapman (Vice-Chair)	- Junction;	Councillor Cutler	- St Peter's;
Councillor Khondoker	- Highbury West;	Councillor Graham	- Bunhill;
Councillor Klute	- St Peter's;	Councillor Nathan	- Clerkenwell;
Councillor Woolf	- Canonbury;	Councillor Picknell	- St Mary's;

Quorum: 3 councillors



<b>A.</b>	<b>Formal Matters</b>	<b>Page</b>
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	
6.	Minutes of Previous Meeting	1 - 4

<b>B.</b>	<b>Consideration of Planning Applications</b>	<b>Page</b>
1.	32-54 Keir Hardie House, 1-12 Arthur Henderson House, Hazellville Road, London, N19 3BX	7 - 26

2.	Basement and Ground, 37-39 Exmouth Market, Islington, London, EC1R 4QL	27 - 54
3.	Clarissa Baldwin House, 17 Wakley Street, London, EC1V 7RQ	55 - 88
4.	Microtron House, 338 City Road, London, EC1V 2PY	89 - 134

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

**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** **Page**

**G. Urgent exempt items (if any)**

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

**Date of Next Meeting:** Planning Sub Committee B, 2 October 2018

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

[www.democracy.islington.gov.uk](http://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](mailto:enquiriesplanning@islington.gov.uk)**

London Borough of Islington

## Planning Sub Committee B - 30 April 2018

Minutes of the meeting of the Planning Sub Committee B held at Committee Room 1, Town Hall, Upper Street, N1 2UD on 30 April 2018 at 7.30 pm.

**Present:**            **Councillors:**            Donovan-Hart (Chair), Khan, Court, Kay and Fletcher

### Councillor Alice Donovan-Hart in the Chair

**348**            **INTRODUCTIONS (Item A1)**

Councillor Donovan-Hart welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.

**349**            **APOLOGIES FOR ABSENCE (Item A2)**

There were no apologies for absence.

**350**            **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

There were no declarations of substitute members.

**351**            **DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

**352**            **ORDER OF BUSINESS (Item A5)**

The order of business would be B1, B3 and B2.

**353**            **MINUTES OF PREVIOUS MEETING (Item A6)**

**RESOLVED:**

That the minutes of the meeting held on 27 February 2018 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**354**            **27 CLERKENWELL ROAD, LONDON, EC1M 5RN (Item B1)**

Erection of three storey extension to existing three storey (plus basement) host building at fourth, fifth and six floor levels and excavation at basement level to extend the existing floorplate to the rear of the building, and lowering of floor to form a full height basement. Erection of a setback plant room at roof level above the new sixth floor. Proposed extensions resulting in an uplift of 632 square meters of floor space. Change of use at basement to provide Class A3 café floor space and provision of bike store, refuse and recycle store. Change of use from Class A3 café floor space to Class B1 office floor space at first floor level; change of use from mixed Class B1 office floor space and ancillary Class A3 floor space at second and third floors to provide Class B1 office floor space across both floors. Provision of Class B1 office floor space at new fourth, fifth and six floors. Alterations to ground floor shopfront including installation of new double doors to provide access to the first-sixth floors; reinstatement of the missing corbel and the missing sash window to the front elevation at third floor level; three storey contemporary extensions at fourth-sixth floors to be formed of glazing and corten steel to comprise Class B1 floor space with reinstatement of existing saw-tooth roof form at sixth floor.

(Planning application number: P2017/4659/FUL)

In the discussion the following points were made:

- The application was policy compliant.
- The consistency of the roofline was welcomed as was the restoration of historic features.
- It was considered by some members that there was no harm caused.
- The business floorspace was welcomed in this strategic office location.
- The quality of the design was considered to be a question of taste.

**RESOLVED:**

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

**355**      **CULPEPER COMMUNITY GARDEN, 2 DIGNUM STREET, ISLINGTON, LONDON, N1 0FJ (Item B2)**

Erection of a single storey glazed extension (greenhouse) to the existing outbuilding (tea hut)(following removal of existing greenhouse).

(Planning application number: P2017/3427/FUL)

In the discussion the following points were made:

- The applicant was encouraged to apply for local initiative funding.

**RESOLVED:**

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

**356**      **LAND REAR OF 6 SHAFTESBURY ROAD, LONDON, N19 (Item B3)**

Proposal for demolition of the existing vacant buildings (previously used as storage/workshop) and construction of 2x2 bedroom two storey dwellings with associated amenity space, lowering of land levels plus installation of bike and refuse storage.

(Planning application number: P2015/3034/FUL)

In the discussion the following points were made:

- An update was provided by the planning officer confirming that additional responses had been received since the publication of the report, but that no new issues were raised that were not already addressed.
- The planning officer explained that the application had been due to be considered by a planning sub-committee in March 2017. However issues had come to light which required more investigation. Since then further documents had been received and some minor amendments had been made to the proposed scheme and the application was now ready to be considered.
- The planning officer was asked by members to identify on the plans the non-compliant (undersized and those with a lack of sunlight) private amenity spaces and the kitchen/living/dining room that failed the sunlight and daylight requirements.
- It was considered by members that the proposal provided poor quality accommodation.

## Planning Sub Committee B - 30 April 2018

- Concern was raised that the lack of amenity space breached policy as did the daylight/sunlight levels and the design was considered defective.
- It was noted that should the dressing rooms be used as bedrooms, then the amenity space provision would be further below the minimum standard stipulated by policy.
- It was noted that the design was harmful to future occupiers as opposed to adjoining occupiers, where it was felt the scheme demonstrated an acceptable relationship.
- The recommendation was not considered to be finely balanced but clearly unacceptable on the above grounds.

Councillor Khan proposed a motion to refuse the application as it breached policies CS12, DM2.1, DM3.4 and DM3.5. This was seconded by Councillor Kay and carried.

### **RESOLVED:**

That planning permission be refused for the reasons outlined above.

**REASON:** The proposed residential units would fail to provide a good standard of accommodation for future occupiers, by virtue of inadequate levels of internal light, with poor levels of outlook, an oppressive sense of enclosure and undersized private amenity space together with inadequate degree of sunlight receipt to both private amenity spaces. The development failed to make efficient use of the site and buildings and failed to accord with policy DM2.1 and the residential units were considered not to comply with policies CS12 of the Islington Core Strategy (2011) and policies DM2.1, DM3.4 and DM3.5 of the Development Management Policies (2013).

The meeting ended at 8.20 pm

**CHAIR**

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**COMMITTEE AGENDA**

**1 32 - 54 Keir Hardie House, 1 - 12 Arthur Henderson House, Hazellville Road, London, N19 3BX**

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**2 Basement and Ground  
37 - 39 Exmouth Market  
Islington  
LONDON  
EC1R 4QL**

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**3 Clarissa Baldwin House  
17 Wakley Street  
London  
EC1V 7RQ**

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**4 Microtron House  
338 City Road  
London  
EC1V 2PY**

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**1 32 - 54 Keir Hardie House, 1 - 12 Arthur Henderson House, Hazellville Road, London, N19 3BX**

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**Ward:** Hillrise

**Proposed Development:** Replacement of existing single glazed timber/plastic coated windows and doors with double glazed UPVC.

**Application Number:** P2017/4951/FUL

**Application Type:** Full Planning (Council's Own)

**Case Officer:** Anna Luu

**Name of Applicant:** Islington Council

**Recommendation:**

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**2 Basement and Ground  
37 - 39 Exmouth Market  
Islington  
LONDON  
EC1R 4QL**

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**Ward:** Clerkenwell

**Proposed Development:** RECONSULTATION: Change of use from A2 (Financial and Professional Services) at ground and basement levels, to A3 (Restaurants and Cafes) at Ground Floor Level and A4 (Drinking Establishments) at basement level. Reason: addition of extractor ducts, plant equipment and acoustic screening at rear, and provision of further noise report and management plan.

**Application Number:** P2017/1262/FUL

**Application Type:** Full Planning Application

**Case Officer:** Nathan Stringer

**Name of Applicant:** Debenham Property Trust

**Recommendation:**

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### 3 Clarissa Baldwin House

17 Wakley Street  
London  
EC1V 7RQ

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**Ward:** Bunhill

**Proposed Development:** Removal of second floor roof terrace and erection of single storey extension at second floor level to create additional office floorspace. Replacement of existing plant equipment and provision of new plant equipment in connection with the new development. Installation of new ramp access to main building and associated changed to main entrance doors. Installation of new secure cycle parking.

REASON FOR RECONSULTATION: Amended Daylight/Sunlight Report

**Application Number:** P2017/2887/FUL

**Application Type:** Full Planning Application

**Case Officer:** Daniel Jeffries

**Name of Applicant:** Mr Adrian Burder

**Recommendation:**

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### 4 Microtron House

338 City Road  
London  
EC1V 2PY

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**Ward:** Bunhill

**Proposed Development:** RECONSULTATION - Revised design of roof extension, revised drawings and Design and Access Statement and submission of daylight and sunlight report.

Erection of a single storey roof extension at third floor level to create a 1 bedroom residential flat, external alterations including creation of lift shaft to rear, and creation of front roof terrace fronting Wakley Street.

**Application Number:** P2017/2243/FUL

**Application Type:** Full Planning Application

**Case Officer:** Thomas Broomhall

**Name of Applicant:** Mr Harry Dobbs

**Recommendation:**

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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department



<b>PLANNING SUB COMMITTEE B</b>		
<b>Date:</b>	17 July 2018	<b>NON-EXEMPT</b>

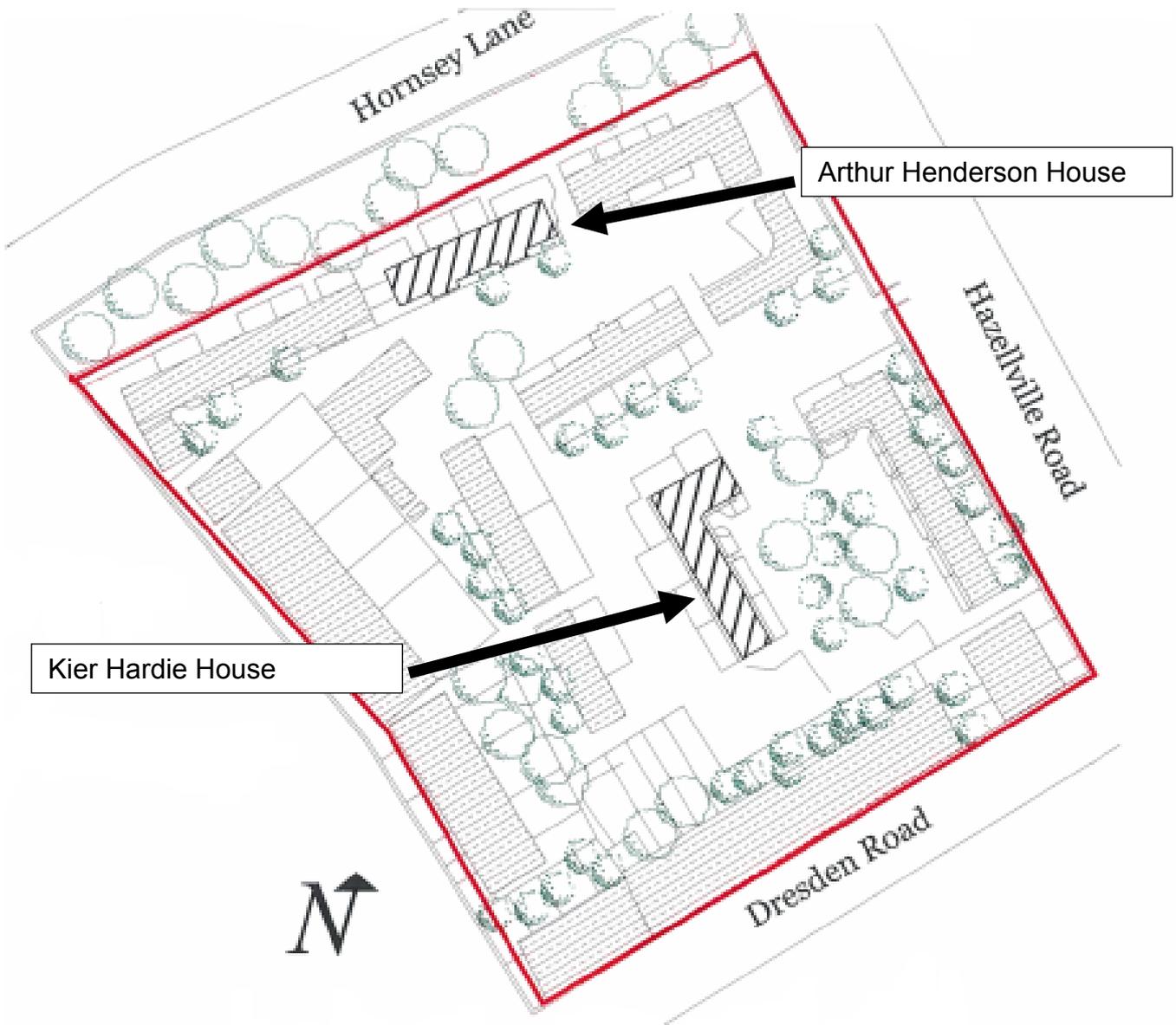
Application number	P2017/4951/FUL (Council's own)
Application type	Full Planning Application
Ward	Hillrise
Listed building	Not Listed
Conservation Area	Whitehall Park
Development Plan	Local Cycle Route
Licensing Implications	None
Site Address	Hornsey Lane Estate: 32 – 54 Keir Hardie House, 1 – 12 Arthur Henderson House, Hazellville Road, London, N19 3BX
Proposal	Replacement of existing single glazed timber/ plastic coated windows and doors with double glazed uPVC windows.

Case Officer	Anna Luu
Applicant	Islington Council
Agent	Mears Group

### 1. RECOMMENDATION

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

2. SITE PLAN



**3. PHOTOS OF SITE/STREET**



**Image 1:** Aerial View of the Application Site (Hornsey Lane Estate)



**Image 2:** Existing South Elevation of Arthur Henderson House



**Image 3:** Existing South Elevation of Arthur Henderson House



**Image 4:** Existing East Elevation of Kier Hardie House



**Image 5:** Existing South Elevation of Kier Hardie House

## **4. SUMMARY**

4.1 The application seeks planning permission for the replacement of existing single glazed uPVC clad timber windows with double glazed uPVC windows. Planning permission is also sought to replace the existing timber doors associated with the private terraces along the rear elevation of Arthur Henderson House with new uPVC doors. The key considerations in determining the application relate to the impact on the appearance of the existing buildings and on the character and appearance of the surrounding area, as well as sustainability.

The application site relates to two (2) residential blocks situated within the Hornsey Lane Estate (the estate); namely No.s 32 – 54 Keir Hardie House and No.s 1 – 12 Arthur Henderson House. The estate forms part of the Whitehall Park Conservation Area. The building elevation which fronts the highway, namely Hornsey Lane, feature original timber windows. However, the rear elevations which are orientated toward the internal courtyards display a degree of variation, with a mix of timber, uPVC and uPVC clad timber framed windows and doors in the wider estate. Over time, this has deteriorated the uniformity of the rear elevations of the buildings. This current proposal forms part of a broader phased development scheme for the replacement of windows units. Namely, it is noted that planning permission was granted for the replacement of uPVC windows in the past, to a number of blocks within the same housing estate (Bruce Glasier House, John Wheatley House, Margaret McMillan House, Kier Hardie House, Enid Stacy House, Mary McArthur House and Caroline Martin House).

4.2 The application is brought to committee given the properties are owned by the Council.

4.3 The proposal affects the rear elevations of the blocks. Although there would be some harm caused to the appearance of the buildings by the installation of new uPVC units, having regard to the existing appearance of the buildings, their location to the rear of the residential blocks and the lack of consistency with respect to the materials of the existing windows and doors, the proposed alterations and replacement window and door units would provide a more uniform appearance to the rear and side elevations of the two blocks in question. The proposal would not cause substantial harm to the streetscene nor the character or appearance of the wider Conservation Area.

4.4 It is also considered that the proposed uPVC windows and the provision of double glazing would improve the sustainability and thermal efficiency of the residential units. As such, the proposal is considered acceptable and is recommended for approval subject to conditions, in accordance with policies DM2.1, DM2.3 and DM7.2.

## **5. SITE AND SURROUNDING**

5.1 The application site is situated on the southern side of Hornsey Lane and comprises a number of lower rise residential blocks which collectively, form the 'Hornsey Lane Estate'. The estate was built in the 1930s and falls within the Whitehall Park Conservation Area, within the Hillrise Ward. The area includes a variety of residential properties which exhibit differing architectural qualities and styles, including some late Victorian properties located on Hazellville Road.

5.2 A total of 34 properties are situated within these two (2) buildings. The design and architectural features of these buildings are varied, noting the following:

- No.s 32 – 54 Keir Hardie House is a five storey building that is located centrally within the housing estate. Only the elevations fronting the internal courtyard (facing east and south) are subject to this application. The northern and western elevations are not subject to change.
- Nos. 1 – 12 Arthur Henderson House is a three storey building fronting Hornsey Lane. The proposed replacement windows and doors are located on the rear elevation. The front (north) and side (east and west) elevations of Arthur Henderson House would not be affected by this application.

## 6. PROPOSAL (IN DETAIL)

- 6.1 Planning permission is sought for the installation of uPVC double glazed windows to replace existing windows to two (2) of the residential blocks within the Hornsey Lane Estate. With respect to Arthur Henderson House, the elevations which front the public highway (Hornsey Lane) are not subject to this application. Relevant to Kier Hardie House, the existing northern and western elevations are not subject to change as part of this application. The proposal also includes the replacement of 12no. timber doors which provide access to the private terraces along the rear elevation of Arthur Henderson House with uPVC doors. The proposed replacement window and door units are similar in appearance to existing conditions, albeit, differ in terms of materials.
- 6.2 The replacement windows will comprise uPVC profile sizes slightly larger than existing openings.
- 6.3 The application was revised in February 2018 to include the installation of replacement door units to the rear elevation of Arthur Henderson House. Specifically, the existing timber doors are to be replaced with uPVC.

## 7. RELEVANT HISTORY

- 7.1 **P060137 33-53 Kier Hardie House & 1-23 Mart McArthur House:** Replacement of windows and doors with new double glazed sealed units. Frames to be constructed from timber. **(Approved 17/05/2006)**
- 7.2 **P061540 Bruce Glasier House, John Wheatley House:** Replacement of PVCU clad timber windows with double glazed UPVC windows in Bruce Glasier House and John Wheatley House. **(Approved 25/01/2007)**
- 7.3 **P062298 Margaret Mcmillian House:** Replacement of existing PVCU clad timber windows with double glazed white UPVC windows to rear **(Approved 14/03/2007)**
- 7.4 **P2014/3189/FUL Nos. 4,9,10-37 Legion Close:** Replacement of existing single glazed timber windows with UPVC double glazed windows. **(Approved 14/10/2015)**
- 7.5 **P2015/0890/FUL Caroline Martyn House, Enid Stacy House, Mary McArthur House and Kier Hardie House:** Replacement of existing single glazed timber/plastic coated windows with double glazed UPVC windows **(Approved 05/05/2017)**

### ENFORCEMENT:

- 7.6 None Relevant.

### PRE-APPLICATION ADVICE:

- 7.7 None.

## 8. CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants of 233 adjoining and nearby properties on 5 February 2018. A site notice was displayed outside the site and a press advert was also published in the local paper. Following amendments to the drawings, further consultations were carried out on 28 February 2018. As a result, the public consultation of the application therefore expired on 21 March 2018, 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, 2 letters of objection had been received from the public with regard to the application. The comments are summarised as follows:

- 8.3 uPVC windows are inferior to wood given:
- 8.4 In the event of a fire, uPVC windows fuse shut, and could no longer be used as an escape route in the case of a fire; **(see paragraph 11.15)**
- 8.5 uPVC windows are less durable than modern wooden windows; **(see paragraph 11.9)**
- 8.6 uPVC windows do not offer significant savings on maintenance; **(see paragraph 11.15)**
- 8.7 uPVC windows are not eco friendly; **(see paragraphs 11.13 – 11.14)**

### **Internal Consultees**

- 8.8 Design and Conservation: The proposed replacement of the existing uPVC coated timber windows with new uPVC windows is considered acceptable in principle in this case as the windows are to the rear and only the windows that are already uPVC coated will be replaced.

### **External Consultees**

- 8.9 None.

## **9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES**

- 9.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
  - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
  - As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
  - As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
- 9.2 National Planning Policy Framework (NPPF): Paragraph 14 states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay..."
- 9.3 At paragraph 7 the NPPF states: "that sustainable development has an economic, social and environmental role".
- 9.4 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.
- 9.5 Since March 2014 Planning Practice Guidance for England has been published online.

- 9.6 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.7 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
  - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.8 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.9 The Quality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Development Plan**

- 9.10 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.
- 9.11 Some weight is attributable to the Draft London Plan.
- 9.12 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013:
- Whitehall Park Conservation Area (and Article 4 Direction)
  - Local Cycle Route

## **10. This report considers the proposal against the following development plan policies and documents.**

### **National Guidance**

- 10.1 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.

10.2 The National Planning Practice Guidance is a material consideration and has been taken into account as part of the assessment of the proposal.

### **Development Plan**

10.3 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 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)**

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

## **11. ASSESSMENT**

11.1 The main issues arising from this proposal relate to:

- Design and impact on the character and appearance of the existing buildings and the Whitehall Park Conservation Area
- Neighbouring Amenity
- Sustainability

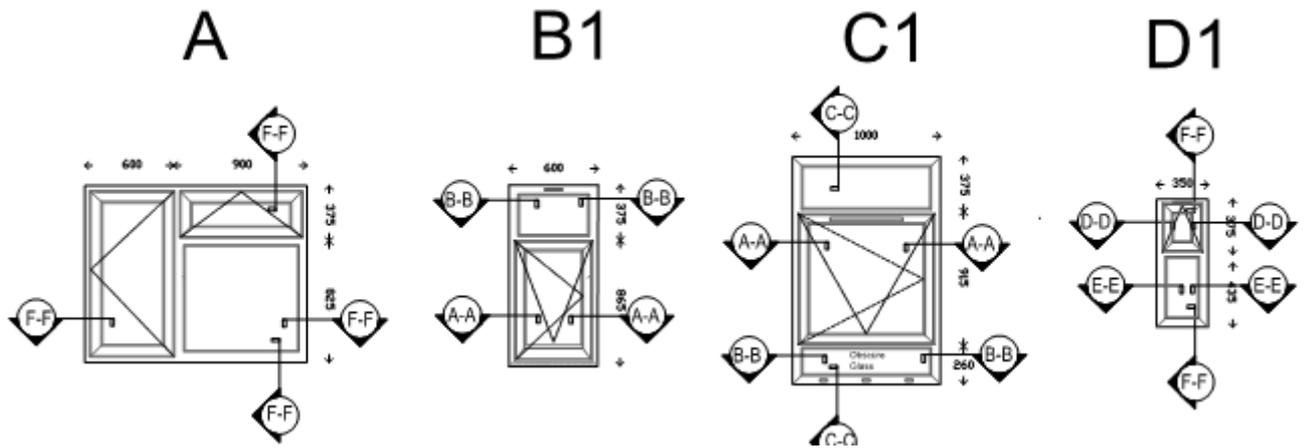
### **Design and Conservation**

11.2 Islington's Planning Policies and Guidance encourage high quality design which serves to compliment 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.

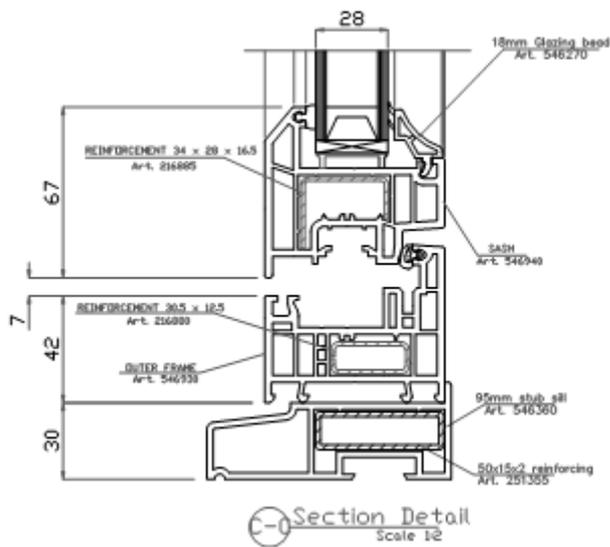
11.3 In addition, policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the Council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.

11.4 The estate subject to this planning application has undergone a number of repairs and improvement works in the past. Notably, there were three planning permissions at the site which were approved for replacement uPVC windows and doors to be installed on Bruce Glacier House, John Wheatley House (P061540) and Margaret McMillian House (P062298) and Kier Hardie House (P2015/0890/FUL). Also, following a site visit, officers observed that uPVC coated windows have been installed on blocks without planning consent to individual units by occupiers. Many of these windows have become lawful with the passing of time. The existing fenestration comprises a variation of timber and uPVC windows. The elevations which front the public highways all contain timber windows of original form and are not subject to change as part of this application. To the rear and courtyard elevations, there is significant variance in the existing material is used, with many featuring uPVC window frames.

11.5 The submitted plans detail that the proposed window profile would have slightly thicker frames than the existing uPVC windows. The proposed frame thickness would measure 28mm. However, the proposed windows would have a flush profile, not chamfered, which would serve to ameliorate some of the visual impact caused by the proposal - specifically, reducing their visual bulk. A sample has been provided to Council officers. Should planning permission be granted, a condition outlining that the materials be consistent with the details provided in this application would be imposed (Condition 3).



**Image 6:** Examples of the proposed window design



**Image 7:** Example of proposed window section

- 11.6 As set out above, some of the properties within the estate have altered window frames, compared to the original timber frames with either uPVC or uPVC coated frames. The proposed replacement works would achieve a more consistent and uniform fenestration design. Therefore, it is considered that this would improve the appearance of the buildings within the estate, and the proposal would not have undue harm on the architectural integrity of the existing building.
- 11.7 The proposed replacement windows would largely not be visible from the streetscene and would have a limited impact on the visual amenity of the wider conservation area. Compared to the surrounding terrace and semi-detached properties, the estate is set in its own context. The Whitehall Park Conservation Area Design Guidelines suggests that Victorian terraces shall retain their original appearance by using traditional materials. However, due to the specific circumstances of this case, it is considered that replacement uPVC material, subject to the appropriate design, would be acceptable as it would provide consistency to the blocks, and would not result in material harm to the setting of the conservation area to justify a refusal of planning permission.
- 11.8 Similarly, the proposed replacement doors, are of limited visibility, with the doors allowing access to the private terraces to Arthur Henderson House and are largely obscured by the overhanging balconies above.
- 11.9 Concerns have been raised with regard to the durability of the uPVC window units. The applicant has confirmed that the lifespan of the units is anticipated to be 30 – 35 years and that the same window frame units as per planning permission for phase 1 (ref: P2015/0890/FUL) are proposed,

designed to ensure consistency. Notwithstanding this, Council officers are required to assess the current proposal at hand, which seeks permission to replace existing openings with uPVC. Whilst it is acknowledged that timber would be a preferable material, as discussed above, from a design and conservation perspective, the proposed materials are considered to be acceptable, having regard to their location, design and existing conditions.

- 11.10 Overall, it is considered that the proposed replacement windows would create a more uniform and consistent appearance to the rear elevations of the buildings. The proposed double glazed windows would not result in significant harm to the appearance of the buildings nor the setting of the Whitehall Park Conservation Area. The more prominent front elevations of the blocks would continue to have timber windows which are not affected by this application. Having paid special attention to the desirability to preserve or enhance the character and appearance of the conservation area, it is considered that the less than substantial harm caused to the Whitehall Park Conservation Area in this instance, would not be outweighed by the public benefits that would be gained by the proposal (sustainability and consistency of appearance). It would therefore, comply with the NPPF, London Plan 2016, CS policies 8 and 9, Development Management policies DM2.1, DM2.3, Islington's Urban Design Guidance 2017 and the Whitehall Park CA Guidance 2002.

### **Neighbouring Amenity**

- 11.11 Policy DM2.1 of the Development Management Plan states that development should not have an adverse impact on neighbouring amenity in terms of overshadowing, overlooking, privacy, direct sunlight and daylight, over dominance and sense of enclosure.
- 11.12 The application proposes the replacement of the existing windows and some doors with new windows and doors to be located within the same openings. 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**

- 11.13 The proposed double glazed uPVC windows would serve to improve the thermal efficiency of each individual residential unit, thereby contributing to reductions in carbon emissions, energy usage and would assist in combatting fuel poverty.
- 11.14 In light of the above, the proposal is compliant with Policy DM7.2, which requires developments to be energy efficient in design and specification.

### **Other Matters**

- 11.15 Concerns have been raised with regard to the uPVC windows fusing shut and that the openings would not be able to be used as an escape route in the case of a fire. It should be noted that similar styled windows compared to existing conditions are proposed. Notwithstanding this, the applicant is required to ensure that all works are carried out in accordance with the relevant fire safety and building regulations.
- 11.16 Concerns have also been raised with regard to uPVC units not offering significant savings on maintenance. This is not a planning consideration per se.

## **12. SUMMARY AND CONCLUSION**

### **Summary**

- 12.1 The proposed replacement windows and doors would improve the appearance and provide more consistent fenestration for the elevations subject to this application. Due to the specific details of units proposed and variety of building styles, age and materials extant, the proposal is considered to be acceptable in this instance. The frame thickness of the proposed windows (28mm) and doors would be appropriately proportioned to the glazed window pane and door openings. It is not

considered that the proposed frames would be substantially different to those existing in the building.

- 12.2 Having paid special attention to the desirability of preserving and enhancing the character and appearance of the conservation area, it is considered that the proposed replacement windows and doors would cause minor harm to the buildings and would preserve the character and appearance of the Whitehall Park Conservation Area. The proposed double glazed uPVC units would also improve the sustainability and thermal efficiency of the residential units on site.
- 12.3 The proposed development is acceptable and on balance, would not result in unacceptable harm to the application buildings or the Whitehall Park Conservation Area. It would improve the overall sustainability of the buildings and would therefore be in accordance with the Council's Development Management Policies DM2.1, DM2.3 and DM7.2
- 12.4 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**

- 12.5 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 Sub Committee resolve to GRANT planning permission subject to conditions to secure the following:

#### List of Conditions:

<b>1</b>	<b>Commencement</b> CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
<b>2</b>	<b>Approved plans list</b> CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:  Site Location Plan; Design and Access Statement (December 2017); Location Plan (SLP); Existing – Arthur Henderson (AH 1-12-01 rev 2); Existing – Arthur Henderson (AH 1-12-02); Existing – Keir Hardie House (KH 32-54-01); Existing – Kier Hardie House (KH 32-54-02); Proposed – Arthur Henderson (AH 1-12-11 rev 2); Proposed – Kier Hardie House (KH 32-54-11); Sections (Windows Type A, B1, C1, D1, E1, F, G1, H, G2, J); Minimum Sight Line Limitations (XXXX/HLE/01); Window Comparison (001); Window Schedule Proposed; Residential Door (Sheet 3 of 4); Aluminium Threshold on 125mm Cill Open Out Door Sash (Std Section – 47x); Aluminium Threshold on 85mm Cill Open Out Door Sash (Std Section – 47).  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.
<b>3</b>	<b>Materials</b> 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.  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.
<b>4</b>	<b>Non Standard</b> CONDITION: For the avoidance of doubt no permission is granted for alteration of windows in the following elevations of: <ul style="list-style-type: none"><li>- Kier Hardie House</li><li>- Arthur Henderson House</li></ul> REASON: In the interest of preserving the character and appearance of the Whitehall Park Conservation Area and the quality of appearance of the buildings themselves.

**List of Informatives:**

1	It is recommended that you obtain technical advice regarding building control matters during the early stages of project design, and Islington Building Control has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Islington Building Control may best advise you regarding compliance with relevant building control regulations, please contact Andrew Marx on 0207 527 5999 or by email at <a href="mailto:building.control@islington.gov.uk">building.control@islington.gov.uk</a> .
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## **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  
Policy 7.8 Heritage assets  
and archaeology

#### **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  
Policy DM2.3 Heritage

##### **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

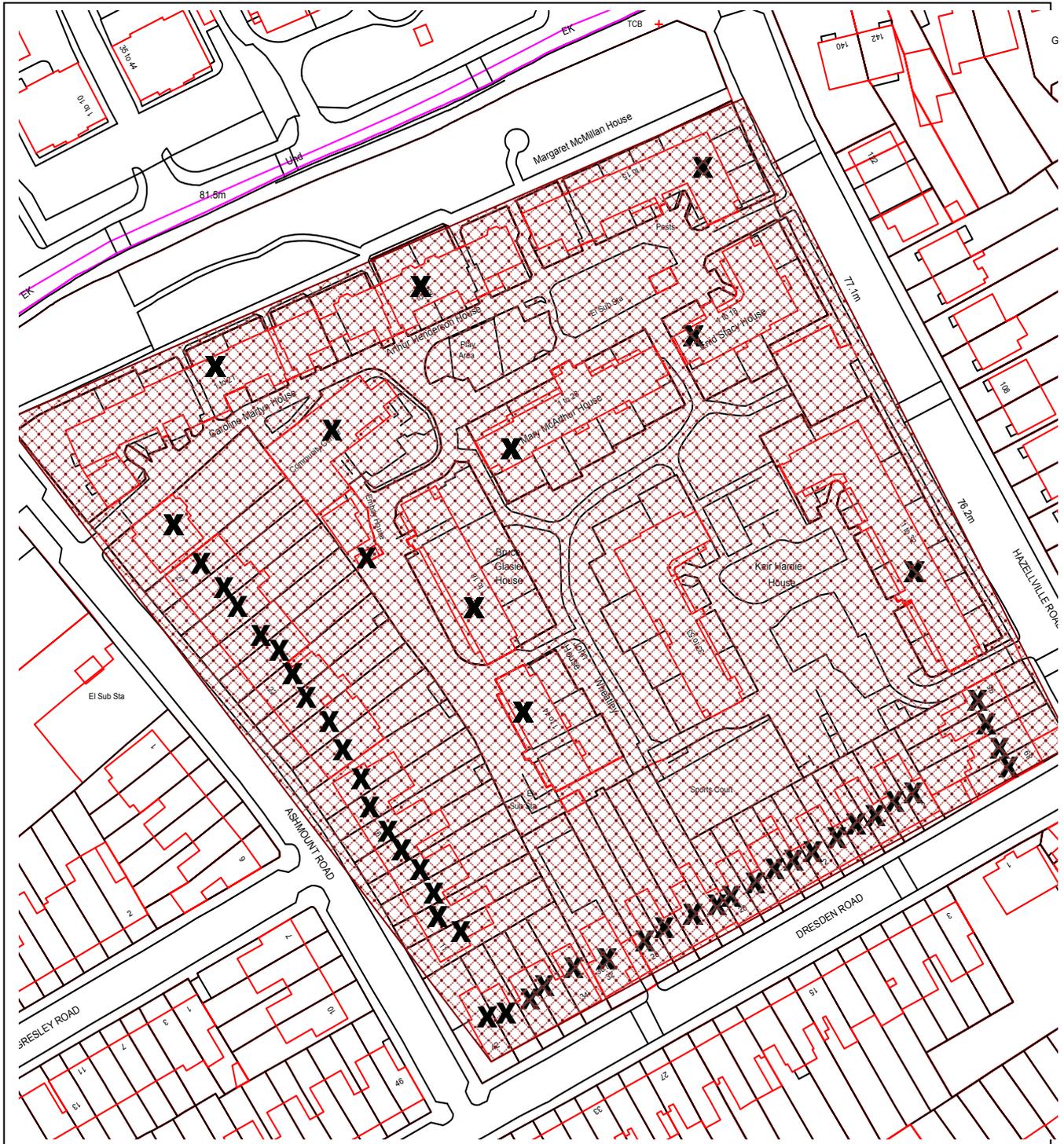
### **4. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

**Islington Local Development Plan**  
- Conservation Area Design Guidelines  
(Whitehall Park)

- Urban Design Guide (2017)  
**London Plan**
- Sustainable Design and Construction

# Islington SE GIS Print Template



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P2017/4951/FUL

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Date:	17 July 2018	NON-EXEMPT
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Application number	P2017/1262/FUL
Application type	Full Planning Application
Ward	Clerkenwell Ward
Listed building	Not listed
Conservation area	Rosebery Avenue Conservation Area (and Article 4 Direction Within 50m of New River Conservation Area)
Development Plan Context	Core Strategy Key Area – Bunhill & Clerkenwell Central Activities Zone Major Cycle Route Employment Priority Area (General) Finbury Local Plan Area – Bunhill & Clerkenwell Exmouth Market Local Shopping Area Within 100m of SRN Road Local view from Archway Road Local view from Archway Bridge Local view from Dartmouth Park Hill
Licensing Implications	Clerkenwell Cumulative Impact Policy Area A4 Drinking Establishment A3 Restaurant and Café No licensing application details have been provided by the Applicant.
Site Address	Basement and Ground, 37-39 Exmouth Market, Islington, London, EC1R 4QL
Proposal	Change of use from A2 (Financial and Professional Services) at ground and basement levels, to A3 (Restaurants and Cafes) at Ground Floor Level and A4 (Drinking Establishments) at basement level.

Case Officer	Nathan Stringer
Applicant	Debenham Property Trust
Agent	Indigo Planning – Mr Paul Reeves

**1. RECOMMENDATION**

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

- 1.1 the conditions set out in Appendix 1;

**2. SITE PLAN (SITE OUTLINED IN RED)**





**3. PHOTOS OF SITE/STREET**



**Image 1:** Aerial view of the application site



**Image 2:** The front elevation of the site as viewed from Exmouth Market



**Image 3:** Exmouth Market, looking west. Site is shown on the right.



**Image 4:** View of the rear of the site, looking east. Staircase enclosure is shown on the left.



**Image 5:** Ground floor interior view, facing towards Exmouth Market

#### **4. SUMMARY**

- 4.1 Planning permission is sought for the change of use of the ground and basement floor levels of the property at no. 37-39 Exmouth Market from A2 (financial and professional services) to 2no. independent self-contained units - A3 (restaurants and cafes) at Ground Floor Level and A4 (Drinking Establishments) at Basement Level. The proposal also includes the installation of associated extractor and plant equipment, as well as proposed acoustic screening. The key considerations in determining the application relate to the land use, including the loss of the A2 unit and the acceptability of the introduction of A3/A4 uses at this location, 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 conservation area.
- 4.2 The proposal 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 with regard to noise, odour, waste and safety impacts.
- 4.3 The application site comprises a four storey (over-basement) mid-terrace building located on the northern side of Exmouth Market. The property consists of commercial (A2) use at ground floor and basement, and residential on the upper floors. The site is largely excavated to basement level across the full extent of the site. This application relates to the ground and basement levels. The building is not listed, however it is located within the Rosebery Avenue Conservation Area. The site is designated within the Central Activities Zone, the Exmouth Market Local Shopping Area, the Bunhill & Clerkenwell Finsbury Local Plan Area, the Bunhill & Clerkenwell Core Strategy Key Area, and an Employment Priority Area (General).
- 4.4 The proposal is considered to be acceptable in land use terms, given that the A2 use class within the Local Shopping Area is not protected in policy terms, and given the existing mix of properties within the Local Shopping Area, the proposal is not considered to result in an over-concentration of A3 or A4 uses within the vicinity. The proposed use of the site is considered to be acceptable, given the location of the property.
- 4.5 The proposed use, together with the proposed external alterations, including the installation of extractor and plant equipment, as well as proposed acoustic screening, are not considered to harm the character nor visual appearance of the host building or the surrounding conservation area. The proposal is considered not to have a significant impact upon the local highway network or the amenity of neighbouring properties, subject to conditions.
- 4.6 The proposal is therefore considered to be acceptable and it is recommended that the application is approved subject to conditions.

## 5. SITE AND SURROUNDING

### The Site Context

- 5.1 The application site is located on the northern side of Exmouth Market, within a street block bounded by Exmouth Market, Spafield Street, Tysoe Street and Rosebery Avenue. Exmouth Market is largely mixed use in character, many buildings contain commercial uses at ground floor with residential above.
- 5.2 The site is a four storey (over-basement) mid-terrace building. The property consists of commercial (A2) use at ground floor and basement, and residential on the upper floors. The site is largely excavated to basement level across the full extent of the site. This application relates to the ground and basement levels.
- 5.3 The property is not listed, however it is located within the Rosebery Avenue Conservation Area. The site is located within the Central Activities Zone, the Exmouth Market Local Shopping Area, the Bunhill & Clerkenwell Finsbury Local Plan Area, the Bunhill & Clerkenwell Core Strategy Key Area, and an Employment Priority Area (General).

### Amendments during the course of the application

- 5.4 Objections were received from the Public Protection officer regarding the lack of information provided with respect of required extract and plant equipment in order to successfully operate A3/A4 uses at the site. The application has since provided details of proposed plant and extract equipment.

## 6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks permission for a change of use from A2 (Financial and Professional Services) at ground and basement levels, to A3 (Restaurants and Cafes) at ground floor level and A4 (Drinking Establishments) at basement level. The proposal also incorporates the installation of extractor ducts, plant equipment and acoustic screening at rear first floor level.
- 6.2 Planning permission was granted with conditions under delegation on 11 February 2017 (planning ref: P2015/3377/FUL). The proposal was for alterations to the building including demolition of existing rear elevation at ground and basement level, and existing rear shed, the erection of a two storey rear extension to basement and ground floor levels and the installation of a new shopfront. Therefore, the majority of physical works to the building have already been completed, and this application relates solely to the change of use and associated extract and plant equipment.

## 7. RELEVANT HISTORY:

### PLANNING APPLICATIONS

- 7.1 **P2015/3377/FUL:** Demolition of existing rear elevation of ground and basement level, and existing rear shed. Erection of a two storey rear extension to basement and ground floor level and the installation of new shopfront to front elevation. Approved with conditions 11/12/2016.
- 7.2 **P071430:** Demolition of rear extensions to 33 and 35 Exmouth Market. Alterations and extensions associated with extension of ground floor retail unit in 33-35 to rear; conversion of existing residential accommodation to form 2 flats. Erection of a mansard roof extension to 33-39 Exmouth Market to provide 2 new flats at third floor level.

Installation of new shop front to 33-35 Exmouth Market. 33-35 and 37-39, Exmouth Market, Islington, London, EC1R 4QL Approved with conditions 01/08/2007.

- 7.3 **P2017/4397/FUL:** External alterations to first floor rear elevation comprising reduction in width of existing rear bathroom window to accommodate relocation of internal wall and installation of rear door in place of existing kitchen window. Approved with conditions 15/12/2017.

Enforcement:

- 7.4 None.

Pre Application Advice:

- 7.5 No pre-application advice was requested.

## 8. CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants of 41 adjoining and nearby properties on 12 May 2017. A site notice and press advert were also displayed. The application was re-consulted due to the submission of revised plans to include the addition of extractor ducts, plant equipment and acoustic screening at the rear. The public consultation of the application therefore expired on 23 March 2018, however it is the Council's practice to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report, six objections had been received from the public with regard to the application. The issues can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):
- Impact of the change of use on neighbouring amenity, including noise, odour, waste (see paragraphs 10.30-10.44)
  - Further noise impacts from the proposal should customers be permitted to drink or dine on the street (see paragraphs 10.41-10.44)
  - Loss of the A2 use class and the impact on the balanced mix of uses along Exmouth Market (see paragraphs 10.2-10.24)
  - Over-concentration of A3/A4 uses on Exmouth Market as a result of the proposal (see paragraphs 10.06-10.14)
  - Request that hours of operation be limited to 10PM on weeknights (see paragraph 10.43)

### Internal Consultees

- 8.3 **Public Protection Officer:** the officer initially objected to the proposal as no details were provided on how the higher sound levels generated within a typical restaurant and bar would be mitigated for residents, nor were any details provided on the extract system or how it would be accommodated. Following the submission of additional information with tentative details of plant equipment, the officer advised they no longer object to the proposal, subject to conditions regarding mechanical plant noise compliance, hours of operation, and noise insulation measures.
- 8.4 **Environmental Health:** does not object to the proposal, however notes that the proposed flue does not run up the building to vent above the roof, and therefore the officer advised that conditions be included requiring further details of the proposed flues / extractor systems be submitted and approved in writing by the Local Planning Authority,

and requiring that the flue be fitted with fine filtration or Electrostatic Precipitation followed by carbon filtration.

- 8.5 **Policy Officer:** advises that there is no policy protection of A2 (professional and financial services) uses within Local Shopping Areas, and therefore the loss of the A2 unit is supported in principle.
- 8.6 **Refuse and recycling:** No comment.
- 8.7 **Licensing Officer:** requested further information on hours of operation, style of operation and whether outdoor spaces would be used and managed. Detailed conditions have been recommended in order to secure these details and restrict hours of operation.

### **External Consultees**

- 8.8 None.

## **9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES**

- 9.1 Islington Council (Planning Sub-Committee A), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
  - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
  - As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
  - As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
- 9.2 National Planning Policy Framework (NPPF): Paragraph 14 states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay..."
- 9.3 At paragraph 7 the NPPF states: "that sustainable development has an economic, social and environmental role".
- 9.4 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.

- 9.5 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.6 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.7 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
  - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.8 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.9 The Quality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Development Plan**

- 9.10 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.
- 9.11 Some weight is attributable to the Draft London Plan.
- 9.12 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013:
- Rosebery Avenue Conservation Area (and Article 4 Direction)
  - Within 50m of New River Conservation Area
  - Core Strategy Key Area – Bunhill & Clerkenwell
  - Central Activities Zone

- Major Cycle Route
- Employment Priority Area (General)
- Finbury Local Plan Area – Bunhill & Clerkenwell
- Exmouth Market Local Shopping Area
- Within 100m of SRN Road
- Local view from Archway Road
- Local view from Archway Bridge
- Local view from Dartmouth Park Hill

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

9.13 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
- Neighbouring Amenity
  - Noise pollution
  - Odour and fumes
  - Night time disturbance and late night economy
- Delivery and Servicing
- Accessibility

**Land Use**

*Loss of A2 floorspace*

- 10.2 The application site is a four storey plus basement building located on the northern side of Exmouth Market. The application pertains to the basement and ground floor levels of the building. Following the completion of works as approved under P2015/3377/FUL, the existing combined GIA of ground and basement floor levels is approximately 360 sqm (180 sqm at both ground and basement levels, respectively). The proposal would therefore result in the loss of approximately 360 sqm of A2 (financial and professional services) commercial floorspace.
- 10.3 Policy DM4.6, Part A of the Development Management Policies 2013 states that *'proposals will only be permitted where an appropriate mix and balance of uses within the Local Shopping Area, which maintains and enhances the retail and service function of the Local Shopping Area, is retained.'*
- 10.4 The premises consists of ground and basement level units, both with A2 use class. The site is located within the Exmouth Market Local Shopping Area, as designated in figure 3.1 and table 3.1 of the Development Management Policies 2013, but is not located within a Town Centre. Unlike retail A1 uses, there is no policy protection for A2 uses within Local Shopping Areas. Therefore, the loss of the A2 use class is acceptable in principle.
- 10.5 As the ground floor unit is not classified as a retail use class, marketing evidence is not required to be submitted to demonstrate that there is no realistic prospect of the unit being used in its current use in the foreseeable future.

### *Proposed A3/A4 Use*

- 10.6 Policy DM4.2 states that *'entertainment and night-time activities are generally inappropriate outside Town Centres.'* However, the policy notes that an exception applies to the area covered by the Finsbury Local Plan (Area Action Plan for Bunhill and Clerkenwell). Part G of policy BC8 of the Finsbury Local Plan, which applies to the site, stipulates that *'new entertainment uses will only be allowed within the designate Employment Priority Areas.'* Therefore, the principle of the A3/A4 use may be acceptable, subject to details.
- 10.7 Paragraph 12.1.8 of the Finsbury Local Plan 2013 advises that within the Exmouth Market Local Shopping Area, *'in addition to the requirements of Development Management Policy on Local Shopping Areas, Policy BC8 specifies a need for at least 35% of individual units to be in retail (A1) use [...] this will support the provision of a diverse range of shopping and recreation facilities that meets the needs of both residents and visitors. The creation of sustainable, mixed local economies is also a guiding objective for public realm investment in these areas.'*
- 10.8 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.
- 10.9 DM4.6 seeks to retain retailing within Local Shopping Areas and 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).
- 10.10 The Exmouth Market Local Shopping Area is primarily focused on Exmouth Market itself, although there are a limited number of shops and restaurants on side streets. The shops and services are a strong draw for visitors to Islington, as well as providing important services for the surrounding residential communities and nearby office workers. A street food market operates between 12pm to 3pm, Monday to Friday.
- 10.11 Paragraph 4.37 of Development Management Policies notes that, in securing a mix and balance of uses within each Local Shopping Area, policy DM4.3 will be taken into account, to ensure that an over-concentration of uses of a single type of use does not occur which may harm the vitality or viability of the area. Where an application for Change of Use/redevelopment is received, potential cumulative impacts affecting existing uses within Local Shopping Area boundaries will be assessed on a case-by-case basis.
- 10.12 The application proposes the change of use of the ground and basement levels from A2 (financial and professional services) to A3 (restaurants and cafes) at ground floor level and A4 (drinking establishments) at basement level. Exmouth Market currently consists of a large number of A3 and A4 units at street level, interspersed between A1 retail units. Officers conducted a use survey of the Exmouth Market Local Shopping Area on Friday 22<sup>nd</sup> June. The survey encompassed the entirety of the Local Shopping Area, including frontages on Exmouth Market, Farringdon Road, Rosoman Street and Tysoe Street.
- 10.13 The use class survey identified that out of approximately 63 (77 if counting amalgamated units individually) ground and basement level units within the designated area, approximately 21 (31) are within the A1 use class (approximately 39.7% (36.4%) of units).

As the existing units are not within the A1 retail use class, the change of use would not affect the overall composition of the centre (the centre would retain a minimum of 35% A1 units), and therefore would not have a detrimental impact upon the retail and service function of the Local Shopping Area.

- 10.14 When taking into consideration only the units fronting Exmouth Market, approximately 24 (26 if counting amalgamated units individually) of the ground and basement level units are within the A1 use class (approximately 42% (40.5%) of all units). Overall, the proposal accords with policy DM4.6 and paragraph 12.1.8 of the Finsbury Local Plan.

#### *Late Night Economy*

- 10.15 The proposed uses would constitute 'entertainment uses' under the Finsbury Local Plan (Glossary). Whilst the site is not within a designated Town Centre, it is located within an Employment Priority Area (Finsbury Local Plan) and therefore the restrictions on entertainment and night-time activities noted within policy DM4.2 do not apply. Policy BC8, Part G of the plan notes that Employment Priority Areas may be suitable for new entertainment uses. Development Management Policies will be used to assess applications for new entertainment uses, in order to avoid an unacceptable concentration of such uses.
- 10.16 Paragraph 12.1.7 of the Finsbury Local Plan advises that, within the Central Activities Zone, in order to support and retain the area's nighttime economy whilst safeguarding residential amenity, policy BC8 restricts entertainment uses (i.e. A3, A4 and A5 uses, as well as nightclubs) to Employment Priority Areas. However, as a significant number of people live in these areas, applications for entertainment uses must meet the criteria set out in the relevant Development Management Policies. In its Licensing Policy (2011 to 2014), the council has identified an area around Farringdon that is subject to significant concentration of late-licensed premises. Figure 16 of the DMP identifies this area and other locations which have a high concentration of alcohol licensed premises, and which are therefore particularly prone to adverse impacts from night-time uses (e.g. pubs, bars, clubs and off-licenses). The application site at 37-39 Exmouth Market is identified within Figure 16 as forming part of this area.
- 10.17 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
- 10.18 The use survey undertaken by officers in June 2018 indicates that across the Local Shopping Area, only 1no. ground floor/basement level unit operates exclusively within the A4 use class (approximately 0.16% (1.3%) of units). For units fronting Exmouth Market, this figure is approximately 2% (1.5%). In accordance with policies DM4.3 of the Development Management Policies and paragraph 12.1.7 of the Finsbury Local Plan, it is therefore not considered that there is an over-concentration of A4 drinking establishments within the Local Shopping Area or fronting onto Exmouth Market.
- 10.19 Across the Local Shopping Area, approximately 21 (31 if counting amalgamated units individually) of the ground and basement level units are within the A3 use class (approximately 33.3% (40.3%) of units). When taking into consideration only the units fronting Exmouth Market, approximately 19 (27 if counting amalgamated units individually) of the ground and basement level units are within the A3 use class (approximately 38% (41.5%). Overall, it is noted that approximately 42% of all ground and basement level

units fronting Exmouth Market are within the A3 use class. When taking into consideration mixed-use (Sui Generis) units incorporating an A3 element, the total amount of units with some level of A3 use fronting Exmouth Market is approximately 50% (47.7%).

- 10.20 Each unit would measure approximately 180 sqm. Whilst it is noted that there are a significant number of units incorporating an A3 element fronting Exmouth Market, it is considered that the proposed use would complement the existing mix of uses within the vicinity. Therefore, the proposal would not materially harm the existing mix of uses within the Local Shopping Area. Further, the proposed use would not result in the loss of any A1 units fronting the street.
- 10.21 The applicant has submitted a Scheme of Management to secure the details of operation at the site. As the final end-users of the units is yet to be determined, the plan is designed to act as a framework for future operators and provides details of noise and crowd management, delivery and servicing, staff transport, waste and customer management. Whilst it is considered that the plan does not provide a great level of detail, it is considered that the proposed use is acceptable subject to the provision and approval of a more detailed management plan prior to the first occupation of the site. Therefore, a condition has been recommend requiring that a detailed Scheme of Management be submitted to and approved by the Local Planning Authority prior to the first use of the units. Two separate plans, one for each unit/use.
- 10.22 Whilst the proposed use would not constitute a retail function, it is acknowledged that the ground floor A3 unit would provide an active ground floor frontage which would bring other benefits to the site, and to the Exmouth Market Local Shopping Area in which the building is located. No training or development initiatives are to be agreed as part of the application, however the proposal would provide the equivalent of 15 full time jobs (5 full time jobs were provided under the A2 use class).
- 10.23 The application proposes the subdivision of the basement and ground floor unit, which would result in the self-containment of the A3 and A4 uses. Plans indicate that direct access would be provided to each unit, and no internal access between the two units would be created. Each unit is to be fitted with separate gas, electricity and water supplies. Therefore, the units would be considered as two separate planning units.
- 10.24 Upon a site inspection undertaken on 25 May 2018, officers noted that the vacant units do not appear to be self-contained. Internal partition walls were not yet installed, and the ground floor internal balustrade around the staircase to enter the basement level contains materials and a level of detailing that indicates that it is a permanent fitting. Further, a representative of the applicant verbally advised that the final makeup of the units is not yet known, and therefore no final decision on the sub-division of the units had been made. To clarify, further information was sought from the applicant, who advised that the proposed change of use is yet to be undertaken and that relevant partition walls and access alterations would be implemented prior to the first occupation of the site, should permission be granted.

### **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 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
- 10.27 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Rosebery Avenue Conservation Area.
- 10.28 Planning permission was granted with conditions under delegation to officers on 11 February 2017 (planning ref: P2015/3377/FUL). The proposal was for alterations to the building including demolition of the existing rear elevation at ground and basement level, and existing rear shed, and the erection of a two storey rear extension to basement and ground floor levels and the installation of a new shopfront. Therefore, the majority of physical works to the building have already been completed.
- 10.29 Physical external alterations proposed as part of this application include the extract and plant equipment and acoustic screening which relate to the change of use. The extract and plant equipment would be located to the front and rear of the approved staircase enclosure at the rear of the site, with acoustic screening either side of this. No public views would be afforded toward the equipment, and it is not considered that the proposed works would materially harm the character or appearance of the host building or the wider conservation area. The proposal therefore accords with policies DM2.1 and DM2.3 of the Development Management Policies 2013, the Islington Urban Design Guide 2017 and the Conservation Area Design Guideline.

#### **Neighbouring Amenity**

- 10.30 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, sunlight and day light receipt, over-dominance, sense of enclosure and outlook.
- 10.31 Policy DM6.1G of the Development Management Policies 2013 states that noise generating uses should, where possible, be sited away from noise sensitive uses.
- 10.32 Paragraph 6.19 of the Development Management Policies advises that the Council will expect noise generating uses and sources to be adequately separated from established residential areas and other noise sensitive uses (such as care homes, schools and hospitals). However, given the borough's density and character it is acknowledged that noise generating uses cannot always be sited away from residential areas. Where potentially noisy developments (such as entertainment venues) are proposed within residential areas, the council will expect the use not to give rise to noise nuisance.
- 10.33 The proposed plant and extract equipment and acoustic screening at the rear of the site would not harm neighbouring amenity with regard to overshadowing, privacy, access to direct sunlight and daylight, over-dominance, sense of enclosure or outlook. The plant and acoustic screening would be placed on the rear first floor roof level adjacent to the previously approved escape staircase overhang. The acoustic screening would measure approximately 3.5m in height, and would be located approximately 5.4m to the rear of the first floor residential units at the opposite side of the rear deck. Overall, when taking into consideration the previously approved staircase enclosure which has a height of 3.9m, it is not considered that the structure would materially harm amenity at the adjoining residential properties.

### *Noise pollution*

- 10.34 The amenity impacts relating to the proposed A3 and A4 uses primarily relate to noise and potential anti-social behaviour late at night.
- 10.35 The Council previously raised concerns that the proposal did not provide any details on how the higher sound levels generated within a typical restaurant and bar with longer operating hours would be mitigated for neighbouring residents, along with the noise of patrons coming and going and deliveries. No details had been provided regarding the extract system and how it would be accommodated or whether mitigation is feasible within the existing building layout.
- 10.36 The applicant subsequently provided details of indicative equipment to be installed, as well as a mechanical plant design and impact assessment and Scheme of Management. The applicant has advised that the provision of details for specific extract and plant systems is difficult, as the final make-up of tenants at the site is yet to be determined. Officers note that the information provided as part of the application is limited, and must be expanded upon prior to the commencement of operations at the site. However, it is considered that the information provided is sufficient to demonstrate that the proposed A3/A4 use of the site would be acceptable in principle, subject to detailed conditions.
- 10.37 The Council's Public Protection officer noted that no acoustic report had been provided on the extract system, sound insulation between the A3 unit and the residential on the upper floors, delivery/servicing noise, hours of operation or use of outside areas. The officer does not object to the proposal, and considers that any impacts of the proposal on neighbouring amenity could be successfully mitigated. To ensure that this is the case, the officer recommended that a number of conditions be included in order to protect residential amenity.
- 10.38 To ensure that the use and associated plant equipment do not adversely impact upon neighbouring amenity, a number of conditions have been recommended including:
- limiting and assessing the cumulative noise levels of fixed plant;
  - requiring further information to be provided regarding sound insulation and noise controls; and
  - limiting hours of delivery and servicing to between 08:00 and 20:00 Monday to Saturday, and not at all on Sundays and Bank Holidays.

### *Odour and fumes*

- 10.39 Concern has also been raised by the Council's Environmental Health officer with regard to the proposal, noting that the cooking smells and flue venting at low level would affect amenity at the residential units above. Officers believe that the detailed design of the extractor flues submitted as part of this application is inappropriate and would likely have an adverse impact on neighbouring residential amenity if implemented. However, officers do not object to the principle of the application and advise that the impacts of the proposal on amenity could be successfully mitigated, subject to the detailed design of the flues / extraction units.
- 10.40 Therefore a condition has been recommended requiring that separate planning permission be obtained for the detailed design of the kitchen and bathroom flues / extractor systems prior to the first occupation of the A3 and A4 units hereby approved. The flues shall be designed to minimise harm to neighbouring residential amenity. Officers believe that, due to the nature of the development, neighbouring residents and relevant leaseholders must have the opportunity to review and comment on the detailed design of

the extractor flues, and therefore separate planning permission is required. It is considered that a condition requiring the submission and approval of details as part of an Approval of Details application following the granting of this Full Planning Application would not allow for sufficient neighbour consultation.

*Night time disturbance and late night economy*

- 10.41 Appendix 10, table 10.2 of the Development Management Policies 2013 provides guidance and standards for reducing impacts of noise generating entertainment uses, including façade treatments and the location of likely noise sources.
- 10.42 In order to ensure that the proposed development does not have an adverse impact on neighbouring residential amenity, including cumulative impacts given the location of the site within a high concentration of night-time uses, a condition requiring the submission and approval of a Scheme of Management prior to the first occupation of the A3/A4 units has also been recommended. This plan would include details of mitigation measures in order to protect residential amenity with regard to noise, waste and anti-social behaviour, notably:
- A full dispersal policy and procedure;
  - A door policy;
  - Signs to request patrons to leave in a quiet manner;
  - Bottling out and waste management noise and times;
  - Control and levels of noise from amplified music;
  - Control of any noise from any designated smoking area;
  - Close down policy;
  - Security;
  - Any additional external or security lighting;
  - Capacity (of each use); and
  - Private hire facilities/functions.
- 10.43 Further, a condition has been recommended limiting the hours of operation of the A3 and A4 units to between 07:00 and 23:00 Monday to Thursday, 07:00 and Midnight Friday to Saturday, and 8:00 and 22:00 on Sundays and Bank Holidays.
- 10.44 Overall, subject to conditions, the change of use of the ground and basement units to A3 and A4 use class (respectively) is not considered to likely result in unacceptable material amenity impacts to neighbouring occupiers. The proposal therefore complies with policies DM2.1, DM4.3 and DM6.1G of the Development Management Policies 2013.

**Servicing and Delivery**

- 10.45 Policy DM8.6 of the Development Management Policies states that delivery and servicing should be provided off-street, particularly for commercial developments over 200m<sup>2</sup> 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 Exmouth Market, an appropriate off street location for deliveries is not available. However, a loading bay exists outside nos. 33-35 Exmouth Market, and it is considered that this would be an appropriate location to accommodate delivery and servicing to the site, subject to condition.
- 10.46 The application site, on Exmouth Market, is an Islington controlled road and is part of a Major Cycle Route within Clerkenwell. A street food market operates on the street between 12pm to 3pm, Monday to Friday.

- 10.47 Due to the indicative nature of the needs associated with the end-users of the site, limited information has been provided with regard to delivery and servicing at the site. The information suggests that vehicles would use the loading bay outside nos. 33-35 Exmouth Market, deliveries must not conflict with servicing arrangements of neighbouring users, and it must be demonstrated that there would be minimal disruption to the local highway network, and ensure that the process is effectively managed to ensure safe manoeuvres.
- 10.48 Therefore, a condition has been recommended requiring that details of delivery and servicing to be approved by the Local Planning Authority prior to the first occupation of the A3 and A4 units at the site. A condition limiting deliveries, collections unloading and loading between the hours of 08:00-20:00 Monday to Saturday, and not at all on Sundays, is also recommended.

### **Refuse**

- 10.49 The proposal includes a dedicated refuse and recycling store within the units. Waste would be taken out and brought back by staff to coincide with collection time, to avoid extending periods of time where bins are left outside of the units. No further details have been provided regarding refuse store and collection activities, and no comments have been received from the Council's waste and recycling team. Therefore, a condition has been recommended requiring details of proposed refuse and recycling to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the A3 and A4 units.

### **Cycle Parking**

- 10.50 In accordance with policy DM8.4 and Appendix 6 of the Development Management Policies 2013, the proposed development should provide 1 cycle parking space for each 60 sqm of A3 and A4 floorspace. In this instance, six cycle parking spaces should be provided. Although no cycle parking is proposed, the properties are significant in size and therefore it is considered that there is sufficient space to securely store that number of cycles. Therefore, a condition has been included requiring details of cycle storage for 6no. bicycles to be submitted and approved in writing by the LPA prior to the first occupation of the A3 and A4 units.

### **Accessibility**

- 10.51 Policy DM2.2 DM2.2 seeks to ensure all developments demonstrate that they provide ease of and versatility in use, and deliver safe, legible and logical environments. In this instance, it is acknowledged that the proposal would be positioned over two floors, with the A4 unit at basement floor level. It is acknowledged that the only access to this level would be made via the existing staircase, and therefore would not comply with the Council's Inclusive Design requirements. However, the lack of compliance is not considered to warrant refusal given the application relates to an existing building and its restricted size and layout.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed change of use of the basement and ground floor from an existing A2 (financial and professional services) use to self-contained units containing A3 (restaurants and cafes) at ground floor and A4 (drinking establishments) at basement floor is considered acceptable, on balance, in land use terms given the supporting documentation provided, and the inclusion of conditions for the management of operations, servicing and delivery, and neighbouring amenity impacts (such as noise). The proposed loss of the A2

use and the mix of uses proposed is considered to be acceptable and not to result in an overconcentration of drinking establishments/licensed premises. The external alterations are not considered to materially harm the character or appearance of the host building or the wider conservation area. Subject to conditions, the proposed use is not considered to result unacceptable significant harm to the amenity of occupiers of neighbouring properties.

- 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, the Finsbury Local Plan 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 – RECOMMENDATION.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION B

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<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>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Covering letter dated from Indigo Planning dated 24 April 2018, Design and Access Statement, Location Plan, Site Plan, 3739EM/4001 Jan 2018, 3739EM/4002 Jan 2018, 3739EM/4003 Jan 2018, 3739EM/4004 Jan 2018, 3739EM/4005 Jan 2018, 3739EXM/0615/1 Nov 2017, 3739EXM/0615/2 Nov 2017, 3739EXM/0615/3 Nov 2017, 3739EXM/0615/4 Nov 2017, 3739EXM/0615/5 Nov 2017, Operational Management Plan dated 22 January 2018, Mechanical Plant Design and Impact Assessment prepared by John Foreman &amp; Partners Ltd, Caice acoustic screening technical information, Vent-Axia ATQ10012D Product Specification booklet, Vent-Axia Fan Selector technical information, and Ventilation – Effective heat exchange and simultaneous fresh air ventilation brochure.</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>
<b>3</b>	<b>Hours of Operation</b>
	<p>CONDITION: The A3 unit and A4 unit shall not operate outside the hours of:</p> <p>Monday to Thursday - 07.00am to 11.00pm. Friday to Saturday - 07.00am to Midnight Sunday and Bank Holidays – 08.00am to 10.00pm</p> <p>REASON: To ensure that the proposed development does not have an unacceptable adverse impact on neighbouring residential amenity</p>
<b>4</b>	<b>Delivery and Servicing</b>
	<p>CONDITION: Details of delivery and servicing of the hereby approved units for A3 and A4 use shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the units.</p> <p>The servicing arrangements shall be operated strictly in accordance with the details hereby approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p>

	<p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
<b>5</b>	<p><b>Hours of delivery and servicing</b></p>
	<p>HOURS OF DELIVERY AND SERVICING: Deliveries, collections, unloading, loading for the hereby consented A3 and A4 units shall only be carried out between the following hours:</p> <ul style="list-style-type: none"> <li>- Monday to Saturday - (08:00 - 20:00)</li> <li>- Sundays/Bank Holidays - not at all.</li> </ul> <p>REASON: To minimise the impact of deliveries and servicing on neighbour amenity.</p>
<b>6</b>	<p><b>Noise</b></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 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: To control plant noise from kitchen extract, toilet extract and air conditioning units.</p>
<b>7</b>	<p><b>Mechanical Plant Compliance Report</b></p>
	<p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate full compliance with condition 6. The report shall include measurement of the new plant following installation. The report shall be submitted to and approved in writing by the Local Planning Authority within 10 weeks of the use hereby permitted, and maintained as such thereafter.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>8</b>	<p><b>Hours of Operation (Plant and Extract)</b></p>
	<p>CONDITION: Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the/any mechanical plant to between the hours of:</p> <p>Monday to Thursday - 07.00am to 11.00pm.  Friday to Saturday - 07.00am to Midnight  Sunday and Bank Holidays – 08.00am to 10.00pm.</p> <p>The plant shall not be operated outside of these hours. The timer shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>9</b>	<p><b>Noise Insulation Measures</b></p>
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed ground floor and basement A3/A4 use and the upper floors residential use of the building shall be submitted to and approved in writing by the Local Planning</p>

	<p>Authority.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To address potential sound transmission from the basement and ground floor operation to residential uses above given the juxtaposition of noise generating uses and noise sensitive residential properties.</p>
<b>10</b>	<b>Scheme of Management</b>
	<p>CONDITION: A scheme for the management of the A3 and A4 uses hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the units hereby approved. The Scheme of Management shall include:</p> <ul style="list-style-type: none"> <li>a) a full dispersal policy and procedure;</li> <li>b) a door policy;</li> <li>c) signs to request patrons to leave in a quiet manner and not to loiter in the surrounding streets;</li> <li>d) bottling out and waste management noise and times;</li> <li>e) control and levels of noise from any amplified music within the unit</li> <li>f) control of any noise from any designated smoking areas or external areas;</li> <li>g) close down policy with amplified music shut-off and increased lighting;</li> <li>h) security, including any additional proposed CCTV;</li> <li>i) any additional external or security lighting;</li> <li>j) capacity (of each use);</li> <li>k) private hire facilities/functions</li> </ul> <p>The operation of the units shall at all times be carried out in accordance with the approved Scheme of Management.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity, including cumulative impacts given the location of the site within a 'high concentration of alcohol licensed premises (2010)'.</p>
<b>11</b>	<b>Flues/Extraction Systems (Details)</b>
	<p>CONDITION: Notwithstanding the hereby approved plans, prior to the first occupation of the A3 and A4 units hereby approved, permission must be obtained for the detailed design of the kitchen and bathroom flues / extraction systems. The flues shall be fitted with fine filtration or Electrostatic Precipitation followed by carbon filtration (carbon filters rated with 0.4-0.8 second resistance time) or alternatively fine filtration followed by carbon filtration and by counteractant/neutralising system to achieve the same level as above.</p> <p>REASON: Officers consider that suitable flues / extraction systems could be accommodated at the site, however the design of those submitted as part of this application is inappropriate and would likely have an adverse impact on neighbouring residential amenity. Due to the nature of development, neighbouring residents and relevant leaseholders must have the opportunity to review and comment on the detailed design of the extractor flues, and therefore a separate planning permission must be sought for these matters.</p>

<b>12</b>	<b>Details of cycle storage</b>
	<p>CONDITION: Prior to the first occupation of the hereby approved A3 and A4 units details of the cycle storage for 6no. bicycles shall be submitted and approved in writing to the Local Planning Authority. The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To provide adequate cycle storage.</p>
<b>13</b>	<b>Details of refuse and recycling</b>
	<p>CONDITION: Prior to the first use of the hereby approved A3 and A4 units, details of the refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To ensure the proposal benefits from adequate refuse and recycling facilities.</p>

**List of Informatives:**

<b>1</b>	<b>Community infrastructure Levy (CIL)</b>
	<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 <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. 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 <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a>.</p>
<b>2</b>	<b>Installation of flues / extraction systems</b>
	<p>You are advised that the proposed installation of any flues / extraction systems in association with the A3 and A4 units will require a separate application for planning permission.</p>
<b>3</b>	<b>Other Legislation</b>
	<p>You are advised that the planning permission hereby approved would be subject to fully complying with other legislation outside the realms of the planning regulations including licensing, environmental acts, building control and fire safety 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**

Chapter 4: London's Economy

Policy 4.1 Developing London's economy

Policy 4.4 Promoting Town Centres

Policy 4.3 Mixed use development and offices

Policy 4.6 Local Shopping Areas

b. **Islington Core Strategy 2011**

Policy CS 7 – Bunhill and Clerkenwell

Policy CS 13 – Employment Spaces

Policy CS 14 – Retail and services

c. **Development Management Policies June 2013**

- Policy DM2.1 – Design
- Policy DM2.3 – Heritage
- Policy DM4.2 – Entertainment and the night-time economy
- Policy DM4.3 - Location and concentration of uses
- Policy DM4.6 - Local Shopping Areas
- Policy DM4.9 – Markets and specialist shopping areas
- Policy DM6.1 – Healthy development
- Policy DM8.2 - Managing transport impacts
- Policy DM8.4 – Walking and cycling
- Policy DM8.6 - Delivery and servicing for new developments

d. **Finsbury Local Plan 2013**

- Policy BC8 – Achieving a balanced mix of uses

### **3. Designations**

- Core Strategy Key Area – Bunhill & Clerkenwell
- Rosebery Avenue Conservation Area (and Article 4 Direction)
- Central Activities Zone
- Major Cycle Route
- Employment Priority Area (General)
- Finsbury Local Plan Area – Bunhill & Clerkenwell
- Exmouth Market Local Shopping Area
- Within 100m of SRN Road
- Within 50m of New River Conservation Area
- Local view from Archway Road
- Local view from Archway Bridge

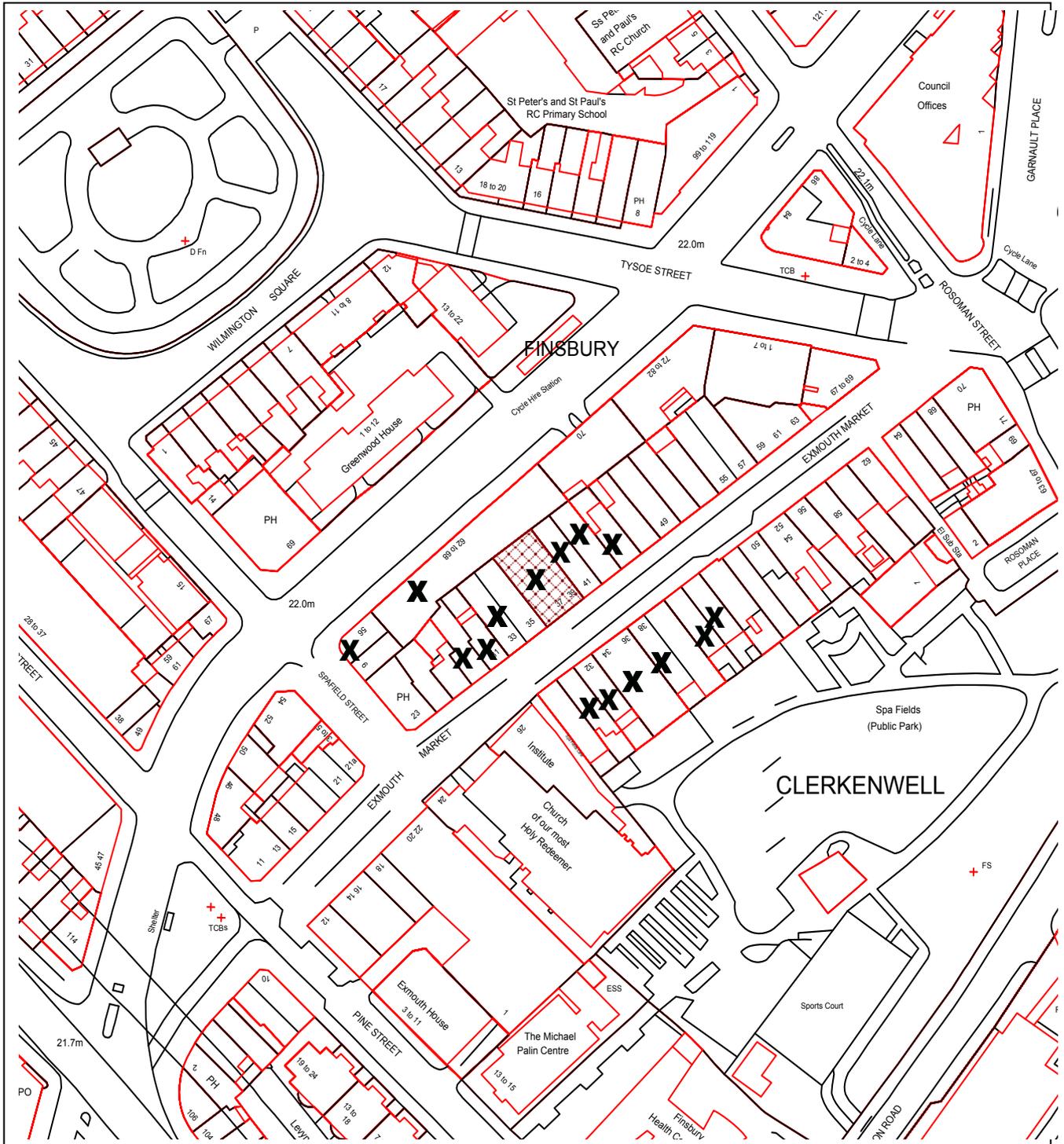
- Local view from Dartmouth Park Hill

#### **4. SPD/SPGS**

N/A

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# Islington SE GIS Print Template



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P2017/1262/FUL

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## PLANNING COMMITTEE REPORT



<b>PLANNING SUB-COMMITTEE B</b>		
Date:	17 <sup>th</sup> July 2018	NON-EXEMPT

Application number	P2017/2887/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	Grade II Listed Buildings adjacent to northern boundary (nos. 340-390 (even) City Road)
Development Plan Context	Bunhill & Clerkenwell Core strategy Key Area Central Activities Zone (CAZ) Finsbury Local Plan Employment Priority Area (General) Bunhill & Clerkenwell Finsbury Local Plan Area Within 100m of a TLRN (Transport for London Road Network) Within 50m of New River Conservation Area Within 50m of Duncan Terrace/Colebrook Row Conservation Area Article 4 Direction A1 to A2 Adjacent to Grade II Listed Buildings to north east
Licensing Implications	None
Site Address	Clarissa Baldwin House, 17 Wakley Street, London EC1V 7RQ
Proposal	Removal of roof terrace and erection of single storey extension above existing two storey outrigger to create additional office floorspace (77.5 sqm GIA). Replacement of existing plant equipment and provision of new plant equipment in connection with the new development. Installation of new ramp access to main building and associated changes to main entrance doors. Installation of new secure cycle parking and associated alterations.

Case Officer	Daniel Jeffries
Applicant	Dog's Trust - Mr Adrian Burder
Agent	AD Architects

### 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 northerly direction**



**Image 3:** Site Location Plan showing both the proposal area at no. 17 Wakley Street and no. 348 City Road



**Image 4:** View towards existing second floor terrace and proposal area (taken from internal courtyard at ground floor)



**Image 5:** View of the adjacent residential properties to the proposal area



**Image 6:** View from the existing second floor roof terrace south across the existing internal courtyard car park



**Image 7:** View of the internal courtyard car park towards Goswell Road



**Image 8:** View of the rear elevation of terraced properties along City Road from second floor roof terrace at the host building



**Image 9:** View of the proposal from the window of no. 340 City Road

#### **4. SUMMARY**

- 4.1 Planning permission is sought for the erection of single storey extension above the existing two storey outrigger to allow for an uplift of 77.5 sqm (GIA) of additional office floorspace (Use Class B1a) to an existing office building and associated internal alterations. The proposal would also include alterations at roof level of the main (front) part of the host building with the repositioning of the existing plant equipment with associated installation of screening, and the installation of a green roof and photovoltaic panels.
- 4.2 The application is brought to committee because of the number (9 no.) of objections received.
- 4.3 The issues arising from the application are the acceptability of providing additional business floorspace in land use terms, the design and its impact on the character and appearance of the host building and surrounding area, the impact on the neighbouring amenity of the adjoining and surrounding residential and commercial properties, and impacts on the local highway network. In addition to ensuring that the proposal would provide accommodation which would comply with the Council's accessibility and sustainability objectives.
- 4.4 The proposal is considered to be compliant with the Council's policies in regard to land use, design, amenity impact to neighbouring properties and in regards to the Council's accessibility and sustainability objectives.

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

## **5. SITE AND SURROUNDING**

- 5.1 The application site comprises a three storey office building, with a flat roof, with two storey attached outrigger to the rear elevation towards the north of the site. The site is located to the north west side of Wakley Street. The host building is constructed using brown brick, with a 'grid-like' fenestration pattern. The entrance to the building is made from Wakley Street, which also has an existing ground floor opening along this elevation which allows vehicle and pedestrian access to the existing courtyard used as a car park by the current occupiers of the host building. The existing flat roof of the existing two storey outrigger is currently used as a roof terrace by the current occupiers of the host building.
- 5.2 Whilst the application site does not fall within a conservation area, the site is adjacent to the Duncan Terrace/Colebrook Row Conservation Area and the terrace of Grade II Listed Buildings (nos. 340-390 (even) City Road) along the northern boundary of the site. The surrounding buildings are of varying height, age and design, with a mixture of three to six storey buildings. The surrounding area is characterised by a mixture of both commercial and residential uses, including student accommodation within the adjacent property to the south west.
- 5.3 The site is located within an area subject to a number of constraints, this includes being within the Bunhill & Clerkenwell Core Strategy Key Area, Central Activities Zone (CAZ), Finsbury Local Plan Employment Priority Area (General), Bunhill & Clerkenwell Finsbury Local Plan Area and within 100m of a TLRN (Transport for London Road Network).

## **6. PROPOSAL (in Detail)**

- 6.1 The application proposes the erection of a single storey extension on the roof of the two storey outrigger currently used by the current occupiers of the office building as a roof terrace. In addition, the proposal includes repositioning of the existing plant equipment, and the installation of green roofs.
- 6.2 The proposed extension would allow for the creation of 77.5 sqm of additional office floorspace, with associated internal reconfiguration (internal configuration does not require planning permission). The repositioned plant equipment would consist of 2 no. new VRF (variable refrigerant flow) condensing units with associated screening. The green roof would be positioned on top of the main (front) part of the building. The photovoltaic panels would cover an area of 6 sqm at an angle of 30 degrees, with associated access guarding.
- 6.3 During the assessment of the application, amended drawings were received to change the design of the proposal. This was following comments from the Council's Design and Conservation Officer who advised that the extension be reduced in scale by the introduction of a setback from the south elevation of the floors below. Reconsultation letters were sent in relation to these changes.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS**

No. 17 Wakley Street

- 7.1 861951 – To permit the ancillary offices of 750sq.m. to be used as headquarter offices. Approve with conditions on 07/05/1987.

- 7.2 871329 – Extensions at second and fourth floor levels and use of whole building for Business Use Class B1. Approve with conditions on 18/08/1988
- 7.3 930489 – Erection of two extensions at fourth floor level on Wakley Street elevation and second floor level on Sidney Grove building in connection with use of premises as B1 (office light industrial and high technology) use. Approve with conditions on 25/02/1994
- 7.4 941109 – Change of use of the ground floor of the rear outbuilding into caretakers studio flat and renewal of windows and doors at front elevation of north wing block. Approve with conditions on 12/12/1994.
- 7.5 P001835 – Installation of externally illuminated fascia signage and three projecting signs. Approve with conditions on 24-11-2000
- 7.6 P071782 – Erection of two roof mounted air conditioning units. Approve with conditions on 21-09-2007.
- 7.7 P2014/1526/FUL – Installation replacement double glazing aluminum window frames to the front elevation at second floor level. Approve with conditions on 31-07-2014.

No. 338 City Road

- 7.8 P2017/2243/FUL - Erection of a single storey roof extension at third floor level to create a 1-bedroom residential flat, external alterations including creation of lift shaft to rear, and creation of front roof terrace fronting Wakley Street. (under consideration)

**PRE-APPLICATIONS**

- 7.9 Q2016/4337/MIN – Advice was provided relating to two storey extension. The principle of providing additional office accommodation was considered acceptable, but recommended that incorporates flexible design features to help ensure adaptability to changing economic conditions and occupants. Also that the proposal should be reduced in scale to be single storey, taking into consideration the impact on the adjacent heritage assets, and the amenity impact on residential properties along City Road. It was advised that a daylight/sunlight report be submitted to demonstrate that the impact on the adjacent properties would be acceptable.

**ENFORCEMENT**

- 7.10 None.

**8. CONSULTATION**

**Public Consultation**

- 8.1 Letters were sent to 289 occupants of adjoining and nearby properties at City Road, Goswell Road, Sidney Grove, Wakley Street, Frederick's Row on 11 September 2017. Following the submission of amended drawings and an updated daylight/sunlight report, reconsultation letters were sent on 16 May 2018 and 13 June 2018. The public consultation of the application expired on 27 June 2018.

8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report a total of 9 no. objection had been received from the public. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- Impact on the conservation area, including materials (paragraphs 10.9 to 10.26)
- Loss of daylight/sunlight to adjacent residential properties along City Road to the north (paragraphs 10.30 to 10.52)
- Loss of privacy to adjacent residential properties along City Road to the north (paragraphs 10.54 to 10.57)
- Overshadowing and sense of enclosure to the adjacent residential properties along City Road to the north (paragraphs 10.49 to 10.51)
- Increase noise to adjacent residential properties along City Road to the north, including noise reverberation and echo effect (paragraphs 10.58 to 10.61).
- Cumulative impact of both the proposal and the application at no. 338 City Road in terms of the loss of daylight/sunlight to the properties along City Road and impact on the wider conservation area (paragraphs 10.24 and 10.52)

### **Internal Consultees**

8.3 **Planning Policy:** confirmed that they are supportive in terms of providing additional office accommodation.

8.4 **Design and Conservation Officer:** raised no objections to the proposed extension, but recommended that the southern elevation benefit from a set back from the floors below. Amended drawings were received. In addition, requested a condition relating to the use of natural rather than artificial slates to the north elevation.

8.5 **Inclusive Design:** raised no objections in relation to the proposal.

8.6 **Highways:** confirmed that they have no comments in relation to the proposal.

8.7 **Sustainability:** raised no objections in relation to the proposal, and welcomed the introduction and extent of the green roof and use of photovoltaic panels.

8.8 **Pollution Officer:** raised no objections but requested a condition relating to noise levels and advised that the applicant should liaise closely with nearby businesses and residents and bear in mind the guidance of BS5228:2009+2014, LB Islington's code of practice for construction sites and the GLA's SPG on control of dust and emissions from construction and demolition and the NRMM register.

### **External Consultees**

8.11 **None.**

## **9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES**

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

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

9.2 National Planning Policy Framework (NPPF): Paragraph 14 states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay..."

9.3 At paragraph 7 the NPPF states: "that sustainable development has an economic, social and environmental role".

9.4 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.

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

9.6 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

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

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

- 9.8 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.9 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.10 Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

#### **Development Plan**

- 9.11 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.12 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:
- Bunhill & Clerkenwell Core Strategy Key Area
  - Central Activities Zone (CAZ)
  - Finsbury Local Plan Employment Priority Area (General)
  - Bunhill & Clerkenwell Finsbury Local Plan Area
  - Within 100m of a TLRN (Transport for London Road Network)
  - Within 50m of New River Conservation Area
  - Within 50m of Duncan Terrace/Colebrook Row Conservation Area
  - Article 4 Direction A1 to A2
  - Adjacent to Grade II Listed Buildings to north

#### **Supplementary Planning Guidance (SPG) / Document (SPD)**

- 9.13 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
- Neighbouring Amenity including sunlight/daylight and noise
- Accessibility

- Highways and Transportation
- Sustainability

### **Land Use**

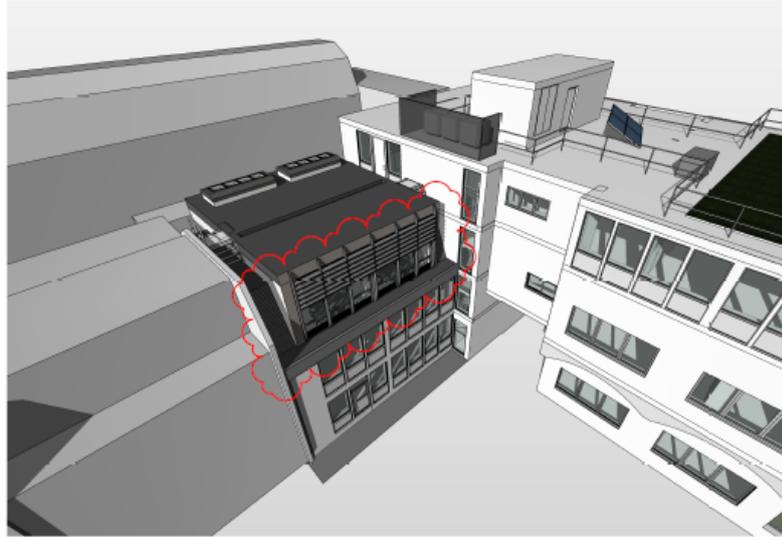
- 10.2 The proposal results in an overall uplift in B1 office floorspace across the site of 77.5 square metres. This is achieved through a proposed single storey extension positioned above the existing two storey outrigger to the rear which is currently used as a roof terrace by the occupiers of the existing office building.
- 10.3 In land use terms, the site is subject to a number of constraints including being within the Bunhill & Clerkenwell Core Strategy Key Area, Central Activities Zone (CAZ), Finsbury Local Plan Employment Priority Area (General), and the Bunhill & Clerkenwell Finsbury Local Plan Area.
- 10.4 Policy DM5.1 of the Development Management Policies (2013) provides advice in relation to new business floorspace. However, this policy does not apply to the part of the borough covered by the Finsbury Local Plan (Area Action Plan for Bunhill and Clerkenwell), which the application is located. In this instance, the land use policies found within the Finsbury Local Plan (2013) should be considered in terms of the acceptability of the proposal in land use terms.
- 10.5 Policy BC8 of the Finsbury Local Plan provides advice in relation to achieving a balanced mix of uses. Part I of this policy seeks to ensure that new business floorspace is designed to allow for future flexibility for a range of uses, including subdivision and/or amalgamation for a range of business accommodation.
- 10.6 As the site is adjacent to the Duncan Terrace/Colebrook Row Conservation Area the land use advice found within the Conservation Design Guidelines should be taken into consideration of the application. Paragraph 3.3 of these guidelines seeks to ensure the Council operates its land use policies so as to enhance the character and vitality of the area. Also that planning permission will not be granted to change, expand or intensify uses which would harm the character of the conservation area.
- 10.7 Given the host building is currently occupied solely for office accommodation, and the proposal seeks to improve and expand these facilities, and the surrounding area is a mix of commercial and residential, in pure land use terms the uplift of office floorspace is considered to enhance the character and vitality of the local area. The issues of the impact on residential amenity will be addressed in a later section.
- 10.8 Overall, the proposal to provide additional business floorspace is considered acceptable in land use terms and meets policy objectives.

### **Design and Conservation**

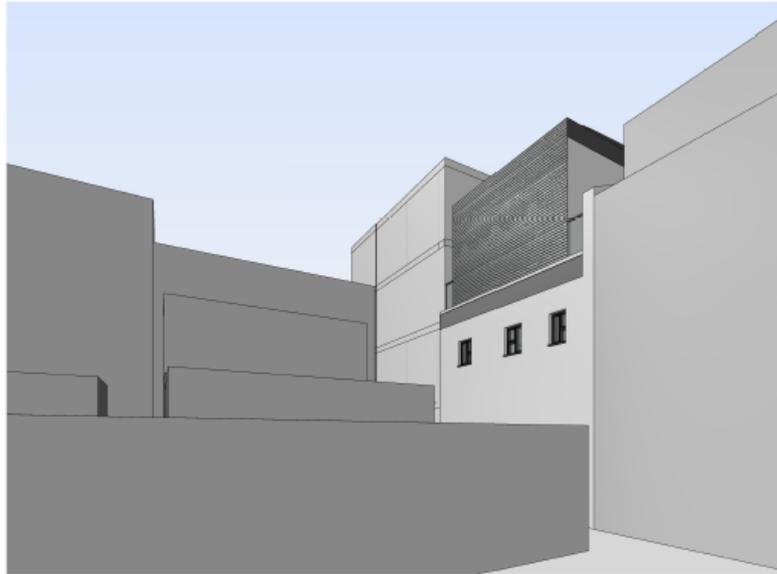
- 10.9 Given the site is within the setting of Duncan Terrace/Colebrook Row Conservation Area and several Grade II Listed Buildings (along City Road) the proposal is required to pay special regard to the statutory duty (s66 and s72(1)) for the preservation or enhancement of these heritage assets. Therefore, in terms of assessing the acceptability of the design of the proposal, it is important to consider the NPPF, Development Management Policies (2013) DM2.1 and DM2.3, Islington Core Strategy Policies (2011) CS9, and the guidance found within the Urban Design Guide (UDG) 2017, and the associated Conservation Design Guidelines.
- 10.10 Policy DM2.1 states 'All forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and

distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics’.

- 10.11 In relation to heritage, Policy DM2.3 states ‘Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance’.
- 10.12 Core Strategy Policy CS9 states that ‘high quality architecture and urban design are key to enhancing and protecting Islington’s built environment, making it safer and more inclusive’.
- 10.13 The UDG provides guidance on how urban design principles should be applied to ensure that new development successfully contributes to making the borough a better place. It is applicable to all new developments, including alterations and extensions to existing buildings.
- 10.14 Whilst it is acknowledged that the guidance within paragraphs 5.131 to 5.134 relate to residential extensions and alterations, it is considered that there are elements which are relevant in the assessment of this application and are considered to be consistent with the above policy objectives. The guidance states that extensions ‘should take into account bulk, height, massing, materials and proportion and how they relate to adjacent heritage assets, uses, building alignment and general treatment of setting. Where the proposal is within a Conservation Area, applicants should have reference to the guidance within the applicable Conservation Area Statement’ and ‘the depth of extensions must also be carefully considered, having regard to both the impact on the amenity of neighbouring properties and the host building’.
- 10.15 In terms of the visual appearance the guidance advises that ‘there may be circumstances when extending a building in a way which is a continuation of the existing form, using matching materials and details, is important. In other cases, high quality contemporary contextual design, such as utilising contrasting high quality materials or a lightweight glazed form, may be more appropriate’.
- 10.16 The site is adjacent to a designated Conservation Area and a terrace of Grade II Listed Buildings (nos. 340-390 (even) City Road). The Duncan Terrace/Colebrook Row Conservation Area Design Guidelines normally seeks to ensure the use of traditional materials, or be sympathetic to the character of the area in terms of form, colour and texture. The guidelines also seek to preserve the scale and integrity of the existing buildings by ensuring that extensions are subordinate to the mass and height of the main building.
- 10.17 In this instance, the proposal would result in a single storey extension above the existing two storey outrigger, which is currently used as a roof terrace by the office building. The extension would cover the full depth of this area, albeit benefiting from a setback from the south elevation (0.6m) including recesses in the south east and south west corners. The extension measures 3.5m in height, above the floor of the existing roof terrace, with a flat roof with projecting rooflights above.



2 3D Aerial View (Proposed)



4 3D View (North Elevation Proposed)

**Image 10:** Proposed Visuals showing relationship with the host property and surrounding buildings.

- 10.18 The south elevation, facing the internal courtyard (used as a car park) is predominantly glazed with windows aligning with the floors below. The rear elevation would be blank apart from 2 no. access doors to the north east and north west corners of the extension. These would be used as access for maintenance, and would have integrated windows and marked as obscure glazed on the submitted drawings. The proposed materials would include fibre cement slate tiles and fibre cement rainscreen cladding for the walls, a single ply membrane for the roof, aluminium framed windows and doors.
- 10.19 The scale of the proposed extension at single storey in height is considered to be subordinate to the host building, and would provide a significant gap between the extension and the height of the roof of the main part of the host building. It is also considered to be consistent with the existing roofline of the immediately adjacent residential block of flats, benefiting from a setback from the south elevation and matching their height. It should also

be noted that whilst it would be visible from the private windows of the adjoining properties, views from the surrounding streetscape would be largely obscured due to the position of the extension at the rear, and the relative scale of the surrounding buildings.

- 10.20 In terms of materials and fenestration pattern, the proposal is considered to be consistent and in keeping with the host and surrounding buildings. However, given the north elevation faces towards and shares a boundary with the heritage assets being the Duncan Terrace/Colebrook Row Conservation Area and the terrace of Grade II Listed Buildings along City Road, a condition has been recommended to ensure the use of natural slates for this elevation.

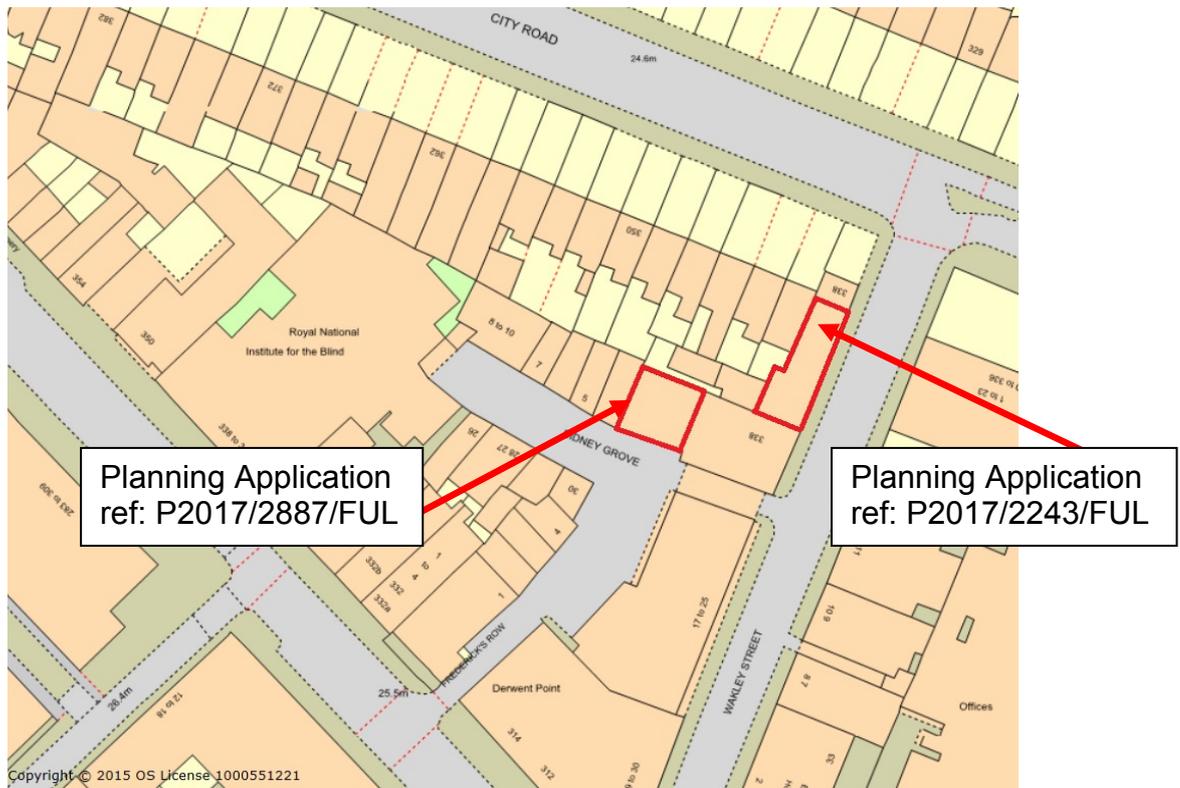


**Southern Elevation as Proposed**

**Image 11:** Visual of proposed extension from internal car park showing south elevation.

- 10.23 The other alterations include those at roof level of the main part of the building are considered to be positioned so that they would be largely obscured from public views. The plant equipment would also benefit from screening, and the other elements are relatively low level.
- 10.24 Overall the proposal is considered to be in keeping with the visual appearance of the host property and visually integrated with the surrounding properties and area. It is therefore considered to preserve the visual appearance and historic character of the host building and the adjacent heritage assets of the Duncan Terrace/Colebrook Row Conservation Area and row of Grade II Listed Buildings along City Road.
- 10.24 Notwithstanding the above assessment, concerns have been raised in terms of the cumulative impact of the design of both this proposal and the extension associated with the concurrent application at no. 338 City Road (ref. P2017/2243/FUL). The acceptability of the proposal, including the design and impact on the Duncan Terrace/Colebrook Row

Conservation Area would be assessed in the determination of this concurrent application. The image below shows the location of the two concurrent applications:



**Image 12:** Plan showing relationship of application site with nearby concurrent application at no. 338 City Road

- 10.25 Whilst it is acknowledged that these two sites are in close proximity to each other, being 10m apart at its closest point, the proposed extensions would be separated from each other by the main (front) part of the host building which is a larger three storey building. It should also be noted that the application at 338 City Road is on a different building and is a floor higher than this proposal forming part of this application. The assessment of this other proposal on the wider conservation will be considered within the application ref. P2017/2243/FUL. Notwithstanding this assessment, it is considered that the cumulative impact of the design of these extensions is not considered to result in harm to the wider area to warrant refusal of this application.
- 10.26 The other alterations to the roof level of the main (front) part of the existing building, include the installation of a green roof, photovoltaic cells, and repositioned and replacement plant equipment with associated screening. It is considered that given their elevated position within the roof, and that they would be relatively small in scale, views of the equipment would be restricted. It is considered therefore this part of the proposal would be acceptable in design terms.

**Accessibility**

- 10.25 Policy DM2.2 seeks to ensure developments provide for ease of and versatility in use and deliver safe, legible and logical environments. Whilst it is acknowledged that the proposal relates to an existing building used as office, meaning that incorporating the objectives of the Inclusive Design SPD within the scheme, the application proposes to improve the ground floor rear access, provide a ramped access to the new extension, by the provision of new accessible WC, and redesignation of gender non-specific WCs. The host building

also benefits from a lift within the existing building providing access to all floors. The Council's Inclusive Design Officer has welcomed these internal changes and general compliance with the Inclusive Design SPD.

- 10.25 Given the site's constraints, and the modest scale of the proposal, the extension is considered to conform to accessible standards set out within the Inclusive Design in the Islington Supplementary Planning Document and conform to Policy DM2.2 (Inclusive Design) of the Development Management Policies (2013).

### **Neighbouring Amenity including Sunlight and Daylight**

- 10.26 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.
- 10.27 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.
- 10.28 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).
- 10.29 In this instance, the proposal would be located above the roof of the existing two storey outrigger to the rear elevation of the main part of the host building. As a result, the nearest residential properties to the proposal are the block of flats located immediately adjacent to the west, along Sidney Grove (nos. 29 and 30), and the terrace to the north along City Road (nos. 338 to 348 City Road), which consist of both residential and commercial units

### **Daylight and Sunlight Impact**

- 10.30 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:**

- 10.31 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.

- 10.32 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

- 10.33 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.

- 10.34 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.”

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

- 10.36 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”.

- 10.37 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.

10.38 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

10.39 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.”

10.40 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.

10.41 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.”

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

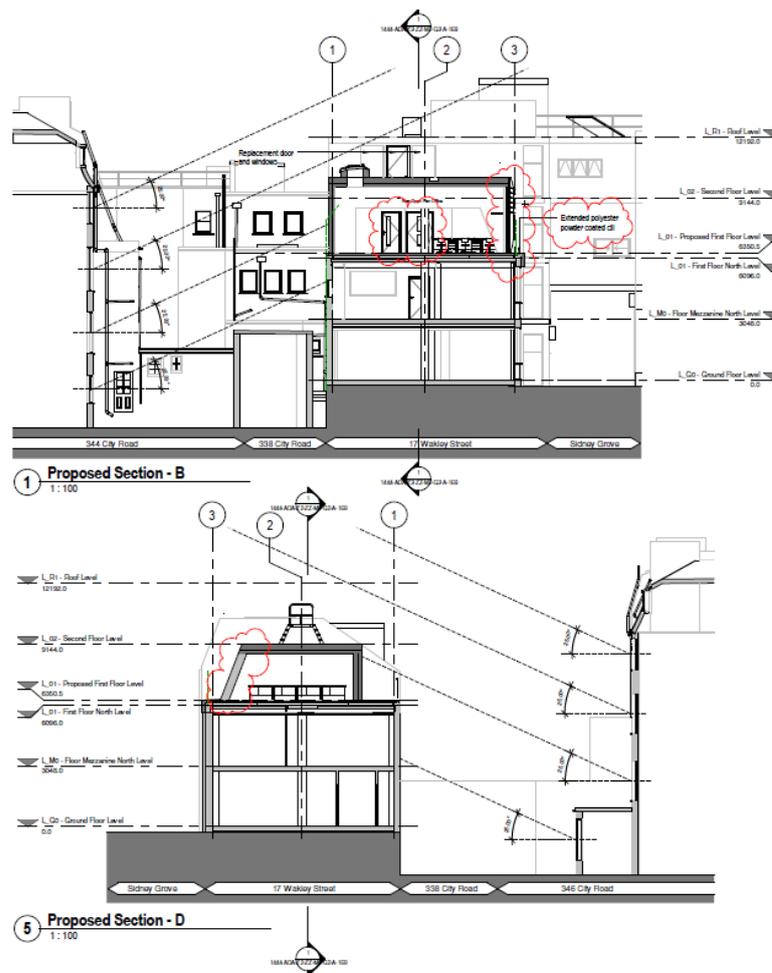
“... it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun.”

#### Daylight and Sunlight Assumptions for neighbouring residential properties

10.43 The surrounding uses are a mix of residential properties and commercial uses. The nearest residential properties are nos. 29 & 30 Sidney Grove and nos. 338 to 348 City Road. The daylight tests were applied to the above mentioned residential properties near to the site. The image below shows the relationship of the neighbouring properties with the proposed extension:



**Image 13:** Plan showing area of proposed extension and properties assessed within the daylight/sunlight study



**Image 14:** Proposed section drawings showing the relationship with properties along City Road and which windows pass the 25 degree angle test

- 10.44 The applicant submitted a Daylight and Sunlight study prepared by Right of Light Consulting, dated 9 August 2017. In terms of the Vertical Sky Component (VSC) the assessment has identified that all of the windows pass this test, along City Road and Sidney Grove, would satisfy the BRE daylight requirements. It shows that the proposal would have a negligible and acceptable impact on these windows in terms of loss of daylight.
- 10.45 The submitted report has identified that all main habitable rooms pass the daylight distribution test with the exception of 3 rooms served by window nos. 36 (44%), 37 (44%) and 38 (35%) at no. 346 City Road and 1 no. room (window no. 58 (30%)) at no. 342 City Road. It should be noted that 4 no. non-habitable rooms at no. 30 Sidney Grove and 1 no. room at 29 Sidney Grove also suffer losses. However, as these are non-habitable the losses are compliant with BRE. The BRE guide also states that where room layouts are known, the impact on daylight distribution in the existing buildings can be found. For the rooms that fall short, the internal room layouts are unknown and therefore had to be assumed. Therefore, it is important to note that this test is not applicable and the results for the assumed room layouts should not be treated as definitive.
- 10.46 Appendix 2 of the submitted Daylight and Sunlight Study dated 5 June 2018 lists the detailed numerical daylight and sunlight test results. A table of the windows that fail the daylight distribution test described above are shown below:

Flat no.	Window no.	Daylight Distribution		
		Before	After	Ratio
346 City Road	36	41%	23%	0.56 (44%)
346 City Road	37	41%	23%	0.56 (44%)
346 City Road	38	54%	35%	0.65 (35%)
342 City Road	50	20%	14%	0.7 (30%)

- 10.47 It is considered that based on these findings there would be a negligible and acceptable impact on sunlight to these existing buildings and occupiers would not experience a noticeable impact. The assessment demonstrates that all windows pass both the total annual sunlight hours test and the winter sunlight hours test (annual probable sunlight hours between 21 September and 21 March, and therefore satisfies the BRE direct sunlight to windows requirements.
- 10.48 All windows identified within the submitted report which face within 90 degrees of due south have been tested for sunlight, which relate to nos. 338 to 348 (evens and inclusive) City Road.

Overshadowing to rear gardens

- 10.49 The BRE guide recommends that at least 50% of the area of each amenity space listed above should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sunlight on 21 March is less than 0.8 times its former value, then the loss of light is likely to be noticeable.
- 10.50 In this instance, the proposed development will not create any new areas which receive less than two hours of sunlight on 21 March. The before/after ratios are 1 (no loss) and the

proposed development therefore passes the BRE overshadowing to gardens and open spaces test.

#### Daylight/Sunlight Summary

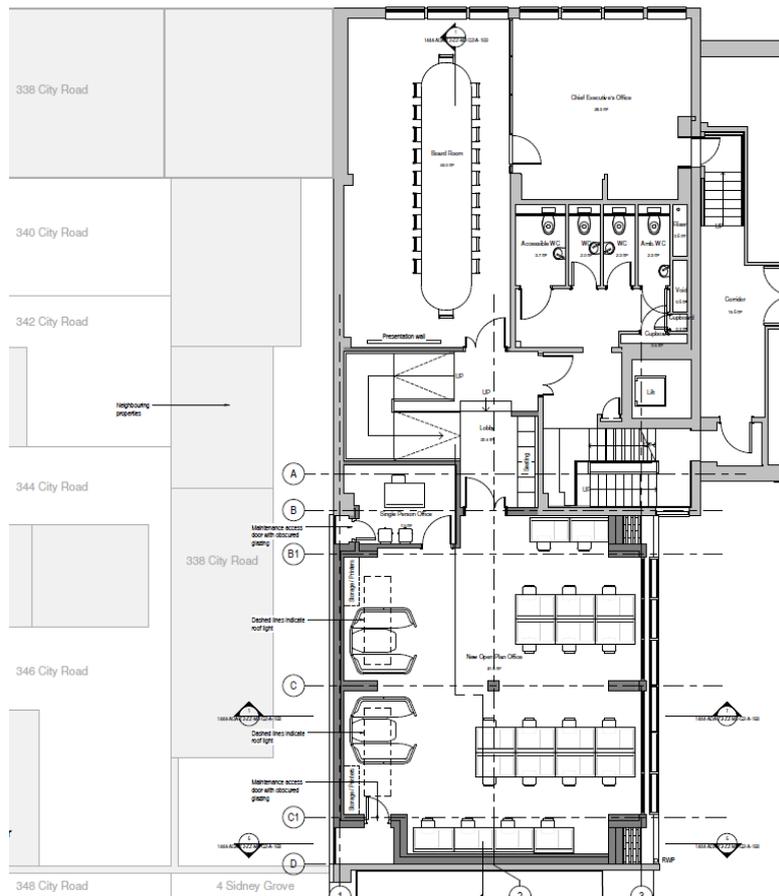
- 10.51 The findings of the report has concluded that the proposed development will have a low impact on the light receivable by its neighbouring properties. It confirms that the development design satisfies all of the requirements set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight'.
- 10.52 An objection has been received concerned that the cumulative impact of the proposed extensions at 338 City Road and 17 Wakley Street heightens the reduction in daylight to the rear of 342 City Road. The Daylight and Sunlight Assessments which have been submitted for each scheme are independent of each other, however officers have considered the cumulative impacts. The two proposed schemes have different orientations and therefore impact on differing windows. However, all affected windows continue to pass the BRE requirements even when considered together. Therefore, upon considering the cumulative impacts, the affected windows of neighbouring properties at the rear of 340 and 342 City Road continue to meet the BRE Guidelines.

#### Outlook and Enclosure

- 10.53 The proposal is considered not result in any significant loss of outlook or enclosure to neighbouring properties. The proposal is restricted in terms of its height, at single storey over the existing building, and would not project beyond the existing north east elevation towards the properties along City Road.

#### Privacy and Light Pollution

- 10.54 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.



**Image 15: Proposed floor plan drawing**

- 10.55 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., and certainly light pollution is increasingly becoming an issue due ti the juxtaposition of such uses.
- 10.56 In this instance, the only additional openings which face towards these residential properties along City Road to the north elevation are associated with 2 no. access doors to each corner of the extension for maintenance purposes. The drawings have marked these as being obscure glazed, a condition has been recommended to ensure these windows would be obscure glazed and maintained thereafter. Equally this would prevent undue lightspill also.
- 10.57 The additional openings on the south elevation are not considered to result in any additional overlooking over and above the windows on the floors below. In addition, it is considered that any increase lightspill to nos. 29 and 30 Sidney Grove from these additional windows would not be significant over and above the existing situation.

Noise and dust

- 10.58 In terms of noise, the proposal would result in the repositioning and replacement of the existing plant equipment, as such a noise survey was submitted within the application details. The Council's Acoustic Officer has concluded that the proposal would not have a significant noise impact to neighbouring properties, subject to conditions.

- 10.59 The increase in the floorspace of the existing office accommodation is not considered to result in any significant noise issues over and above the existing situation. Concerns were raised in relation to reverberation and echo effect as a result in the enlargement of this elevation. However, it should be noted that the extension would increase in height no higher than the adjacent properties to the west along Sidney Grove and set down from the main part of the host building. It is therefore considered that the proposal would not result in any significant impact on these properties in this regard, over and above the existing situation.
- 10.60 The Pollution Officer also advised that the applicant should liaise closely with nearby businesses and residents and bear in mind the guidance of BS5228:2009+2014, LB Islington's code of practice for construction sites and the GLA's SPG on control of dust and emissions from construction and demolition and the NRMM register.
- 10.61 In summary the proposal would not conflict with Policy DM2.1 of the Islington's Development Management Policies with regards to the protection of neighbouring amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential amenity and is therefore acceptable in this regard.

### **Highways and Transportation**

- 10.62 Appendix 6 of Development Management Policies 2013 requires the provision for storage of 1 cycle per 80 sqm. The submitted Design and Access Statement has confirmed that they will provide an additional 20 no. secure cycle spaces within an existing car parking space to the rear car park. It is considered that significantly exceed this minimum requirement. The loss of the existing car parking space would also be consistent with the 'car free' objectives of Policy DM8.5. Therefore a condition has been attached to ensure that details of secure cycle parking is submitted and approved.
- 10.63 It is therefore considered that the proposal would provide acceptable cycle storage and accords with Development Management Policy DM8.4 (Walking and cycling), subject to the requirements of the Council's Accessibility SPD stated above.
- 10.64 There would be no change to the existing delivery servicing arrangements at the host building.

### **Sustainability**

- 10.48 Policy DM7.1 provides advice in relation to sustainable design and construction. In accordance with part C of this policy, given that the extension would exceed 100 sqm, a Sustainable Design and Construction Statement has been submitted which sets out how the application complies with relevant sustainable design and construction policies and guidance.
- 10.49 The Sustainable Design and Construction Statement outlines the measures that would be incorporated to ensure compliance, which include the following:
- The alteration of the current heating system to a more efficient gas fired system will reduce energy consumption, carbon emissions and associated annual fossil fuel costs;
  - Upgrading the lighting in the building, by installing energy efficient fittings and providing a combination of automatic and intelligent lighting controls, will significantly reduce electricity consumption;
  - A suitable building energy management system will be installed to control services to match more closely the buildings internal occupational energy requirements.

- 10.50 It is considered that these measures would comply with Part A of this policy with proposals being required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development and the requirements of Policy DM7.2 requires developments to achieve best practice energy efficiency standards, in terms of design and specification. It is therefore considered that subject to condition securing the implementation of the above sustainability measures, prior to the occupation of the proposal it is considered acceptable in regard to sustainable design and construction.
- 10.51 Policy DM6.5 encourages the use of green roofs to maximise benefits for biodiversity, sustainable drainage and cooling. In this instance a green roof is incorporated within the proposal. However, whilst it would not be positioned above the extension an equivalent sized green roof would be positioned above the main part of the host building, together with photovoltaic panels. Conditions have been recommended in relation to the installation of the green roof and photovoltaic panels, in addition to requiring the submission of details prior to the occupation of the development to confirm compliance with Part G of Policy DM7.4 in relation water efficiency.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 Planning permission is sought for the erection of a single storey extension above the existing two storey outrigger resulting in an uplift of 77.5 sqm (GIA) of additional office floorspace (Use Class B1a) to an existing office building and associated internal reconfiguration, including a ramp. The other alterations include the repositioning of existing plant equipment, with screening, and installation of new green roof and photovoltaic panels.
- 11.2 The application is brought to committee because of 9 no. objections received, raising valid planning matters.
- 11.3 The issues arising from the application are the acceptability of providing additional business floorspace in land use terms, the design and its impact on the character and appearance of the host building and surrounding area, the impact on trees and archaeology within the application site, the impact on the neighbouring amenity of the adjoining and surrounding residential and commercial properties, and local highway network. In addition to ensuring that the proposal would provide accommodation which would comply with the Council's accessibility and sustainability objectives.
- 11.4 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<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>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>1444-ADA-Z2-U1-M2-G2-A-165/Rev.3, 1444-ADA-Z2-R1-M2-G2-A-164/Rev.3, 1444-ADA-Z2-U2-M2-G2-A-163/Rev.2, 1444-ADA-Z2-ZZ-M2-G2-A-172/Rev.2, 1444-ADA-Z2-ZZ-M3-G2-A-193/Rev.3, 1444-ADA-Z2-ZZ-M3-G2-A-192/Rev.3, 1444-ADA-Z2-ZZ-M2-G2-A-168/Rev.3, 1444-ADA-Z0-ZZ-DR-G2-A-001, 1444-ADA-Z0-ZZ-DR-G2-A-002, 1444-ADA-Z1-G0-M2-G2-A-010, 1444-ADA-Z1-U1-M2-G2-A-011, 1444-ADA-Z1-U2-M2-G2-A-012, 1444-ADA-Z1-R1-M2-G2-A-013, 1444-ADA-Z2-G0-M2-G2-A-014, 1444-ADA-Z2-M0-M2-G2-A-015, 1444-ADA-Z2-U1-M2-G2-A-016/Rev.1, 1444-ADA-Z2-U2-M2-G2-A-017, 1444-ADA-Z2-R1-M2-G2-A-018, 1444-ADA-Z2-ZZ-M2-G2-A-030, 1444-ADA-Z2-ZZ-M2-G2-A-031, 1444-ADA-Z0-ZZ-DR-G2-A-102, 1444-ADA-Z1-G0-M2-G2-A-150, 1444-ADA-Z2-ZZ-M2-G2-A-169, 1444-ADA-Z2-ZZ-M2-G2-A-173/Rev.2, Daylight and Sunlight Study dated 5 June 2018, Mechanical Services Noise Assessment dated 4 September 2017, Design and Access Statement dated July 2017, Assessment of sustainability intent revision P1 dated June 2017, Heritage Statement dated July 2017, Planning Statement dated July 2017, Site Photos dated July 2017, 1444-ADA-Z2-ZZ-M3-G2-A-191,</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>
<b>3</b>	<b>Materials (Compliance)</b>
	<p>The hereby approved development, apart from the north elevation facing City Road, which shall use natural slates, 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 resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<p><b>Cycle Parking Provision (Details)</b></p>
	<p>CONDITION: Prior to the first occupation of the hereby approved extension details of secure cycle parking shall be submitted and approved, with at least 20 no. secure bicycle storage spaces shall be provided within the site. These spaces shall be used solely for the benefit of the occupants of the development and their visitors and for no other purpose and shall be permanently retained as such thereafter.</p> <p>Reason: To ensure adequate cycle parking is available and easily accessible on site and promote sustainable modes of transport.</p>
<b>5</b>	<p><b>Green roof (Compliance)</b></p>
	<p>CONDITION: The hereby approved the biodiversity (green/brown) roof(s) shall:</p> <p>a) be biodiversity based with extensive substrate base (depth 80-150mm);  b) be planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>6</b>	<p><b>Sustainable Design and Construction</b></p>
	<p>CONDITION: Prior to the occupation of the hereby approved development the measures identified within the submitted Sustainable Design and Construction Statement shall be implemented in full, and retained thereafter into perpetuity.</p> <p>REASON: To ensure a sustainable standard of design</p>
<b>7</b>	<p><b>Photovoltaic panels</b></p>
	<p>CONDITION: The photovoltaic panels (minimum of 6sqm) hereby approved shall be installed prior to the first occupation of the hereby approved development and retained thereafter, in accordance with the details approved and shown on drawing no. 1444-ADA-Z2-R1-M2-G2-A-164/Rev.2.</p>

	REASON: To ensure a sustainable standard of design and energy efficiency.
<b>8</b>	<b>Obscure glazing</b>
	CONDITION: For the hereby approved development the windows on the north elevation doors, shown on drawing no. 1444-ADA-Z2-U1-M2-G2-A-165/Rev.1, shall be obscure glazed prior to the occupation of the hereby approved development and retained thereafter.  REASON: To protect the amenity of neighbouring properties.
<b>9</b>	<b>Noise Levels of Plant Equipment</b>
	CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq, Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90, Tbg}$ . The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.  REASON: For the protection of neighbouring residential amenity.

### List of Informatives:

<b>1</b>	<b>Community infrastructure Levy (CIL)</b>
	<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 <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. 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 <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a>.</p>

<b>2</b>	<b>Thames Water</b>
	<p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p> <p>With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required.</p> <p>If there are public sewers crossing this site and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Thames Water advises that they should be contacted directly should a building over / diversion application form, or other information relating to Thames Water's assets be required.</p> <p>Thames Water requests that the Applicant should incorporate within their proposal protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.</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, 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 2.10 Central activities zone  
Policy 5.3 Sustainable design and construction  
Policy 5.11 Green roofs and development proposals  
Policy 6.9 Cycling  
Policy 6.13 Parking  
Policy 7.4 Local Character  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology

#### **B) Islington Core Strategy 2011**

##### Strategic Policies

Policy CS7 – 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  
Policy CS13 – Employment Spaces

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

#### **D) Finsbury Local Plan 2013**

- Policy BC8 – Achieving a balanced mix of uses

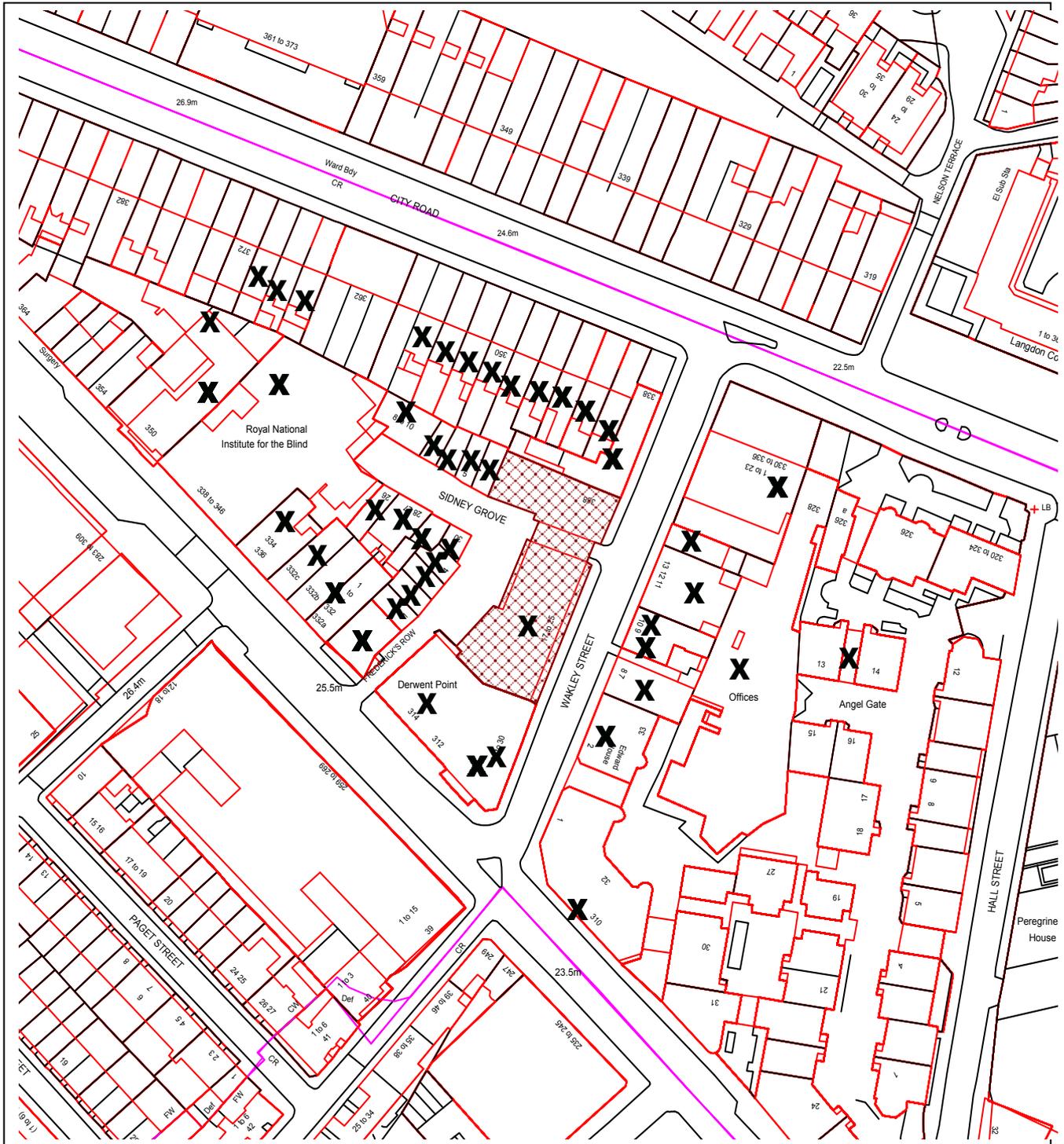
### **3. Designations**

Bunhill & Clerkenwell Core strategy Key Area  
 Central Activities Zone (CAZ)  
 Finsbury Local Plan Employment Priority Area (General)  
 Bunhill & Clerkenwell Finsbury Local Plan Area  
 Within 100m of a TLRN (Transport for London Road Network)  
 Within 50m of New River Conservation Area  
 Within 50m of Duncan Terrace/Colebrook Row Conservation Area  
 Article 4 Direction A1 to A2  
 Adjacent to Grade II Listed Buildings to north

### **4. SPD/SPGS**

Urban Design Guidelines  
 Environmental Design SPD  
 Inclusive Design SPD  
 Environmental Design SPD  
 Duncan Terrace/Colebrook Row Conservation Area Design Guidelines

# Islington SE GIS Print Template



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## PLANNING COMMITTEE REPORT



### PLANNING SUB-COMMITTEE B

Date:	17 July 2018	NON-EXEMPT
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Application number	P2017/2243/FUL
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Adjoining Grade II Listed Building at 340 City Road
Conservation area	Duncan Terrace/Colebrooke Row Conservation Area
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Duncan Terrace/Colebrooke Row Conservation Area Central Activities Zone Article 4(2) Duncan Terrace/Colebrooke Row Conservation Area Employment Priority Areas (General) Finsbury Local Plan Area Bunhill & Clerkenwell Site within 100m of a TLRN Road London Underground Zones of Interest
Licensing Implications	None
Site Address	Microtron House, 338 City Road, London, EC1V 2PY
Proposal	Erection of a single storey roof extension at third floor level to create a 1 bedroom residential flat, external alterations including creation of lift shaft to rear, and creation of front roof terrace fronting Wakley Street.

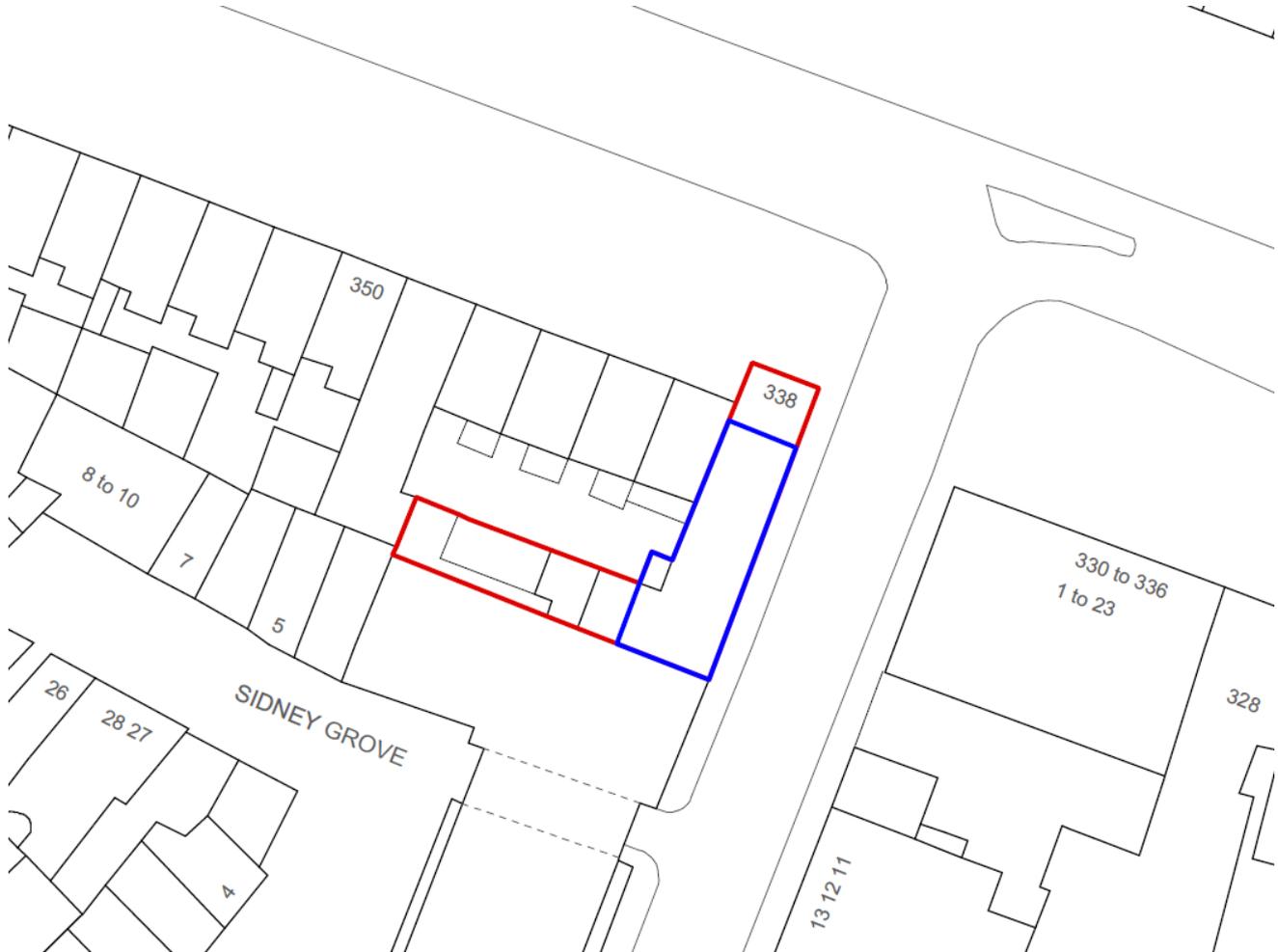
Case Officer	Thomas Broomhall
Applicant	Mr Harry Dobbs
Agent	Miss Nichola Tao - Harry Dobbs Design Ltd

### 1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in black)



**3. PHOTOS OF SITE/STREET**

**Image 1:** Aerial view of the application site



**Image 2:** Aerial view in a south easterly direction



**Image 3:** Aerial view in a north westerly direction



**Image 4:** Aerial view in a northerly direction



**Image 5:** Aerial view in a southerly direction



**Image 6:** View from Wakley Street



**Image 7:** View from existing rooftop towards the rear of 340 City Road



**Image 8:** View of the front elevation from City Road and context



#### **4. SUMMARY**

- 4.1 Planning permission is sought for the erection of a single storey roof extension at third floor level to create a 1-bedroom residential flat, external alterations including creation of lift shaft to rear, and creation of a front roof terrace fronting Wakley Street.
- 4.2 The application is brought to committee because of the number (9) of objections received.
- 4.3 The issues arising from the application are the impact on the character and appearance of the host building, surrounding conservation area and setting of adjacent listed buildings, the standard of amenity of the new residential unit, and the impact on the neighbouring amenity of the adjoining and surrounding residential and commercial properties.
- 4.4 The design of the single storey roof extension is considered to be acceptable and would not detract from the character nor appearance of the host building and surrounding conservation area nor harm the setting of the adjacent listed buildings (340 and 342 City Road). The standard of amenity of the new residential unit is considered to be acceptable. The applicant has agreed to pay the full contribution towards off site affordable housing. It is recommended that conditions are attached requiring details of the Construction Method Statement and Sustainable Design and Construction Statement to ensure policy compliance.
- 4.5 The Acoustic Officer is satisfied that the proposal would not detrimentally impact on the amenity of the neighbouring properties with regards to noise disturbance from the proposed lift shaft.
- 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 is occupied by a three storey over basement 1930's office building with a largely bricked façade with dark grey patterned painted timber panels and fenestration with a largely vertical emphasis. The building reads three parts with a central core higher than the two wings giving it a symmetrical appearance. The main elevation fronts onto Wakley Street. The site sits on the corner of City Road and Wakley Street.
- 5.2 The western boundary of the site adjoins the Grade II listed building at 340 City Road. The site sits at the end of a listed terrace of Grade II listed residential properties at 340-396 City Road which comprise four storeys over basement. The Listed terrace incorporates mansard roofs which rise a storey higher than the application site.
- 5.3 The site is within the Duncan Terrace/Colebrooke Row Conservation Area.
- 5.4 At present No. 338 City Road (the application building) is considered to be subservient to the terrace, due to the corner return sitting a storey lower than the listed terrace although the main core which is recessed from City Road steps up along Wakley Street.

#### **6. PROPOSAL (in Detail)**

- 6.1 The application proposes the erection of a single storey roof extension at third floor level to create a 1-bedroom residential flat, external alterations including creation of a lift shaft to the rear, and the creation of a front roof terrace fronting Wakley Street.
- 6.2 The internal floor area of the proposed one-bedroom residential unit would be 91 square metres.

- 6.3 At roof level a metal balustrade is proposed adjacent to the Wakley Street parapet to enclose the proposed roof terrace.
- 6.4 The proposed single storey roof extension would extend the existing Wakley Street façade and eastern façade to the rear, with a setback of 4.5 metres from the City Road façade. There is a partial setback on the Wakley Street elevation of 900mm. The external appearance of the roof extension sees the style of the existing panels and brickwork and detailing on the eastern façade replicated up to third floor level to match the floors below.
- 6.5 Further works include the creation of wheelchair accessible lift, from basement to third floor level. The lift is accessed by both the residential use and each floor of the office building. Users are able to securely use the lift using key fob system and it is understood that a key fob access control system is already in place.
- 6.6 During the course of the application, the design of the extension has been revised to include a partially sloping glazed roof to the rear elevation, a reduction in the height of the lift shaft and a reduction in the extent of the recess on Wakley Street.
- 6.7 The application follows Pre-Application Advice provided in 2013 (ref: Q2013/3126/MIN) and in January 2017 (ref: Q2016/2248/MIN).

**7. RELEVANT HISTORY:**

**PLANNING APPLICATIONS:**

- 7.1 23/02/2009 Planning Application (ref: P090036) refused for Extension at third floor to create additional offices, with the incorporation of a terrace at 338 City Road.

*REASON: The proposed roof extension, by virtue of its size, design, and visibility on the street scene, would be out of character with the host building and detrimental to the character and appearance of the Conservation Area, contrary to Policies D1 (Overall design), D4 (Designing in context), D11 (Alterations and extensions), D22 (New Development), D25 (Roof Extensions) of the Islington Unitary Development Plan (2002) and to paragraph 3.14 of the supplementary planning document Islington's Conservation Area Design Guidelines (2002).*

*REASON: The proposed roof terrace, by reason of its proximity to the rear of properties along City Road, will have a detrimental impact on the privacy enjoyed by neighbouring occupiers, contrary to Policy D3 (Site Planning) of Islington Council's Unitary Development Plan (2002).*

**ENFORCEMENT:**

- 7.2 None.

**PRE-APPLICATION ADVICE:**

- 7.3 January 2017 Pre-application (ref: Q2016/2248/MIN) Advice was provided in relation to the erection of a single storey roof extension at third floor level to create a 1-bedroom residential flat, external alterations including creation of lift shaft to rear, and creation of front roof terrace fronting Wakley Street.

- 7.4 Advice was provided that the principle of the proposed roof extension is now generally accepted subject to the details of the design, appearance and relationship to the adjoining listed buildings. Concerns were raised over the impact on the amenities of no's 340 and 342 City Road, and whilst information has been provided which largely addresses these concerns, this is subject to review following public consultation. As part of any application submission detailed drawings showing the relationship to the surrounding properties including property

layouts and room uses, would be required to demonstrate the impact on neighbouring amenity is acceptable.

## 8. CONSULTATION:

### Public Consultation

- 8.1 Letters were sent to 71 occupants of adjoining and nearby properties at City Road, Sidney Grove, Wakley Street on 4 July 2017. A site and press notice was advertised on 6 July 2017. The initial period of public consultation of the application expired on 27 July 2017. A total of 8 objections were received following the initial period of public consultation.
- 8.2 A second period of public consultation took place following the receipt of revised drawings indicating the revised design of roof extension, revised drawings and Design and Access Statement and submission of daylight and sunlight report. Letters were sent to 71 occupants of adjoining and nearby properties. The second period of public consultation of the application expired on 3 May 2018. A total of 9 objections were received during the second period of public consultation.
- 8.3 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report 9 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):
- Modern residential flat and lift shaft would be out of character with the office building, and setting of adjoining listed buildings, and would be unsympathetic and jar with historic houses in the conservation area (See paragraphs 10.33 to 10.34);
  - Design is out of keeping with the surrounding area and will negatively impact upon the character of the listed terraces on City Road and the conservation area (See paragraphs 10.33 to 10.34);
  - The proposed materials are not sympathetic to the character of the area in terms of form, colour or texture (See paragraphs 10.33 to 10.34);
  - No justification for the addition of a residential property on top of a business property in a conservation area as it does not need it (See paragraphs 10.33 to 10.34);
  - Combination of proposed roof extension and roof extension to 17 Wakley Street would destroy the openness of the views of rear of City Road (See paragraph 10.49);
  - Loss of open aspect, outlook and creation of enclosure to 340 City Road (See paragraph 10.50);
  - Loss of privacy and overlooking from roof terrace, hallway windows and bedroom windows of new flat (See paragraph 10.56);
  - Loss of daylight, sunlight and creation of overshadowing to the flats at 340 and 342 City Road (See paragraph 10.76-78);
  - Any reduction in sunlight impairs the ability of the City Road terraces' gardens to provide visual and environmental relief, damaging the longstanding Conservation Area and listed terraces for the negligible benefit of one additional residential dwelling (See paragraph 10.76-78);
  - The cumulative impact of the proposed extensions to 338 City Road and 17 Wakley Street (P2017/2287/FUL) heightens the impact of the reduction in light to the basement flat of 340 City Road (See paragraph 10.78);
  - The daylight and sunlight study doesn't appear to have assessed the impact of the development on all the affected windows, and there are discrepancies in the use of the rooms and layouts (See paragraph 10.77);
  - Noise disturbance from use of roof terrace (See paragraph) 10.83);
  - Disturbance from noise from the operation of the lift shaft (See paragraph 10.84);
  - Noise disturbance from building works and request for limitation on hours of construction (See paragraph 10.85-87);

- The cumulative impact of the construction of the proposed developments at 338 City Road (P2017/2243/FUL), 17 Wakley Street (P2017/2287/FUL) and 7-8 Wakley Street/328 City Road (P2018/0429/FUL) taking place concurrently would cause enormous disruption and harm to the local area (See paragraph 10.85-87);

### **Internal Consultees**

- 8.4 **Design and Conservation Officer:** The proposed works appear to follow the discussions at pre-application stage. The proposed works include the erection of a single storey roof extension at third floor level to create a 1-bedroom residential flat. And associated external works to create a lift shaft at the rear and the creation of a roof terrace fronting Wakley Street. Subject to appropriate detailing, materials and details matching existing accurately, the Design and Conservation Officer raises no objections to the principle of the increased height. As proposed, the increase in height would be carried out in a way that would not adversely alter the proportions of the host building and the raising of the main body (central part when viewed from Wakley Street) would probably result in a more comfortable relationship with surrounding buildings in terms of presence on the street and also the relationship with the party wall of the listed terrace.

I appreciate, however, there may be amenity implications which need to be assessed. At the rear I did raise concerns about the relationship with the listed terrace and required a set back where the two join to address that. The introduction of a set back on the corridor is welcome, however, it would have been desirable to have it extend the full length of the corridor to make it more meaningful. The raising of the section fronting City Road is undesirable given the potential impact on the setting of the listed terrace. However, the increase in height is relatively marginal and in comparison with the existing situation there would be very little additional impact. It is important however that the flat roof fronting City Road is not used as a roof terrace as there would be visual clutter which would detract from the character and appearance of that frontage and the setting of the listed buildings and would, therefore, not be acceptable. The terrace fronting Wakley street is undesirable but there would be much less impact here therefore the officer does not object to it.

- 8.5 Should the application be recommended for approval, it will be important to have stringent conditions to ensure that the brickwork, the detailing, the ironwork, the windows, and the junction between old and new will be accurate and satisfactory. It would have been desirable to propose improvements to the ground floor on Wakley Street to perhaps compensate the marginal harm of the increase in height in townscape terms.

- 8.6 **Noise Officer:** No objection. The application is for a new roof extension to form a 1 bed flat. The site is at a very busy junction of City Road and Wakley Street and is subject to high levels of traffic noise and poor air quality. The external space in particular faces onto this and will be a space severely impacted by noise and exposure to poor air. To protect the residential amenity the following condition is recommended:

“A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):

Bedrooms (23.00-07.00 hrs) 30 dB  $L_{Aeq,8 \text{ hour}}$  and 45 dB  $L_{max \text{ (fast)}}$   
 Living Rooms (07.00-23.00 hrs) 35 dB  $L_{Aeq, 16 \text{ hour}}$   
 Dining rooms (07.00 –23.00 hrs) 40 dB  $L_{Aeq, 16 \text{ hour}}$

- 8.7 The assessment should include any self noise from mechanical ventilation. The ventilation should draw from a cleaner façade/height/use filtration. This should be conditioned:

“Prior to commencement of the relevant part of the development, full details of ventilation for the residential accommodation shall be submitted to and approved in writing by the Local Planning Authority.”

Noise Officer’s response to concerns over noise disturbance from the proposed new lift shaft:

8.8 We have had issues with operational noise from older lifts in residential blocks. This has been structure-borne noise i.e. affecting flats within the same block. We do condition sound insulation criteria for lifts that serve large blocks with main habitable rooms adjoining the shaft. I’m not aware of any complaints or issues arising from newer lift installations or for occupiers that are not structurally connected. Therefore the EPPP team would not object to the proposal.

8.9 **Inclusive Design:** The officer advises that wheelchair accessible units should be located at ground floor, for access to the dwelling as well as egress and evacuation.

The bathroom door must open outwards, the applicant is referred to examples found in Part M Category 3 housing examples.

Regarding the lift: the DAS mentions that restrictions prevent the provision of a 1100mmx1400mm sized lift car.

The minimum size for a lift car is 1100x1400mm. However, if the lift has doors on adjacent sides, it will not be big enough for some wheelchair users to make the requisite 900 turn.

At 2000 mm wide × 1400 mm deep a lift car will accommodate one user of any type of wheelchair (including mobility scooters) together with several other passengers. It means that a resident in a wheelchair will not be able to access the dwelling with a visitor, or with another resident.

This leads us to a final and biggest concern about **egress and evacuation**: there is no firefighting lift – how would a wheelchair user be expected to egress from the building in the event of a fire? Note that the SPD clearly establishes that a fire fighting lift will always be the most inclusive form of evacuation.

**External Consultees**

8.10 **London Underground Zones of Interest:** No objection received.

8.11 **Transport for London – Land Use Planning Team:** TfL has the following comments:

"The site of the proposed development is on 338 City Road, which forms part of the Transport for London Road Network (TLRN). The works for the proposed scheme would have an impact on the East side of the site which is on Wakley Street, which also forms part of the TLRN. TfL is the highway authority for the TLRN, and is therefore concerned about any proposal which may affect the performance and/or safety of the TLRN.

"Two bus routes, 4 and 56, serve stop Angel Islington/City Road on City Road, connecting the application site to Archway, Waterloo Station, St Bartholomew’s Hospital and other destinations.

"The footway and carriageway on City Road 338 and Wakley Street must not be blocked during the construction of the roof extension and the residential flat. Temporary obstructions during the construction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on City Road and Wakley Street.

"All vehicles associated with the construction of the roof extension and the residential flat must only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions.

"No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time.

"As the conversion would create one new residential unit and there's already 577sqm of office space, the London Plan establishes that the minimum cycle parking spaces required are 8 long-stay spaces (1 per dwelling and 1 per 90sqm) and 1 short-stay space (1 per 500sqm). Provision of these spaces should be secured by condition.

"The Design and Access Statement states that there are 2 car-parking spaces on site, one of which could become a designated disabled bay for a "blue badge" holder. However the plans and drawings show no existing basement or car parking within the site boundary. As the site has a Public Transport Accessibility Level (PTAL) of 6b which is excellent, TfL recommends the development should be car-free except for Blue Badge spaces.

"The Mayor has introduced a London wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3. The Mayoral CIL formally came into effect on 1st April 2012, and it will be paid on the commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor's CIL will contribute towards the funding of Crossrail.

"The Mayor has arranged boroughs into three charging bands. The rate for this borough is £50 per sq. m. The required CIL should be confirmed by the applicant and Council once the components of the development have been finalised. More details are available via the GLA website <http://london.gov.uk/>.

8.12 Subject to the above, the proposal as it stands would not result in an unacceptable impact to the Transport for London Road Network (TLRN) or London's strategic public transport and highway networks.

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

## **9. RELEVANT STATUTORY DUTIES AND DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES**

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

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building

or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;

- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

9.2 National Planning Policy Framework (NPPF): Paragraph 14 states: “at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...”

9.3 At paragraph 7 the NPPF states: “that sustainable development has an economic, social and environmental role”.

9.4 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.

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

9.6 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

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

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

9.8 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

9.9 The Quality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good

relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Development Plan**

- 9.10 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.
- 9.11 Some weight is attributable to the Draft London Plan.
- 9.12 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013:
- Duncan Terrace/Colebrooke Row Conservation Area (and Article 4 Direction)
- 9.13 This report considers the proposal against the following development plan policies and documents.

### **National Guidance**

- 9.14 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.
- 9.15 The National Planning Practice Guidance is a material consideration and has been taken into account as part of the assessment of the proposal.

### **Development Plan**

- 9.16 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 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)**

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

## **10. ASSESSMENT**

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

- Land Use
- Design and Conservation
- Quality of new residential unit
- Accessibility
- Neighbouring Amenity including sunlight/daylight
- Highways and Transportation
- Small Sites Affordable Housing
- Other Issues

## Land Use

- 10.2 The proposal results in the creation of 1 no. 1-bedroom residential unit. The existing office staircase on the upper floors of the building would be accessed by the users of the residential unit, and therefore this floorspace becomes shared with the users of the residential unit, this becomes dual use for office and residential uses with the entrance to the building from Wakley Street.
- 10.3 The proposed new B1 office floorspace is within the Central Activities Zone and policy CS 13 of the Core Strategy (2011) seeks to safeguard existing business spaces throughout the borough by protecting against change of use to non-business uses, particularly in the CAZ. Development which improves the quality and quantity of existing provision will be encouraged.
- 10.4 Policy CS7(A) of the Core Strategy (2011) 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.
- 10.5 It is noted that policy DM5.2 resists any loss of business floorspace. The reduction in floor space is particularly small, and the benefits of a new residential unit and creation of step free access to the upper floors of the existing office building, this would not impact on the operation of the office use and therefore would not conflict with the aims of the policy.
- 10.6 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.
- 10.7 The existing use of the building is for B1 Office use. The change of the use of the existing office staircase to a shared use with the proposed new residential flat, should not have a significant impact on the operation of the office use due to the small scale nature of the users of a 1-bedroom residential flat.
- 10.8 The proposed roof extension for a residential unit, would lead to a minor reduction in floorspace at second floor level to facilitate the creation of an additional staircase to the new third floor. The alterations to the floor area at second floor level to create the additional staircase from second floor to the new third floor would result in a loss of 0.97 square metres of office floorspace.
- 10.9 This is a particularly small extent in the reduction of floor area in proportion to the overall floor area in the building of 577 square metres and therefore is not considered to impact on the operation of the use of the existing office as to conflict with the aims of the policy.
- 10.10 In addition, the staircases at ground to second floor would be converted from office use to include alarmed emergency escape use for the flat. On the ground floor this covers an area of 7.44 square metres, on the first floor this covers an area of 13.61 square metres and on the second floor this covers an area of 6.88 square metres.
- 10.11 The internal alterations largely retain the existing layouts which already allow for cellular units on each floor to cater for SMEs, and the addition of a singular lift core to cater for a wider range of needs. The B1 floorspace across the site would have level access at each level.
- 10.12 The proposed alterations to the office 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.

- 10.13 As a result the provision of B1 floorspace is maintained and the minimal reduction is counterbalanced by improved access arrangements to each the floors thereby improving the business floorspace.
- 10.14 The design is therefore considered to meet the requirements of policy CS13 of the Core Strategy, policy DM5.1 and DM5.2 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**

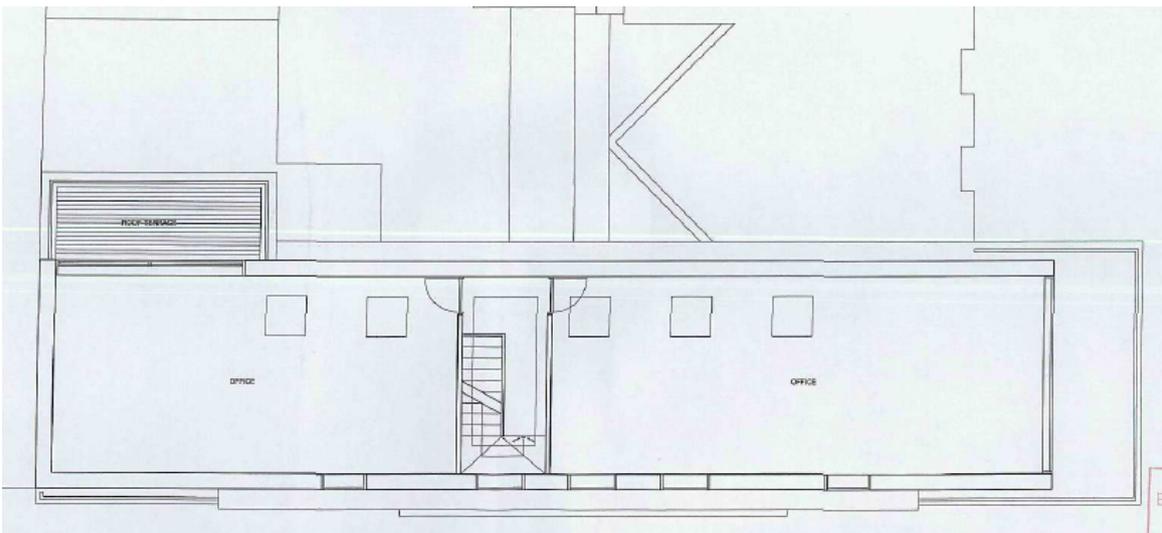
- 10.15 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas within their area. Section 66 (1) of the Planning (Listed 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.
- 10.16 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.
- 10.17 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." 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.
- 10.18 Policy DM2.1 (A)(vii) of the Development Management Policies requires development to respect and respond positively to existing buildings, the streetscape and the wider context, including local architectural language and character, surrounding heritage assets, and locally distinctive patterns of development and landscape.
- 10.19 Policy DM2.3 of the Development Management Policies requires that alterations to existing buildings in conservation areas conserve or enhance their significance.
- 10.20 The Duncan Terrace/Colebrooke Row Conservation Area Design Guidelines (CADG) sets out that the Council may permit traditional roof extensions on the properties listed in Schedule 3.2. However, as a property not listed in Schedule 3.2, no roof extensions, rooflights or associated party wall alterations, will be permitted which are visible from the street or public area, including long views from side streets, open spaces or the canal and its towpath.
- 10.21 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.

**Previous scheme:**

**Image 9** – Proposed eastern elevation of previously refused application ref: P090036



**Image 10** – Proposed third floor plan of previously refused application ref: P090036



10.22 An application for a roof extension (ref: P090036) to the existing office on the site was refused in 2009 on the site for two reasons. Firstly, the design of the roof extension was considered to be detrimental to the character and appearance of the conservation area. Secondly, the proposed third floor rear roof terrace was considered to cause a loss of privacy to the rear elevation of the neighbouring occupiers at 340 to 342 City Road.

**Proposal:**

10.23 The proposed works amount to the erection of a single storey third floor roof extension and the creation of a wheelchair accessible lift, from basement up to third floor level on the rear elevation.

- 10.24 The existing three storey commercial building adjoins the end of a terrace of four storey residential Grade II listed properties (no's 340 to 396 City Road) fronting onto City Road and adjoins a modern four storey commercial building fronting onto Wakley Street.

**Image 11** – Existing relationship to adjoining buildings



**Image 12** – Relationship of proposed roof extension to adjoining buildings



- 10.25 The proposed roof extension would raise the central part of the existing building to four storeys which would match the heights of the adjoining buildings, and would create a more comfortable relationship with the surrounding buildings in terms of presence on the street and also the relationship with the party wall of the listed terrace.
- 10.26 The proposed recess on the rear elevation where the roof extension adjoins the end of the listed terrace at 340 City Road, minimises the impact on the setting of these listed buildings.

**Image 13** – Existing Eastern Elevation fronting onto Wakley Street



**Image 14** – Proposed Eastern Elevation fronting onto Wakley Street



- 10.27 The design and appearance of the eastern elevation of the proposed roof extension seeks to replicate the appearance of the existing façade on the ground to second floors. This is undertaken through retaining and reusing a number of the existing elements including the brick string course and corbelling running along the parapet, the existing decorative railing to be restored back to its original condition on the original building and reused and new decorative panels installed above the window to match the materials and design of the existing panels.

**Image 15** – Existing Northern Elevation fronting onto City Road



**Image 16** – Proposed Northern Elevation fronting onto City Road



10.28 The raising of the section fronting City Road is undesirable given the potential impact on the setting of the adjoining listed terrace (340-396 City Road). However, the increase in height is relatively marginal given the recess in comparison with the existing situation there would be very little additional impact. The proposed small roof terrace fronting Wakley Street is undesirable but given the replication of the design and detailing on the original building as

part of the proposed roof extension, the impact on the setting of the Listed Building, again results in less than substantial harm to the significance of the adjoining heritage asset.

- 10.29 The principle of the increased height is acceptable subject to appropriate conditions requiring detailing, and materials of the facades to accurately match the existing building. In particular conditions are required to ensure that the brickwork, the detailing, the ironwork, the windows, and the junction between old and new will be accurate and satisfactory.
- 10.30 Therefore, the proposed height, bulk, scale and massing of the single storey roof extension remains subservient to the existing building and matches the established heights of the adjoining properties. The use of the same string courses and corbelling details and the new bricks to match the existing would ensure it is read as a continuation of the existing building and as such it accords with the aims of the Council's design guidance. These specific design features are secured by condition 3 within Appendix 1 of this report.
- 10.31 The design and appearance of the latest application is considered to have addressed the reason for refusal 1 of the application refused in 2009 ref: P090036 which concerned the impact of the proposed roof extension on the character and appearance of the conservation area. The latest application does not include a rear roof terrace and therefore this element of the scheme has been removed from the refused scheme. As a result, the latest application is considered to have addressed all the reasons for the refusal of application P090036.
- 10.32 A condition (Condition 6) is proposed to prevent the use of the flat roof fronting City Road from being used as a roof terrace to ensure no additional visual clutter is created, which would detract from the character and appearance of that frontage and the setting of the listed buildings.
- 10.33 Objections have been received, expressing concern that the proposed modern residential flat and lift shaft aren't justified and that the design would be out of character with the office building, the setting of the adjoining listed buildings, and would be unsympathetic and jar with historic houses in the conservation area. A further objection has been received concerned that the proposed materials are not sympathetic to the character of the area in terms of form, colour or texture.
- 10.34 In response to the design objections, consideration has been given to differing age and design of the existing corner building to the adjoining listed terrace and the proposed detailing to continue the appearance and detailing of the existing building. The Council's policies do not resist the principle of residential uses above existing office accommodation. During the assessment, special attention has been paid to the desirability of preserving and enhancing the character and appearance of the Conservation Area, as well as paying special regard to the desirability of preserving the surrounding listed buildings and their setting, or any features of special architectural interest.
- 10.35 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.

#### **Quality of new residential unit**

- 10.36 The proposal results in the creation of a one-bedroom residential flat. The total floorspace of the unit of 91 square metres exceeds the minimum requirements for a one-bedroom unit. The size of the unit is large for a one bedroom flat however this extent of floorspace is required due the need for circulation space and the physical constraints of the site which prevent the site from accommodating additional units.

- 10.37 The unit provides dual aspect accommodation, with a good internal layout. The bedroom and living/kitchen area exceeds the minimum floor space standards. The room sizes and internal storage are also considered to be policy compliant. The proposed internal floor to ceiling height of 2.4 metres is below the policy requirement of 2.6 metres however given the sensitive nature of the height and appearance of the building relative to its surroundings, this is considered to be acceptable without compromising the internal living environment. Overall, the proposed dwelling would provide a satisfactory living environment for future occupiers and meets the recommended guidance for housing standards as set out by policy DM3.4 of the Development Management Policies.
- 10.38 The applicant has confirmed that the proposed residential unit will share the use of the lift with the office use through the use of a secure key fob system. A condition is proposed (condition 13) requiring the details of the measures to control access to be submitted prior to occupation of the residential unit. This will ensure the security of the separate uses.
- 10.39 Policy DM3.5 of the Islington Development Management Policies sets out the requirements for the provision of private outdoor space in new residential developments. The policy requires a minimum of 5 square metres of private outdoor space on upper floors for units one to two person bedrooms. In this instance the unit provides an element of private outdoor amenity space accessed via inward opening doors from the bedroom of the new unit and covers an area of 3.4 square metres which fronts onto Wakley Street. As a one-bedroom unit on the top floor of the building, whilst not fully in accordance with the requirements of the policy, overall the size and quality of the proposed private outdoor amenity space for a non-family sized unit is acceptable. Therefore, the proposal accords with the private outdoor amenity space requirements of policy DM3.5 of the Islington Development Management Policies.

#### **Accessibility**

- 10.40 The proposals result in step free access and level access to all floors, which is an improvement on the existing situation within the building.
- 10.41 The Inclusive Design Officer has expressed concerns over the size of the lift and the lack of a firefighting lift. At present there is no lift within the building. The provision of a lift to all floors is considered to represent an improvement on the existing access arrangements and in proportion to the scale of the works for a one-bedroom flat. Consideration has been given to the scale and scope of the residential unit and that the provision of a fire fighting lift would comprise the quality and useable space of the office.
- 10.42 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). It is recommended that an informative is attached, advising of the need to obtain Building Regulations Approval for all fire regulation matters.

#### **Neighbouring Amenity**

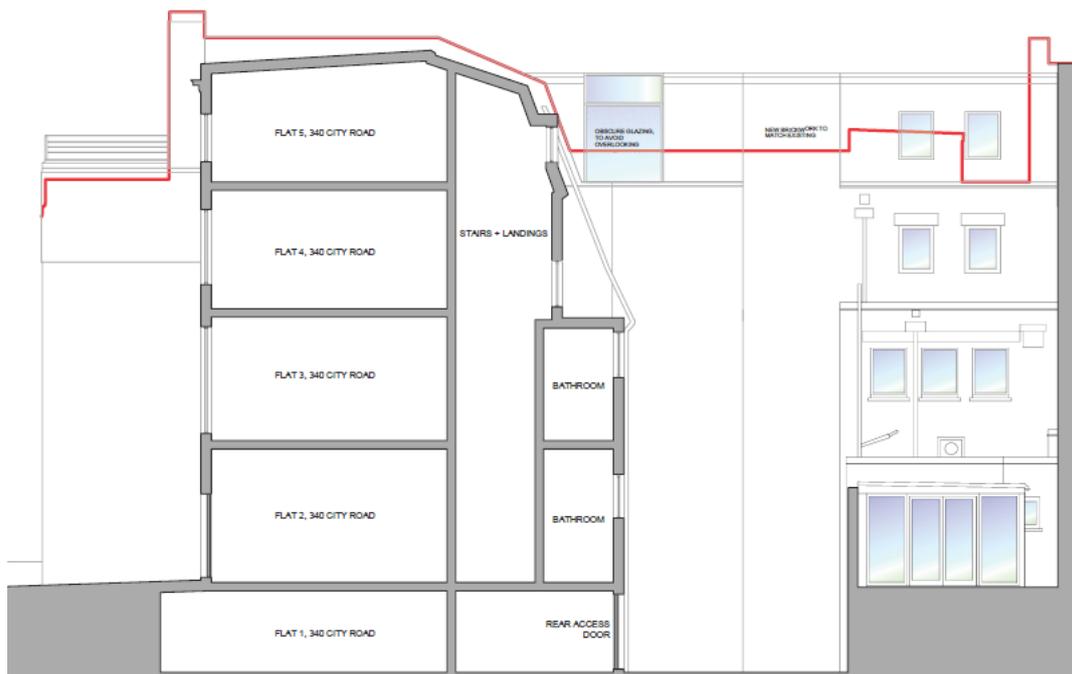
- 10.43 The proposal would create a single storey roof extension, a lift on the rear elevation from basement floor up to third floor level, and external alterations to the building's front façade.
- 10.44 Part A(X) of Policy DM2.1 requires new development to provide a good level of amenity including 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.

10.45 Outlook / Sense of Enclosure: The impact of a development on outlook is a material planning consideration and can warrant refusal if there is an undue sense of enclosure for neighbouring residential properties. There are no established guidelines for what is acceptable or unacceptable in this regard, with any assessment subjective as opposed to empirical with key factors in this assessment being the local context and arrangement of buildings.

**Image 17** – 3D Image of proposed roof extension



**Image 18** – Proposed Western Elevation Drawing and cross section through 340 to 346 City Road



- 10.46 The rear elevation of the existing three storey office building sits adjacent to the rear of the residential properties of 340 to 346 City Road. The proposed roof extension would span the length of the western elevation of the site, and sit in place of the existing rooftop structures. The proposed single storey extension rises to a height of 2.5 metres above the existing rear parapet wall. As can be seen from images 17 and 18, the rear elevation of the extension would sit perpendicular to the rear windows of the residential properties. The extension has been designed to minimise the impact on the windows of the adjoining residential properties through the use of a partially sloping roof closest to the nearest windows at 340 City Road. The design of the proposed lift shaft has minimal height with no lift overrun so that it does not extend beyond the height of the proposed single storey roof extension in order to minimise its impact on the neighbouring properties. During the course of the application, the location of the bedroom has been repositioned to be recessed behind the lift shaft to ensure that any impact on outlook or enclosure of the neighbouring windows is minimised.
- 10.47 From a site visit, it is understood that 340 City Road comprises 5 no. one bedroom flats from basement level to third floor. Each of the flats is dual aspect, with the main living accommodation situated to the front facing City Road and a bedroom to the rear. The closest windows to the boundary with the application site provide an outlook to a communal staircase with the second closest windows providing outlook to the bedroom for each flat.
- 10.48 Consideration has been given to the increase in height, scale, bulk and massing of the proposed roof extension, the existing relationship between the buildings, the oblique angles of view from the bedroom windows of the residential properties at 340 and 342 City Road, and the nature of the surroundings.
- 10.49 The height, scale, bulk and massing of the proposed single storey roof extension at fourth floor level is considered to be a relatively minor addition 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 to the rear elevation windows of the residential properties at 340 to 342 City Road. 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.
- 10.50 Objections have been received expressing concern that the proposal would result in the loss of open aspect, outlook and creation of enclosure to 340 City Road and that the combination of proposed roof extension and roof extension to 17 Wakley Street would destroy the openness of the views from the rear of City Road. Consideration has been given to the angle of the increased height, scale and bulk when viewed from the windows of habitable rooms to the rear of 340 and 342 City Road, the existing relationship between the two buildings and the dual aspect nature of the units with the main living spaces at the front (facing City Road) of each flat. The impact of the single storey roof extension is not considered to result in such loss of outlook or increase in enclosure as to sustain the refusal of the application on this basis.

#### Privacy and Overlooking

- 10.51 Policy DM2.1 identifies a minimum distance of 18 metres between windows, other than those facing a highway, 'to protect privacy for residential developments and existing residential properties. Standard 28 of the London Plan SPG Housing (2016) requires

proposals to demonstrate that habitable rooms would have adequate levels of privacy in relation to neighbouring properties.

- 10.52 In the application of the above guidance it should be acknowledged that the nature of views between rooms can vary. For instance, where the views between rooms are oblique as a result of angles or height difference between windows, there may be no or very limited harm.

**Image 19 – Proposed Third Floor Plan**



- 10.53 The windows on the proposed roof extension would be sited away from the existing windows to the residential properties at 340 to 346 City Road and behind the proposed lift shaft. Given the oblique angle of view, this would prevent any direct overlooking and ensure that the existing privacy levels are maintained.
- 10.54 The proposal includes the creation of a front roof terrace which fronts on to Wakley Street. Whilst there are some windows and balconies on residential properties on the opposite side of Wakley Street, given the small size of the roof terrace, and that the council's policies do not protect amenity overlooking across a highway, there is not considered to be a harmful increase in overlooking as to sustain the refusal of the application on this basis. Given the small extent of the roof terrace and its position off a bedroom, the intensity of the use of the terrace is unlikely to result in noise disturbance as to harm the amenity of neighbouring properties.
- 10.55 Therefore, the proposals would not result in an adverse impact in terms of loss of privacy or increase in overlooking on the existing residential accommodation nor the proposed residential units, as to conflict with the aims of the council's policies in this regard.
- 10.56 Objections have been received concerning a loss of privacy and overlooking from the proposed roof terrace, and bedroom windows of the new residential flat. These objections have been addressed at paragraphs 10.50 to 10.54 in this report. An objection has also raised concern from overlooking from the hallway window. However, the hallway window to the proposed flat would be obscurely glazed and fixed shut and therefore would not be any potential for an increase in overlooking. The roof terrace would be positioned adjacent to 17 Wakley Street at the front of the property and no roof terrace is proposed or would be permitted fronting onto City Road. Therefore, there would be no increase in overlooking towards the rear of the City Road properties from the proposed roof terrace.
- 10.57 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.

- 10.58 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.
- 10.59 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*".
- 10.60 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).
- 10.61 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.*"
- 10.62 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 10.63 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*".
- 10.64 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.

10.65 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*”

10.66 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.*

10.67 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

10.68 Residential dwellings at 340 and 342 City Road which comprises five flats in each property, have been considered for the purposes of daylight and sunlight impacts as a result of the proposed development. These are the closest two residential properties to the proposed roof extension.

10.69 340 and 342 City Road: The daylight and sunlight report sets out that all windows on the adjacent residential properties at 340 and 342 City Road would pass the British Research Establishment Guidelines (BRE) Vertical Sky Component (VSC) Test.

10.70 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 all windows on the adjacent residential properties at 340 and 342 City Road would pass the NSL test.

10.71 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

10.72 340 and 342 City Road: It is understood that where access has not been possible to ascertain the use of rooms behind windows, it has been assumed based on floor plans from the land registry. 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.

- 10.73 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 1 window out of a total of 23 windows tested, showed 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)
340 City Road	Second Floor, Room R1, Window W1/F02	Bedroom	68	57	16.2%	15	8	<b>46.7%</b>

- 10.74 As can be seen in the table window W1/F02 at the second floor of 340 City Road shows a loss of 46.7 percent of WPSH which fails the BRE test. However, it should be noted that the proposed value of 8 hours exceeds the minimum 5-hour target, in real terms the impact is minor and not so harmful as to sustain the refusal of the application on this basis. This loss of hours relating to one-bedroom window out of 23 windows tested is not considered to form grounds for the refusal of the application on this basis.
- 10.75 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.
- 10.76 Objections have been received expressing concern that the proposal would lead to a loss of daylight, sunlight and creation of overshadowing to the flats at 340 and 342 City Road, that any reduction in sunlight impairs the ability of the City Road terraces' gardens to provide visual and environmental relief. However, given that impact on the windows of habitable rooms passes the BRE Guidelines, and the basement level gardens do not currently receive any direct sunlight, the impact would be negligible. Therefore, there are no grounds for the refusal of the application on this basis.

**Image 20 – Window map of front and rear elevations of 340 and 342 City Road**



- 10.77 An objection has been received expressing concern that the daylight and sunlight study doesn't appear to have assessed the impact of the development on the flats at 340 and 342 City Road beyond those on floors 2 and 3. However the table of results included in the Daylight and Sunlight report dated 05/06/2018 does provide details of the impact of the proposed extension on the levels of daylight and sunlight to all the windows on the rear elevations of 340 and 342 City Road. The report includes Land Registry floor plans to consider the layout of each flat at 340 and 342 City Road. The window map shown above in image 13 indicates the windows to bedrooms on the rear elevation and windows to living rooms on the front elevation.
- 10.78 An objection has been received concerned that the cumulative impact of the proposed extensions at 338 City Road and 17 Wakley Street heightens the reduction in daylight to the rear of 342 City Road. The Daylight and Sunlight Assessments which have been submitted for each scheme are independent of each other, however officers have considered the cumulative impacts. The two proposed schemes have different orientations and therefore impact on differing windows. However, all affected windows continue to pass the BRE requirements even when considered together. Therefore, upon considering the cumulative impacts, the affected windows of neighbouring properties at the rear of 340 and 342 City Road continue to meet the BRE Guidelines.
- 10.79 As such the daylight and sunlight reports for both schemes are considered to have sufficiently considered the impact on daylight and sunlight to these properties.

Summary of Neighbouring Amenity Issues

- 10.80 Due to the position, scale, height, design and use of 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 340 to 346 City Road is not considered to conflict with the aims of the council's policies in this regard.

#### Noise

- 10.81 The Council's Acoustic Officer has not raised an objection to the application, subject to conditions regarding sound insulation and noise control measures for the new residential unit and also details of ventilation for the new unit.
- 10.82 The proposed residential unit would sit on top of the existing office building and adjoin an existing residential property at 340 City Road. As a one-bedroom residential flat, given the low level of the intensity of the use property, the amenity impact on neighbouring occupiers is not considered to result in a harmful impact as to sustain the refusal of the application on this basis. The proposed roof terrace would be located fronting onto Wakley Street adjacent to the four storey commercial property at 17 Wakley Street. There are no windows of neighbouring properties adjacent to, or in view of the proposed roof terrace on the adjoining properties. Therefore, the small roof terrace would be unlikely to see an intensity of use that would lead to a harmful noise disturbance as to sustain the refusal of the application on this basis.
- 10.83 An objection was received concerning noise disturbance from the use of the proposed front roof terrace adjacent to 340 City Road. The flat roof area to the front of the proposed roof extension fronting onto City Road is not proposed to be used as a roof terrace. However, it is recommended that a condition is attached preventing this flat roof area from being used as an amenity or sitting out space of any kind whatsoever and not to be used other than for essential maintenance or repair, or escape in case of emergency.
- 10.84 An objection has been received expressing concern over potential noise disturbance from the operation of the proposed lift shaft. The proposed lift would be a hydraulic lift which it is understood would have a low noise output. The Council's noise officer has not raised any objection to the operation of the proposed lift and there is no evidence to suggest that the operation of the lift would create an unacceptable disturbance to neighbouring amenity. The Council are not aware of any complaints or issues arising from new lift installations or for occupiers that are not structurally connected.

**Image 21** – Location of application sites at 338 City Road and 17 Wakley Street



- 10.85 Objections have also been received concerning noise disturbance from building works, a request for a limitation on the hours which construction works take place, and regarding the cumulative impact of the construction of the proposed developments at 338 City Road (P2017/2243/FUL), 17 Wakley Street (P2017/2287/FUL) and 7-8 Wakley Street/328 City Road (P2018/0429/FUL) taking place concurrently would cause enormous disruption and harm to the local area.
- 10.86 The permitted hours of construction works are not controllable by planning legislation and are instead controlled by Environmental Health Legislation. The development would be required to comply with Islington's Public Protection Noise Service Code of practice. Within this guidance the Council allows building works that generate noise to be carried out between the hours of
- 8am-6pm, Monday to Friday
  - 8am-1pm, Saturday
  - No audible building works to be carried out on Sunday or public holidays.
- 10.87 The position of the sites at 17 Wakley Street and 338 City Road has been identified on Image 13. The sites are located in a central and urban location and given the separation distances and the small scale of the works for single storey roof extensions given the level of development in the surrounding area, this is not untypical for the location. There is no certainty that the works will take place concurrently and the impact is not considered to be sufficiently harmful as to sustain the refusal of the application on this basis. It is recommended that a condition is attached requiring details of a Construction Method Statement to be submitted and approved prior to commencement of works. Any construction works would also need to comply with legislation outside the realms of the planning regulations including Environmental Health legislation, the Party Wall Act and Building Regulations.

- 10.88 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**

- 10.89 Policy CS 10 requires all new developments to be car-free, which means no parking provision will be allowed on site and occupiers will not have the ability to obtain parking permits. Therefore, as the proposed unit would not be eligible to apply for car parking permits in the area, it is recommended that a condition is attached to any grant of consent preventing residents from obtaining further on street parking permits unless they have already held a permit for in excess of one year. The S106 Legal Agreement will also stipulate this.
- 10.90 Policy DM8.4 requires cycle parking spaces to be designed to best practice standards and shall be secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible.
- 10.91 There are existing unsecured cycle parking spaces to the front of the property adjacent to City Road. As the proposal results in the creation of a one-bedroom flat, the property would require a minimum of 1 cycle parking space (policy DM8.4).
- 10.92 As a one-bedroom flat with constrained access and cupboard space for folding bicycles, whilst the scheme does not include the provision of a secure cycle parking space, given the constraints of the site it is acceptable in this instance in accordance with policy DM8.4.
- 10.93 Therefore, the proposal is considered to be acceptable in accordance with policies CS10 of the Core Strategy and policies DM8.4 and DM8.5 of the Development Management Policies and is acceptable in this regard.

### **Refuse and Recycling**

- 10.94 The Islington Development Management Policies requires waste storage and recycling facilities should be integrated into new developments, in locations within the site that are accessible to all.
- 10.95 The proposed refuse and recycling storage for the new residential unit would be sited at the front of the property adjacent to City Road with arrangements for the office accommodation remaining as existing. The proposed arrangements for the bin storage are not ideal due to the visual and amenity impacts. However, consideration has been given to the small scale of the one-bedroom flat. It is therefore recommended that a condition is attached requiring details of revised details to be submitted and approved prior to commencement of development.

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

- 10.96 Core Strategy policy CS12 (part G) states that Islington will meet its housing challenge, to provide more affordable homes by:
- requiring that 50% of additional housing to be built in the borough over the plan period should be affordable.
  - requiring 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.

- 10.97 The scheme is liable for a contribution towards off site Affordable Housing elsewhere in the Borough, in line with policy CS12 of the Core Strategy and the council's Supplementary Planning Document-'Affordable housing-small sites' 2012. Due to the site's location to the south of Pentonville Road, the full contribution required is £60,000.
- 10.98 As the proposal creates a new build residential flat, the scheme would also be liable for a financial contribution towards Carbon Offsetting as required by the Council's Environmental Design SPD of £1,000.
- 10.99 It is understood that a signed and agreed Unilateral Agreement for payment of the full contribution to off-site Affordable Housing of £60,000 and £1,000 towards Carbon Offsetting measures will be provided to the Local Planning Authority, prior to issuing of a decision notice.
- 10.100 Therefore, the proposal complies with policy CS12G of the Islington Core Strategy (2011) and the Islington Affordable Housing Small Sites Contributions SPD (2012) and the Environmental Design SPD (2013).

### **CIL**

- 10.101 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 single storey roof extension at third floor level to create a 1-bedroom residential flat, external alterations including creation of lift shaft to rear, and creation of front roof terrace fronting Wakley Street.
- 11.2 The proposals amount to a very minor loss of office floorspace which is limited to the circulation space and therefore would not have an adverse impact on the operation of the office use and is counterbalanced by improved access to each floor (lift).
- 11.3 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. Although the private amenity space is undersized and there is no provision for an external cycle parking space, the overall standard of amenity of the new residential unit is considered to be acceptable.
- 11.4 The Acoustic Officer is satisfied that the proposal would not detrimentally impact on the amenity of the neighbouring properties subject to conditions.
- 11.5 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.

- 11.6 Whilst the proposal would have some impact on the amenity of the neighbouring properties, having regard to the 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 oblique angle of view of the roof extension and prevention of the use of the flat roof area at fourth floor level adjacent to 340 City Road for amenity purposes. The addition is considered to be a relatively minor addition in relation to the existing situation on site and therefore the impact in terms of a sense of enclosure is considered to be acceptable. The impact on noise and light pollution are considered to be acceptable subject to conditions.
- 11.7 The proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Finsbury Local Plan, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions and legal agreement.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

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

The Heads of Terms are:

- £60,000 contribution towards the provision of off-site affordable housing within the Borough
- £1,000 contribution towards the provision of Carbon Offsetting within the Borough
- Car Free – No parking permits are to be secured for the new residential unit

All payments are due on commencement of 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 Sub Committee resolve to GRANT planning permission subject to conditions to secure the following:

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
<b>2</b>	<b>Approved plans list</b>
	CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:  040-EC1-001 RevA; 040-EC1-200; 040-EC1-202 RevA; 040-EC1-204 RevA; 040-EC1-205 RevB; 040-EC1-206; 040-EC1-207 RevA; 040-EC1-209; 040-EC1-217; 040-EC1-279 RevA; 040-EC1-280 RevA; 040-EC1-281 RevA; 040-EC1-282 RevA; 040-EC1-289 RevA; 040-EC1-290 RevB; 040-EC1-291 RevA; 040-EC1-292 RevB; 040-EC1-300 RevF; 040-EC1-302 RevA;

	<p>040-EC1-304 RevB; 040-EC1-305 RevD; 040-EC1-306 RevC; 040-EC1-307 RevB; 040-EC1-308 RevA; 040-EC1-309 RevA; Design and Access Statement Revision A: February 2018; Noise Impact Assessment dated 28 April 2017 ref: VA1782.170427.NIA; Daylight and Sunlight ref: 12658 dated 05/06/2018;</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>
<b>3</b>	<b>Materials (Details)</b>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) Brick (including colour, texture and method of application);</li> <li>b) window treatment (including sections and reveals);</li> <li>c) roofing materials;</li> <li>d) final details and materials for acoustic louvres;</li> <li>e) Any other materials to be used (Brick stringer course, corbelling, decorative railings).</li> </ul> <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>
<b>4</b>	<b>Facing Brickwork</b>
	<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>
<b>5</b>	<b>Construction</b>
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The CEMP shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> <li>a) The notification of neighbours with regard to specific works;</li> <li>b) Advance notification of any access way, pavement, or road closures;</li> <li>c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period;</li> <li>d) Details regarding the planned demolition and construction vehicle routes and access to the site;</li> <li>e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis</li> </ul>

	<p>and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;</p> <p>f) Details of waste storage within the site to prevent debris to the surrounding buildings and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;</p> <p>g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)</p> <p>h) Details of any proposed external illumination and/or floodlighting during construction, including positions and hours of lighting;</p> <p>i) Details of measures taken to prevent noise disturbance to surrounding residents;</p> <p>j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;</p> <p>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</p> <p>m) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.</p> <p>n) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration.</p>
<b>6</b>	<b>FLAT ROOF NOT USED AS AMENITY SPACE (COMPLIANCE):</b>
	<p>CONDITION: The flat roof area adjacent to 340 City Road shown on plan 040-EC1-300 RevE 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: For the protection of the heritage assets to prevent undue prominent clutter on the roof area with an exposed and elevated position, and to prevent the undue overlooking of neighbouring habitable room windows.</p>
<b>7</b>	<b>Car Permits (Compliance)</b>
	<p>CONDITION: All future occupiers of the additional residential units, hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <p>i) In the case of disabled persons;</p> <p>ii) In the case of the resident who is an existing holder of a residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>REASON: To ensure that the development remains car free.</p>

<b>8</b>	<b>Sustainable Design and Construction Statement</b>
	<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 dwellings hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 19% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2013, and not exceed water use targets of 110L/person/day.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
<b>9</b>	<b>Cycle parking provision</b>
	<p>CONDITION: Prior to the first occupation of the dwelling hereby permitted detail of storage for at least 1 secure bicycle storage space shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>These spaces shall be used solely for the benefit of the occupants of the development and their visitors and for no other purpose and shall be permanently retained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and promote sustainable modes of transport.</p>
<b>10</b>	<b>Sound Insulation</b>
	<p>CONDITION: "A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB <math>L_{Aeq,8\text{ hour}}</math> and 45 dB <math>L_{max\text{ (fast)}}</math>  Living Rooms (07.00-23.00 hrs) 35 dB <math>L_{Aeq, 16\text{ hour}}</math>  Dining rooms (07.00 –23.00 hrs) 40 dB <math>L_{Aeq, 16\text{ hour}}</math></p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority."</p> <p>REASON: To protect the residential amenity of the new unit hereby approved.</p>
<b>11</b>	<b>Details of Ventilation</b>
	<p>CONDITION: Prior to commencement of the relevant part of the development, full details of ventilation for the residential accommodation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>
<b>12</b>	<b>Refuse and Recycling</b>
	<p>CONDITION: Prior to the first occupation of the dwelling hereby permitted details of revised arrangements for refuse and recycling collection shall be submitted to and approved in writing by the Local Planning Authority.</p>

	REASON: For the protection of heritage assets and neighbouring residential amenity.
<b>13</b>	<b>Shared Lift Arrangements</b>
	<p>CONDITION: Prior to the first occupation of the dwelling hereby permitted details of the measures for the control of the shared lift between the residential and office uses shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The details shall include security measures (such as key fob access control system/concierge security) to ensure access to the top floor flat is solely for the future occupants of the unit and their guests/visitors.</p> <p>REASON: In the interest of security of the future occupants.</p>

**List of Informatives:**

<b>1</b>	<b>Community infrastructure Levy (CIL)</b>
	<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 <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. 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 <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a>.</p>
<b>2</b>	<b>Unilateral undertaking</b>
	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.
<b>3</b>	<b>TfL</b>
	<p>"The footway and carriageway on City Road 338 and Wakley Street must not be blocked during the construction of the roof extension and the residential flat. Temporary obstructions during the construction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on City Road and Wakley Street.</p> <p>"All vehicles associated with the construction of the roof extension and the residential flat must only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions.</p> <p>"No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time.</p> <p>"As the conversion would create one new residential unit and there's already 577sqm of office space, the London Plan establishes that the minimum cycle parking spaces required are 8 long-stay spaces (1 per dwelling and 1 per 90sqm) and 1 short-stay space (1 per 500sqm). Provision of these spaces should be secured by condition.</p>

	<p>"The Design and Access Statement states that there are 2 car-parking spaces on site, one of which could become a designated disabled bay for a "blue badge" holder. However, the plans and drawings show no existing basement or car parking within the site boundary. As the site has a Public Transport Accessibility Level (PTAL) of 6b which is excellent, TfL recommends the development should be car-free except for Blue Badge spaces.</p> <p>"The Mayor has introduced a London wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3. The Mayoral CIL formally came into effect on 1st April 2012, and it will be paid on the commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor's CIL will contribute towards the funding of Crossrail.</p> <p>"The Mayor has arranged boroughs into three charging bands. The rate for this borough is £50 per sq. m. The required CIL should be confirmed by the applicant and Council once the components of the development have been finalised. More details are available via the GLA website <a href="http://london.gov.uk/">http://london.gov.uk/</a>.</p>
<b>4</b>	<b>Building Regulations</b>
	The applicant is advised that they would need to obtain Building Regulations Approval for all fire regulation matters.

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1. National Guidance**

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

### **2. Development Plan**

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

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

Policy 3.5 Quality and design of housing developments  
Policy 7.4 Local Character  
Policy 7.6 Architecture  
Policy 7.8 Heritage Assets and Archaeology  
Housing Supplementary Planning Guidance  
Appendix 1 - Summary of the quality and design standards

#### **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  
Policy CS 12 – Meeting the housing challenge

#### **C) Development Management Policies June 2013**

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage
- Policy DM5.2 – Loss of existing business floorspace
- Policy DM5.4 - Size and affordability of workspace
- Policy DM3.1 - Mix of housing sizes
- Policy DM3.3 - Residential conversions and extensions
- Policy DM3.4 – Housing Standards
- Policy DM3.5 – Private outdoor space
- Policy DM7.1 - Sustainable design and construction
- Policy DM7.2 - Energy efficiency and carbon reduction in minor schemes
- Policy DM7.4 – Sustainable Design Standards
- Policy DM8.4 - Walking and cycling
- Policy DM8.5 - Vehicle parking

**D) Finsbury Local Plan (June 2013)**

Policy BC8 – Achieving a balanced mix of uses

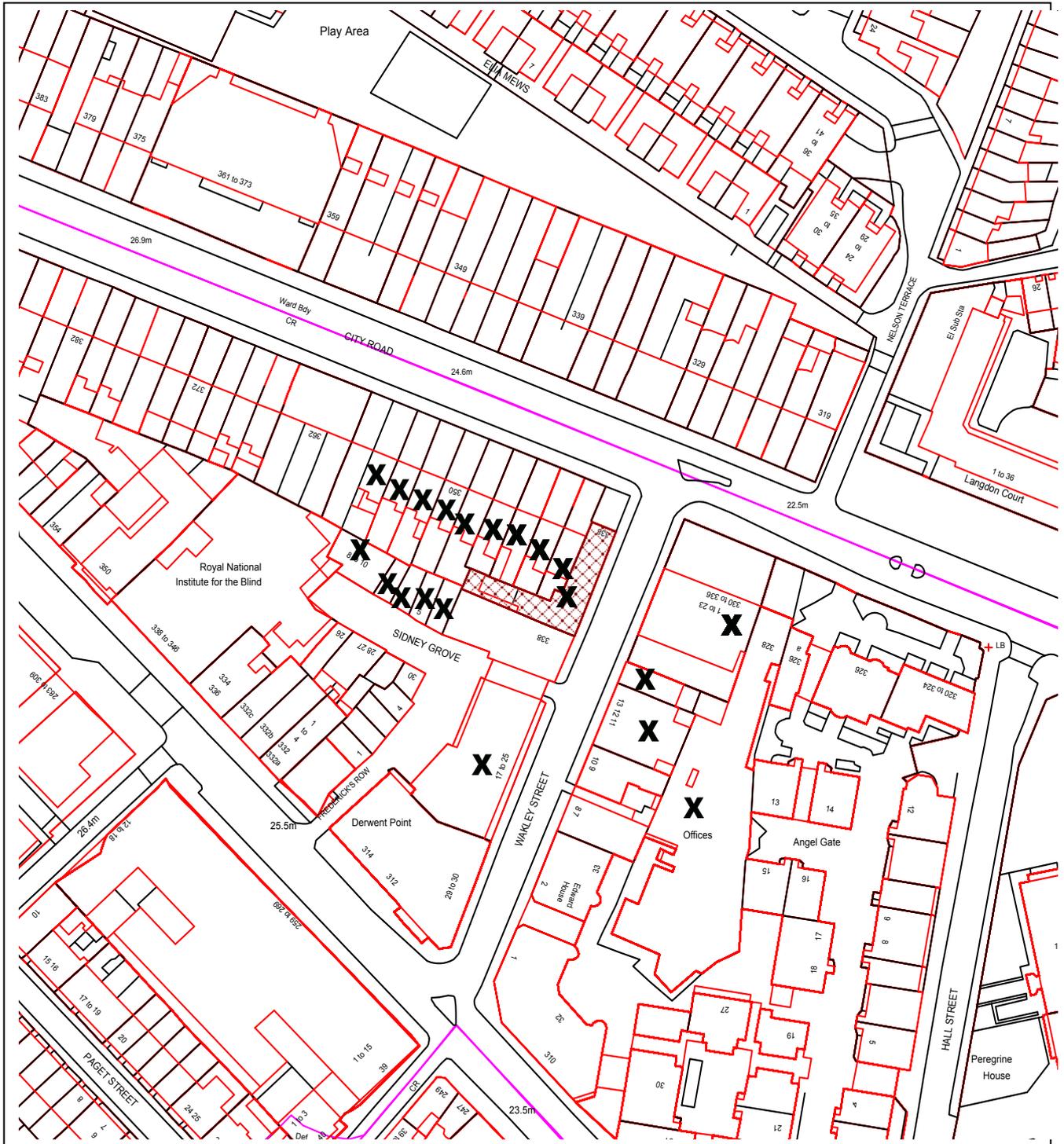
**3. Designations**

Duncan Terrace/Colebrooke Row Conservation Area

**4. SPD/SPGS**

Urban Design Guide 2017  
Conservation Area Design Guidelines  
Small Sites Affordable Housing SPD  
Environmental Design SPD  
Inclusive Design SPD

# Islington SE GIS Print Template



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