



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

AGENDA FOR THE PLANNING SUB COMMITTEE B

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

**Lesley Seary
Chief Executive**

Enquiries to : Zoe Lewis
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Despatched : 19 November 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**

Committee Membership

Councillor Kay (Chair)
Councillor Chapman (Vice-Chair)
Councillor Khondoker
Councillor Klute
Councillor Woolf

Wards

- Mildmay;
- Junction;
- Highbury West;
- St Peter's;
- Canonbury;

Substitute Members

Councillor Convery - Caledonian;
Councillor Cutler - St Peter's;
Councillor Graham - Bunhill;
Councillor Nathan - Clerkenwell;
Councillor Picknell - St Mary's;

Quorum: 3 councillors



A. Formal Matters

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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

B.	Consideration of Planning Applications	Page
1.	3 Bickerton Road, London, N19 5NJ	9 - 58
2.	Caledonian Park Clock Tower and Heritage Centre, Market Road, London, N7 9DY	59 - 114
3.	Foxama House, 17-18 Hayward's Place, London, EC1R 0EQ	115 - 170
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
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G. Urgent exempt items (if any)

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

Date of Next Meeting: Planning Sub Committee B, 15 January 2019

Please note all committee agendas, reports and minutes are available on the council's website: www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING SUB-COMMITTEES

Planning Sub-Committee Membership

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

Order of Agenda

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

Consideration of the Application

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

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

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

What Are Relevant Planning Objections?

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

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

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London Borough of Islington

Planning Sub Committee B - 2 October 2018

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

Present: **Councillors:** Kay (Chair), Chapman (Vice-Chair), Khondoker, Klute and Convery (Substitute) (In place of Woolf)

Councillor Jenny Kay in the Chair

11 **INTRODUCTIONS (Item A1)**

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

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

Apologies were received from Councillor Woolf.

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

Councillor Convery substituted for Councillor Woolf.

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

Councillor Klute declared that in relation to Item B5, the applicant was a constituent he had done casework for regarding noise from the nearby pub.

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

The order of business would be B7, B1 and B2, B8, B5, B6, B3, B9 and B4.

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

RESOLVED:

That the minutes of the meeting held on 17 July 2018 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

17 **1 BERRY PLACE, ISLINGTON, LONDON EC1V 0JD (Item B1)**

Installation of proposed plant equipment (2 no. air conditioning units) above existing flat roof at second floor level (first floor roof) including associated screening and other works.

(Planning application number: P2018/1799/FUL)

In the discussion the following points were made:

- Concern was raised about the air conditioning units being turned on at 6.30am. The noise officer stated that mitigation measures would be put in place. An enclosure would be placed around the units and they would only be permitted to operate at 85% capacity which would limit noise.
- Concern was raised that details of the screening had not been provided. The planning officer advised that there was a condition relating to materials, the air conditioning units were set back by 1.7m and would be partially visible but obscured.

Planning Sub Committee B - 2 October 2018

- The applicant stated that the units were turned on at 6.30am as workers were in the building at that time due to it being an international advertising agency.
- Concern was raised about this being a retrospective planning application and about the lack of communication with residents. The applicant stated that the units had been installed and had been in operation for several months but there was currently no screening.
- In response to a question as to why air conditioning units were required, the applicant stated that they were heat pumps that provided hot water and heating but they could cool too.

Councillor Klute proposed a motion to defer the consideration of this item to enable a site visit and the applicants to provide more details on the screening. This was seconded by Councillor Convery and carried.

RESOLVED:

That consideration of this item be deferred for the reasons outlined above.

- 18** **1 BERRY PLACE, ISLINGTON, LONDON EC1V 0JD (Item B2)**
Installation of two air conditioning units within an enclosure, located on the first floor flat roof on the eastern side of the property.

(Planning application number: P2016/4705/FUL)

In the discussion the following points were made:

- Concern was raised about the air conditioning units operating 24 hours a day, 7 days a week. The noise officer stated that an enclosure would be placed around the units.
- Concern was raised that details of the screening had not been provided. The planning officer advised that there was a condition relating to materials, the air conditioning units were set back by 1.7m, would be partially visible but obscured.
- Concern was raised about this being a retrospective planning application and about the lack of communication with residents. The applicant stated that the units had been installed and had been in operation for several months but there was currently no screening.
- In response to a question as to why air conditioning units were required, the applicant stated that they were heat pumps that provided hot water and heating but they could cool too. There was a server room which had to be kept cool. A member suggested that server rooms were no longer required with modern technology.

Councillor Klute proposed a motion to defer the consideration of this item to enable a site visit and the applicants to provide more details on the screening. This was seconded by Councillor Convery and carried.

RESOLVED:

That consideration of this item be deferred for the reasons outlined above.

- 19** **1-42 SALTDENE, 2 REGINA ROAD, LONDON, N4 3PR (Item B3)**
Replacement of existing single glazed timber windows with UPVC double glazing.

(Planning application number: P2016/4705/FUL)

In the discussion the following points were made:

- Concern was raised that the sizes of the new window frames had not been included in the application. The applicant stated this would be done for future applications.

- The application was policy compliant.

RESOLVED:

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

20

147 GROSVENOR AVENUE, LONDON N5 2NH (Item B4)

Erection of a full width lower ground floor extension, part width ground floor rear infill extension and a part width first floor rear extension. Conversion of the extended property into 6 residential units (1x2 bed unit, 3x2 bed units and 2x3 bed units).

(Planning application number: P2015/3543/FUL)

In the discussion the following points were made:

- In response to a member's concern that the viability report was completed a number of years ago and following a review in 2017 and 2018 had remained the same, the planning officer advised that the internal viability officer was satisfied with the independent viability report.
- The approved plans list referred to some drawings which were no longer relevant so these would be removed.

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.

21

186A NEW NORTH ROAD, LONDON, N1 7BJ (Item B5)

Alteration to the existing 1 bedroom dwelling house located at the rear of 186 New North Road including internal alterations, construction of a new roof, provision of an internal courtyard and alterations to the façade.

(Planning application number: P2018/0246/FUL)

In the discussion the following points were made:

- The planning officer stated that an additional objection had been received. The only new point raised in this was that granting permission would affect the nearby pub but this was not a planning consideration.
- In response to a member's question about why the prohibition order had been included with the papers, the planning officer advised this was for background information.
- In response to a member's question about implications if, after granting permission, the building was demolished and rebuilt, the planning officer advised that the land use had been established and related to the volume of the building rather than the building. The quality of the accommodation had never been assessed and the application was seeking to improve the living conditions.

RESOLVED:

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

22

23 ROMILLY ROAD, LONDON, N4 2QY (Item B6)

Creation of a basement extension under the footprint of the existing house including the formation of light wells to the front and rear of the property. Conversion of the existing

single-family dwelling house into two self-contained flats (1 x 3 bedroom unit and 1x 2 bedroom unit).

(Planning application number: P2017/1670/FUL)

In the discussion the following points were made:

- A member asked the planning officer whether policy resisted the splitting up of family homes. The planning officer stated that Policy DM3.3 protected homes of less than 125sqm but this home was larger than 125sqm. The member raised concern that the original home was less than 125sqm but had been extended to over 125sqm through permitted development.
- The planning officer stated that a flooding and groundwater investigation report had been completed and it would be appropriate to defer the application to update the structural method statement accordingly. Changes to the basement design could be required.

Councillor Kay proposed a motion to defer the application to enable to structural method statement to be updated. This was seconded by Councillor Klute and carried.

RESOLVED:

That consideration of this item be deferred for the reason outlined above.

23

440 A HORNSEY ROAD, LONDON, N19 4EB (Item B7)

Demolition of existing warehouse buildings and erection of a mixed use development comprising 490m² of commercial floorspace (Use Class B1) contained within a two storey building with basement level and a further two storey building (no basement level) to create 3 x two storey residential dwellings comprising 2 x 2 bed and 1 x 3 bed (Use Class C3), access gate, landscaping, pv panels, refuse and bike facilities and associated alterations.

(Planning application number: P2017/5001/FUL)

In the discussion the following points were made:

- The planning officer stated that Paragraph 4.6 of the officer report should state that Unit 1 would be 44sqm, Unit 2 would be 30sqm and Unit 3 would be 30sqm.
- A member raised concern that the eastern wall that would be lowered was a party wall and the adjoining owners might not agree. The planning officer confirmed that if the wall was not lowered, there would be a greater sense of enclosure.
- The daylight and sunlight implications were discussed and the planning officer stated that the neighbours' windows comfortably passed the daylight and sunlight tests.
- In response to a member's question, the planning officer advised that the refuse collectors were satisfied with the refuse storage and collection arrangements.
- A construction management plan and an environmental plan were required.
- The appeal decision had focussed on poor quality residential accommodation. This had now been improved.

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 contributions for affordable housing, carbon offsetting contributions and securing a car free development as set out in Appendix 1 of the officer report.

24 18 ½ SEKFORDE STREET, LONDON, EC1R 0HL (Item B8)

Partial demolition of the rear courtyard wall and the insertion of a new gate to access the communal garden space and associated landscaping.

(Planning application number: P2017/4174/FUL and P2017/4227/LBC)

In the discussion the following points were made:

- In response to a member's question as to why the application was recommended for approval when a similar application had been refused in 2003 and confirmed by the inspector in 2005, the planning officer advised that local and national policy had been changed and removing the 1970s part of the wall would have a heritage benefit.
- The building which had been a previous bank, was now a family home and had C3 residential use.
- The legal advisor stated that if granted permission, there was a condition that a relevant agreement about the access rights would be agreed between the landowner, who happened to be the Council and the residents of 18½ Sekforde Street. If no agreement was reached, the planning permission could not be implemented.
- In response to a question from a member, the legal advisor stated that if the planning permission was restricted to individuals, there would have to be a reason.
- The planning officer considered that the heritage benefits outweighed the creation of a door in the wall.
- A member stated that if every residential property backing on to the garden had access to it, it would be unfair not to grant access to one more residential property.

RESOLVED:

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

25 EASYHOTEL HOUSE, 80 OLD STREET, LONDON, EC1V 9AZ (Item B9)

Change of use of the existing ground floor Use Class A1/A3 retail/café/restaurant unit (163 square metres GIA) to Use Class C3 (hotel) to accommodate 7 additional hotel rooms and separate hotel reception area along with the creation of a new external entrance to the ground floor façade, as well as a change of use of existing ground floor façade, as well as a change of use of existing ground floor hotel and office reception (Use Class B1(a)/C3) to a separate office reception area (Use Class B1(a)).

(Planning application number: P2018/1744/FUL)

In the discussion the following points were made:

- The applicant requested that the 4 months referred to in Condition 2 be extended to 7 months to enable all the works to be completed at the same time. He stated that use of the unauthorised hotel rooms had stopped.
- The planning officer stated that work should start sooner on the unauthorised rooms to ensure that they would not be used.
- The planning officer suggested that the wording of Condition 2 could be amended regarding the decommissioning of rooms and this could be delegated to officers.
- The application sought to improve the building by separating the office and hotel.

RESOLVED:

That planning permission be granted subject to the conditions set out in Appendix 1 of the officer report with the wording of Condition 2 being amended regarding the decommissioning of rooms and the wording of this to be delegated to officers.

Planning Sub Committee B - 2 October 2018

The meeting ended at 10.35 pm

CHAIR

COMMITTEE AGENDA

1 3 Bickerton Road
Islington
LONDON
N19 5JU

2 Caledonian Park Clock Tower and Heritage Centre
Market Road
London
N7 9HF

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

1 3 Bickerton Road
Islington
LONDON
N19 5JU

Application Number: P2018/2148/FUL
Ward: Junction
Proposed Development: Conversion of existing single family dwelling to create 3no. self-contained units (1 x 3bed/5person and 1 x 2bed/4person and 1 x 2bed/3person), and demolition of existing rear outrigger and the erection of a full width ground floor rear extension, partial width first floor rear extension, roof extension with rooflights above, plus alterations to rear window openings and windows. Proposed terrace above rear ground floor level with associated balustrade, and associated works.
Application Type: Full Planning Application
Case Officer: Nathan Stringer
Name of Applicant: Mr Mark Shenton
Recommendation:

2 Caledonian Park Clock Tower and Heritage Centre
Market Road
London
N7 9HF

Application Number: P2017/4433/S73
Ward: Holloway

Proposed Development: Variation of condition 6 (hours of operation) of planning permission ref: P2016/0730/FUL, dated 23/05/2016

The proposal includes changes to the approved hours of operations for the Heritage Centre, Clock Tower and the Cafe.

(Re-consultation September 2018: The proposed change to the hours of operations for the Heritage Centre, Clock Tower and the Café has been amended)

Application Type: Removal/Variation of Condition (Section 73)

Case Officer: David Nip

Name of Applicant: Mr Christopher Hariades

Recommendation:

3 Foxama House

17 - 18 Hayward's Place

London

EC1R 0EQ

Application Number: P2018/2236/S73

Ward: Clerkenwell

Proposed Development: RECONSULTATION: Section 73 application for the variation of Condition 2 (drawing and document numbers) and Condition 8 (Flat roof not used as amenity space) of planning consent ref P2017/3258/FUL dated 21/03/2018 for 'Erection of a fourth floor roof extension to provide additional office accommodation (Use Class B1), alterations at third floor level to remove dormer windows and infill front façade to match lower floors, extension to existing rear external staircase up to fourth floor and installation of new air conditioning plant and enclosure at fourth floor.' The Section 73 variation is to install a metal and glass barrier on the approved roof terrace to allow part of the terrace to be used as an outdoor amenity space; and replacement of glazed sliding doors at north-east elevation with windows and a fire escape door. REASON: Revised description to include replacement of glazed sliding doors.

Application Type: Removal/Variation of Condition (Section 73)

Case Officer: Nathan Stringer

Name of Applicant: n/a

Recommendation:

PLANNING COMMITTEE REPORT

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

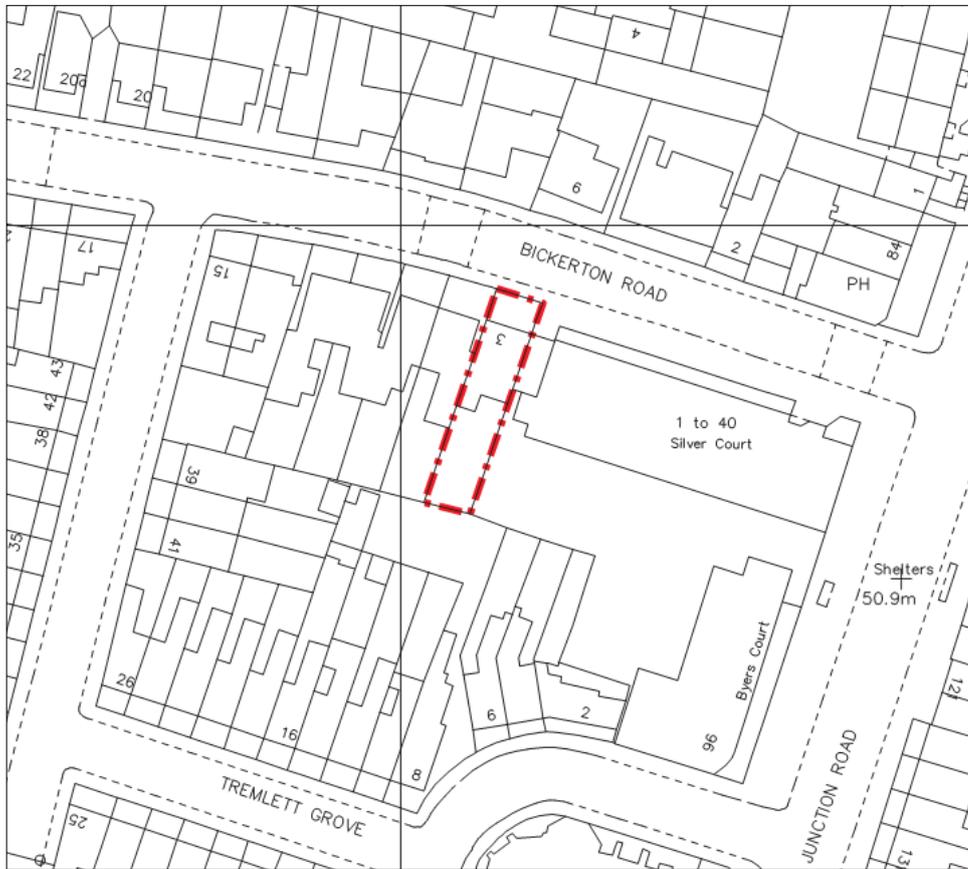
Application number	P2018/2148/FUL
Application type	Full Planning Application
Ward	Junction Ward
Listed building	N/A
Conservation area	St John's Grove
Development Plan Context	St John's Grove Conservation Area (and associated Article 4 Direction) Core Strategy Key Area – Archway Local Cycle Route Within 100m of SRN Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	None
Site Address	3 Bickerton Road, London, N19 5NJ
Proposal	Conversion of existing single family dwelling to create 3no. self-contained units (1 x 3bed/5person and 1 x 2bed/4person and 1 x 2bed/3person), and demolition of existing rear outrigger and the erection of a full width ground floor rear extension, partial width first floor rear extension, roof extension with rooflights above, plus alterations to rear window openings and installation of timber glazed windows. Proposed terrace above rear ground floor level with associated balustrade and screening.

Case Officer	Nathan Stringer
Applicant	Mark Shelton
Agent	Karen Crowder-James

RECOMMENDATION

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

2. SITE PLAN



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the site



Image 2: Front elevation of the application site



Image 3: Bickerton Road facing west (application site on the left)



Image 4: Bickerton Road facing south-east (application site on right)



Image 5: Rear elevation of the site



Figure 6: Rear of adjacent terraces to the west

4. SUMMARY

- 4.1 The application site currently forms a three-storey single, detached dwelling located on the southern side of Bickerton Road. The surrounding area predominantly comprises Victorian terraces to the north, south and west, however the site does adjoin a six storey 1970s/80s purpose built post-war flat development to the east which contains 40 residential units. The property is not statutorily listed or locally listed, however it is located within the St John's Grove Conservation Area. The character of St John's Grove Conservation Area is largely residential and many of the houses are mid-19th Century, locally listed with fine detailing and have special group value and well balanced scale. The application site lies on Bickerton Road which is largely residential in character, however Junction Road is within close proximity to the east of the site and is largely mixed use in character.
- 4.2 The application proposes the conversion of the existing single family dwelling to create 3no. self-contained units (1 x 3bed/5person and 1 x 2bed/4person and 1 x 2bed/3person), and demolition of the existing rear outrigger and the erection of a full-width ground floor rear extension, partial width first floor rear extension, a mansard roof extension with rooflights above, plus alterations to the rear window openings and windows. The application also proposes the creation of a terrace with associated balustrades at first floor level above the rear ground floor extension.
- 4.3 The design, layout, scale and massing of the proposed development is considered acceptable. The Design and Conservation team have been consulted and are satisfied that the proposed external alterations would preserve the character or appearance of the host building and the wider conservation area.
- 4.4 The intensification of residential use (C3 use class) resulting in 2no. additional residential units (3no. in total) is considered acceptable in principle at this location

which is in residential use and would be conducive with the existing surrounding residential character. The proposal includes the provision of a family-sized unit, and the overall unit mix and quality of the resulting accommodation is acceptable.

- 4.6 The proposed roof and rear extensions are considered to be of an appropriate scale, and the proposal is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of light or increased sense of enclosure. Subject to the inclusion of a condition requiring the proposed first floor flank window to be fixed shut and obscure glazed, the proposal would not harm the level of privacy experienced by neighbouring occupiers. The proposal therefore accords with policy DM2.1 of the Development Management Policies 2013.
- 4.7 The proposal would provide no vehicle parking on site and occupiers of the additional units will have no ability to obtain car parking permits (except for parking needed to meet the needs of disabled people), in accordance with policy CS10 of the Core Strategy 2011 which identifies that all new development shall be car free.
- 4.8 The applicant has submitted viability information, which has been reviewed by an independent third party (Adams Integra). In this instance, it is found that the proposal would produce a deficit, and therefore cannot provide the Small Sites Affordable Housing contribution of £100,000 and remain viable. The Council's Viability Officer agrees with this finding.
- 4.9 The application is referred to committee given the number of objections received (6).
- 4.10 The proposal is considered to cause no harm to any designated heritage assets therefore satisfying the statutory test (s72), and to accord with the Development Plan. Planning permission is recommended for approval subject to conditions.

5. SITE AND SURROUNDINGS

- 5.1 The site is located on the south side of Bickerton Road. It forms a detached, three storey Victorian dwelling. The property has a includes a two storey bay window to the front elevation, and a parapet at roof level with a shallow valley roof behind. The majority of properties within Bickerton Road appear to retain much of their original appearance and character, however the roofline of the subject site appears to have been altered in the past. No. 3 Bickerton Road is neither statutorily nor locally listed, however it is located within the St John's Grove Conservation Area. The character of St John's Grove Conservation Area is largely residential and many of the houses are mid-19th Century, locally listed with fine detailing and have special group value and well balanced scale.
- 5.2 The site is also located within close proximity to the Archway Town Centre, which is a busy and vibrant town centre offering a variety of shops and services. Archway Town Centre is centred around the junction of Holloway Road and Junction Road. Bickerton Road is located off Junction Road and the vicinity of the site is primarily residential, characterised by largely uniform Victorian detached and semi-detached buildings defined by original detailing including bay projecting features at ground and first floor level, timber sash windows, and decorative brickwork.

6. PROPOSAL (in Detail)

- 6.1 The application seeks permission for conversion of the existing single family dwelling to create 3no. self-contained units (1 x 3bed/5person and 1 x 2bed/4person and 1 x 2bed/3person). The application also proposes the demolition of the existing rear

outrigger and the erection of a full-width ground floor rear extension with a depth of 7m and lightwell adjacent to the rear of the primary elevation; a partial width first floor rear extension with a depth of 5.3m; a mansard roof extension set behind the existing parapets with rooflights above; plus alterations to the existing rear window openings and installation of new timber windows. Permission is also sought for the creation of a terrace with associated balustrades and screening (measuring approximately 1.1m and 1.7m (respectively) in height above the terrace floor area) at first floor level above the rear ground floor extension.

- 6.2 It is proposed to include bin and refuse enclosures, and bicycle parking stands, within the front garden behind a new dwarf wall and railings.
- 6.3 The application has been referred to the planning sub-committee due to the number of objections received (6).

7. RELEVANT HISTORY

PLANNING APPLICATIONS

- 7.1 P2018/0701/FUL: Removal of existing rear outrigger and erection of full width ground floor rear extension, partial width first floor rear extension, roof extension with roof lights above, plus alterations to rear window openings and windows. Proposed terrace above ground floor level with associated balustrade, and associated works. Conversion of existing single family dwelling to create 3no. self-contained units (1 x 3 bed and 2 x 2 bed). Application withdrawn by the Applicant.
- 7.2 P2017/1328/FUL: Conversion of single dwelling house into 4 self contained units (2x3bed, 1x2bed and 1x studio). Erection of full width rear extension at ground floor, and partial width extensions at first and second floor, erection of roof addition, plus rear terraces and balustrading, associated cycle and refuse parking. Including alterations and extension, to create three family sized flats and one studio flat. Application refused 08/06/2017:

REASON: Proposed self-contained units, Flat 2 and Flat 4, by reason of their proposed undersized internal floor area, are considered to result in substandard quality of accommodation and poor living environment. As a result the proposal is unacceptable and contrary to policy 3.5 of the London Plan (2016), policy CS12 of the Islington Core Strategy (2011) and policies DM3.3 and DM3.4 of the Islington Development Management Policies (2013).

REASON: The proposed extensions to the rear of the property, by reason of their inappropriate size, scale and significant projection beyond the rear building lines, would fail to respect the appearance of the property, the rhythm of the row of properties and the character and appearance of the conservation area. The proposal would fail to comply with policy 7.4 of the London Plan 2016, policies CS8 and CS9 of the Islington Core Strategy (2011), DM2.1 and DM2.3 of the Development Management Policies, the Conservation Area Design Guidelines and the Urban Design Guide.

REASON: The proposed roof extension by reason of its inappropriate design, scale, massing and overall appearance would form a dominant and discordant form of development harmful to the character and appearance of the host property and wider conservation area setting. The proposal would therefore fail to preserve the character and appearance of the St Johns Conservation Area and would fail to accord with the NPPF (2012), policy CS9 of the Core Strategy (2012); policies DM2.1 and Policy

DM2.3 of the Development Management Policies (2013) and the requirements of the St John's Grove Conservation Area Design Guide (2002) and the Urban Design Guide.

REASON: The proposed bin and bicycle stores by virtue of their inappropriate design, siting and visual impact upon the streetscape and would be detrimental to the character and appearance of the Conservation Area, contrary to policy CS9 of the Islington Core Strategy (2011), DM2.1 and DM2.3 of the Development Management Policies (2013), the Urban Design Guidelines and the St John's Grove Conservation Area Guidelines.

PRE-APPLICATION ADVICE

- 7.3 Q2017/3744/MIN: Removal of existing rear outrigger and erection of full width ground floor rear extension, partial width first floor rear extension, roof extension, plus alterations to rear windows opening and windows. Proposed terrace above ground and first floor levels with associated balustrade. Conversion of existing single family dwelling to create three self-contained units (2 x 3 bed and 1 x 2bed).

“The principle of a roof extension and rear ground and first floor additions, plus alterations to the rear fenestration are not resisted in this instance subject to a final appropriate design, scale, massing and form. As submitted the extensions are considered to be excessive in overall scale and massing and need to be reduced in scale to meet current planning policies and address the context of the site fully... It is considered that the host property with proportionate extensions cannot realistically accommodate 2 x 3 bed units in this case...It is also important to note that the previous refusal is a material planning consideration for any future submissions for a similar type of development including extensions and the possible conversion of the property. Previous reasons for refusal need to be fully addressed if an application is to be approved.”

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of adjoining and nearby properties at Bickerton Road, Birch Close, Tremlett Grove and Junction Road on 24 July 2018. A site notice and press advert were also published and distributed. Consultation expired on 14 August 2018, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 The applicant subsequently provided revised drawings to reduce the size of the front roof parapet to match existing, and to include timber windows and doors at the rear (rather than aluminium as originally proposed). Given that these revisions are minor and involve reductions in the proposed scheme, it was not considered that public re-consultation was required.
- 8.3 At the time of the writing of this report a total of 8 responses have been received from the public with regard to the application, including 6 objections and 2 comments. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).

Design

- depth of proposed ground floor rear extension (paragraphs 10.16-10.24)
- depth and height of proposed rear first floor extension (paragraphs 10.16-10.24)
- design of proposed rear roof terrace and screening (paragraphs 10.26-10.28)
- roof extension is bulky and too tall (paragraphs 10.16-10.24)

Neighbouring amenity

- reduced access to sunlight and daylight following erection of rear extensions (paragraphs 10.31-10.32)
- increased overlooking and reduced privacy from mansard extension and rear roof terrace (paragraph 10.30)
- impact of first floor extension upon outlook from neighbouring properties (paragraph 10.33)
- noise generated by users of the rear roof terrace (paragraph 10.34)

Standard of accommodation

- proposed flats would be small and offer limited amenity for occupants (paragraphs 10.36-10.46)

Highways

- increased traffic and parking stress (paragraph 10.56)

Trees

- potential loss of trees from garden of no. 3 Bickerton Road (paragraph 10.64)

Other matters

- loss of garden space would harm biodiversity in the area (paragraph 10.61)
- three flats would likely attract short term residents (paragraph 10.60)
- party wall matters (paragraph 10.62)

- 8.4 Representations were made by the Islington Swifts Group, noting that the building is in an area where swifts are currently nesting and will potentially nest, requesting that integrated swift nestbox bricks are included at upper floor levels, and that an ecological survey be undertaken to advise on the protection of any existing nesting birds.

External Consultees

- 8.5 None.

Internal Consultees

- 8.6 **Design and Conservation officer:** notes that the mansard roof extension has been re-designed in accordance with guidance provided following the withdrawal of the previous application, and considers this to be acceptable. Following the small reduction in the width of the first floor extension, considers that (whilst undesirable), on balance this extension would not cause harm to the character or appearance of the conservation area. Overall, the proposal would not cause harm to the character or appearance of the conservation area.

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 10 states: “at the heart of the NPPF is a presumption in favour of sustainable development.”
- 9.3 At paragraph 8 the NPPF states that the planning system has three overarching objectives in achieving sustainable development, being an economic objective, a social objective and an environmental objective.
- 9.4 The National Planning Policy Framework 2018 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:
- St John's Grove Conservation Area (and Article 4 Direction)
 - Core Strategy Key Area – Archway
 - Local Cycle Route
 - Within 100m of SRN

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
 - Principle of the conversion
 - Conservation and design
 - Impact on the amenity of neighbouring residents
 - Quality of accommodation
 - Accessibility
 - Small Sites Affordable Housing Contributions
 - Highways
 - Refuse
 - Sustainability
 - Community Infrastructure Levy
 - Other Matters

Principle of development (residential conversion)

- 10.2 Policies in Chapter 3 of the London Plan and Policy CS12 of the Islington Core Strategy 2011 encourage the provision of additional housing in suitable locations to assist in meeting and exceeding the borough's housing targets. The conversion of larger properties into flats contributes to Islington's housing supply, accounting for a small but important portion of additional homes, and within this context the modest uplift in housing at this site is supported.
- 10.3 Policy DM3.3 of the Islington Development Management Policies 2013 provides that the conversion of residential units into a larger number of self-contained units will normally only be permitted where the total floor area is in excess of 125 sqm (gross internal). The floor area of the existing dwellinghouse as is currently built is 178 sqm. DM3.3 A iii) requires that at least one three bedroom unit and one two bedroom unit is provided in conversions of dwellings in excess of 140 sqm. The proposal includes the provision of 1no. 3 bed and 2no. 2 bed units. All criteria are therefore met.
- 10.4 Policy DM3.3 goes on to explain that the council will assess the acceptability of proposed conversions which meet the above criteria with regard to:
- The extent to which the proposal contributes to meeting housing size priorities set out in Table 3.1 (considered acceptable, and discussed in para. 10.6 below);
 - The effect on the amenity of adjacent properties (considered acceptable, and discussed in para. 10.27-10.33 below);
 - the physical characteristics of the property, including internal layout and the relationship of rooms on different floors within the scheme (considered acceptable);
 - the amenity of future occupants (considered acceptable, and discussed in paras. 10.34-10.44 below); and
 - the effect of any changes to the external appearance of the building (considered acceptable, and discussed in para. 10.7-10.26 below)
- 10.5 Whilst the proposal would result in the loss of the original home, it is noted that the scheme would provide a family-sized unit as well as 2no. additional residential units to the borough's housing stock. Consequently, in planning terms there is no objection to the loss of the original home.
- 10.6 Policy DM3.1 of the Islington Development Management Policies provides that all sites should provide a good mix of housing sizes and, in terms of market housing, requires 10% of residential schemes to consist of 1-bed units, 75% to consist of 2-bed units and 15% to consist of 3-bed+ units (Table 3.1 on page 31). Whilst it is not possible to mechanically apply Table 3.1 in the context of such a small site, this scheme provides a broadly policy compliant mix of unit sizes in that it features one of each of the two preferred sizes. Consequently, there is no objection to the housing mix in this instance.

Design and Conservation

- 10.7 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should contribute positively to making places better for people. In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal

hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

- 10.8 Policy CS8 of Islington's Core Strategy sets out the general principles to be followed by new development in the Borough. Policy CS9 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.

Character of the Area in context of the Conservation Area

- 10.9 The site forms part of the St John's Grove Conservation Area, which is largely residential and many of the houses are mid-19th century, locally listed, with fine detailing and have special group value and well-balanced scale. Bickerton Road is primarily residential, characterised by largely uniform Victorian detached and semi-detached buildings defined by original detailing including bay projecting features at ground and first floor level, timber sash windows, and decorative brickwork. There was previously an Odeon cinema on the site of Silver Court (immediately adjoining the application site to the east), which was built between 1939 and 1955, and demolished in 1974. The application site is comprised of a detached, three storey Victorian dwelling. The property includes a two storey bay window to the front elevation, and a parapet at roof level with a shallow valley roof behind. The majority of properties within Bickerton Road appear to retain much of their original appearance and character, however the roofline of the subject site appears to have been altered in the past. No. 3 Bickerton Road is neither statutorily nor locally listed. An aerial view showing Bickerton Road in the context of the Conservation Area, is shown below in Figure 7.



Figure 7: Bickerton Road in context of St John's Grove Conservation Area

Roof extension

- 10.10 The Urban Design Guide 2017 accepts that there is scope for introducing well designed roof extensions within conservation areas, dependent on the prevailing roofline of the area, including: the number of existing roof extensions; the length of the terrace; and the presence of listed buildings. The property does not form part of a consistent row of terraces, and prominent front and rear roof dormers are present at nos. 13 and 15 Bickerton Road. It is noted that no. 3 is the only building along this part of Bickerton Road that includes a valley roof; the remaining properties incorporate either hipped or gable roofs. Therefore, the principle of a roof addition is not contested in this instance.
- 10.11 The proposal includes the erection of a mansard roof extension above the existing valley roof. The extension would have a maximum height of approximately 2.8m, however given that it is set behind parapets to the front and rear, the height above the parapet would measure approximately 1.6m. The extension includes a dormer window at the rear elevation. Paragraph 28.15 of the St John's Grove Conservation Area Design Guidelines states that the council will not permit new roof extensions. However, officers note that the property has a parapet wall which conceals a butterfly roof behind. The property's roof form is not characteristic of the area (which mostly consists of hipped or pitched roofs), although it is traditional and in keeping with the host building. Taking into consideration the minimal height of the mansard and the retention of the front parapet, subject to detailed design the principle of a roof extension in this location is considered to be acceptable, and would preserve the immediate character of the conservation area.
- 10.12 Given the minimal roof height of the mansard and considering the prevailing roofline along the street, it is not considered that the mansard roof extension would be prominent within long or short views along Bickerton Road. Silver Court, a six storey 1970s/80s flatted development that is a full storey taller than no. 3 Bickerton Road, is located immediately to the east of the site and minimises views towards the application site from this direction. Further, given the topography of the street (the street inclines to the west) and the presence of hipped and gable roofs on the properties to the west of no. 3, it is considered that the proposed increase in roof height would not harm the character or appearance of the host building or the wider conservation area.
- 10.13 It is noted that the proposed mansard extension has been significantly reduced in scale compared to that previously refused under planning application ref P2017/1328/FUL and that considered under the request for pre-application advice ref Q2017/3744/MIN. The immediate streetscene is characterised by a variety of hipped/gable/pitched roof forms. The proposed mansard element would not extend higher than the established roofline at the neighbouring properties. The mansard largely matches the dimensions recommended by the Design and Conservation Officer following the withdrawal of the previous planning application ref P2018/0701/FUL. The proposal is therefore considered to be acceptable. Overall, it is not considered that the proposed mansard roof addition would dominate the host building, nor be a detrimental addition to the streetscene or wider conservation area. Figure 1 below provides an outline of the proposed mansard roof extension in comparison to that previously refused.

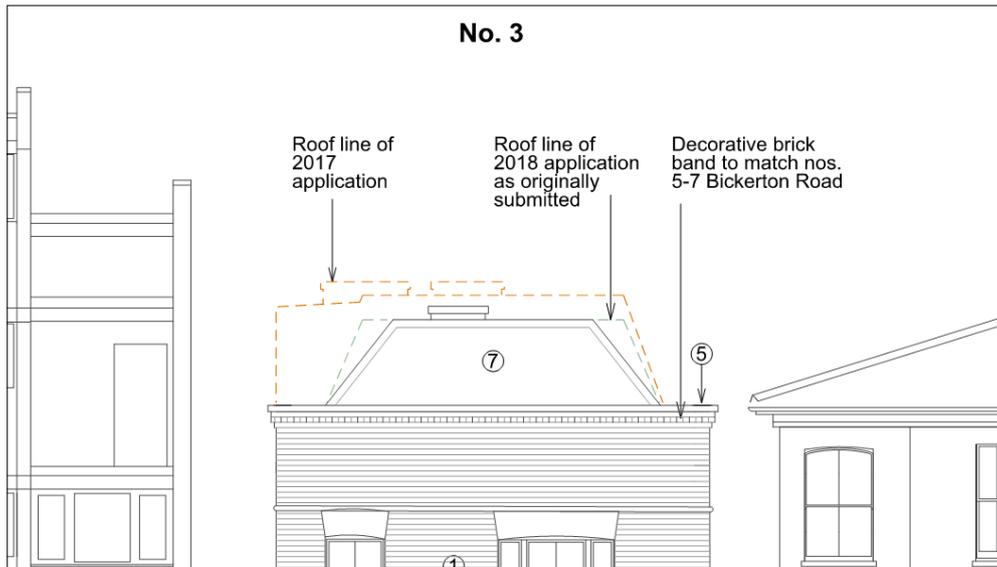


Figure 1: proposed roof extension compared to that previously refused (shown dashed)

- 10.14 The Urban Design Guide 2017 stipulates that the detailed design and proportions of dormers should relate to the windows of the original house. The solid surrounds (cheeks) of the dormer should be as slender as possible; simple lead cheeks with a double hung timber sash window is often the best solution in historic buildings. The dormer should be positioned a clear distance below the ridge-line, significantly clear of the boundary parapets, and above the line of the eaves.
- 10.15 The proposed dormer at the rear of the mansard addition also matches the dimensions previously recommended by the Design and Conservation Officer. It would have a width of approximately 2.1m and a height of 1.35m when measured above the rear roof parapet. The dormer would be centred within the rear elevation of the mansard addition, and would be clad in zinc with a timber window. As demonstrated by Figure 1, the proposed roof would sit sympathetically with the established roofline in the context of the conservation area, with both adjoining properties having a higher roof form. Overall, the design of the dormer is considered to be acceptable and would not harm the character nor appearance of the host building or the wider conservation area.

Rear extensions

- 10.16 The Urban Design Guide 2017 advises that there is scope for rear ground and first floor extensions upon existing Victorian buildings. It stipulates that extensions must be subordinate to the original building; extensions should be no higher than one full storey below eaves to ensure they are sufficiently subordinate to the main building. Together with the St John's Grove Conservation Area Design Guidelines, in order to ensure that proposals for rear extensions respect the rhythm of the terrace, full width rear extensions higher than one storey, or half width rear extensions higher than two storeys, will normally be resisted, unless it can be shown that no harm will be caused to the character of the building and the wider Conservation Area.
- 10.17 The application proposes the erection of a full-width rear ground floor extension, and a part-width first floor extension above.

- 10.18 The ground floor extension would include a parapet at the rear, with a height of approximately 3.8m when measured from the rear garden. Given the topography of the site, this would measure approximately 3.5m in height when measured against the garden to the neighbouring property at no. 5 Bickerton Road. The extension would have a depth of approximately 7m beyond the rear elevation of the building. A 1.9m gap would be created immediately adjacent to the rear of the main building against the boundary with no. 5, to form a lightwell which provides light to the ground floor bedroom.
- 1.19 The proposed rear extension would project approximately 0.7m beyond the line of the rear addition to no. 5 Bickerton Road, however it would not be as deep as the existing rear extensions further along the terrace at nos. 11-15 Bickerton Road. Significant rear garden space (11m in depth) would be retained, and the site would continue to provide high quality and useable amenity space at the rear. Therefore, the depth of the extension is considered to be acceptable and proportionate to the site curtilage. Further, given the presence of the large flatted development adjoining the site and the rear extension at no. 5 (the roof apex of which is higher than that of the proposed extension at no. 3), the ground floor extension is considered to be acceptable and would not over-dominate the rear elevation of the host building.
- 10.20 The proposal also includes the erection of a part-width rear extension at first floor level, adjoining the eastern boundary of the site with Silver Court. The extension would have a width of approximately 4.2m, a depth of 5.3m and a height to parapet of 3.5m.
- 10.21 Officers note that the extension would be greater than half the width of the rear elevation of the host building, which is approximately 6.9m wide. It is also noted that no other properties within this section of properties along the southern side of Bickerton Road include a rear first floor extension. However, consideration is given to the presence of Silver Court to the east of the site and the prevalence of first floor outriggers greater than half-width at the rear of the terraces to the rear of the site at nos. 12-22 [evens] Tremlett Grove. Therefore, it is considered that there is precedent for this type of development within this part of the St John's Grove Conservation Area. Further, given that the Urban Design Guide stipulates that there is scope for first floor additions provided the extension is at least one storey below eaves, whilst the proposed extension is somewhat undesirable, on balance it is not considered that the slightly wider extension would not cause harm to the character of the host building or wider conservation area.
- 10.22 Officers also note that the proposed rear extensions have been significantly reduced in scale compared to those proposed under the previously refused planning application ref P2017/1328/FUL, which included ground and first floor extensions of a greater depth, as well as a second floor rear extension. Figure 2 below provides an outline of the proposed extensions in comparison to those previously refused.

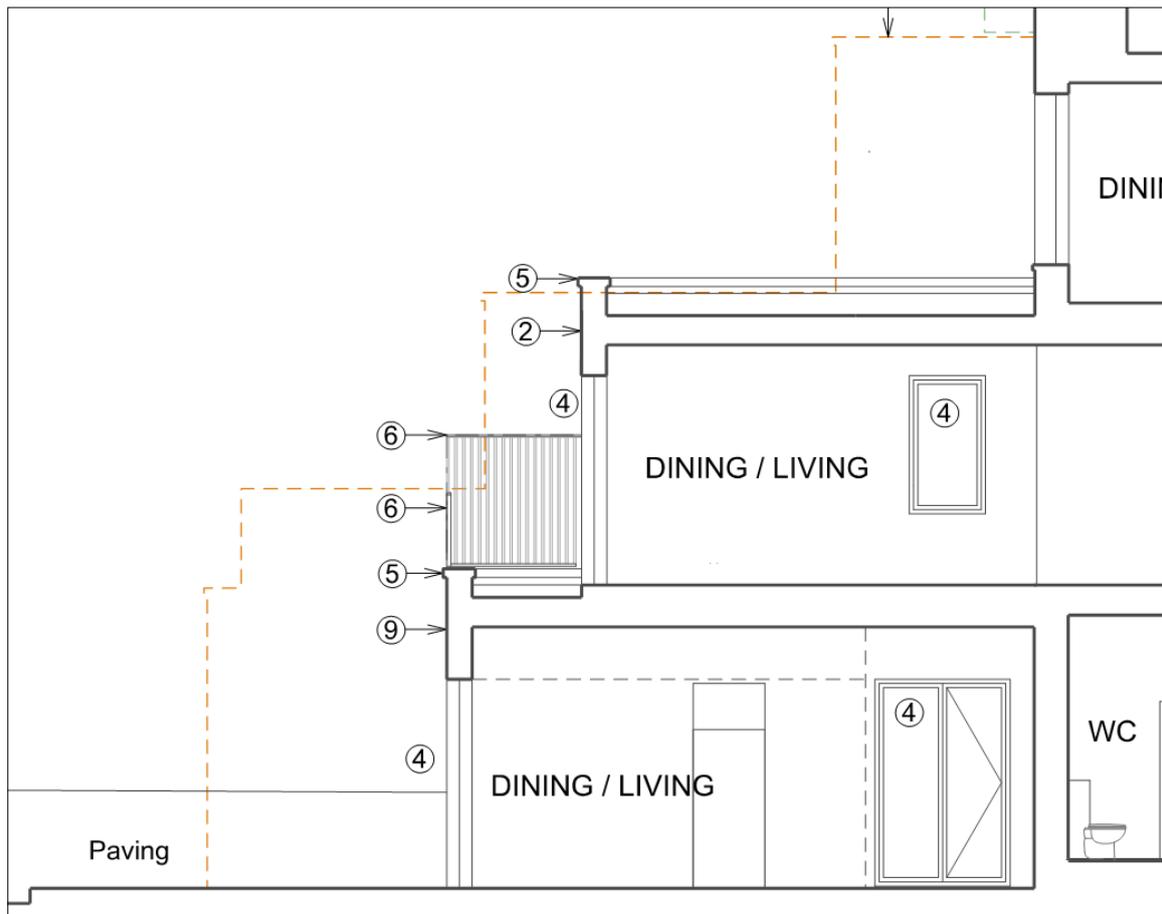


Figure 9: section demonstrating the proposed rear extensions compared to those previously refused (shown dashed)

10.23 The proposed materials include aluminium windows and sliding doors at ground floor rear, and timber sliding doors at first floor rear. The ground floor would be finished with render, and the first floor extension would be built of brickwork to match existing. Noting the use of traditional materials at first floor level, it is considered that the appearance of the extensions would be acceptable and would not harm the character of the host building or the wider conservation area that it forms a part of.

10.24 Overall, the proposed rear extension would provide a gap of at least one storey below eaves. The design of the full-width ground floor and part-width first floor extensions are considered to relate to the surrounding built form (Tremlett Grove), and the proposal accords with the requirements of policies CS8 and CS9 of the Core Strategy 2011, policies DM2.1 and DM2.3 of the Development Management Policies 2013, the Islington Urban Design Guide 2017 and the Conservation Area Design Guidelines.

Changes to rear fenestration

10.25 The proposal also includes changes to the rear fenestration at second floor level. The resulting fenestration would match that of the lower levels, including a single timber sash window in line with the timber sash at first floor level, and a double timber sash at second floor level above (and in line with) the timber sliding doors at first floor rear. Overall, the proposed fenestration changes are considered to be acceptable and

would not harm the character or appearance of the host building or the wider conservation area.

Rear roof terrace

- 10.26 The application proposes the erection of balustrading to facilitate the creation of an outdoor terrace at the rear of the first floor extension, above the flat roof of the ground floor extension. The terrace would match the width of the first floor extension, and would have a minimal depth of approximately 1.5m. Privacy screens with a height of approximately 1.7m above terrace floor level would be erected at the eastern and western sides of the terrace to prevent undue overlooking towards neighbouring properties, and the rear balustrade would measure 1.1m above the terrace floor area.
- 10.27 Overall, the terrace would be minimal in size and would form part of the rear ground and first floor extensions. It would not exceed the width of the first floor extension, and would not over-dominate the rear elevation of the host building. However, concern is raised with regard to the proposed use of timber and steel materials for the screening and balustrade for the terrace. Given that the building is located within a conservation area, it is considered that obscure glazed screening with black metal balustrades would be more appropriate in this instance to preserve the character and appearance of the host building and the wider conservation area. Therefore, a condition (Condition 7) has been recommended requiring the applicant provide drawings demonstrating obscure glazed screens and metal balustrades for the approval of the Local Planning Authority prior to the use of the terrace.
- 10.28 In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is not considered to cause harm to the character nor appearance of the host building or wider conservation area, and accords with policies CS8 and CS9 of the Core Strategy 2011, policies DM2.1 and DM2.3 of the Development Management Policies 2013, the Islington Urban Design Guide 2017 and the Conservation Area Design Guidelines.

Neighbouring Amenity

- 10.29 London Plan Policy 7.6 requires buildings and structures not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing, in particular. DMP Policy 2.1 requires development to provide a good level of amenity including consideration of overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook. One of the core principles is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 10.30 In this instance, the consultation process has raised a number of concerns in relation to the loss of privacy and overlooking to neighbouring properties. The proposal would result in the installation of new windows to the rear elevation of the host property. However, these additional openings would face the rear garden and not directly face any habitable windows found at the neighbouring properties. It is not uncommon within built up areas to have a mutual degree of overlooking and the proposed

window openings would not face directly into habitable rooms. In that regard, the proposal is compliant with policy DM2.1 of the Development Management Policies which seeks to prevent overlooking between habitable windows less than 18m apart. It is also noted that the proposed rear terrace at first floor level would have screening at both its eastern and western sides, and therefore would not allow an opportunity for overlooking towards neighbouring habitable room windows. Whilst the proposed materials to be used for the screening are considered inappropriate (as discussed at paragraph 10.27 of this report), a condition has been included to ensure that details of 1.7m high obscure glazed screening are provided for the approval of the Local Planning Authority prior to the use of the terrace. This would ensure that the terrace does not harm the levels of privacy experienced by residents of adjoining and adjacent properties. Further, the proposed window at the flank elevation of the first floor level would be obscure glazed and maintained as obscure glazed. To ensure that no overlooking opportunities are provided, a condition (Condition 6) has been included requiring that this window is fixed shut and maintained as obscure glazed. The proposal is therefore not considered to result in a harmful loss of privacy or unacceptable degree of overlooking to neighbouring properties.

- 10.31 Concern has also been raised with regard to the impact of the rear extensions upon the levels of sunlight and daylight provided to neighbouring properties. It is noted that the ground floor extension would project beyond the rear extension at no. 5 Bickerton Road by approximately 0.7m and beyond the rear of Silver Court by 4.9m. Given the presence of the ground floor addition at no. 5 Bickerton Road (which projects only marginally less than the proposed ground floor extension) and depth and 1.4m setback of Silver Court from the boundary at the east of the site, it is considered that the proposed ground floor extension would not materially reduce the levels of natural light provided at neighbouring properties.
- 10.32 It is noted that the first floor extension is located at the eastern boundary of the site, where it would project approximately 3.3m beyond the rear elevation of Silver Court (which is set back from the boundary by 1.4). The extension is set back from the main rear elevation of the neighbouring property at no. 5 by at least 3.5m. Given that the depth of this extension would be limited to 5.3m from the main rear elevation of no. 3, and noting the orientation of the rear of the terrace which faces due south, it is not considered that this would result in a material loss of light to neighbouring occupiers.
- 10.33 Neighbours have also raised concern that the proposed first floor extension would harm outlook from the rear windows of properties on the southern side of Bickerton Road. As noted above, the first floor extension would be built up to the eastern site boundary with Silver Court. It would be located at least 4.5m in distance away from the nearest window at the rear of no. 5 Bickerton Road, and 10.7m away from the nearest window at the rear of no. 7 Bickerton. Therefore, officers do not consider that it would materially harm neighbouring outlook from these properties. It is noted that residents have raised concern that no other properties along this section of Bickerton Road include rear first floor extension, and therefore outlook would be altered following the erection of the addition. However, officers do not consider that this would materially harm neighbouring amenity to justify a reason for the refusal of the application on these grounds. As noted in paragraph 10.21 in the design section of this report, there is justification for a first floor addition in the context of the relevant policies and the site circumstances. Whilst there may not be a similar rear first floor

extension in this section of Bickerton Road, the proposal would not lead to any adverse impacts on neighbouring amenity in terms of outlook, sense of enclosure or overlooking.

- 10.34 Concern has also been raised with regard to the noise generated by users of the first floor roof terrace. The terrace would have an area of approximately 4.6 sqm, and is not considered to provide an opportunity for large social gatherings which would have the potential to cause harmful noise disturbance. Overall, the terrace would be minimal in scale for a residential outdoor space, and is considered to be acceptable from a neighbouring amenity perspective.
- 1.35 For these reasons, and subject to the conditions recommended, it is considered that the proposed development would not unacceptably harm the living conditions of the occupiers of the adjoining occupiers. Accordingly, the proposal does not conflict with policy DM2.1 of the Development Management Policies or policy 7.6 of the London Plan insofar as they aim to safeguard residential amenity. The scheme would also adhere to a core principle of the National Planning Policy Framework, which is to always ensure a good standard of amenity for all occupants of land and buildings.

Quality of Accommodation

- 10.36 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also be dual aspect. London Plan (2016) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.
- 10.37 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015.
- 10.38 Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) sets the context for housing standards for new development. Table 3.2, which supports this Policy and gives the minimum gross internal areas (GIA) that new residential developments would be expected to achieve.
- 10.39 The size of the proposed units and bedrooms is assessed in the tables below.

Table 1: Minimum floor and storage space

No. Bedrooms / Expected Occupancy	Floor Space Provided	Minimum Required	Provided Storage	Required Storage
Flat 1 (3bed/5person)	85.60 sqm	86.00 sqm	4.00 sqm	2.50 sqm
Flat 2 (2bed/4person)	73.30 sqm	70.00 sqm	5.60 sqm	2.00 sqm
Flat 3 (2bed/3person)	95.00 sqm	70.00 sqm	2.30 sqm	2.00 sqm

Table 2: Minimum bedroom floorspace

Bedroom	Floor Space Provided	Minimum Required Floor Space
Flat 1, Bedroom 1	12.00 sqm	12.00 sqm
Flat 1, Bedroom 2	11.00 sqm	10.00 sqm
Flat 1, Bedroom 3	8.00 sqm	8.00 sqm
Flat 2, Bedroom 1	13.60 sqm	12.00 sqm
Flat 2, Bedroom 2	11.40 sqm	10.00 sqm
Flat 3, Bedroom 1	12.60 sqm	12.00 sqm
Flat 3, Bedroom 2	8.00 sqm	8.00 sqm

- 10.40 The Council considers that where a bedroom is in excess of 11 sqm, it is considered to be a double (two person) room. Also, a second bedroom in excess of 10 sqm will also be considered to be a double room.
- 10.41 The proposal would meet the minimum space standards in all ways. Flats 2 and 3 would exceed the minimum required floor space, and each flat would be provided with adequate storage space. Whilst Flat 1 would be 0.4 sqm below the minimum required floor space for a 3bed/5person dwelling, given the minimal breach of less than 1 sqm this is considered to be acceptable on balance, when considering the creation of a new family sized dwelling with access to a rear garden (74 sqm in size). All of the bedrooms for each flat would meet the minimum floor space standards, and each double bedroom would have a minimum width of at least 2.75m in accordance with Table 3.3 of the Development Management Policies 2013.
- 10.42 The London Plan states that a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged. The Development Management Policies go further than this, advising that ceiling heights of at least 2.6m provide a greater sense of space and help keep rooms cool in summer months. The ground, first and second floor levels would each provide a floor to ceiling height of at least 2.6m. The proposed mansard third floor level would provide a maximum floor to ceiling height of 2.5m for a large part of the floorspace. Whilst this does not meet the 2.6m minimum in accordance with the DMP, given that the constraints of the site would only allow a mansard of limited height in this location, this is considered to be acceptable. Further, it must be noted that Flat 3 would be 20 sqm in excess of the minimum required floorspace, as highlighted in Table 1. This provides a generous sized flat which counter balances the restricted heard room in part of the flat.
- 10.43 Dual aspect flats must be provided in all situations in accordance with policy CS9F of the Core Strategy 2011, and policy DM3.4D of the Development Management Policies 2013, unless exceptional circumstances can be demonstrated. It is considered that all flats would satisfy these requirements. All flats would be afforded with an adequate level of outlook. Policy DM3.4E stipulates that all living areas, kitchens and dining spaces should preferably receive direct sunlight. Given the south-facing orientation of the host building, this would be provided for all flats. It is also noted that all bedrooms would be provided with an acceptable level of outlook and privacy.

10.44 Policy DM3.5 part A identifies that ‘all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens’. The policy requires the provision of 30 square metres of good quality private outdoor space on ground floors. Part C of the policy states that the minimum requirement for private outdoor space is 5sqm on upper floors for 1-2 person dwellings. For each additional occupant, an extra 1sqm is required on upper floors. The outdoor space proposed is assessed against the requirements in the table below.

Table 3: Private outdoor space

Flat	Outdoor space proposed	Minimum required
Flat 1 (3bed/5person)	74.00 sqm	30.00 sqm
Flat 2 (2bed/4person)	4.60 sqm	7.00 sqm
Flat 3 (2bed/3person)	0.00 sqm	6.00 sqm

10.45 Flat 1 would far exceed the minimum private outdoor amenity space required. It is noted that Flat 2 would not meet the minimum required, and Flat 3 would not be provided with any outdoor amenity space. However, any terracing to upper floor levels over and above that proposed would appear as a dominant element out of character with the original Victorian features of the host building and damaging to the appearance of the wider conservation area. Based on the sufficient internal living size standards and quality, the failure of flats 2 and 3 to meet the minimum private outdoor standards is not considered to justify a reason for the refusal of the application in this instance.

10.46 For the above reasons, it is concluded that the proposed dwellings provide acceptable living conditions for future occupants in terms of the standard of accommodation and amenity space. Therefore, the proposal accords with policy 3.5 of the London Plan 2016, policies CS8, CS9 and CS12 of the Islington Core Strategy 2011 and policies DM2.1, DM3.4 and DM3.5 of the Islington Development Management Policies 2013 and the National Space Standard 2015.

Accessibility

10.47 As a result of the change introduced by the Deregulation Bill (Royal Assent 26th March 2015) Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor wheelchair housing standards.

10.48 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements, if they are not conditioned, Building Control will only enforce the basic Category 1 standards.

10.49 The proposal is to convert an existing dwelling. Given the site constraints it is not realistic to expect compliance with Category 2 and therefore Category 1 is appropriate.

Small Sites Affordable Housing Contribution

- 10.50 Islington's Core Strategy Policy CS 12 - Meeting the housing challenge – states in part G that to provide affordable housing 50% of additional housing to be built in the Borough over the plan period should be affordable. All sites capable of delivering 10 or more units gross should provide affordable homes on site. Schemes below this threshold should provide a financial contribution towards affordable housing provision elsewhere in the Borough.
- 10.51 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (the SPD) supports the implementation of the Core Strategy. The SPD confirms that all minor residential developments resulting in the creation of 1 or more additional residential units(s) are required to provide a commuted sum towards the cost of affordable housing on other sites in the Borough. The requirement applies not only to new build but also conversions of existing buildings resulting in the creation of new units and the subdivision of residential properties resulting in net additional units. Based on a study of the level of financial contribution that would be viable, the required contribution is £50,000 per additional (net) unit for north and mid-borough locations, which includes the Bickerton Road area. Provision is made to take account of site specific circumstances, if supported and justified by viability evidence.
- 10.52 The applicant has submitted a viability report, which has been assessed by an independent third party. The independent assessment, conducted by Adams Integra, concluded that:
- the existing land value ("benchmark value") of the site is £1,437,000
 - the build costs provided by the applicant (£1,962 per sqm) are fair and reasonable costs assumptions
 - the ground floor 3 bedroom unit would have a sales value of £785,000, the first floor 2 bedroom unit a sales price of £645,000, and the second floor 2 bedroom unit a sales price of £757,000.
- 10.53 The residual land value (RLV) of a development is produced by subtracting the costs of achieving that development from the revenue generated by the completed scheme. Adams Integra concludes that given the "benchmark value" of £1,437,000, taking into consideration the RLV, the development would produce a deficit of £413,000. This demonstrates that the scheme is not viable at a reasonable profit level of 15% and produces a deficit.
- 10.54 The Council's Viability Officer has reviewed the viability information provided, as well as the independent assessment, and agrees with the conclusion of the Adams Integra report that the proposed development cannot provide the Small Sites Affordable Housing contribution of £100,000 and remain viable. Therefore, in this instance, no financial contribution is required.
- 10.55 For reference, the Adams Integra viability report is provided at **Appendix 3**.

Highways

- 10.56 Islington policy identifies that all new development shall be car free. The applicant's Planning Statement notes that the existing residential unit benefits from a parking

permit, and requests that this be retained for the use by the family unit of the new configuration. However, as the proposal results in the provision of 3no. new units and the loss of the existing unit, the provision of a parking permit would not accord with policy. Car free development means no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people. This is to be secured via condition.

- 10.57 The provision secure, sheltered and appropriately located cycle parking facilities (residents) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines' and Policy DM8.4 and Appendix 6 of the Development Management Policies 2013. In accordance with Appendix 6, 1no bicycle space should be provided for each bedroom proposed. Therefore, in this instance, 7no. bicycle spaces would be required. Subject to there being sufficient capacity, the secure and integrated location of the proposed cycle storage on the ground floor is acceptable.
- 10.58 A total of 7no. cycle spaces are indicated on the drawings within the front gardens. It is clear there is a conflict in terms of their location and the desirability to keep the front garden clear of structures, and it is noted that the previously refused application ref P2017/1328/FUL was refused in part due to the inappropriate design and siting of the bicycle stores within the front garden. However, the proposed scheme has removed the most harmful elements of the previously refused scheme, including the bicycle sheds. The current scheme does not include the additional clutter of the bicycle sheds, instead relying solely on bicycle stands. Whilst this would not provide a covered cycle parking option, given the constraints of the site within a conservation area, this is considered to be acceptable in this instance.
- 10.59 Therefore the proposal is considered to accord with policy DM8.4 and Appendix 6 of the Development Management Policies 2013 and the Cycle Parking Standards – TfL Proposed Guidance.

Refuse

- 10.60 Paragraph 5.2 of the Islington Street Environment Services 'Recycling and Refuse Storage Requirements' provides advice in relation to acceptable refuse and recycling provision for new residential units. Refuse has been shown on the proposed plan as being located within the front garden. It is clear there is a conflict in terms of their location and the desirability to keep the front garden clear of structures, and it is noted that the previously refused application ref P2017/1328/FUL was refused in part due to the inappropriate design and siting of bin stores within the front garden. However, the proposed scheme has removed the most harmful elements of the previously refused scheme, including the bulky bin stores. In this instance, the proposal does not include bin stores and bins would be placed within the front garden. Whilst not desirable, it is noted that the floorplan of the building does not allow an internal bin store. When taking into consideration the existing bin storage arrangements at the site and along the street, it is considered that, whilst undesirable, the proposed refuse storage requirements are acceptable and would cause no harm to the character or appearance of the host building or the wider conservation area.

Sustainability

- 10.61 Policy DM7.1 provides advice in relation to sustainable design and construction, stating 'Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development'.
- 10.62 In this instance given the proposal relates to the conversion of the existing building rather than a new build, the requirement for financial contribution of carbon off-setting is not applicable nor is a condition required in relation to water efficiency standard for residential developments (95 litres/person/day). Therefore, on balance the proposal would be acceptable in terms of complying with the policies in regard to sustainability.

Community Infrastructure Levy

- 10.63 The Community Infrastructure Levy will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The payments would be chargeable on implementation of the private housing.

Trees

- 10.64 Concern has been raised that the proposed development would result in harm to an existing tree at the rear of the garden. The Council's Tree Officer has reviewed the proposal, noting that the tree would be separated by the proposed rear extension by a distance of at least 11m, and that excavation required to facilitate the erection of the rear extension would not cause harm to the tree. The proposal would therefore be acceptable.

Other Matters

- 10.60 Concern has been raised that the proposal would result in an over-intensification of the use of the site, attracting short-term occupants. As noted above, the existing building is suitable for conversion and each of the proposed flats would meet the minimum space standards as required by policy. Whether or not the resulting flats would attract short-term occupants is not a material planning consideration, and has not been considered in the assessment of the proposal.
- 10.61 Concern has been raised regarding the impact of the proposal upon biodiversity and wildlife, and a public submission sought that the proposal includes nestboxes for swifts (birds). The site is not located near a SINC and the proposal will have no impact on existing biodiversity, however the Development Management Policies seeks to enhance biodiversity and in this regard a condition is recommended.
- 10.62 Representations have been made that the proposal may evoke Party Wall matters. Planning permission does not remove the need to act in accordance with other regulatory regimes, these include (not exclusive list) Building Control, Party Wall Act and the Environmental Protection Act.

10.63 It is also states that the developer does not wish to live in the property, does not have concern of the area or its community and is interested in generating profit. These are not material planning considerations and are irrelevant to the determining of this planning application.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The principle of the development is considered acceptable and would provide a family unit as well as two further dwellings. The proposal is considered conducive to the surrounding residential character and use.
- 11.2 In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposed roof extension is considered acceptable in terms of its impact on the surrounding streetscape and the rear additions are considered subservient to the main dwelling and therefore preserves the character and appearance of the St John's Grove Conservation Area. Overall, subject to conditions the proposal would not harm the character or appearance of the host building or the wider conservation area and accords with policies DM2.1 and DM2.3 of the Development Management Policies 2013, policies CS8 and CS9 of the Core Strategy 2011, the Urban Design Guide 2017 and the Conservation Area Design Guidelines.
- 11.3 It is considered that the development would not result in unacceptable loss of daylight or sunlight to the occupiers of adjoining residential properties. The proposal would not cause an unacceptable increase in enclosure levels, loss of outlook nor have a detrimental impact upon their amenity levels taken as a whole. Further, subject to a condition to ensure that the rear first floor flank window is fixed shut obscure glazed, the proposal would cause detrimental harm to neighbouring privacy levels.
- 11.4 The proposed residential units would provide an acceptable standard of accommodation with all units achieving minimum internal floorspace standards, dual aspect, and the proposed family unit would meet the required private amenity space standards. It is noted that there are some shortfalls, notably the failure of Flats 2 and 3 to meet the minimum outdoor amenity space standards however, taken as a whole the residential units would provide acceptable standard of accommodation for prospective occupiers.
- 11.5 The Council's Viability Officer agrees with the conclusion of the Adams Integra independent viability assessment that the proposed development cannot provide the Small Sites Affordable Housing Contribution of £100,000 and remain viable. Therefore, in this instance, no financial contribution is required.
- 11.6 The development would be car free and would also encourage sustainable forms of travel through the provision of bicycle parking spaces.

- 11.7 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

- 11.8 It is recommended that planning permission is granted subject to conditions.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION

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

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Design and Access Statement New Family Accommodation prepared by AAB Architects dated June 2018, Planning Statement prepared by Contour Planning dated June 2018, Viability Assessment Report prepared by Argent Blighton Associates dated 19th June 2018, and Drawing numbers: 339_X1250, 0_100, 1_200 Rev A, 1_21 Rev A, 1_22 Rev B, 1_23 Rev C, 2_12 Rev B, 2_13 Rev D, 2_14 Rev C, 3_11 Rev B, 3_12 Rev B and 3_13 Rev C.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials
	<p>CONDITION: The bricks to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.</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 and preserves the character and appearance of the St John's Grove Conservation Area.</p>
4	Bird Boxes
	<p>CONDITION: Notwithstanding the hereby approved plans, 2no. bird boxes shall be installed into the roof extension and 1no. bird box shall be installed into the rear first floor extension. These shall be retained thereafter into perpetuity.</p> <p>REASON: To prevent undue impact on and in the interest of enhancing biodiversity.</p>

5	Window obscured and fixed shut
	<p>CONDITION: The first floor west-facing window at the rear extension shown on the hereby approved plan number 1_22 Rev B shall be obscurely glazed and fixed shut, and shall be provided as such prior to the first occupation of the development.</p> <p>The obscurely glazed window shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that the window could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows in the aim of protecting residential amenity.</p>
6	CONDITION
	<p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents' parking permit except:</p> <ul style="list-style-type: none"> i) In the case of disabled persons ii) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year. <p>REASON: To ensure that the development remains car free and therefore prevent undue impacts on parking availability as well as provide more sustainable means of travel to support improvement of air quality.</p>
7	CONDITION
	<p>CONDITION: Notwithstanding the drawings and details hereby approved, no permission is granted for the balustrade and screening to the rear first floor roof terrace shown on drawing number 1_22 Rev B. Full details and drawings of screening and balustrades to the terrace hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the use of the terrace. The details shall include obscure glazed screening with a height of at least 1.7m and black metal balustrades. These shall be retained thereafter into perpetuity.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is of a high standard and preserves the character and appearance of the St John's Grove Conservation Area, and to prevent the undue overlooking of neighbouring habitable room windows in the aim of protecting residential amenity.</p>

List of Informatives:

1	Construction works
	<p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
2	Highways Requirements
	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. <u>All agreements relating to the above need to be in place prior to works commencing.</u></p> <p>Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. <u>Section 50 license must be agreed prior to any works commencing.</u></p> <p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk.</p> <p>Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk.</p> <p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk.</p>

APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE

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

1. National and Regional Guidance

The National Planning Policy Framework 2018 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.

- NPPF - Policy 16 - Conserving and Enhancing the Historic Environment
- Planning Practice Guide (2014)

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

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Policy CS8 (Enhancing Islington's Character)

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

Policy CS10 (Sustainable Design)

Policy CS12 (Meeting the Housing Challenge)

Policy CS15 Open space and green infrastructure

C) Development Management Policies June 2013

Design and Heritage

- DM2.1 Design
- DM2.2 Inclusive Design
- DM2.3 Heritage
- DM2.2 Inclusive Design
- DM3.1 Housing Mix
- DM3.3 Residential conversion and extensions
- DM3.4 Housing Standards
- DM3.5 Private Amenity Space

Health and Open Space

- DM6.3 Protecting open space
- DM6.5 Landscaping, trees and biodiversity
- DM6.6 Flood Prevention

Energy and Environmental Standards

- DM7.2 Sustainable Design and Construction

Transport

- DM8.4 Walking & Cycling
- DM8.5 Vehicle Parking

Infrastructure and Implementation

- DM9.2 Planning obligations

3. Designations

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:

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Urban Design Guide
- Affordable Housing Small Sites Contributions
- Conservation Area Design Guidelines



Viability Appraisal

3 Bickerton Road, London N19 5JU

Background

Adams Integra have been instructed by the London Borough of Islington to comment on the viability of the proposed development at 3 Bickerton Road, Islington.

The comments made by Adams Integra relate to the proposed development to apply for planning permission for the following (P2018/2148/FUL):

“Conversion of existing single family dwelling to create 3no. self-contained units (1 x 3bed/5person and 1 x 2bed/4person and 1 x 2bed/3person), and demolition of existing rear outrigger and the erection of a full width ground floor rear extension, partial width first floor rear extension, roof extension with rooflights above, plus alterations to rear window openings and windows. Proposed terrace above rear ground floor level with associated balustrade, and associated works.”

Our comments relate purely to the viability of the scheme and do not cover any other planning matters.

We have been provided with a viability report carried out by Argent Blighton Associates Limited (ABAL) on behalf of the applicant, dated 19th June 2018.

The ABAL report concludes the following:

“We have assessed appropriate level of cost, values and the other determining inputs to provide a Residual Land Value; this has provided a Residual Land Value of £594,570

As the Benchmark Land Value is higher than the Residual Land Value we can conclude that a net deficit is indicated that no contribution can be provided for affordable housing.”

Viability is considered to be a material consideration which Local Planning Authorities are obliged to take into account in considering planning requirements.

Adams Integra have a considerable track record of assessing viability of planning gain requirements both for Local Authorities and for developers. This expertise runs to several years work for 73 Local Authorities and for a range of national, regional and local developers.

The writer of this report, David Coate, has over 30 years' experience in the development industry working for Local Authorities and developers as well as RSLs and consultancy. He is experienced in considering viability analysis.

Matters of Fact

The need to consider viability is a material consideration. The need for a negotiation between the LPA and an applicant in terms of the amount of planning gain and when it is delivered is an essential element of the determination of any planning application where planning gain is required. There is no debate about the reasonableness of the Council's requirements, the nub of the issue is the impact in this case of what is required and how that affects the profitability of the scheme.

To take a view on a viability assessment put to us, we first consider viability without any ABAL contributions to test base assumptions; and then include contributions to review its impact.

We have carried out a viability appraisal based on industry standard assumptions. We have also considered the information provided by the applicant.

We have used the Homes and Communities Agency's Development Appraisal Tool (HCA DAT) which is a recognised method of assessing viability and has been used at many inquiries where viability is an issue. The scheme has been appraised against an existing use value for the building. In this case we have used HCA DAT to calculate the Residual Land Value and assesses whether the scheme is viable by comparing that RLV with an Existing Use Value.

The Planning Gain requirement

It is important to note that the applicability of the planning gain is not at issue in this report; it is its impact on the making of a reasonable profit level. The Policy of London Borough of Islington is that all minor residential developments resulting in the creation of one or more additional residential unit(s) are required to provide a commuted sum of £50,000 per unit, towards the costs of providing affordable housing units on other sites within the borough.

In this case the required affordable housing contribution is £100,000 as the net gain is two new residential units.

Appraisal summary

We have carried our own appraisal of the scheme based on standard generic values but with actual values or estimates where these are given by the applicant and we are in agreement.

We have carried out an appraisal which shows no affordable housing to determine whether there is any surplus produced to use for the required affordable housing contribution.

Vacant Build Credit

We have not taken into account any VBC that may or may not be applicable in this particular case.

Assessment of figures

The appraisals presented with this report have been assessed by the writer with his considerable experience in this field.

Existing Use Land Value

The viability report from ABAL says the following:

3 MARKET UPDATE

Analysis of the Housing Market

3.1 The average property price in the N19 Area stood at £714,800, in June 2018.

Houses Average £921,600

Flats average £528,000

Source (Foxtons.co.uk)

3.2 The average property range is estimated to be £299,950 - £1,200,000

(Source: Foxtons.co.uk)

Property Prices Prices – Immediate Area

Zoopla estimate ⓘ

<p>Property value</p> <p>£1,437,000</p> <p>Range: £1,394,000 - £1,479,000</p>	<p>Rental value</p> <p>£5,250 pcm</p> <p>Range: £4,700 - £5,850 pcm</p>
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Source: Zoopla

3.3 The current estimates value for the property in its existing arrangement is therefore proposed as £1,437,000 (allowing for house price inflation of since December 2015)

(Source: Zoopla)

The Residual Land Value needs to be compared to a benchmark value which is market value in the existing use or an alternative use that might reasonably be granted planning consent.

In essence, the question to answer is: "What is the market value a willing vendor would require to bring this opportunity to the market, and a willing, purchaser be prepared to pay?"

We have looked at similar sold and for sale properties in the locality and it is our opinion that £1,437,000 is a fair and reasonable assumption.

We have adopted this as the benchmark land value.

Build Costs

The "ABAL" viability report says the following:

"Our assessment of costs for the proposed scheme are utilising a bespoke feasibility cost estimate undertaken and prepared by Argent Blighton Associates and contained within Appendix 3 to this report. This totals £550,246 exclusive of abnormal/site specific costs, Professional Fees and VAT associated."

This equates to a build cost rate of £182 per ft². (£1,962 per m²).

We have looked at BCIS figures for developments such as this in the Islington area.

Given that it is a "one-off" unique development and will have a higher build cost than normal we agree that a build cost rate of £182 per ft² is a fair and reasonable assumption.

The ABAL report goes on to say the following:

In addition to the basic build costs we have made allowance for the following site specific abnormal costs particular to this proposal: -

Temporary Roof £17,500 Provisional Sum (12 weeks)

Underpinning to Party Wall £30,000 Provisional Sum

New Storm Water Drain £20,000 Provisional Sum

It is our opinion that these are fair and reasonable cost assumptions.

Sales Values

Regarding the sales prices of the proposed new flats the ABAL report says the following:

“The capital values of the property unit types used within the appraisal are broken down as follows:

- 3 Bed 4 Person Apartment £693,000
- 2 Bed 3 Person Apartment £581,000
- 2 Bed 3 Person Apartment (Penthouse) £708,000

This value has been estimated by the review and synthesis of the £/ft² rates for comparable exchanges in the proximity of ¼ mile of the property. In the interest of maximisation of this viability exercise we have elected to utilise rates in the highest quartile and have applied a rate of £750ft²

We have carried out web-based research using Zoopla and Rightmove and through talking to local estate agents. It is our opinion that the sales values are low.

Our research shows that the 3 bed flat values both “sold” and “for sale” range from £9,385 per m² (872 per ft²) to £10,133 per m² (£941 per ft²).

Taking into account the location of the site next to Silver Court and allowing for incentives and negotiations we have applied a rate of £850 per ft² to the ground floor 3-bed unit giving a value of £785,000

Our research shows that the 2 bed flat values both sold and for sale range from £8,509 per m² (790 per ft²) to £9,550 per m² (£887 per ft²).

Taking into account the location of the site next to Silver Court and allowing for incentives and negotiations we have applied a rate of £830 per ft² to the 1st and £800 per ft² to the 2nd floor 2-bed flats giving value as follows:

2 Bed 3 Person 1st floor flat @ 775 ft² - £645,000

2 Bed 3 Person 2nd floor flat @ 947 ft² - £757,600

We have applied ground rents at £350 pa at a yield of 4%.

Reasonable Profit Level

Adams Integra has represented numerous clients in both Appeal and Local Planning Inquiry context. The RICS Guidance Note – Financial viability in planning (2012) states the following at Paragraph 3.3.2:

The developer's profit allowance should be at a level reflective of the market at the time of the assessment being undertaken. It will include the risks attached to the specific scheme. This will include both property-specific risk, i.e. the direct development risks within the scheme being considered, and also broader market risk issues, such as the strength of the economy and occupational demand, the level of rents and capital values, the level of interest rates and availability of finance. The level of profit required will vary from scheme to scheme, given different risk profiles as well as the stage in the economic cycle. For example, a small scheme constructed over a shorter timeframe may be considered relatively less risky and therefore attract a lower profit margin, given the exit position is more certain, than a large redevelopment spanning a number of years where the outturn is considerably more uncertain.

In this case a fair and reasonable approach, given the low level of risk, the strength of the economy and the relatively high capital values in Islington, would be to calculate the level of profit 15% of Gross Development Value.

Design fees

We have adopted a rate of 7% of the build costs to reflect the professional fees.

Contingencies

We have included contingencies at 5%.

Finance

We have used an interest rate of 7% which is a reasonable assumption.

Scheme Timings

We have assumed a 3-month lead in period to start on site and a 7-month build period. We have assumed the sales will be upon completion with a 2 month sales period.

Sales and Marketing

We have assumed 2% for sales and marketing costs.

CIL

We have allowed for both the Community & Infrastructure Levy (CIL) at the prevailing rate as advised in the ABAL report:

Islington CIL 78.5m² @ £250/m² = £19,625.

Mayoral CIL 78.5m² @ £35/m² = £2,748.

Conclusions

The approach taken in this study follows the well-recognised methodology of residual land valuation (RLV). Put simply the residual land value produced by a potential development is calculated by subtracting the costs of achieving that development from the revenue generated by the completed scheme.

The results of the RLV are then compared to the existing use value (EUV) of the land if the RLV is more than the EUV then the scheme produces a surplus and is viable if not then there is a deficit and the scheme is not viable.

We have carried out an HCA DAT appraisal of the current scheme using the input values described above with no affordable housing contribution.

When compared to the “benchmark value” of £1,437,000 this appraisal produces a **deficit** of £413,000 (See Appendix 1) demonstrating that the scheme is not viable at a profit level of 15% and produces a deficit.

It is our opinion that this appraisal demonstrates that the scheme is not able to support any affordable housing contribution.

Should the Council be minded to grant planning approval it is our opinion the applicant should not be required to provide a contribution towards affordable housing.

This scheme has been looked at in terms of its particular financial characteristics and it represents no precedent for any sustainable approach on the Council’s policy base.

Author
David Coate,
July 2018

Appendices

1. HCA DAT appraisal – proposed scheme.

Surplus (Deficit) from Input land valuation at 27/7/2018 -412,950

HCA Development Appraisal Tool
INPUT SHEET 1 - SITE DETAILS

Basic Site Details

FULL VIABILITY ASSESSMENT

Site Address	3 Bickerton Road
OS X coordinate	
OS Y coordinate	
Site Reference	Appendix 1
File Source	
Scheme Description	Create 3 x self-contained flats
Date of appraisal	27/07/2018
Gross Site Area (hectares)	
Net Residential Site Area (hectares)	
Author & Organisation	David Coate - Adams Integra
Local Planning Authority	Islington
Land Purchase Price	1,437,000
Land Purchase date	27/07/2018
Most recent valuation of the site £	1,437,000
Basis of valuation	Existing Use
Date of valuation	27/07/2018
Any note on valuation	
Developer of sale units	
Developer of affordable units	
Manager of affordable units	
Registered Provider (where applicable)	
Note on applicant (eg sub partner status)	

Date of scheme appraisal 27-Jul-18 from Site Sheet

Use any valid Excel Date format (eg DD/MM/YY)

Build Period	Construction Start Date	Construction End Date
Tenure phases display for date input only after transfer from Input 2 sheet		
OM 1:Phase 1	01-Oct-18	01-May-19

RP Purchase from Developer	Purchase start date	Purchase end date
AH phases display for date input only after transfer from Input 2 sheet		

Open Market Sale	Sale Start Date	Sale End Date
OM phases display for date input only after transfer from Input 2 sheet		
OM Sales1:Phase 1	01-May-19	01-Jun-19

Monthly Sales rate

1.50

Private Rental Units	First Rental Start Date	Final Rental Start Date
PR phases display for date input only after transfer from Input 2 sheet		

First Ground rent payment	Start Date	Month
	01-May-19	9

	Building Cost £ per Sq m GROSS area	Net to Gross Adjustment	Maximum height in floors (flats only)	Avg Cost pu
Open Market Phase 1: Low rise flats	1,962	4%		160,884
Fees & Contingencies as % of Building Costs				
	%		£ Total	
Design and Professional Fees % (Architects, QS, Project Management)	7.00%		35,193	
Residential Building Contingencies (% of Building Costs)	5.00%		25,138	
* This section excludes Affordable Housing section 106 payments				
	All dates must be between	27-Jul-18	22-Jul-38	
	'Historic' costs incurred earlier may be entered as	27-Jul-18	PROVIDED they are not taken into account in the site valuation (& hence double c	
External Works & Infrastructure				
Costs (£)	Comment on nature of issue	Cost (£)	Payment Start Date	Payment end date
Phase 1				
Temporary Roof		£17,500	01-Oct-18	01-May-19
Underpinning to Party Wall		£30,000	01-Oct-18	01-May-19
New Storm Water Drain		£20,000	01-Oct-18	01-May-19
Strategic Landscaping				
Off Site Works				
Public Open Space				
Site Specific Sustainability Initiatives				
Plot specific external works				
Other 1				
Other 2				
Site Abnormals (£)				
	Comment on nature of issue	Cost (£)	Payment Start Date	Payment end date
De-canting tenants				
Decontamination				
Other				
Other 2				
Other 3				
Other 4				
Other 5				
Building Costs				
		(£ / car parking space)	Payment Date	
Residential Car Parking Building Costs (average cost / car parking space)				
Total number of residential car parking spaces			(Open Market and Affordable)	

Statutory Payments (£)		Additional information	Cost (£)	Payment start date	Payment end date	Per unit
Education						
Sport & Recreation						
Social Infrastructure						
Public Realm						
Affordable Housing						
Transport						
Highway						
Health						
Public Art						
Flood work						
Community Infrastructure Levy	per sq metre					
Other Tariff	per unit					
Other 1			£19,625	01-Oct-18	01-Oct-18	6,542
Other 2						
Other 3						
Other 4						
<u>OTHER COSTS</u>						
SITE PURCHASE COSTS			%			
Agents Fees (% of site cost)			1.00%			
Legal Fees (% of site cost)			0.75%			
<u>FINANCE COSTS</u>						
		Comment on nature of issue	Cost (£)	Payment start date	Payment end date	
Other Acquisition Costs (£)						

Arrangement Fee (£)	£0
Interest Rate (%)	7.00%
Misc Fees - Surveyors etc (£)	£0
Credit balance reinvestment %	7.00%

MARKETING COSTS

Affordable Housing Marketing Costs

	Cost (£)	Payment start date	Payment end date
Developer cost of sale to RP (£)	£0		
RP purchase costs (£)	£0		
Intermediate Housing Sales and Marketing (£)	£0		

Open Market Housing Marketing Costs

Sales Fees (agents fees & marketing fees) - %	2.00%
Legal Fees (per Open Market unit) - £	£1,000
Agents Private Rental Initial Letting fees - %	

DEVELOPER'S OVERHEAD AND RETURN FOR RISK (before taxation)

Developer O/head (£)			Return at Scheme end
Open Market Housing (% GDV)	15.00%	15.0%	inc Overheads per open market home
Private Rental (% Cost)		109,380	
Affordable Housing (% Cost)			

Surplus (Deficit) from Inout land valuation at 27/7/2018 -£412,950
HCA DEVELOPMENT APPRAISAL TOOL

SUMMARY

DETAIL

SCHEME

Site Address 3 Bickerton Road
 Site Reference Appendix 1
 File Source
 Scheme Description Create 3 x self-contained
Housing Mix (Affordable + Open Market)

Date of appraisal 27/07/2018
 Net Residential Site Area
 Author & Organisation David Coate - Adams Integra
 Registered Provider (who 0

Total Number of Units	3	units
Total Number of Open Market Units	3	units
Total Number of Affordable Units	0	units
Total Net Internal Area (sq m)	248	sq m
% Affordable by Unit	0.0%	
% Affordable by Area	0.0%	
Density	No Area used	units/hectare
Total Number of AH Persons	0	Persons
Total Number of Open Market Persons	0	Persons
Total Number of Persons	0	Persons
Gross site Area	0.00	hectares
Net Site Area	0.00	hectares
Net Internal Housing Area / Hectare	-	sq m / hectare

Average value (£ per unit)	Open Market Phase 1	Open Market Phase 2	Open Market Phase 3	Open Market Phase 4	Open Market Phase 5	Total
1 Bed Flat Low rise	£0	£0	£0	£0	£0	£0
2 Bed Flat Low rise	£701,300	£0	£0	£0	£0	£701,300
3 Bed Flat Low rise	£785,000	£0	£0	£0	£0	£785,000
4 Bed + Flat Low rise	£0	£0	£0	£0	£0	£0
1 Bed Flat High rise	£0	£0	£0	£0	£0	£0
2 Bed Flat High rise	£0	£0	£0	£0	£0	£0
3 Bed Flat High rise	£0	£0	£0	£0	£0	£0
4 Bed + Flat High rise	£0	£0	£0	£0	£0	£0
2 Bed House	£0	£0	£0	£0	£0	£0
3 Bed House	£0	£0	£0	£0	£0	£0
4 Bed + House	£0	£0	£0	£0	£0	£0
Total Revenue £	£2,187,600	£0	£0	£0	£0	£2,187,600
Net Area (sq m)	248	-	-	-	-	248
Revenue (£ / sq m)	8,821	-	-	-	-	8,821

CAPITAL VALUE OF OPEN MARKET SALES £2,187,600

Capital Value of Private Rental

Phase 1	£0
Phase 2	£0
Phase 3	£0
Phase 4	£0
Phase 5	£0
Total PR	£0

CAPITAL VALUE OF OPEN MARKET HOUSING

BUILD COST OF OPEN MARKET HOUSING inc Contingency £527,981 £ 2,060 psqm
 CONTRIBUTION TO SCHEME COSTS FROM OPEN MARKET HOUSING £1,659,619

AH Residential Values

AH & RENTAL VALUES BASED ON NET RENTS

Type of Unit	Social Rented	Shared Ownership (all phases)	Affordable Rent (all phases)	Total
1 Bed Flat Low rise				
2 Bed Flat Low rise				
3 Bed Flat Low rise				
4 Bed + Flat Low rise				
1 Bed Flat High rise				
2 Bed Flat High rise				
3 Bed Flat High rise				
4 Bed + Flat High rise				
2 Bed House				
3 Bed House				
4 Bed + House				
	£0	£0	£0	£0

£ psqm of CV (phase 1)

CAPITAL VALUE OF ALL AFFORDABLE HOUSING (EXCLUDING OTHER FUNDING)

RP Cross Subsidy (use of own assets)	£0
LA s106 commuted in lieu	£0
RP Re-cycled SHG	£0
Use of AR rent conversion income	£0
Other source of AH funding	£0

OTHER SOURCES OF AFFORDABLE HOUSING FUNDING

	£0
--	----

CAPITAL VALUE OF ALL AFFORDABLE HOUSING (INCLUDING OTHER FUNDING)

BUILD COST OF AFFORDABLE HOUSING inc Contingency £0 #0IV/0I
 CONTRIBUTION TO SCHEME COSTS FROM AFFORDABLE HOUSING £0

Car Parking

No. of Spaces	Price per Space (£)	Value
	0	£0

Value of Residential Car Parking

£0

<u>Ground rent</u>		Capitalised annual ground rent		
Social Rented		£0		
Shared Ownership		£0		
Affordable Rent		£0		
Open market (all phases)		£26,250		
Capitalised Annual Ground Rents			£26,250	
TOTAL CAPITAL VALUE OF RESIDENTIAL SCHEME			£2,213,850	
TOTAL BUILD COST OF RESIDENTIAL SCHEME		£527,991		
TOTAL CONTRIBUTION OF RESIDENTIAL SCHEME				£1,685,949
<u>Non-Residential</u>				
Office		Cost	Values	
Retail		£0	£0	
Industrial		£0	£0	
Leisure		£0	£0	
Community Use		£0	£0	
Community Infrastructure Levy		£0	£0	
CAPITAL VALUE OF NON-RESIDENTIAL SCHEME			£0	
COSTS OF NON-RESIDENTIAL SCHEME		£0		
CONTRIBUTION TO SCHEME COSTS FROM NON-RESIDENTIAL				£0
GROSS DEVELOPMENT VALUE OF SCHEME			£2,213,850	
TOTAL BUILD COSTS		£527,991		
TOTAL CONTRIBUTION TO SCHEME COSTS				£1,685,949
<u>External Works & Infrastructure Costs (£)</u>				
Temporary Roof	£17,500	Per unit	5,833	% of GDV
Underpinning to Party Wall	£30,000		10,000	0.8%
New Storm Water Drain	£20,000		6,667	1.4%
Strategic Landscaping	£0			0.3%
Off Site Works	£0			
Public Open Space	£0			
Site Specific Sustainability Initiatives	£0			
Plot specific external works	£0			
Other 1	£0			
Other 2	£0			
	£67,500			3.0%
<u>Other site costs</u>				
Fees and certification	7.0%	£35,193	11,731	1.6%
Other Acquisition Costs (£)		£0		
<u>Site Abnormals (£)</u>				
De-carthing tenants	£0			
Decontamination	£0			
Other	£0			
Other 2	£0			
Other 3	£0			
Other 4	£0			
Other 5	£0			
	£0			
Total Site Costs inc Fees		£102,693	34,231	
<u>Statutory 106 Costs (£)</u>				
Education	£0			
Sport & Recreation	£0			
Social Infrastructure	£0			
Public Realm	£0			
Affordable Housing	£0			
Transport	£0			
Highway	£0			
Health	£0			
Public Art	£0			
Flood work	£0			
Community Infrastructure Levy	£0			
Other Tariff	£0			
Other 1	£19,625		6,542	
Other 2	£0			
Other 3	£0			
Other 4	£0			
	£19,625		6,542	
Statutory 106 costs		£19,625	6,542	
<u>Marketing (Open Market Housing QM1 Y)</u>				
			per QM unit	
Sales/letting Fees	2.0%	£43,752	14,584	
Legal Fees (per Open Market unit):	£1,000	£3,000	1,000	
<u>Marketing (Affordable Housing)</u>				
			per affordable unit	
Developer cost of sale to RP (£)		£0		
RP purchase costs (£)		£0		
Intermediate Housing Sales and Marketing (£)		£0		
Total Marketing Costs		£46,752		
Total Direct Costs				£696,971
<u>Finance and acquisition costs</u>				
Land Payment	£1,437,000	479,000 per QM home	#DIV/0!	#DIV/0!
Arrangement Fee	£0	0.0% of interest		

Agents Fees	£14,370
Legal Fees	£10,778
Stamp Duty	£61,350
Total Interest Paid	£102,143

Total Finance and Acquisition Costs **£1,625,641**

Developer's return for risk and profit

Residential

Market Housing Return (inc CH) on Val	15.0%	£328,140	109,380 per CM unit
Affordable Housing Return on Cost	0.0%	£0	per affordable unit
Return on sale of Private Rent	0.0%	£0	#DIV/0! per PR unit

Non-residential

Office	£0	
Retail	£0	
Industrial	£0	
Leisure	£0	
Community-use	£0	£0

Total Operating Profit **£328,140**

(i.e. profit after deducting sales and site specific finance costs but before deducting developer overheads and taxation)

TOTAL COST **£2,650,752**

Surplus/(Deficit) at completion 1/6/2019 **(£436,902)**

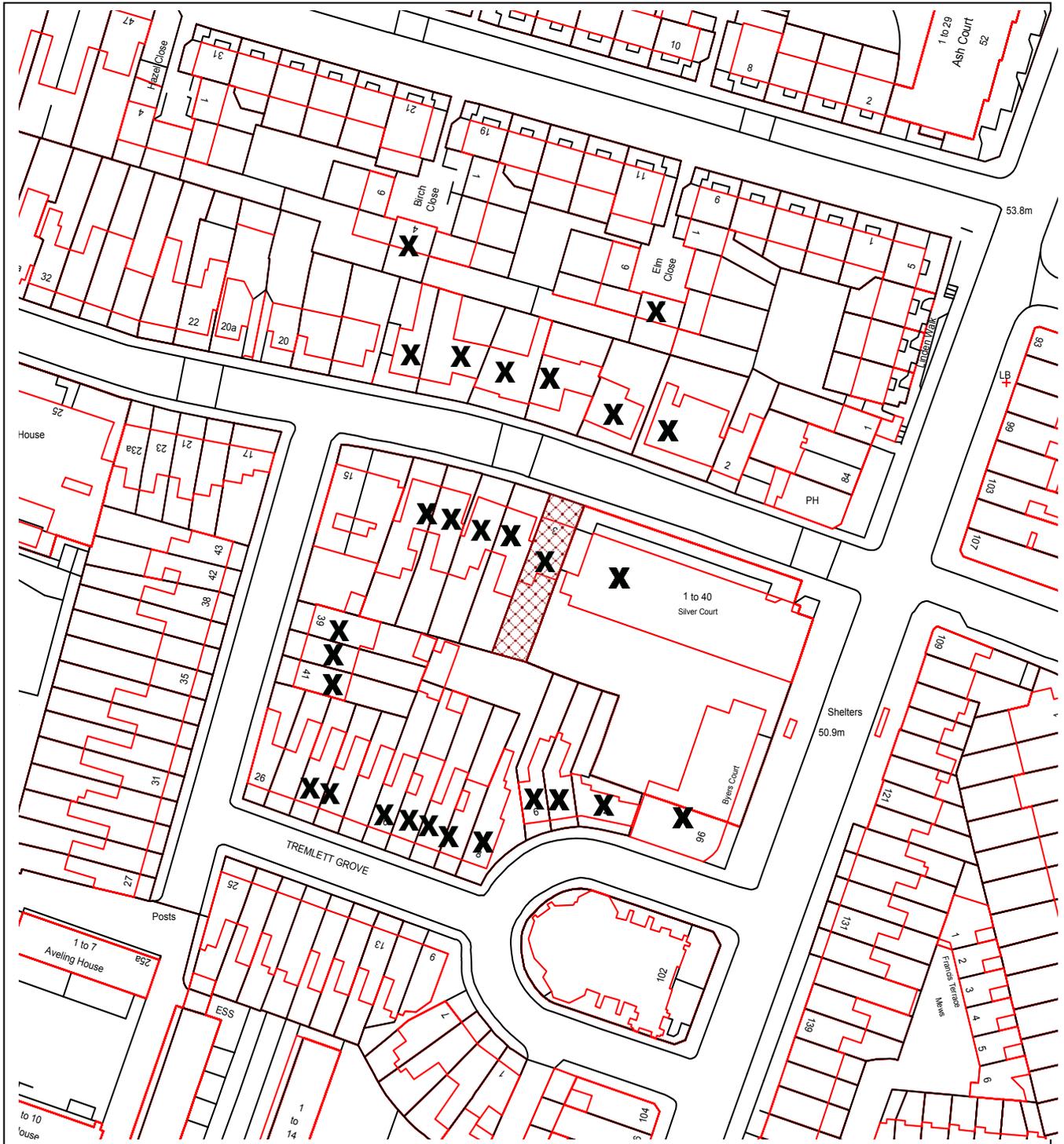
Present Value of Surplus (Deficit) at 27/7/2018 **(£412,950)**

Scheme Investment MIRR **0.9%** (before Developer's returns and interest to avoid double counting returns)

Site Value as a Percentage of Total Scheme Value 64.9% Peak Cash Requirement -£2,190,163

Site Value (PV) per hectare No area input per hectare No area input per acre

ISLINGTON



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P2018/2148/FUL

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

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

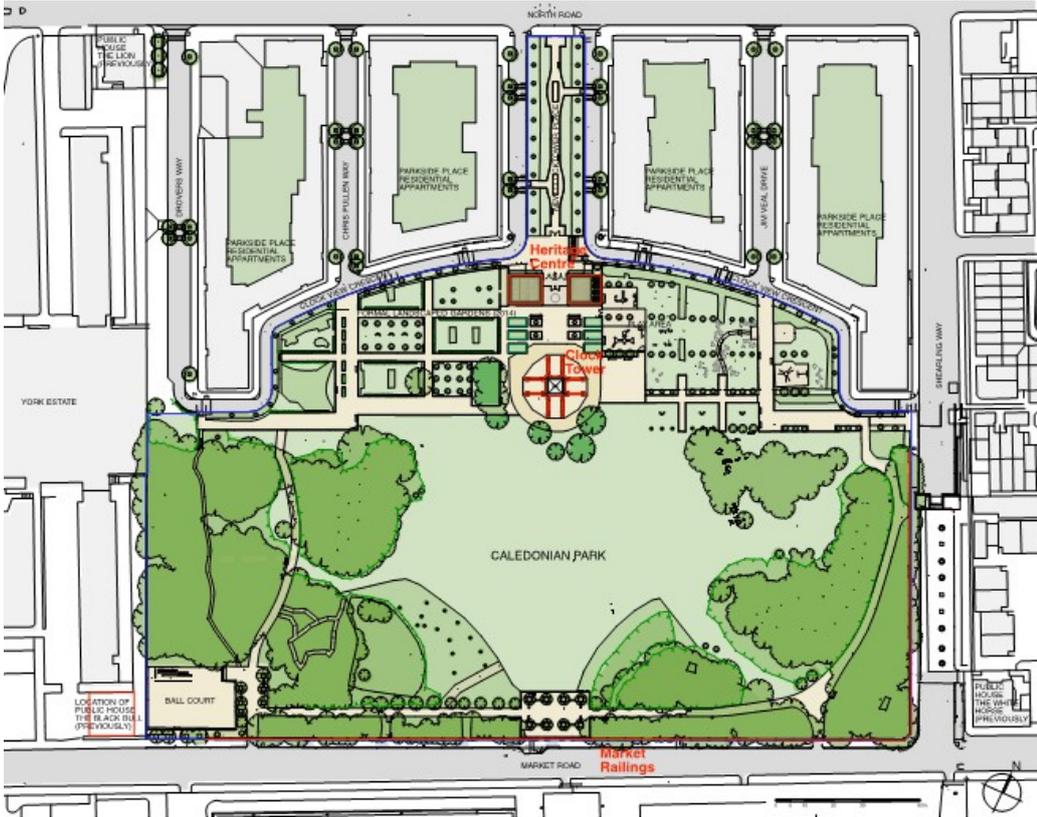
Application number	P2017/4433/S73
Application type	Removal/Variation of Condition (Section 73) (Council's Own)
Ward	Holloway
Listed building	Park - Grade II Listed, Tower – Grade II* Listed
Conservation area	None
Development Plan Context	Open Space, Adjacent to SINC
Licensing Implications	License may be required for certain activities
Site Address	Caledonian Park Clock Tower and Heritage Centre, Market Road, London, N7 9DY
Proposal	Variation of condition 6 (hours of operation) of planning permission ref: P2016/0730/FUL, dated 23/05/2016 for the restoration of the grade II* listed clock tower and parts of the grade II listed historic market railings and to provide a heritage centre in Caledonian Park. The proposal includes changes to the approved hours of operations for the Heritage Centre, Clock Tower and Cafe.

Case Officer	David Nip
Applicant	Greenspace – Islington Council

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 (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: View to the south of the application site (Nov 2018).



Image 2: CGI view to the south of the (consented) buildings



Image 3: View of the park entrance and Clock View Crescent (Nov 2018)



Image 4: CGI view to the south east showing the consented buildings and Clock Tower



Image 5: View to the east showing the residential block on Clock View Crescent (left), the approved heritage centre (centre) and the Clock Tower (right). (Nov 2018)



Image 6: View of the Clock Tower from the south-east (Nov 2018)

4. SUMMARY

4.1 Planning Permission under section 73 of the Town and Country Planning Act is sought for the variation of condition 6 (hours of operation) of the original planning permission P2016/0730/FUL, which granted:

“The proposed development is to restore the grade II listed Clock Tower, parts of the grade II listed historic market railings and to provide a heritage centre in Caledonian Park”.*

4.2 The application is brought to this Sub-Committee because it is a council own development and a total of 73 objections have been received against the proposed application.

4.3 The existing planning condition restricts the hours of use of the Clock Tower, Café and Heritage Centre to only operate between the hours of:

Monday – Friday: 08:00hr and 18:00hr
Saturday: 10:00hr and 18:00hr
Sunday and Bank Holidays: 10:00hr and 15:00hr

4.4 Under this application, the proposed variation of condition 6 would allow for longer operational hours for the approved development. The extension of hours would allow a greater degree of usage of the approved heritage centre and the repaired Clock Tower, including some evening use during the summer time. It is also proposed to allow the Clock Tower and Heritage Centre to open 1 hour earlier in the morning from 9am on Saturday. For the café, it would be able to trade 1 hour earlier on the Saturday from 9am, but would close one hour earlier on weekdays.

4.5 The concerns raised in objections to the proposed extension of hours of use have been duly considered. The main issues raised are that the proposed development would result in additional

noise, disruption, anti-social behaviour and parking. Having reviewed the submitted application and consulted the council's relevant departments in the Public Protection Division (Environmental Health Team, Environmental Pollution, Policy & Projects Team and Licensing Team), as well as the Metropolitan Police, it is considered that the proposed extension of hours of use would not cause an unacceptable impact towards the amenity of the surrounding neighbours.

- 4.6 The proposed development is also considered to have an acceptable impact in terms of safety and security. The proposed extension of hours of use would be within the opening hours of the park and would increase the level of natural surveillance of the park and the surrounding area. The proposed extension of opening hours has been reviewed by the Crime Prevention Officer who raised no objection to the proposal.
- 4.7 The new proposed operation hours would provide extended services from the new facilities and this is considered to be a public benefit that weighs in favour of the scheme; and it is judged that the proposed extension of hours of use would not cause unacceptable harm to the surrounding neighbours and would be compliant with the Development Plan.
- 4.8 It is recommended that planning permission be granted subject to the re-application of revised conditions and new conditions as set out in the Recommendation below.

5. SITE AND SURROUNDING

- 5.1 Caledonian Park is designated as public open space and located on the western fringe of Islington, approximately 1.5 miles from King's Cross Station, and approximately 400m of walking distance from the Caledonian Road Underground Station. The park is accessed from Market Road to the south, Shearling Way to the east and from New Clocktower Place with an open landscaped boulevard extending to North Road to the north. The park is the one of the largest public open spaces in the borough and is built on the site of the former Metropolitan Cattle Market, once the biggest livestock market in London. The park is enclosed to the south and a large section of the east boundary by the remaining cast iron market railings which are grade II statutory listed. In addition, the park is allocated as Open Space within the Development Plan, with the area to the south of the approved and implemented building being allocated as SINC (Site of Importance for Nature Conservation) which covers the rest of the park. The Clock Tower and the remaining market railings have been identified on Historic England's Heritage at Risk register.
- 5.2 The history of the park dates back to the 17th century site of Copenhagen House, later becoming a pleasure garden and sports field and developing into a gathering site of significant social and political rallies. The site was developed as the Metropolitan Cattle Market in 1855 with the clock tower constructed as the market's centrepiece, encircled at its base by a structure providing the market's banking and administration spaces. The market was bounded by substantial cast metal railings, which remain on both sides of Market Road and on Shearling Way, and are grade II statutory listed. The market evolved into a flea market in the early 20th century and was requisitioned by the army during WWII, suffering bomb damage and falling into a state of dereliction until it was redeveloped by London County Council and the City Corporation for housing (Market Estate) and a public park.
- 5.3 The Market Estate was demolished and the area to the north of the park was significantly redeveloped to provide Parkside Place residential buildings, a new street layout in Clocktower Crescent and New Clocktower Place, and a large area of landscaped gardens and children's play area in the park.
- 5.4 The area to the north of this application site was granted planning permission in 2005 with various further approvals and amendments resulting in the development as built today. The park extends to the north between this development and adjoining North Road, allowing views of the clock tower from North Road.
- 5.5 To the east of this application site lies further residential properties and a university building while

to the west is further residential development and the border with London Borough of Camden. To the south of the site lies Market Road with a sports ground and tennis club to the south of Market Road with warehousing and commercial units.

6. PROPOSAL (IN DETAIL)

6.1 Planning permission under S73 of the Act is sought for variation of condition 6 of the original approval ref P2016/0730/FUL which controls the hours of operation of the new Heritage Centre, café and the repaired Clock Tower. Condition 6 states:

HOURS OF OPERATION (COMPLIANCE): The Café and Heritage centre as detailed on approved plan no.536WD 31 and the clock tower shall not operate except between the hours of 08:00hr and 18:00hr Monday - Friday, between 10:00hr and 18:00hr Saturday, and between 10:00hr and 15:00hr on Sunday and Bank Holidays.

REASON: To ensure the use does not adversely impact on existing and future residential amenity.

6.2 The proposed new hours of use are detailed in the table below:

		Heritage Centre & Clock Tower		Café	
		Summer	Winter	Summer	Winter
Weekday opening and closing hours	Hours approved under existing condition 6	08:00hrs-18:00hrs	08:00hrs-18:00hrs	08:00hrs-18:00hrs	08:00hrs-18:00hrs
	Hours proposed	08:00hrs - 20:00hrs	08:00hrs-17:00hrs	08:00hrs-18:00hrs	08:00hrs-17:00hrs
	Difference between existing and proposed	Close: <u>2 hours later</u>	Close: 1 hour earlier	No change	Close: 1 hour earlier
Saturday opening and closing hours	Hours approved under existing condition 6	10:00hrs-18:00hrs	10:00hrs-18:00hrs	10:00hrs-18:00hrs	10:00hrs-18:00hrs
	Hours proposed	09:00hrs - 20:00hrs	09:00hrs-17:00hrs	09:00hrs-18:00hrs	09:00hrs - 17:00hrs
	Difference between existing and proposed	Open: <u>1 hour earlier</u> Close: <u>2 hours later</u>	Open: <u>1 hour earlier</u> Close: 1 hour earlier	Open: <u>1 hour earlier</u>	Open: <u>1 hour earlier</u> Close: 1 hour earlier
Sunday and bank holiday opening and closing hours	Hours under existing condition 6	10:00hrs-15:00hrs	10:00am-15:00hrs	10:00hrs-15:00hrs	10:00hrs-15:00hrs
	Hours proposed	10:00hrs-16:00hrs	10:00am-16:00hrs	10:00hrs-15:00hrs	10:00hrs-15:00hrs
	Difference between existing and proposed	Close: <u>1 hour later</u>	Close: <u>1 hour later</u>	No change	No change

6.3 It is worth noting that the proposed hours of use have been amended during the course of the application. The latest proposal is dated Sept 2018, and the original proposed extension of hours dated January 2018 has been superseded at the request of officers.

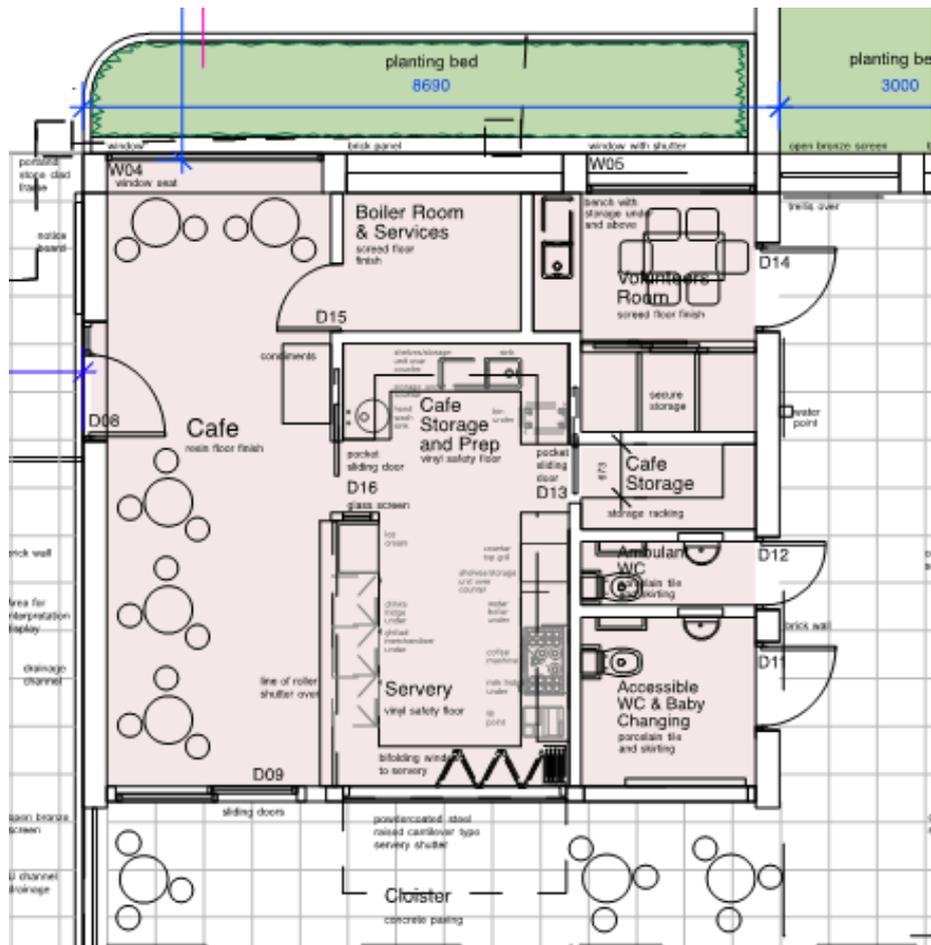


Image 8: Floor plan of the Café

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

7.1 Planning permission and Listed Building Consent P2016/0730/FUL and P2016/0736/LBC were resolved to be granted at the Planning Sub-Committee B on 10 May 2016 for the restoration of the Grade II* Listed Clock Tower and provide a new heritage centre and café at the north of the Tower. The decision was issued on 23 May 2016.

7.2 Apart from the 2016 approval mentioned above, the following applications are also considered to be relevant to this application:

P2018/1374/AOD - Approval of Detail in Pursuant to Conditions 2f and 2g (Materials) of Listed Building Consent application P2016/0736/LBC Dated 23/05/2016. These conditions were approved on 03/07/2018.

P2018/0912/NMA - Non material amendment application to planning consent ref: P2016/0730/FUL to provide an additional central vertical glazing bar to proposed top opening light of north facing windows W03 and W04, shown on drawing no. 536 WD 40. The amendment was agreed on 09/05/2018.

P2017/2890/AOD - Approval of details pursuant to conditions 3 (Materials), 4 (Green roof details), and 5 (Tree Protection Plan) (of planning consent P2016/0730/FUL granted 23/05/2016. These conditions were approved on 17/10/2017.

P2017/3022/AOD - Approval of details pursuant to conditions 2 (Materials) parts a, b, c, d, e and h of the listed building consent P2016/0736/LBC granted 23/05/2016. These material details were approved on 17/10/2017.

P090516: Central Clock Tower, Caledonian Park, Market Road, Islington, London, N7: Listed Building Application in connection with installation of an 18inch metal plaque to clock tower.: Approved 09/06/2009.

ENFORCEMENT:

7.3 None

PRE-APPLICATION ADVICE:

7.4 None.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to 983 occupants of adjoining and nearby properties at Brewery Road, York Way, North Road, Market Road, Fleece Walk, Ewe Close, Goodinge Close, Drovers Way, Clock View Crescent, Chris Pullen Way, Shearing Way, Jim Veal Drive and New Clocktower Place. On the 08 Feb 2018 a site notice was placed outside the site and the application was advertised in the Islington Gazette on 08 Feb 2018. The first public consultation expired on 01 March 2018, however, it is the Council's practice to continue to consider representations made up until the date of a decision. 71 objections and 1 support have been received from the public with regard to the application following the council's consultation.

8.2 The issues raised following the council's consultation can be summarised as follows (paragraph numbers refer to where the matter is addressed in this report):

Objections

- The proposed development will adversely affect the character and the tranquility of the park (paragraph 10.8)
- The proposed extension of hours of use will cause unacceptable noise and disruption to the nearby residents (paragraphs 10.9 and 10.10)
- Concerns raised with regard to the management of the site and the park as a whole (paragraph 10.11)
- Concerns raised on whether amplified music will be used for the private hires/functions (paragraph 10.11)
- The proposed extension of hours of use shall be reviewed after a term of 3 or 6 months to allow further considerations, as the development has not been completed at the moment and it is difficult to estimate the amenity impact at the moment (paragraph 10.11)
- The proposed extension of hours of use will lead to an increase of waste on site (paragraph 10.11).
- The proposed extension of hours of use will lead to increased anti-social behaviour and would affect the safety of the area (paragraphs 10.13-10.15)
- The proposed extension of hours of use will lead to an increase in deliveries and more parking stress within the local area (paragraphs 10.16-10.18)

Support

- The proposed extension of opening of hours would support the new Centre and increase the access to the Clock Tower.
- The proposal would increase footfall and will contribute to the atmosphere and security.

8.3 Following the amendment of the proposed hours of use in September 2018, a second consultation has been carried out from 14 September 2018 to 8 Oct 2018. A total number of 24 responses have been received. 21 of them are objectors who have previously objected, with 2 additional objections, and 1 additional support from the Caledonian Park Friends Group. The additional points raised in the second consultation are as follows:

Objections

- The proposed extension of hours of use will affect children's sleep and their performance at school (paragraph 10.9)
- The council never had a viable business plan and are desperate to make money from the park (paragraph 10.19)

Support

- The proposed extension of hours of use will allow the community and groups to use the heritage centre for after-work meetings and activities
- It would be ideal to allow 9pm closing to allow meeting to be finished by 8:30pm, however, noisy activities should not continue past 8pm as these are likely to disturb neighbours
- It would be beneficial to the whole community to limit the types of evening activities to quiet ones but allow later opening

Internal Consultees

8.4 Acoustic Officer, Public Protection:

No objections to the proposal. There is a path and park area in between the residential buildings and the cafe. There is no kitchen extract or mechanical plant proposed on the plans. The extension in hours is in line with the hours of opening for the park and the 2100 finish would avoid significant noise impacts and avoid late night functions/private hire events/wedding receptions etc. The Public Protection team is not aware of any noise complaints in relation to existing cafes within other Islington parks.

Case officer's note: Following the amendment, the application now seeks opening hours until 20:00hrs at the latest (Saturdays).

8.5 Commercial Environmental Health:

With no mechanical ventilation proposed (and therefore no heavy cooking proposed) Commercial EH would not have any objections to the changes in hours.

8.6 Licensing:

Currently the park is licensed (Not for Alcohol or Late Night refreshment), however, the premises licence for the Park does not cover the Clock Tower/Heritage Centre and there is no separate premises licence in place for it and no application has been sought. The requirement of any additional licence depends on the activities that the private hire would involve. If there is a sale of alcohol, then they will need a licence regardless on the time of day.

Case officer's note: It has been confirmed by the applicant that there would be no sale of alcohol on site. This element would be covered by the additional management plan

recommended in condition 12.

External Consultees

8.7 Metropolitan Police Service – Design Out Crime Officer:

- From a ‘Design Out Crime’ perspective the opening of the heritage centre and café will have a positive impact to the local area and should reduce the anti-social behaviour in the area.
- At weekends the park will be visited for recreational use and once again it will be encouraging people to visit. If anti-social behaviour does occur it will be more prominent and it will be more likely to be reported to Police. The increase of the general public attending the park would discourage anti-social behavior from taking place given the additional surveillance.
- No objections to this extension and will not increase crime or the fear of crime in the area.

9 RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

Statutory Duties

9.1 Islington Council (Planning Sub-Committee), 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 site comprises of statutory listed buildings, the Council has a statutory duty in that special regard shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990)

9.2 National Planning Policy Framework (NPPF): At paragraph 8 the NPPF states that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, the objectives are a) economic, b) social and c) environmental.

9.3 Paragraph 11 of the NPPF 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.

9.4 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.

9.5 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.

9.6 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.

9.7 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.

9.8 The Sub-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.

National Guidance

9.9 The National Planning Policy Framework 2018 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals. Since March 2014 planning practice guidance for England has been published online.

Development Plan

9.10 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. The Draft London Plan also has some weight attributable to it.

Designations

9.11 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013.

- Grade II* listed Clock Tower
- Grade II listed Park
- Local View from Archway road
- Local View from Archway Bridge
- Designated Open Space
- Protected landmark

Supplementary Planning Guidance (SPG) / Document (SPD)

9.12 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
- Neighbouring Amenity
- Safety and Security
- Transportation
- Design, Character and Heritage
- Other matters

Scope of the Consideration of the Case Under Section 73 of the TCPA

- 10.2 Section 73 of the Town and Country Planning Act 1990 (as amended) concerns 'Determination of application to develop land without compliance with conditions previously attached'. It is colloquially known as 'varying' or 'amending' conditions. Section 73 applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under s73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.
- 10.3 It is important to note that when assessing s73 applications the previously granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. If the original application has been implemented, or if the permission has not yet expired, the applicant may go ahead and complete the original approved scheme if they wish.
- 10.4 Alterations to planning policy and other material considerations since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the previous paragraphs and the applicant's ability to complete the originally approved development.
- 10.5 It should be noted that since the grant of the original permission, the NPPF (2018) has been adopted and has been taken into account in the assessment.

Planning permission P2016/0730/FUL

- 10.6 Planning permission was granted for the creation of a heritage centre comprising of two single storey buildings with a café and associated facilities for the community and visitors, park ranger presence, and to support activities in the park. Planning permission and Listed Building Consent were also granted for the repair and restoration work to the clock tower so that it can be opened for public access on a regular basis. The approved development has already been commenced and construction works are ongoing at the time of writing of this report. It is important to note that the current application is an assessment on the specific condition which was attached to the original application (Condition 6 – Hours of Operation). It is not a reassessment of the permission already granted given that that permission can be built out in accordance with its existing permissions.

Land Use

- 10.7 The application site, Caledonian Park, is designated as Open Space under Policy DM6.3 of Islington's adopted Development Management Policies (2013), which states that development is not permitted on any public open space. Caledonian Park consists of 4 hectares of open space, containing the grade II* listed clock tower, grade II listed Metropolitan Cattle Market Railings, site of importance nature conservation area (SINC), semi mature woodland areas, an orchard, short and long grass meadows, children's play area, tarmac ball court with football goals and community gardens.
- 10.8 The applicant has only sought changes to the hours of use of the approved Heritage Centre, Café and Clock Tower under this application, and the land use of the proposal would remain the same

as per the approval ref P2016/0730/FUL, including the Clock Tower. That permission has been implemented and can be completed in that regard. Therefore, in land use terms, the proposal is considered acceptable as per the implemented permission, subject to the considerations in regard to the extension of hours of use.

10.9 As per the original proposal, the purpose of the project is to promote the activities of the park and the buildings. The extension of hours would allow a greater degree of usage of the approved heritage centre, cafe and the repaired Clock Tower, including some evening uses during the summer time. It is also proposed to allow the Clock Tower and Heritage Centre to open earlier in the morning from 10am to 9am on Saturday. It is acknowledged that the proposed extension of hours of use would allow a better access and use of the facilities; however, this should only be allowed provided that the proposed development would not adversely affect the neighbouring amenity, which is the main consideration under this application.

Neighbouring Amenity

10.10 The main issue in relation to this application proposal is the proposed extension of hours of the use of the facilities, the intensification of the use of the park and the potential for greater social and environmental impact towards the residents who live nearby. The proposal solely relates to changing the hours of use of the approved Clock Tower, Heritage Centre and café, the proposed extensions of hours are as follows:

		Heritage Centre & Clock Tower		Café	
		Summer	Winter	Summer	Winter
Weekday opening and closing hours	Hours approved under existing condition 6	08:00hrs-18:00hrs	08:00hrs-18:00hrs	08:00hrs-18:00hrs	08:00hrs-18:00hrs
	Hours proposed	08:00hrs - 20:00hrs	08:00hrs-17:00hrs	08:00hrs-18:00hrs	08:00hrs-17:00hrs
	Difference between existing and proposed	Close: <u>2 hours later</u>	Close: 1 hour earlier	No change	Close: 1 hour earlier
Saturday opening and closing hours	Hours approved under existing condition 6	10:00hrs-18:00hrs	10:00hrs-18:00hrs	10:00hrs-18:00hrs	10:00hrs-18:00hrs
	Hours proposed	09:00hrs - 20:00hrs	09:00hrs-17:00hrs	09:00hrs-18:00hrs	09:00hrs - 17:00hrs
	Difference between existing and proposed	Open: <u>1 hour earlier</u> Close: <u>2 hours later</u>	Open: <u>1 hour earlier</u> Close: 1 hour earlier	Open: <u>1 hour earlier</u>	Open: <u>1 hour earlier</u> Close: 1 hour earlier
Sunday and bank holiday opening and closing hours	Hours under existing condition 6	10:00hrs-15:00hrs	10:00am-15:00hrs	10:00hrs-15:00hrs	10:00hrs-15:00hrs
	Hours proposed	10:00hrs-16:00hrs	10:00am-16:00hrs	10:00hrs-15:00hrs	10:00hrs-15:00hrs
	Difference between existing and proposed	Close: <u>1 hour later</u>	Close: <u>1 hour later</u>	No change	No change

10.11 The assessment of this application was focused on the change of hours highlighted above, which either comprises earlier opening hours or later closing hours.

- 10.12 The proposed extensions of hours of use would allow the heritage centre and Clock Tower to be **opened 6 hours longer** every week during the summer, and **no net increase** in the opening hours in winter.
- 10.13 For the café, it would be allowed to **open 1 hour longer** every week during the summer, and **1 hour shorter** every week during the winter.
- 10.14 The two single storey buildings are not proposed to be physically extended and the size of the buildings would remain the same as approved and implemented. The properties to the north of the Clock Tower would be the closest at approximately 15 metres from the proposed buildings.
- 10.15 The proposed longer hours of use could increase the activity and use of the park, which is the intention of the original and the latest proposal. Internal consultees from the Council's Public Protection Team have reviewed the proposal and provided comments. The Acoustic Officer and Environmental Health Officer have both raised no objection to the proposal. There is no kitchen extract or mechanical plant proposed on the plans. The proposed extensions of hours of use are within the hours of opening of the park, and the latest proposed closing hours at 20:00 hrson Saturday would prevent any late night functions or events to be carried out within the buildings.
- 10.16 For Saturday morning, it is proposed to extend the hours of opening of both the Heritage Centre and Café from 10am to 9am. It is considered that the proposed earlier hours of opening on the Saturday would have an acceptable impact to the surrounding neighbours, it would be within the opening hours of the park (which normally opens at 8am) and would not pose unreasonable disturbance to the surrounding neighbours when compared to the approved scheme. It is worth noting during the winter; both the Heritage Centre and café would be closed 1 hour earlier on Saturday..
- 10.17 Taking into account the setting of the approved and implemented buildings, and the distance from neighbouring properties, the existing and consented use of the site and a condition restricting the hours of operation, it is considered that the proposed extension of hours for the heritage centre, café and clock tower would not have a significantly detrimental impact on the amenity of the surrounding neighbours. They would align with the closing of the park and the earlier opening hours are considered acceptable. The most vulnerable hours of day and night (early mornings and late at night) when the vast majority of surrounding neighbours are likely to be resting remains protected. It is therefore recommended that the original condition 6 to be altered into 2 conditions to reflect the difference in opening hours between the Heritage Centre and the Café. Condition 6 in Appendix 1 would not deal specifically with the revised hours to the Heritage Centre, with a new condition proposed (condition 7) that deals specifically with the revised opening hours for the café use.
- 10.18 The submitted statement highlighted that staff will also be present on site for the extended hours; there will be a dedicated "Heritage Ranger" based on site as well as a Learning Officer, who would be able to deal with issues in the park and address any concerns that the community may have. Whilst this arrangement is considered to be acceptable in principle, it is considered that a more detailed site management plan (condition 12) is required from the applicant and the café operator to demonstrate how the facilities will be managed. The site management plan should include mitigation measures to control usage of amplified music for the private hire, and other measures to minimise noise and any other form of nuisances that could potentially be generated by the uses and activities, especially during the extended hours.
- 10.19 Therefore, it is considered appropriate to recommend an additional condition 12 to secure a site management plan for the facilities; subject to this, the proposal is considered to be acceptable in terms of neighbouring amenity and would comply with the requirements of Policy DM 2.1 of Islington's adopted Development Management Policies.

Safety and Security

- 10.20 Policies DM2.1 and DM2.2 of Islington Development Management Policies states that all developments shall be safe, inclusive and are convenient and enjoyable to use for everyone. Situated within the park, it is considered that the location of the buildings provides a good degree of natural surveillance from surrounding properties and they have been designed to minimise opportunities for anti-social behaviour. Concerns were raised in representations with regard to the potential increase in crime and anti-social behaviour, and this issue has been duly considered in this application.
- 10.21 It is considered that the proposed increased use of the park by members of the public and visiting school children, together with the proposed building being staffed for longer hours would result in an increase of activity and natural surveillance of the area. It is anticipated that should any anti-social behaviour occur this could be reported to the Police much more quickly by the staff present on site. The Crime Prevention Officer's view is that the extended hours of use of the facilities to 20:00 hrs, which will be earlier than the closing hours of the parking, the proposed extension of hours would also discourage people who wish to commit anti-social behaviour away from the area. Therefore, it is judged that the proposed extended hours of use would not increase crime or the fear of crime within the area, and the proposal would comply with policy DM2.1.
- 10.22 Security has been considered in the original design of the building, with shutters and CCTV included to prevent anti-social activities and minimise potential for crime, this is not changed under this application. It is therefore considered that the proposal would improve the safety and security of the site. The proposal therefore meets the requirements of Policies DM 2.1 and DM2.2 of Islington Development Management Policies.

Transportation

- 10.23 Objections have been received in relation to the potential increase in the demand of parking spaces within the area. As per the original planning application, no on-site parking for visitors or staff is proposed. The site benefits by its close proximity to tube (Caledonian Road), Overground (Caledonian Road and Barnsbury) stations and bus stops, the site is considered to be well accessed by public transport. It is anticipated that the new facilities will be mainly used by local residents and the proposed extensions of hours of use of the Clock Tower, Heritage Centre and café will not generate significant amount of vehicle traffic to the local area.
- 10.24 The area is not currently within a controlled parking zone, which is one of the reasons the residents are currently experiencing difficulty in parking within the area. It is understood from the applicant and the council's highways department that the area will be brought in to a CPZ and the roads are in the process of being adopted. Notwithstanding that, as per the implemented consent, a servicing and delivery plan is required by condition for the development to address the transportation issues, and particularly, how the new facilities will be operated within the local transport network following the adoption of the roads.
- 10.25 Subject to condition to secure an adequate servicing and delivery arrangement, it is considered that the proposed extension of hours would not result in unacceptable impact on transportation within the local area.

Design, Character and Heritage

- 10.26 As mentioned above in paragraph 9.1 of the report, the development site comprises of statutory listed buildings, and the Council has a statutory duty in that special regard shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990)

- 10.27 The proposed development relates to changes to the hours of use and does not affect the design of the heritage centre, café or the clock tower. There is also no design changes from the granted Listed Building Consent P2016/0736/LBC as it is considered that the proposed extensions of hours of use would have no impact on the appearance and significance of the statutorily listed park and the Clock Tower.
- 10.28 It is noted that concern was raised in the representation that the proposal would “ruin the tranquility of the park”. Having reviewed the proposal, it is considered that the proposed extension hours of use of the heritage centre is modest and would not materially affect the wider character of the park and that significance and existing tranquility of the open space would not be detrimentally impacted.

Other Matters

- 10.29 Concerns were also raised in relation to the long term funding of the project and the pre application consultation undertaken by the applicant with the community. It is noted that details of the Cally Clock Tower Project are available on the council website (<https://www.islington.gov.uk/sports-parks-and-trees/parks-and-green-space/parks-projects/caledonian-clock-tower-improvements>) and it has been updated since 2014 with regard to the progress of the overall project. There are also e-newsletters sent by Greenspace to inform residents the progress of the building works of the approved scheme. The information is available online and does not form part of this application, however, it is useful background information which are available to the local residents. In terms of the planning process, an extensive consultation has also been carried out as part of the original planning permission and listed building granted in 2016 and as a part of the current Section 73 application as highlighted above in paras 8.1-8.3.
- 10.30 There is also representation suggesting that the Council intends to make money from the park. Having reviewed the comments, it is considered that these matters are not material planning considerations in the determination of this application. The financial implications of the project are not considered to be a planning matter in this case. The proposed extensions of hours of use is not considered to be significant and there is no net increase for the hours of use of the café.
- 10.31 It is noted from the Council’s Licensing Team that the park is currently licensed, however, it does not cover the new heritage centre and café. During the consultation process, it was also understood that no licensing application has been sought. A premises licence or Temporary Event Notice will only be required for any use for the venue where licensed activity is scheduled to take place. Given the facilities will be available for a wide range of activities, it is likely that some of the activities would require licensing. An informative is recommended in this regard.

11 SUMMARY AND CONCLUSION

Summary

- 11.1 This Section 73 application seeks permission to vary condition 6 (hours of use) for the heritage centre, the clock tower and café that were granted permission P2016/0730/FUL in 2016. That permission has been implemented.
- 11.2 The impact of the proposal on the amenity of neighbouring properties has been carefully considered. The proposed extension of hours of use would be more in line with the opening hours of the park and would not have a significant detrimental impact on the amenity of the nearby properties. An additional condition is recommended to secure a detailed site management plan to ensure that the proposed development is properly managed by the council and the operator of the café. The extension of hours of use would allow a greater degree of usage of the facilities in association with the park and this public benefit is weighed against the very limited adverse impact caused by the extension of hours.

- 11.3 The proposed extension of hours of use would result in a greater degree of natural surveillance, and any potential anti-social behavior could be reported to the Police much more quickly by the staff present on site. It is accepted that the proposed extension of hours would not have an adverse impact on the safety and security of the area and would bring positive benefits in deterring such anti-social behaviour.
- 11.4 In accordance with the above assessment, it is considered that the proposed development subject to condition is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

Conditions

- 11.5 Having reviewed the conditions originally imposed under P2016/0730/FUL, it is recommended to amend the following conditions:
- Condition 1 (Three-year commencement period): should be amended to the date of the original approval rather than a new 3-year commencement period
 - Condition 2 (Approved plans): Additional information/plan to be inserted into condition 2 and all the previous plans and statement to remain unless they are superseded by the current application
 - Condition 3 (Materials): No change
 - Condition 4 (Green Biodiversity Roofs): No change
 - Condition 5 (Arboricultural Method Statement): No change
 - Condition 6 (Hours of operation): To be amended to reflect the proposed extensions hours of use. Given the proposed opening hours for the Heritage Centre and Clock Tower and the Café are different, for avoidance of doubt, it is recommended to split the original condition into two separate conditions (condition 6 and condition 7).
 - Condition 7 (Inclusive Design): No change but would become condition 8 in the new decision
 - Condition 8 (Roller shutters): No change but become condition 9 in the new decision
 - Condition 9 (Servicing Arrangements): No change but become condition 10 in the new decision
 - Condition 10 (Delivery and Servicing Plan): No change but become condition 11 in the new decision
- 11.6 Additional condition to be imposed to make the development acceptable in planning terms:
- Condition 12: Site management plan to be submitted to ensure that the development would not have an unacceptable impact towards neighbouring amenity.

Conclusion

- 11.7 It is recommended that planning permission be granted under Section 73 of the Town and Country Planning Act (as amended), subject to varied and additional conditions as set out in Appendix 1 – RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the grant of full planning permission and listed building consent be subject to conditions to secure the following:

List of Conditions (Full)

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of the implemented permission on 23/05/2016.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>536 EX 001 rev.C, 536 EX 00, 536 EX 01, 536 EX 02, 536 EX 03, 536 EX 04, 536 EX 05, 536 EX 06, 536 EX 07, 536 EX 08, 536 EX 09, 536 EX 10, 536 EX 11, 536 EX 12, 536 EX 13, 536 EX 20, 536 EX 21, 536 WD 00, 5836 WD 01, 536 WD 02, 536 WD 03, 536 WD 04, 536 WD 05, 536 WD 06, 536 WD 07, 536 WD 08, 536 WD 09, 536 WD 10, 536 WD 11, 536 WD 12, 536 WD 13, 536 WD 14, 536 WD 15, 536 WD 16, 536 WD 17, 536 WD 18, 536 WD 20, 536 WD 21, 536 WD 22, 536 WD 23, 536 WD 30, 536 WD 30A, 536 WD 31 rev.E, 536 WD 32, 536 WD 33, 536 WD 40, 536 WD 41, 536 WD 42, 536 WD 43, 536 WD 44, 536 WD 45, 536 WD 46, 536 WD 47, 536 WD 48, 536 WD 60, 536 WD 61, 536 WD 62, 536 WD 63, 536 WD 64, 536 WD 65, 536 WD 66, 536 BD 60, 2772-5-4 B, Design and Access Statement, Heritage statement. Revised opening hours for the Heritage Centre, Clock Tower and Café – Sept 2018.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials
	<p>MATERIALS (DETAILS): Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ol style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses) b) render (including colour, texture and method of application); c) window treatment (including sections and reveals); d) roofing materials; e) balustrading treatment (including sections); f) elevation treatments; and g) any other materials to be used h) Portland stone <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Roof
	<p>GREEN BIODIVERSITY ROOFS (DETAILS): Details of the biodiversity green roofs shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:</p> <ol style="list-style-type: none"> d) biodiversity based with extensive substrate base (depth 80-150mm); e) laid out in accordance with plan no. 536 WD 32 hereby approved; and

	<p>f) planted/seeded with an agreed 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>
<p>5</p>	<p>Arboricultural Method Statement (AMS)</p>
	<p>No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan, TPP) and the appropriate working methods: the arboricultural method statement, AMS in accordance with Clause 7 of British Standard BS 5837 2012 –Trees in Relation to Demolition, Design and Construction and construction method statement have been submitted to and approved in writing by the local planning authority.</p> <p>Development shall be carried out in accordance with the approved details.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policies: 5.10, 7.19 and 7.21 of the London Plan 2011, policies: CS7, CS15A, B and F of the Islington Core Strategy 2011 and 6.5 of the DM policy 2013</p>
<p>6</p>	<p>Hours for operation – Heritage Centre and Clock Tower</p>
	<p>HOURS OF OPERATION (COMPLIANCE): The Heritage Centre and Clock Tower as detailed on approved plan no.536WD 31 and the clock tower shall not operate outside the following hours:</p> <p>Summer time:</p> <p>Monday to Friday: 08:00hr – 20:00hr Saturday: 09:00hr – 20:00hr Sunday: 10:00hr – 16:00hr</p> <p>Winter time:</p> <p>Monday to Friday: 08:00hr – 17:00hr Saturday: 09:00hr – 17:00hr Sunday: 10:00hr – 16:00hr</p> <p>For the avoidance of doubt, the “summer” period runs from the start of British Summer Time to the start of Greenwich Mean Time.</p> <p>REASON: To ensure the use does not adversely impact on existing and future residential amenity.</p>
<p>7</p>	<p>Hours for operation – Café</p>
	<p>HOURS OF OPERATION (COMPLIANCE): The Café as detailed on approved plan no.536WD 31 and the clock tower shall not operate outside the following hours:</p> <p>Summer time:</p> <p>Monday to Friday: 08:00hr – 18:00hr Saturday: 09:00hr – 18:00hr Sunday: 10:00hr – 15:00hr</p>

	<p>Winter time:</p> <p>Monday to Friday: 08:00hr – 17:00hr Saturday: 09:00hr – 17:00hr Sunday: 10:00hr – 15:00hr</p> <p>For the avoidance of doubt, the “summer” period runs from the start of British Summer Time to the start of Greenwich Mean Time.</p> <p>REASON: To ensure the use does not adversely impact on existing and future residential amenity.</p>
8	Inclusive Design
	<p>INCLUSIVE DESIGN (COMPLIANCE): The development shall be designed in accordance with the principles of Inclusive Design. To achieve this the development shall incorporate/install:</p> <p>a) accessible WC b) level threshold</p> <p>The development shall be carried out strictly in accordance with the details so 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: In order to facilitate and promote inclusive and sustainable communities.</p>
9	Roller Shutters
	<p>ROLLER SHUTTERS (COMPLIANCE): The storage boxes for the roller shutters hereby approved shall be located within the building fascia/façade and shall not project beyond the front face of the building. The shutter shall be of an open lattice type and shall not be solid / perforated.</p> <p>REASON: To ensure the good design of the roller shutter(s) and in the interest of preventing the creation of dead, inactive street frontages.</p>
10	Servicing Arrangements
	<p>SERVICING ARRANGEMENTS (COMPLIANCE):</p> <p>No deliveries shall be made to the premises outside the hours of:</p> <p>08.00hr to 18.00hr Monday to Friday, 10.00hr to 18.00hr Saturday, and 10.00hr to 15.00hr Sunday and Bank Holidays.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighboring residential.</p>
11	Delivery and Servicing Plan
	<p>A delivery and servicing plan (DSP), including details of waste collection from the site, details of waste storage within the site, detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so 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 ensure that the resulting servicing arrangements are satisfactory and do not adversely impact on existing and future residential amenity</p>
12	Site Management Plan
	<p>A Site Management Plan shall be submitted to and approved in writing by the Local</p>

	<p>Planning Authority prior to the first occupation of the development hereby approved. The Site Management Plan shall include:</p> <ol style="list-style-type: none"> 1) details of the management of the site (including the clock tower, heritage centre and café) and staff provision; and 2) details of the measures to control and minimise the level of noise generated by the activities within the premises; and 3) bottling out and waste management arrangement; and 4) control and levels of noise from any amplified music within the unit (if any); and 5) details of how the impact of the proposed use will be continuously reviewed and monitored by the applicant throughout the lifetime of the development; and 6) capacity (of each use); and 7) details of any private hire facilities/functions (if any). <p>The development shall be operated strictly in accordance with the details so approved, and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the extended hours of use hereby approved are satisfactory and would not adversely impact on residential amenity.</p>
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List of Informatives:

1	<p>Positive statement</p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
2	<p>Definitions</p> <p>INFORMATIVE: (Definition of 'Superstructure' and 'Practical Completion') A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	<p>Hours of Working</p> <p>The applicant is advised that the accepted working hours for development within the borough are:</p> <p>8:00am-6:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.</p>
4	<p>Community Infrastructure Levy (CIL)</p>

	<p>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 Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the Islington CIL Charging Schedule 2014 and the Mayor of London CIL Charging Schedule 2012.</p> <p>One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the application will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil, and the Islington Council website at www.islington.gov.uk/cil.</p>
5	S73 application
	<p>The following conditions in the original consent P2016/0730/FUL have been discharged under a separate application P2017/2890/AOD:</p> <p>Condition 3 (Materials) Condition 4 (Roof) Condition 5 (Tree Protection Plan)</p>
6	Licensing
	<p>The premises licence for the Park does not cover the Clock Tower/Heritage Centre and there is no separate premises licence in place for it and no application has been sought. It is advised the applicant should contact the Licencing Team to discuss whether a premise licence is required for the new Heritage Centre. (Tel: 020 7527 3031; Email: licensing@islington.gov.uk)</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

The National Planning Policy Framework 2018 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 and the Finsbury Local Plan 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

3 London's people

6 London's Transport

7 London's living places and spaces

Policy 7.4 Local character

Policy 7.6 Architecture

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM2.5 Landmark

DM3.7 Noise and vibration (residential uses)

Health and Open Space

DM6.1 Healthy development

DM6.2 New and Improved public open space

DM6.3 Protecting open space

Transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

4. Designations

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:

- Grade II* listed Clock Tower
- Grade II listed Park
- Local View from Archway road
- Local View from Archway Bridge
- Designated Open Space
- Protected landmark

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

Urban Design Guide (2017)

APPENDIX 3: COMMITTEE REPORT OF THE ORIGINAL APPLICATION P2016/0730/FUL AND P2016/0736/LBC)

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department
 PO Box 3333
 222 Upper Street
 LONDON N1 1YA

PLANNING SUB COMMITTEE B		
Date:	10 May 2016	NON-EXEMPT

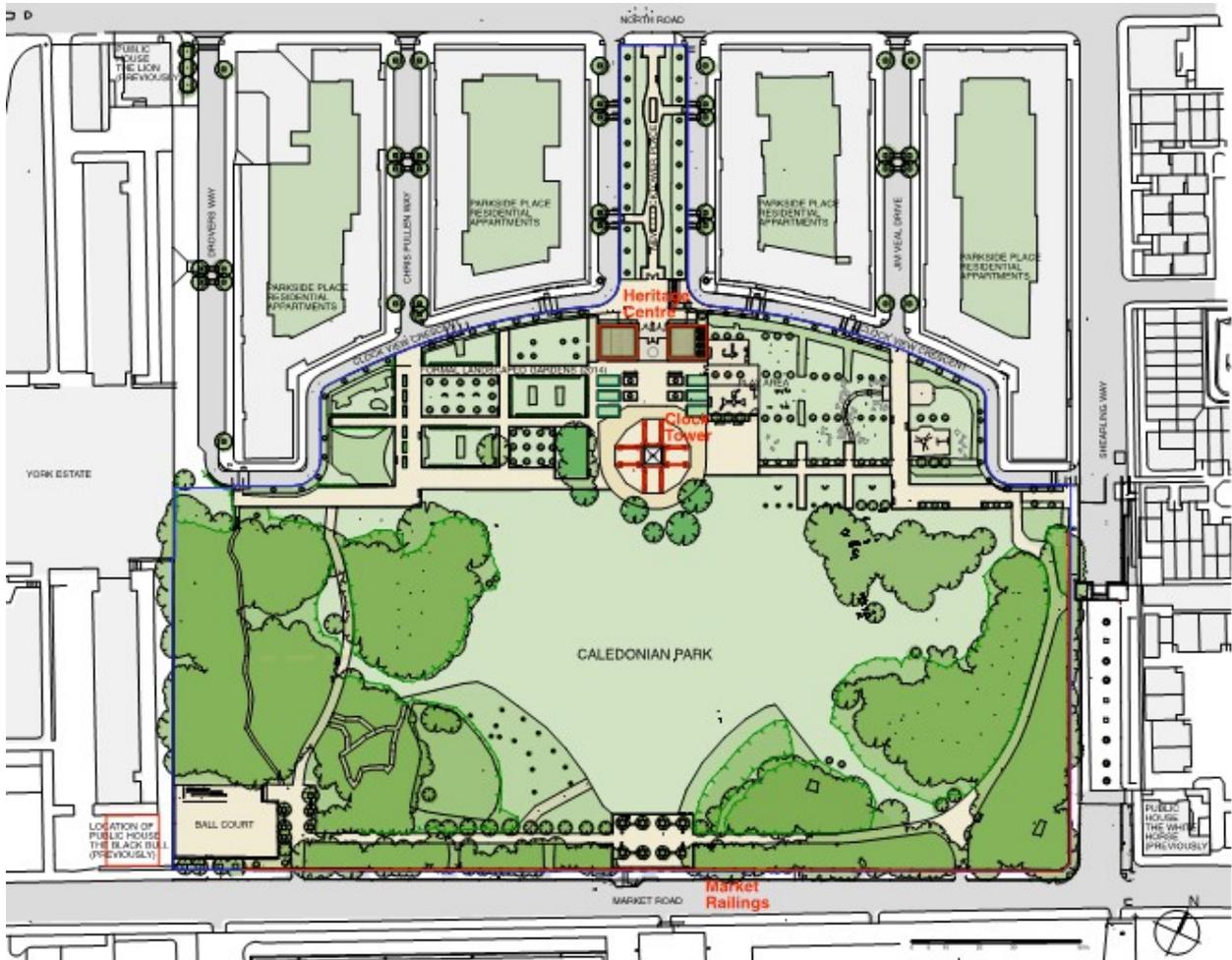
Application number	P2016/0730/FUL and P2016/0736/LBC
Application type	Full and Listed Building (Council's Own)
Ward	Holloway
Listed building	Listed Grade II
Conservation area	None
Development Plan Context	Open Space, Adjacent to SINC
Licensing Implications	License may be required
Site Address	Central Clock Tower , Caledonian Park, Market Road, London , N7 9DY
Proposal	<p>Full Application: The proposed development is to restore the grade II* listed clock tower, parts of the grade II listed historic market railings and to provide a heritage centre in Caledonian Park.</p> <p>Listed Building Application: Listed building consent application in connection with - the restoration of the grade II* listed clock tower, parts of the grade II listed historic market railings and to provide a heritage centre in Caledonian Park.</p>

Case Officer	Daniel Power
Applicant	London Borough of Islington - Mr Christopher Hariades
Agent	Dannatt, Johnson Architects -Ms Sophie Potter

1. RECOMMENDATION

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

1. SITE PLAN (site outlined in black)



2. PHOTOS OF SITE/STREET



Image 1: View to the south of the application site.



Image 2: View to the south of the application site.

2.1 RENDERED IMAGES OF PROPOSAL



Image 3: View to the south of the proposed building



Image 4: View to the south of the proposed buildings



Image 5. View to the south east showing the proposed buildings and Clock Tower

4. SUMMARY

- 4.1 Full planning permission and listed building consent are sought for the erection of a heritage centre comprising of two single storey buildings with café and toilets to provide facilities for the community and visitors, park ranger presence, and to support wider activities in the park. It is also proposed to repair and restore the historic grade II* listed clock tower and to improve public access to the tower. In addition the essential repair of grade II market railings to Market Road along with the restoration of the Market Road entrance gates are proposed.
- 4.2 The application site is allocated under policy DM6.3 of Islington's Development Management Policies (2013) as public open space where development is not normally permitted. The application proposes two small buildings within the existing park which would be close to but detached from the listed Clock Tower and would provide a heritage centre, café and toilets. It is considered that given the proposed use, the size of the proposed buildings and the benefits in terms of the improvement works to the listed clock tower and railings, the small loss of public open space is outweighed by the increased functionality afforded by the new facilities and the substantial public benefits derived from the proposal. In addition to the improvements to the clock tower and the benefits that the proposed use would bring to the park outweigh the harm caused by the loss of a small amount of open space and the proposal is considered to be acceptable.
- 4.3 It is considered that the buildings, while contemporary in their design, are of an exemplar quality and design and the proposed materials which include, Portland stone and bronze complement their setting. Their design, scale and massing does not compete with the listed clock tower and it is considered not to have a significant impact on the setting of the clock tower. In addition the application proposes repairs and improvement works to the Clock Tower and listed railings, which are considered acceptable and beneficial to the long term existence of the listed, heritage asset.
- 4.4 Given the distance from neighbouring properties, the existing park use of the site and the imposition of a condition restricting hours of operation, the proposals are not considered to have a significant detrimental impact on the amenity of adjoining properties.
- 4.5 The application is brought to Committee because of the level of objections received and the application has been submitted by the Council. It is recommended that planning permission and listed building consent be granted subject to conditions.

5. SITE AND SURROUNDING

- 5.1 Caledonian Park is designated as public open space and located on the western fringe of Islington, approximately 1.5 miles from King's Cross Station. The park is accessed from Market Road to the south, Shearling Way to the east and from New Clocktower Place with an open landscaped boulevard extending to North Road to the north. The park is the second largest in Islington and is built on the site of the former Metropolitan Cattle Market, once the biggest livestock market in London. The park is enclosed to the south and a large section of the east boundary by the remaining cast iron market railings which are grade II listed. In addition the park is allocated as Open Space, with the area to the south of the proposed building being allocated as SINC which covers the rest of the park. The clock tower and the remaining market railings have been identified on Historic England's Heritage at Risk register.
- 5.2 The parks history dates back to the 17th century site of Copenhagen House, later becoming a pleasure garden and sports field and developing into a gathering site of significant social and political rallies. The site was developed as the Metropolitan Cattle Market in 1855 with the clock tower constructed as the market's centrepiece, encircled at its base by a structure providing the market's banking and administration spaces. The market was bounded by substantial cast metal railings, which remain on both sides of Market Road and on Shearling Way, and are grade II listed. The market evolved into a flea market in the early 20th century and was requisitioned by the army during WWII, suffering bomb damage and falling into a state of dereliction until it was

redeveloped by London County Council and the City Corporation for housing (Market Estate) and a public park.

- 5.3 More recently the Market Estate was demolished and the area to the north of the park was significantly redeveloped to provide Parkside Place residential buildings, a new street layout in Clocktower Crescent and New Clocktower Place, and a large area of landscaped gardens and children's play area in the park.
- 5.4 The area to the north of this application site was granted planning permission in 2005 with various further approvals and amendments resulting in the development as built today. The park extends to the north between this development and adjoining North Road, allowing views of the clock tower from North Road.
- 5.5 To the east of this application site lies further residential properties and a university building while to the west is further residential development and the border with Camden. To the south of the site lies Market Road with a sports ground and tennis club to the south of Market Road and warehousing and commercial units.

6. PROPOSAL (IN DETAIL)

- 6.1 Full Planning permission and Listed Building Consent are sought for the creation of a heritage centre comprising of two single story buildings with café and toilets to provide facilities for the community and visitors, park ranger presence, and to support activities in the park. It is also proposed to repair and restore the historic grade II* listed Clock Tower and to improve access to support increased public access. Essential repair of grade II market railings to Market Road and the restoration of the Market Road entrance gates are also proposed.

Clock tower

- 6.2 This application seeks to undertake repair and restoration work to the clock tower and make access improvements to the clock tower so it can be opened for public access on a regular basis. The application proposes to install interpretation and audio visual display elements located inside and outside the Clock Tower that would provide explanation of the history of the site and the building. In addition it is proposed that regular guided tours of the clock tower will be provided following the restoration, and visitors will be able to ascend through each stage of the tower to view the working clock mechanism and experience the 360 degree view over London from the balcony at belfry level. A comprehensive survey has been submitted with the application detailing the condition of the clock tower and the repairs that are necessary.

Historic Railings

- 6.3 A significant amount of repair is required to the historic railings which form the southern and eastern boundary to Caledonian Park. The proposals will address priority repair work to install internal structural armature to columns to enable reinstatement of cast iron column heads that have been recently removed due to health and safety concerns.
- 6.4 The Market Road railings frame a historically significant view of the clock tower in the context of the former cattle market. The central entrance railings will be repaired and restored including the reinstatement of the cast animal heads, haunch brackets and lamps to column heads.

Proposed buildings

- 6.5 The application proposes two single storey detached buildings to the north of the clock tower, the west building will be used as an heritage centre while the east building will provide a café and toilet facilities. The buildings will be detached from the clock tower and each other with bronze gates between the proposed buildings, restricting access when the park is closed.
- 6.6 The west building would provide a heritage centre and would function as an activity hub for the site providing educational facilities. It would provide an activity room which would be used as a teaching and meeting place, venue for events and Page 91 for visitors to the tower where they

can gather and wait prior to the start of their tours. In addition there would be a kitchenette, toilets and general storage space to support the activity centre.

- 6.7 The heritage building would allow for a wide-ranging activities programme to be run from the centre by a Heritage Ranger and a Learning Officer. The activity programme would provide formal and informal learning activities, community activities, one off events and exhibitions, volunteer opportunities and training provision. Formal education activities would be run by Islington Heritage Service which currently runs a number oversubscribed education programmes from the Islington Museum.
- 6.8 The east building would provide a café which would have internal seating for 12-15 people and external seating for 17 people with additional covered open space and will serve light refreshments comprising hot and cold drinks, snacks, cakes and ice-cream. The cafe would be equipped with sinks, preparation space, refrigeration, display cabinet and other catering equipment. Access is from a side door adjacent to the north entrance gates to the park or from glazed doors to a south 'cloister'. A store adjacent to the kiosk provides storage for stock and equipment. This building also contains a volunteer room where volunteers can meet, undertake activities and store tools and materials. This can be accessed separately from the café from an external door on the eastern side of the building. .
- 6.9 The concept for the proposed buildings is a pair of 'gatehouse buildings' that sit as part of the formal axial entrance to the park. The buildings are orientated to maximize opportunities for passive solar heating and natural ventilation.
- 6.10 The proposed buildings' elevations have been designed as a symmetrical arrangement of large glazed panels, light stone-coloured brick panels, and natural bronze finish panels set into a Portland stone clad frame. The roof of the new building will be visible from housing to the north and from the windows and balcony of the clock tower and as such a green roof is proposed with diverse planting of wildflowers and grasses. The heritage centre's location on the boundary of the means that concerns about vandalism and security must be addressed. All glazed openings on the exterior of the buildings will have roller shutters, which will be finished in metallic polyester powder coating to match the bronze used in adjacent panels. Shutters will have a perforated construction to allow light and views through when closed, and will be concealed within the construction when they are not in use (i.e. rolled up). Both building would have cover cloister area which allow for outside seating in connection with the cafe with views of the clock tower. These covered cloister areas to the south of both buildings will be secured with roller shutters as described above. The central entrance space between the two buildings will have a new gate and railings, to maintain the security of the park outside daylight hours.

Landscaping

- 6.11 Fixed seating is proposed in the form of two new long benches to the south of the new buildings, and in seating plinths to the base of the clock tower as part of the interpretation scheme. The proposal for lighting is to give the clock tower presence using subtle lighting at the base and belfry level. The base of the clock tower will be illuminated with in-ground uplights to each alcove of the buttress base, which will enhance new interpretation panels to the east and west and assist with illumination of the entrances to the north and south. Lighting is proposed to the cloister areas and at the entrances to each building of the heritage centre. Subtle in-ground feature lighting will enhance the axial entrance to the park. Drainage will be provided particularly to intercept surface water runoff from the south. The bio-diverse roof will help to absorb storm water discharge. Overall the proposed scheme will not add to off - site storm water discharge.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 **P110317:** Market Estate: 1-58 Chris Pullen Way, 1-49 Drivers Way, 1-87 and 2-120, Clock View Crescent, 26-28 North Road, (Formerly known as Tamworth, 37 North Road, 25 North Road & Clock Tower Place), Islington, London. Planning Application under S73 of the Town and Country

Planning Act 1990 to vary condition 12b (window treatment) of planning permission P090011 dated 27/04/2009, for the 'construction of 187 residential units, distributed across 3, 4, 5 and 6 storeys, and 4 flexible use units (A1/A3/B1/D1) at ground floor level, measuring 661 sq.m. In addition a 21 sq.m caretakers' office is provided at ground floor level. Provision is made for 26 car parking spaces'. The condition is to be varied to ensure that the requirement for 200mm depth window reveals only apply to the first, second and third floors of the terracotta clad building on the corner of North Road and Drovers Way. Approved 13/05/2011

7.2 **P090516:** Central Clock Tower, Caledonian Park, Market Road, Islington, London, N7: Listed Building Application in connection with installation of an 18inch metal plaque to clock tower.: Approved 09/06/2009

7.3 **P090011:** Market Estate: Tamworth, 37 North Road; 25 North Road & Clock Tower Place, Islington, London N7: The proposal is for 187 residential units, distributed across 3, 4, 5 and 6 storeys, and 4 flexible use units (A1/A3/B1/D1) at ground floor level, measuring 661 sq.m. In addition a 21 sq.m caretakers' office is provided at ground floor level. Provision is made for 26 car parking spaces. This application may affect the setting of a listed building. Town and Country Planning (Listed Building Conservation Areas) Act 1990 (as amended); section 67. Approved 24/04/2009

7.4 **880611:** Caledonian Park Market Road (South side) N7: Erection of building to provide three covered tennis courts with associated changing rooms etc.: Approved 28/09/1988

ENFORCEMENT:

7.5 None

PRE-APPLICATION ADVICE:

7.6 **Q2015/3226/HH:** The erection of a single storey structure for a visitor's centre and associated uses including kiosk, community room, toilets and bicycle storage to provide facilities for park users and visitors to the Clock Tower. The proposal also includes works to repair and restoration of the Grade II listed Clock Tower and market railings'.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to 915 occupants of adjoining and nearby properties at Clock View Crescent, Shearling Way, Jim Veal Drive, Drovers Way, Ewe Close, Market Road, North Road, York Way, Brewery Road, New Clocktower Place, Chris Pullen Way. On the 31 March 2016 a site notice was placed outside the site and the application was advertised in the Islington Gazette on 1 April 2016. Therefore the public consultation expired on 22 April 2016 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 writing this report 48 letters of objection and 8 letters of support had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

8.3 Support

- Support a café and heritage centre within the park
- Support the repair works to the listed Clock Tower and railings.

8.4 Objections

- Proposed building out of keeping with the area. (para. 10.13 to 10.26)
- Proposals will harm the views of the clock tower from North Road. (para. 10.27 to 10.31)
- Proposals will lead to an increase in anti-social behaviour (para. 10.42 to 10.43)
- Concerns about parking (para. 10.44 to 10.45)
- Concerns over the long term funding of the project. (para. 10.52)

- Concerns that an increase in the use of the site will have an impact on the amenity of people living in neighbouring properties. (para 10.32 to 10.34)
- Concerns in relation to the pre application consultation undertaken by the applicant with the community. (para. 10.52)

Petitions:

- 8.5 A petition has been submitted with 354 signatures in support of the providing free public access to the clock tower, a ranger to provide security and the heritage centre with a café with public toilets application.
- 8.6 A 'Change.Org' petition objecting to a visitor centre at Caledonian Parks north gate is currently still open online, but at the time of writing this report had not yet been formally submitted as a petition to the LPA. However, at the time of finalising this report there were 166 signatories objecting to the proposals.

Internal Consultees

8.7 **Design and Conservation Officer:**

Following pre-application discussions a canopy located between the two buildings has been omitted and the gap between the two buildings has been further widened in order to reduce the visual impact of the proposed building on the setting of the clock tower. The timber clad finish to the building has also been replaced with a more refined design utilising a harmonious palette of stone, bronze and a limited extent of light brick. The internal layout has also been rationalised so that the quality and extent of seating space to the café has been maximised with improved functionality.

The design is a good example of a distinctive but discrete park building, clearly contemporary but avoiding clichés that might date and utilising a harmonious palette of high quality robust materials. It has a neutral impact on the setting of the Grade II* listed clock tower. Historic England supports this assessment. Details/samples are required for all materials and detailing including the stone, metal cladding, brick, windows and gates.

The proposed like-for-like and/or conservation repairs are acceptable. Timbers will only be replaced if beyond repair. Details of new doors and interpretation panels are required. The proposal would not have an adverse impact on the character, appearance, setting or integrity of the listed clock tower, nor its setting within the park. No objection is raised to the scheme subject to appropriate material and finish conditions for both the planning and listed building applications.

- 8.8 **Trees and Landscaping:** Raise no objection to the proposal subject to an arboricultural method statement being conditioned to safeguard the protection of the trees through construction.

- 8.9 **Access Officer:** Stated that it would appear to be a well thought out proposal to improve access to this heritage feature and they are pleased to note the applicant's reference to the Inclusive Design in Islington SPD. Questions were raised in relation to the proposed 'golden gravel on a tarmac base' and whether it would be suitable for wheelchair users, internal doors need to comply with the requirements of the Inclusive Design in Islington, kitchenette and shared refreshment facilities will need to comply with the requirements of building regulations and consideration should also be given to providing tactile information/interpretation for those with visual and cognitive impairments. A number of suggestions were made relating to new seating, uprights and in-ground feature lighting and the provision of baby changing facilities.

- 8.10 The applicant provided further information and clarification either addressing the questions that were raised or stating that the suggestions will be incorporated in to the detailed design.

- 8.11 **Planning Policy:** The policy officer was concerned that based on the initial information that was provided, the loss of open space associated with the new heritage centre buildings had not been robustly justified within a policy context which strongly protects open spaces from development. It was also considered that there was a lack of information about how the loss of open space and

biodiversity will be mitigated and how the ecology of the site can be enhanced. With regard to the proposals for the café/heritage centre it was suggested that further consideration is given to the proposals to address the issues of loss of open space/biodiversity and how this can be mitigated. Further information was requested to ensure that the proposals were properly justified, exceptionality was demonstrated and to demonstrate that the impacts of the proposals have been mitigated as far as possible. The following information was requested :

- A quantification of the overall amounts of open space to be lost, including a breakdown of the landscaped areas and what their biodiversity value is.
- A statement of how the proposals proposed to mitigate the impacts on the open space/biodiversity
- A justification for the buildings proposed. For the heritage centre this should address the issue of why this is needed within the park, if it is specifically related to the clock tower or more general heritage use and why alternative locations in proximity but outside of the park have not been considered. The need for the other uses, including the café should also be justified, including evidence of why they cannot be accommodated on a smaller footprint or through alternative means with less of an impact

8.2 Further information has been submitted with regard to the extent of the development, areas of existing and proposed hard surfacing, planting, new building and green roofs, along with further justification for the need of the building. It is now considered that the concerns of the Policy Officer have been addressed by the additional information that has been submitted.

External Consultees

8.5 **Historic England:** Offered no comments but suggested a condition relating to details to be submitted prior to work begun relating to new, doors, windows, display cases, replacement timbers, repairs to external stonework, details of stone cleaning and details of repairs to metal bracket and decking.

8.6 **Victorian Society:** The Society is not opposed to the principle of much of what is proposed, some which it considers is highly commendable. However they object to the application in its present form. Caledonian Park, its railings and clock tower are almost all that remain of the once 30 acre Metropolitan Cattle Market, opened in 1855 and cleared in the 1960s. They were pleased to see that the central entrance railings will be repaired and their characterful historic details reinstated. However, given the poor condition of the entire stretch of the Grade II listed railings on the southern and eastern boundaries, it is unfortunate that only a small portion is to be properly restored. They considered that all of the railings should receive the same treatment rather than merely being patched. The clock tower, which was the centre piece of the market, is now perhaps something of a curiosity without its ancillary structures though it does strongly relate to the surviving corner pubs built to serve the markets clientele, sharing the same magnificent Italianate style chosen by JB Bunning. The tower is a major landmark and so its restoration deserves high praise, as does the principle of any enhancement of its understanding for which there is great potential. However, the present scheme is a missed opportunity. It is proposed to introduce two new single storey structures on the north side of the tower, which will house a heritage centre, café, toilets as well as space for park rangers and volunteers. The proposed structures do not relate in any way to the clock tower, which should be the first consideration for any proposal at this location, considering the importance of this highly listed building. They will result in a level of harm to the heritage asset, which might be outweighed by considerable public and heritage benefits, but nevertheless is unjustifiable when patently there are many, more imaginative, options that could be explored.

8.7 **Design Review Panel** – At pre-application stage the proposal was considered by the Design Review Panel on the 8th December 2015. The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by the Design Council/CABE. A summary of the panel's observations are attached at Appendix 3 but the main points raised in the most recent review are summarised below:

Ambition of the project

- 8.8 The panel questioned the ambition of the project and suggested an increase in size of the new buildings to provide for future expansion and to reflect the historic importance of the site.
- 8.9 Officer's comments: The applicants have carefully considered the size of the proposed buildings to minimize the impact on the setting of the listed Clock Tower, the park and local views and surroundings. The scale and location of the building relates sensitively to the historic importance of the site and the clock tower, and the expectation that the primary audience will be the local community.

Location of the heritage centre

- 8.10 The panel observed that the opportunity to locate the heritage centre to the south entrance of the park should be explored.
- 8.11 Officer's comments: The applicants explored the possibility of locating the heritage centre to the south side of the park on Market Road. A location near the central gate was discounted on advice from Historic England that this would adversely impact on the view of the clock tower from the south gate which would not be acceptable as this view is historically significant. Other locations to the south side were also considered that would not impact on the view to the clock tower but would impact on the central grass open space and/ or mature trees. The southern part of the park is designated as a Site of Importance for Nature Conservation, Borough Grade 1 and as such development in this area would be against planning policy. The proposed location on the north side is not within the Site of Importance for Nature Conservation boundary. The applicant considered that a southern location would also be inconvenient for a proposed toilet and café, given that the playground and Clock tower are on the north side of the park..

Size and flexibility of heritage centre

- 8.12 The panel questioned whether the proposed building was large enough and sufficiently flexible to support future expansion and adaption. The panel suggested a building at the base of the tower could provide a greater quantity of floor space.
- 8.13 Officer's comments: The applicant was advised that a larger building that would be attached to the clock tower would have an unacceptable impact on the listed clock tower and its setting.

Adaptability and funding of heritage centre

- 8.14 The panel questioned the adaptability of the proposals in relation to the café.
- 8.15 Officer's comments: In response the applicants have made some changes to the café since the review panel, allowing greater flexibility in the layout. The heritage centre Café has been designed as a small scale operation, visible and accessible from the street and within the park. The interior will have adequate space for equipment and storage space required to operate the Café.

External materials

- 8.16 The panel raised concern over proposed use of zinc cladding and painted timber boarding for external finishes. Stone was suggested as a more robust option.
- 8.17 Officer's comments: The external materials of the proposed buildings have been modified since the Review Panel meeting. It is proposed that the frame of the building is clad in Portland stone as a response to the materials of the clock tower. External walls will be composed of brick with glazing and bronze panels set within the stone frame.

Appearance of the base of the Clock tower

- 8.18 The panel raised concern over the relatively poor appearance of the painted render base of the Clock tower.
- 8.19 Officer's comments: In response the applicant's proposals include work to repair the render base of the tower, and to redecorate in a colour that is more sympathetic to the natural colour of the Portland stone above. It is also proposed to incorporate new decorative interpretation panels in the east and west arches of the clock tower to provide interpretation material that would be accessible even when the tower is closed. Recessed in-ground lighting will give presence to the base of the Clock tower during winter months

9. RELEVANT POLICIES

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

National Guidance

- 9.2 The National Planning Policy Framework (NPPF) 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals. Development Plan.
- 9.3 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, The Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Designations

- 9.4 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:
- Grade II* listed Clock Tower
 - Local View from Archway road
 - Local View from Archway Bridge
 - Designated Open Space
 - Protected landmark

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

- Land Use
- Heritage, Education and promotion of open space
- Design and appearance
- Amenity
- Impact of Listed Buildings
- Security

Land Use

- 10.2 The application site, Caledonian Park, is allocated as Open Space under Policy DM6.3 of Islington's adopted Development Management Policies (2013), which states that development is not permitted on any public open space. Caledonian Park consists of 4 hectares of open space,

containing the grade II* listed clock tower, grade II listed Metropolitan Cattle Market Railings, site of importance nature conservation area (SINC), semi mature woodland areas, an orchard, short and long grass meadows, children's play area, tarmac ball court with football goals and community gardens.

- 10.3 The proposal would involve development on public open space therefore the weighting of the potential benefits in promoting the use of the open space, improvement to the listed Clock Tower and the education benefits of the proposal should be considered against the loss of open space. Whilst there will be no replacement of the public open space in this instance it is considered that the provision of the heritage centre and its associated facilities will enhance the park and the functionality of the public open space and as such are considered to be exceptional circumstances that would in this case justify the small loss of public open space. The proposed café and heritage building would promote the use of the open space by providing complementary facilities and as such would improve the functionality of the park and the clock tower.
- 10.4 The proposed buildings would be located to the north of the clock tower adjacent to an existing playground and either side of the main north gates. The proposed heritage centre has an overall footprint of 250m² which includes the open trellised terrace area to the eastern end and cloistered area to the south side (totalling 82m²). The gross internal floor area is 143.m² with an external footprint of 168m², which is 0.4% of the area of the public open space. The proposed buildings are to be located on a recently laid out park area completed in winter 2012/13 of which 50% is gravel surfaced hard standing and paths and 50% is planting beds comprising predominantly ornamental herbaceous planting. The proposal would not result in the loss of any grass areas. The proposal would also provide 145m² of grass sedum roof on the proposed flat roofs of the two single storey buildings and whilst not accessible open space will assist with the ecological benefits of the proposal, enhancing the park generally. A condition has been recommended to provide and maintain a green roof on the buildings with an agreed mix of species within the first planting season following the practical completion of the building works. On balance it is considered that the proposed development would not result a significant or harmful loss of public open space and the associated public benefits associated with the proposal would enhance the overall functionality of Caledonian Park.

Heritage, Education and Promotion of Open Space

- 10.5 The application proposes a heritage centre which will be used to allow for a wide-ranging activities programme to be run from the centre by a Heritage Ranger and a Learning Officer. The activity programme would provide formal and informal learning activities, community activities, one off events and exhibitions, volunteer opportunities and training provision. Formal education activities would be run by the Islington Heritage Service which currently runs a number oversubscribed education programmes from the Islington Museum.
- 10.6 The heritage building will provide flexible accommodation to allow a range of different uses and will include toilets, café, park ranger office and community activity space to support more regular opening of the clock tower. The building will allow people to engage with the heritage of the area even if they are physically unable to climb the clock tower. The clock tower is an important part of the sky line of the local area and an iconic monument for the area's identity which has not been accessible to members of the public for some time. The proposed building would provide facilities for individuals and groups to visit the Clock Tower.
- 10.7 The Community Ranger and the Learning Officer will be based at the centre and will be responsible for delivery of the activity programme. Further staff presence will be provided by the Central Area Parks Team on an occasional basis and as required for special events. Volunteers will provide additional support for education and other activities run from the Centre. To help protect staff when lone working personal alarms will be provided which will link to the building alarms with the addition of staff on site this would result in an increase of activity and an increase in the natural surveillance of the area helping to prevent anti-social behaviour.
- 10.8 In addition to the proposed heritage centre, the application proposes a café and toilets. The cafe would have internal seating for 17 people and an additional covered open space and will serve light

refreshments comprising hot and cold drinks, snacks, cakes and ice-cream. External seating in cloister for 9-12 covers. The Cafe will be operated by a private tenant under a lease agreement with the Council. It is proposed to condition the hours of operation and deliveries to the site..

- 10.9 The park is the second largest park in the Borough, with Caledonian Road tube station and Caledonian Road & Barnsbury overground station within walking distance. In addition following the completion of the development to the north in 2012, the park is accessible to large numbers of people. As a result of anti-social behaviour and the lack of facilities the park is under used given its location, size, history and accessibility. Many parks and open spaces across the borough and London have cafes, heritage centres and toilet facilities which allow visitors to enjoy the benefits of the open space and increase the functionality of the park. This is not an uncommon feature and the overall scale, height and massing has been kept to a minimum to limit the loss of open space and respect the setting of the listed Clock Tower.
- 10.10 The park currently has a playground to the north east of the Clock Tower which would adjoin the outside seating area of the proposed café building. The proposed café would complement the existing playground on the site and further promote and encourage the use of the playground while providing facilities for parents such as toilets, hot and cold drinks and baby changing facilities. The improvement to the clock tower, proposed heritage centre and heritage display boards will educate visitors to the park about the history of the site and the importance of the clock tower. Visitors will also have the opportunity to view the London sky line from the top of the clock tower.

Design and Appearance

- 10.11 Islington's Planning Policies and Guidance encourage high quality design which complements the character of an area. In particular, policy DM2.1 of Islington's 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. It is also considered that policy DM2.3 is important in relation to this application to ensure all development continues to preserve and enhance the character and appearance of the conservation area.
- 10.12 The application site while not located within a conservation area sits within the setting of a Grade II* listed building. The site is allocated as Public Open Space with open views of the listed Clock Tower and historic railings. The development to the north of the application site is modern, and consists of 3, 4 and 5 storey buildings arranged in a rectangular blocks and constructed from London stock yellow brick, render, metal windows and balconies.

Proposed Buildings

- 10.13 The concept for the proposed buildings is a pair of 'gatehouse buildings' that sit as part of the formal axial entrance to the park. The buildings are orientated to maximize opportunities for passive solar heating and natural ventilation. The proposed building elevations have been designed as a symmetrical arrangement of large glazed panels, light stone-coloured brick panels, and natural bronze finish panels set into a Portland stone clad frame. The roof of the new building will be visible from surrounding housing to the north and from the windows and balcony of the clock tower and as such a green roof is proposed with diverse planting of wildflowers and grasses. The Heritage Centre location on the boundary of the park requires the design proposals to address concerns about vandalism and security issues. All glazed openings on the exterior of the buildings will have roller shutters, which will be finished in metallic polyester powder coating to match the bronze used in adjacent panels. Shutters will have a perforated construction to allow light and view through when closed, and will be concealed within the construction when they are not in use (i.e. rolled up). The covered cloister area to the south of both buildings will be secured with roller shutters as described above when the building is closed. The central entrance space between the two buildings will have a new gate and railings, to maintain the security of the park outside daylight hours.
- 10.14 Given the lack of built form within the park and the architectural quality of the clock tower, any new built form should be of a high standard of design. The proposed buildings are contemporary

in their design, while being of a high quality and create a clear distinction between the historic and the new built form in the park. The materials complement each other while being respectful of their setting within the park and the listed clock tower. In addition it is considered that their scale and massing is acceptable given their location within the park and do not compete with the listed Clock Tower. The Council's Design and Conservation officer raised no objection to the proposed buildings and considered that they are a good example of a distinctive but discrete, well designed park building.

Repair and restoration works

- 10.15 Policy DM2.3 of Islington's adopted Development Management Policies states that the significance of a listed building can be harmed by inappropriate repair, alteration or extension. Proposals to repair, alter or extend a listed building which harm its significance will not be permitted unless there is a clear and convincing justification. Substantial harm to or loss of a listed building will be strongly resisted. In addition new developments within the setting of a listed building are required to be of good quality contextual design. New developments within the setting of a listed building which harms its significance will not be permitted unless there is a clear and convincing justification, and substantial harm will be strongly resisted.
- 10.16 This application seeks to undertake repairs and restoration work to the clock tower, in addition to incorporating heritage display boards and information about the clock tower. In addition works to provide level access at ground floor level are proposed, so that the building can be made accessible to more members of the public. The application proposes to install interpretation and audio visual display elements located inside and outside the clock tower that would provide explanation of the history of the site and the building. In addition it is proposed that regular guided tours of the clock tower will be provided following the restoration, and visitors will be able to ascend through each stage of the Tower to view the working clock mechanism and experience the 360 degree view over London from the balcony of the clock tower.
- 10.17 The application proposes works to the remaining railing to the south and west boundary of the application site. Many of the cast iron heads on the pillars have been removed or are damaged. The railings to the southern and western boundary form an important part of the entrances to the park and frame the setting of the clock tower. The proposed works would repair and restore the railings to their original condition improving the entrances to the park and the setting of the listed clock tower.
- 10.18 The application also proposes internal display and interpretation boards which will educate members of the public and school children visiting the site as to its history. The precise details as to how the display and interpretation boards will be fixed to the building will be controlled by condition, which Heritage England has suggested is acceptable.
- 10.19 The repair and restoration works would improve the visual appearance and structural integrity of the Listed Clock Tower. Heritage England and the Council's Design and Conservation officer have commented on the repair works and have no objections subject to conditions detailing the new, doors, windows, display cases, replacement timbers, repairs to external stonework, details of stone cleaning and details of repairs to metal bracket and decking.
- 10.20 The works proposed to the listed clock tower and railings relate mainly to repairs with no new building or structure attached to the fabric of the listed buildings. The heritage interpretation board will be attached to the building with details confirmed by condition. It is therefore considered that the proposal would not have a harmful impact on the setting or fabric of the listed clock tower or railings and is therefore considered acceptable and to satisfy the requirement of Policy DM2.3 of Islington's adopted Development Management Policies.

Setting of the listed Clock Tower

- 10.21 Policy DM2.3 of Islington's adopted Development Management Policies states that new developments within the setting of a listed building are required to be of good quality contextual design. New developments within the setting of a listed building which harms its significance will

not be permitted unless there is a clear and convincing justification, and substantial harm will be strongly resisted.

- 10.22 The proposed building would not be attached to the clock tower and would be located to its north, approximately 18 metres from the arches of the tower and 25 metres from its base. The heritage building would have a northern elevation measuring 11 metres in width with a height of 3.6 metres, while the café's northern elevation would measure 11 metres including the overhang for the outside seating area and a height of 3.9 metres. The proposed elevations have been designed as a symmetrical arrangement of large glazed panels, light stone-coloured brick panels, and natural bronze finish panels set into a Portland stone clad frame. The roof of the new building will be visible from surrounding housing to the north and from the windows and balcony of the clock tower and as such a green roof is proposed with diverse planting of wildflowers and grasses.
- 10.23 The proposed building would not be attached to the listed building and would stand either side of the main walkway from the north of the Tower. The buildings being located approximately 18 metres from the arches of the tower and 25 metres from its base would therefore create a clear definition between the Clock Tower and the new development. The proposed building's small scale partially in comparison to the tall and grand Clock Tower would result in the tower remaining the main focal feature in the landscape. The design of the proposed building is such that it complements the Clock Tower, with a contemporary but clean design to further make clear the difference between the modern buildings and the historic clock tower.
- 10.24 It is therefore considered that given the small scale of the buildings, their detached location from the clock tower and the quality of the design that the building would not have a detrimental impact on the setting of the listed clock tower and satisfies the requirement of Policy DM2.3 of Islington's adopted Development Management Policies

Views of the historic Clock Tower

- 10.25 Policy DM 2.5 states that the council will protect views of well-known local landmarks and will exercise stringent controls over the height, location and design of any building which blocks or detracts from important or potentially important views. The clock tower is identified as a protected landmark within this policy.
- 10.26 The listed clock tower measures 46 metres to the ridge which excludes the weathervane and has a width of 6.6 metres not including the arches at the base. When the 2002 planning application was submitted for the redevelopment of the land to the north of the Clock Tower, the development was planned so as to have clear sight lines from North Road to the clock tower, which has resulted in the park land in-between the residential development.
- 10.27 Objections have been received in relation to the impact the proposed new buildings would have on the view points to the clock tower from North Road. The proposed buildings would not be attached to the clock tower and would be located to its north, approximately 18 metres from the arches of the tower and 25 metres from its base. The heritage building would have a northern elevation measuring 11 metres in width with a height of 3.6 metres, while the café's northern elevation would measure 11 metres including the overhang for the outside seating area with a height of 3.9 metres. Given the separation from the clock tower and the separation between the proposed two, single storey heritage buildings, the views and setting of the clock tower are considered to be preserved.
- 10.28 The proposed building's elevations have been designed as a symmetrical arrangement of large glazed panels, light stone-coloured brick panels, and natural bronze finish panels set into a Portland stone clad frame. The proportions of the elevation reflect the symmetry of the tower and maintain the axial view and approach from the North. While the design approach is clearly contemporary this does not detract from the more detailed architectural features of the historic clock tower.
- 10.29 The clock tower is significantly larger in height, scale and massing than the proposed detached buildings. While the proposal would introduce development close to and in front of the clock

tower, the differences in height, scale and massing of the buildings while maintain the “axis” line of the development to the north of the site. The proposal is not considered to obscure or detract from the important views or setting of the historic clock tower and satisfies the requirement of Policy DM2.5 of Islington’s Development Management Policies.

Neighbouring Amenity

- 10.30 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy, safety and an increased sense of enclosure. A development’s likely impact in terms of light pollution, safety, security, noise and disturbance is also assessed. London Plan Policies 7.14 and 7.15 as well as Development Management Policies DM 2.1 and DM6.1 require all developments to be safe and inclusive and maintain a good level of amenity, mitigating impacts such as noise and air quality.
- 10.31 Objections have been received in relation to the introduction of a café and heritage centre to the site, which could cause noise and disturbance to neighbouring properties. The properties Clock View Crescent to the north of the clock tower would be the closest residential properties to the site at 20 metres from the proposed single storey buildings. The proposal would increase the activity and use of the park, which is the intention of the proposal. The proposed buildings are small in scale and the proposed uses are low key and it is considered that the proposal would be unlikely to generate noise disturbance that would detrimentally impact on nearby residents. It is envisaged that the proposal would attract families and visitors to the park that are interested in the heritage of the site during park opening times. However it is recommended that a condition is imposed restricting the times of the café opening, heritage centre and clock tower. Condition 6 relates to hours of operation and condition 9 relates to hours restrictions on deliveries and servicing. (
- 10.32 Given the distance from neighbouring properties, the existing use of the site and a condition restricting hours of operation, it is considered that the proposal would not have a significantly detrimental impact on the amenity of adjoining properties. The proposal is therefore considered to comply with the requirements of Policies DM 2.1 and DM6.1 of Islington’s adopted Development Management Policies.

Inclusive Design

- 10.33 Policy DM 2.1 of Islington Development Management Policies states that all developments shall demonstrate that they provide for ease of and versatility in use and produce places and spaces that are convenient and enjoyable to use for everyone.
- 10.34 The current arrangement through the clock tower is via a steep and narrow spiral staircase and stair ladders with open balustrades and rope handrails. The passage up and down the building requires a good level of physical fitness and confidence with heights. The stairs particularly from the 2nd floor up comprise narrow timber open treads and despite proposed improvements to hand and guard rails physical access to the upper floors of the tower will be restricted to able-bodied people. Due to the restricted floor space of the existing internal layout of the stages, and the listed fabric of this structure, it is not considered feasible to incorporate a passenger lift.
- 10.35 The proposals seek to improve physical access to the ground floor of the tower by reinstatement of doors to the north elevation, and a secondary set of internal glazed doors. Stairs and ladders will be restored and refurbished with replacement of rope handrails and the introduction of a secondary rail to assist people of differing heights, ages and abilities in access to upper floors.
- 10.36 Although the balcony level is a major draw for the public for the impressive view of London it offers, the current balustrade is too low. A new glass balustrade has been designed to sit behind the line of the original balustrade to improve public access to the balcony. For disabled visitors unable to climb the tower video glasses will be available to enable a friend to live feed their visit back to a smart phone or monitor in the base of the clock tower and/ or heritage centre, so they can enjoy an interactive clock tower experience in real time directly through the eyes and commentary of their friend.

- 10.37 There is a suitable disabled access drop-off point on Clock Tower Crescent 35 metres from the building entrance and it is proposed to establish a disabled person's temporary permit to site scheme via the Shearling Way park entrance which will be operated by site staff through an advertised contact number and with appropriate signage at the entrance gate.
- 10.38 The Council's Access Officer has commented on the application and has no objections in principle to the application. It is recommended to attached a condition requiring the development shall be designed in accordance with the principles of Inclusive Design, condition 7 requires certain equipment to be installed
- 10.39 The applicant has provided further clarification on the matters raised and stated that the Access Officer's suggestions will be incorporated into the detailed design of the proposal. It is therefore considered that given the restrictions on providing level access to such a historic and tall building that the design of the proposed building and level access on the ground floor of the clock tower, are considered acceptable. As such meets the requirements of Policy DM 2.1 of Islington Development Management Policies.

Security

- 10.40 Policy DM 2.1 of Islington Development Management Policies states that all developments shall be safe and inclusive. The location of the building provides a good degree of natural surveillance from surrounding properties and has been designed to minimise opportunities for anti-social behaviour and vandalism. The details of the building will be developed to deter climbing. External down pipes (if used) will be square section to further deter climbing. All windows will be protected by metal roller shutters when the park is closed. Internal and external CCTV will provide capacity for out-of-hours monitoring at the nearby Waste Recycling Centre.
- 10.41 The increased use of the park by members of the public and visiting school children, together with the proposed building being staffed would result in an increase of activity and an increase in the natural surveillance of the area. The increase in activity in the park would assist in deterring anti- social behaviour. Furthermore should any anti-social behaviour occur this could be reported much more quickly by on site members of staff. Security has been thoroughly considered in the design of the building, with shutters and CCTV included to prevent anti-social activities and crime. It is therefore considered that the proposal would improve the security of the site and therefore allow more people to enjoy the open space. The proposal therefore meets the requirement of Policy DM 2.1 of Islington Development Management Policies.

Transport

- 10.42 Objections have been received in relation to level of parking required and the existing park issues. No on-site parking for visitors or staff is proposed. Given the close proximity to tube and rail stations and bus stops the site is considered to be well located to access by sustainable means. In additional the application also proposes cycle racks, two undercover and three outside to the north of the proposed buildings. The roads to the north of the site have parking restrictions in place in the form of double yellow lines. The existing parking requirements of the area are not a material consideration for this application.
- 10.43 The application proposes a servicing and delivery route from the eastern entrance to the park to the proposed building. Given the parking restrictions in the surrounding area, the proposed use and surrounding neighbouring properties, it is recommended to attach a condition requiring a Delivery and Servicing Plan (DSP).

Landscaping and trees

- 10.44 Policy DM6.5 of Islington's adopted Development Management Policies requires that developments must protect contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area. It states that developments are required to minimise any impact on trees and shrubs, while developments should maximise the provision of green roofs.

- 10.45 The existing area to the north of the clock tower was landscaped in 2012/13, following the completion of the development to the north, as this area was used in connection with the development's construction. The existing area has a line of trees each side of the central walk way leading to the base of the Clock Tower, which follows the axis from the park to the north. At either side of the line of trees there are rectangular plots of predominantly ornamental herbaceous planting.
- 10.46 The location of the two buildings would result in the loss of 233m² of recent planting. It is proposed that this will be compensated for by the provision of 84m² new planting to the north and west sides of the building and the bio-diverse green roof (145m²). Paving within covered cloister areas to the south of buildings and between the two buildings will comprise high quality slabs. Hard paved areas beyond the new paving surface will comprise golden gravel on tarmac base to match the existing surfacing. Fixed seating is proposed in the form of two new long benches to the south of the new buildings, and in seating plinths to the base of the clock tower as part of the interpretation scheme.
- 10.47 The proposal for lighting will give the clock tower an improved presence using subtle lighting at the base and belfry level. The base of the clock tower will be illuminated with in-ground uplights to each alcove of the buttress base, which will enhance new interpretation panels to the east and west and assist with illumination of the entrances to the north and south. Lighting is proposed to the cloister areas and at the entrances to each building of the heritage centre. Subtle in-ground feature lighting will enhance the axial entrance to the park.
- 10.48 The application was submitted with an arboricultural report which the Council's Tree Officer has considered. They had no objection to the proposal subject to an arboricultural method statement being conditioned to safeguard the protection of the trees through construction. Condition 5 requires an arboricultural method statement to be submitted prior to commencement.
- 10.49 While the proposal would result in a small amount of planting area being lost, further planting is proposed to the north and west sides of the proposed building. In addition the proposed buildings would have a green roof, further compensating for the ecological loss and visual loss of the flowerbeds. It is therefore considered that while there would be a loss of a small section of ornamental herbaceous planting the proposed green roof and new planting would compensate for this loss. In addition the application would not harm any trees within the park. The proposal is considered acceptable and complies with the requirements of Policy DM6.5 of Islington's adopted Development Management Policies.

Other Matters

- 10.50 Objections have been received in relation to the long term funding of the project and the pre application consultation undertaken by the applicant with the community. These matters are not a material planning considerations in the determination of this application.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 Full planning permission and listed building consent are sought for the erection of a heritage centre comprising of two single storey buildings with café and toilets to provide facilities for the community and visitors, park ranger presence, and to support wider activities in the park. In addition the application proposes repair and conservation works to the grade II* Listed clock tower and grade II listed railings. The proposed works relate mainly to repairs with no new building or structure attached to the fabric of the listed buildings. The heritage interpretation board will be attached to the internal of the building with details confirmed by condition. The repair and conservation works to the listed clock tower and railings are considered to preserve and enhance this irreplaceable heritage asset.
- 11.2 Whilst there will be no replacement of the public open space in this instance it is considered that there are exceptional circumstances which offset the loss of 250 m² of public open space and the

provision of the heritage centre and its associated facilities are considered to enhance the functionality of the park and the long term use of the clock tower by allowing a more interactive and educational relationship with the heritage asset.

- 11.3 The buildings are located approximately 18 metres from the arches of the tower and 25 metres from its base and would therefore create a clear definition between the clock tower and the new development thus respecting its setting. The proposed buildings small scale partially in comparison to the tall and grand clock tower would result in the tower remaining the main focal feature in the landscape. The design of the proposed building is such that it complements the clock tower, with a contemporary but clean design to further make clear the difference between the modern buildings and the historic clock tower. It is therefore considered that given the small scale of the buildings, their detached location from the clock tower and the quality of the design that the building would not have a detrimental impact on the setting of the listed clock tower.
- 11.4 It is considered that the buildings while contemporary in their design are of a high quality of design and the proposed materials complement their setting. Their design, scale and massing does not compete with the Listed clock tower and are not considered to have a significant impact on the setting of the listed clock tower. It is considered that the proposal would not have a harmful impact on the setting or fabric of the listed Clock Tower or railings and is therefore considered to sustain and enhance the significance of the heritage assets..
- 11.5 The impact of the proposal on the amenity of neighbouring properties has been carefully considered. The properties to the north of the clock tower would be the closest at approximately 20 metres from the proposed buildings. It is recommended that a condition is imposed restricting the times of opening for the café, heritage centre and clock tower. Given the distance from neighbouring properties, the existing use of the site and a condition restricting hours of operation, it is considered that the proposal would not have a significant detriment impact on the amenity of adjoining properties.
- 11.6 The accessibility of the proposal has been considered and given the restriction on providing level access to such a historic and tall building it is considered that the design of the proposed building and ground floor of the Clock Tower, together with the use of technological offer are considered acceptable.
- 11.7 While the proposal would result in a small amount of planting area being lost, further planting is proposed to the north and west sides of the proposed building. In additional the proposed buildings would have a green roof, further compensating for the ecological loss and visual loss of the flowerbeds. It is therefore considered that while there would be a loss of a small section of ornamental herbaceous planting the proposed green roof and new planting would compensate for this loss. In addition the application would not harm any trees within the park.
- 11.8 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

- 11.9 It is recommended that planning permission and listed building consent be granted subject to conditions as set out in Appendix 1 – RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the grant of full planning permission and listed building consent be subject to conditions to secure the following:

List of Conditions (Full)

1	<p>Commencement</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>536 EX 001, 536 EX 00, 536 EX 01, 536 EX 02, 536 EX 03, 536 EX 04, 536 EX 05, 536 EX 06, 536 EX 07, 536 EX 08, 536 EX 09, 536 EX 10, 536 EX 11, 536 EX 12, 536 EX 13, 536 EX 20, 536 EX 21,</p> <p>536 WD 00, 536 WD 01, 536 WD 02, 536 WD 03, 536 WD 04, 536 WD 05, 536 WD 06, 536 WD 07, 536 WD 08, 536 WD 09, 536 WD 10, 536 WD 11, 536 WD 12, 536 WD 13, 536 WD 14, 536 WD 15, 536 WD 16, 536 WD 17, 536 WD 18, 536 WD 20, 536 WD 21, 536 WD 22, 536 WD 23,</p> <p>536 WD 30, 536 WD 30A, 536 WD 31, 536 WD 32, 536 WD 33, 536 WD 40, 536 WD 41, 536 WD 42, 536 WD 43, 536 WD 44, 536 WD 45, 536 WD 46, 536 WD 47, 536 WD 48, 536 WD 60, 536 WD 61, 536 WD 62, 536 WD 63, 536 WD 64, 536 WD 65, 536 WD 66, 536 BD 60,</p> <p>2772-5-4 B, Design and Access Statement, Heritage statement</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials</p> <p>MATERIALS (DETAILS): Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ol style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses) b) render (including colour, texture and method of application); c) window treatment (including sections and reveals); d) roofing materials; e) balustrading treatment (including sections); f) elevation treatments; and g) any other materials to be used h) Portland stone <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>Roof</p>

	<p>GREEN BIODIVERSITY ROOFS (DETAILS): Details of the biodiversity green roofs shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:</p> <ul style="list-style-type: none"> d) biodiversity based with extensive substrate base (depth 80-150mm); e) laid out in accordance with plan no. 536 WD 32 hereby approved; and f) planted/seeded with an agreed 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>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>
5	Arboricultural Method Statement (AMS)
	<p>No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan, TPP) and the appropriate working methods: the arboricultural method statement, AMS in accordance with Clause 7 of British Standard BS 5837 2012 –Trees in Relation to Demolition, Design and Construction and construction method statement have been submitted to and approved in writing by the local planning authority.</p> <p>Development shall be carried out in accordance with the approved details.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policies: 5.10, 7.19 and 7.21 of the London Plan 2011, policies: CS7, CS15A, B and F of the Islington Core Strategy 2011 and 6.5 of the DM policy 2013</p>
6	Hours for operation
	<p>HOURS OF OPERATION (COMPLIANCE): The Café and Visitor hereby approved shall not operate except between the hours of 08:00hr and 18:00hr Monday - Friday, between 10:00hr and 18:00hr Saturday, and between 10:00hr and 15:00hr on Sunday and Bank Holidays.</p> <p>REASON: To ensure the use does not adversely impact on existing and future residential amenity.</p>
7	Inclusive Design
	<p>INCLUSIVE DESIGN (COMPLIANCE): The development shall be designed in accordance with the principles of Inclusive Design. To achieve this the development shall incorporate/install:</p> <ul style="list-style-type: none"> a) accessible WC b) level threshold <p>The development shall be carried out strictly in accordance with the details so 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>

	REASON: In order to facilitate and promote inclusive and sustainable communities.
8	Roller Shutters
	<p>ROLLER SHUTTERS (COMPLIANCE): The storage boxes for the roller shutters hereby approved shall be located within the building facia/façade and shall not project beyond the front face of the building. The shutter shall be of an open lattice type and shall not be solid / perforated.</p> <p>REASON: To ensure the good design of the roller shutter(s) and in the interest of preventing the creation of dead, inactive street frontages.</p>
9	Servicing Arrangements
	<p>SERVICING ARRANGEMENTS (COMPLIANCE): No deliveries shall be made to the premises outside the hours of:</p> <p>08.00hr to 18.00hr Monday to Friday, 10.00hr to 18.00hr Saturday, and 10.00hr to 15.00hr Sunday and Bank Holidays.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighboring residential.</p>
10	Delivery and Servicing Plan
	<p>A delivery and servicing plan (DSP), including details of waste collection from the site, details of waste storage within the site, detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so 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 ensure that the resulting servicing arrangements are satisfactory and do not adversely impact on existing and future residential amenity</p>

List of Conditions (Listed Building)

1	Commencement
	<p>3 YEAR CONSENT PERIOD FOR LBC: The works hereby permitted shall be begun not later than three years from the date of this consent.</p> <p>REASON: To comply with the provisions of Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Materials
	<p>MATERIALS (DETAILS): Details in respect of the following works to the clock tower shall be submitted to and approved in writing by the Council as local planning authority in consultation with Historic England before the relevant work is begun. The relevant work shall be carried out in accordance with such approved details:</p> <p>a. New oak entrance doors; b. New display cases, including method of fixing, at ground floor level; c. New glazed opening to stair enclosure at fifth floor level; d. Replacement timber louvres at seventh floor level;</p>

	<p>e. New secondary balustrade to observation deck at seventh floor level;</p> <p>f. Repairs to external stonework and render, including typical methodologies and samples of materials and finishes;</p> <p>g. Details of stone cleaning, including preparation of a sample panel for approval prior to the undertaking of the relevant works on site;</p> <p>h. Details of repairs to metal brackets supporting observation deck and roof.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the building.</p>
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List of Informatives:

1	<p>Positive statement</p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
2	<p>Definitions</p> <p>INFORMATIVE: (Definition of 'Superstructure' and 'Practical Completion') A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	<p>Hours of Working</p> <p>The applicant is advised that the accepted working hours for development within the borough are:</p> <p>8:00am-6:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.</p>
4	<p>Community Infrastructure Levy (CIL)</p> <p>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 Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the Islington CIL Charging Schedule 2014 and the Mayor of London CIL Charging Schedule 2012.</p> <p>One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development. Failure to</p>

submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the application will not benefit from the 60 day payment window.

Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil, and the Islington Council website at www.islington.gov.uk/cil.

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

A) The London Plan 2015 - Spatial Development Strategy for Greater London

3 London's people

6 London's Transport
Policy 6.9 Cycling

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

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.3 Heritage

DM2.5 Landmarks

Energy and Environmental Standards

DM 7.2 Energy efficiency and carbon reduction

DM7.4 Sustainable Design Standards

Health and Open Space

DM6.1 Healthy development

DM6.2 New and Improved public open space

Transport

DM 8.4 Walking and cycling

4. Designations

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

- Public Open Space

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

The following SPGs and/or SPDs are relevant:

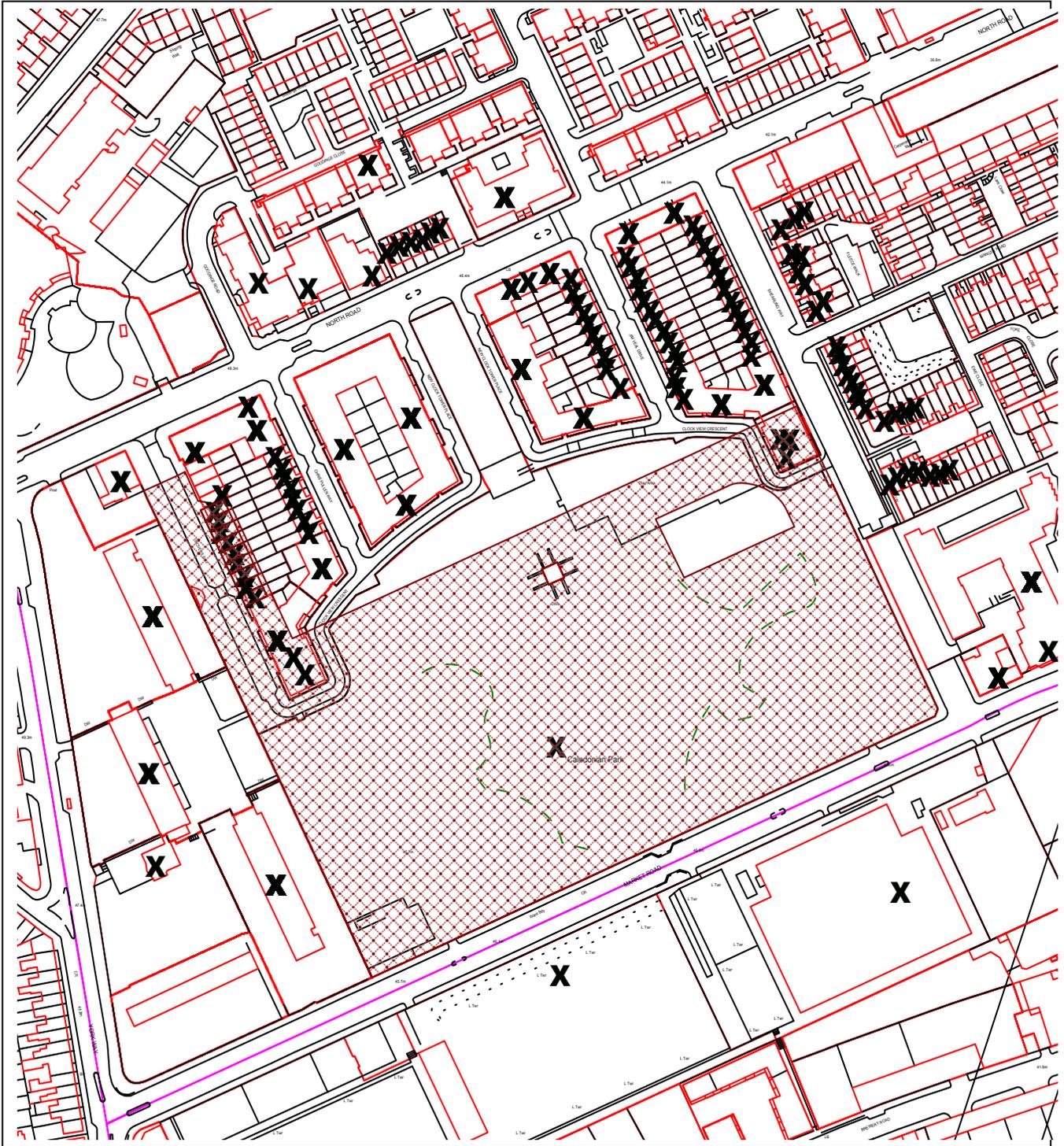
Islington Local Development Plan

London Plan

Urban Design Guide (2006)

**Conservation Area Design Guidelines
(2002)**

ISLINGTON



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department



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

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

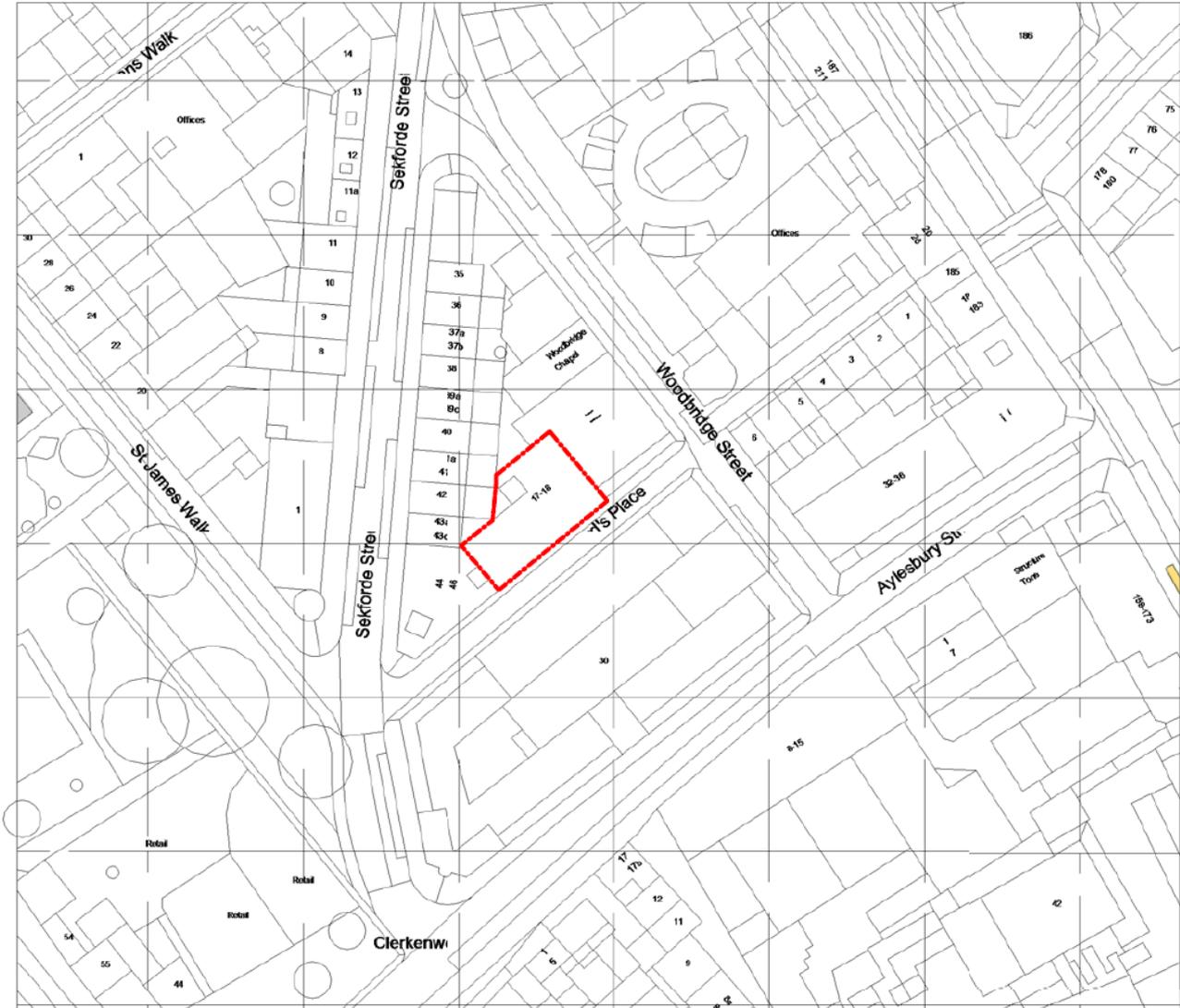
Case Officer	Nathan Stringer
Applicant	N/A
Agent	Ms Liz Shannon - Savills UK

1. RECOMMENDATION

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

1. Subject to the conditions set out in Appendix 1;

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the application site



Image 2: Aerial view in a north westerly direction



Image 3: Aerial view in a south-easterly direction



Image 4: Aerial view in a southerly direction



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



Image 6: View of existing roof top

4. SUMMARY

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

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

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

5. SITE AND SURROUNDING

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

6. PROPOSAL (in Detail)

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

- 6.2 The conditions are as follows:

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

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

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

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

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

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

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

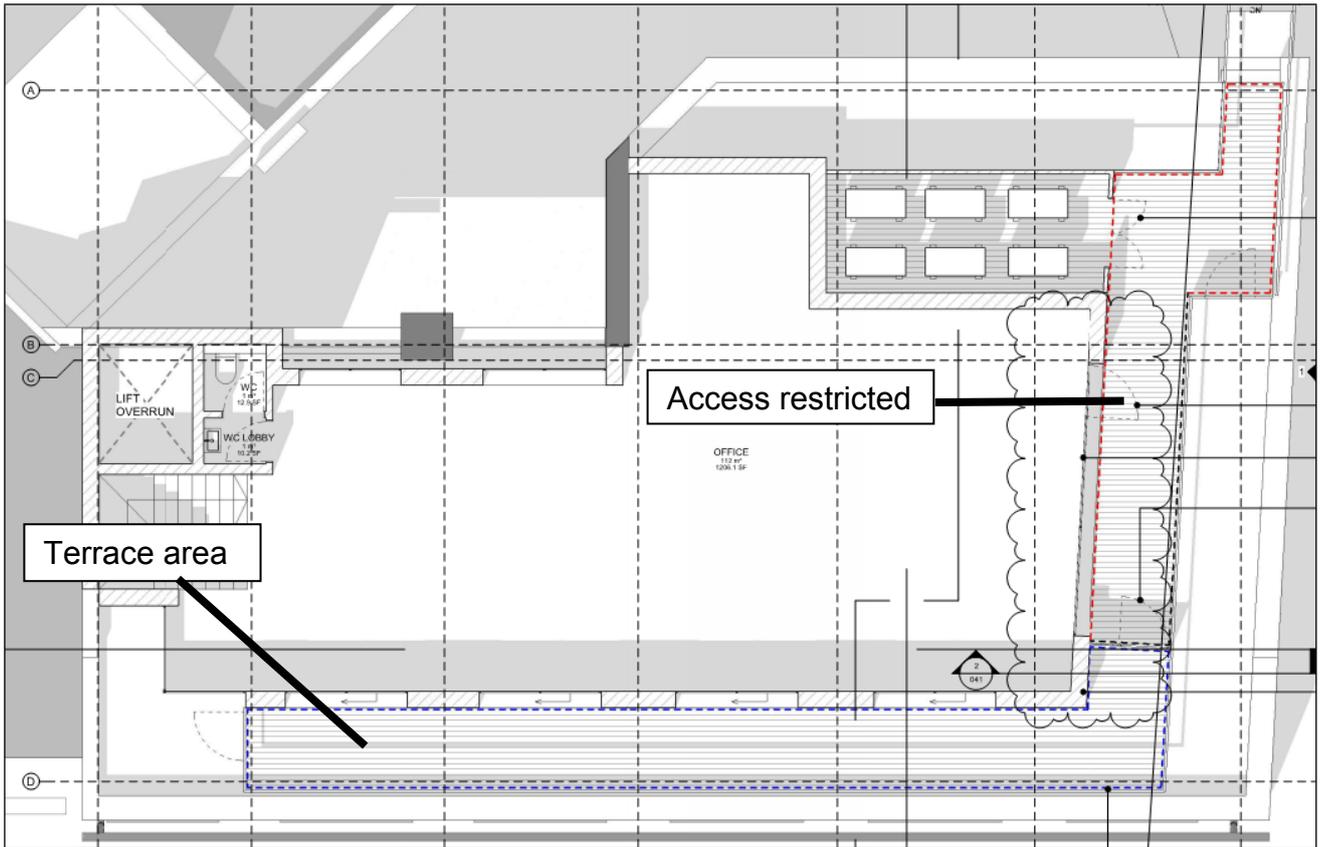


Figure 1: Section of flat roof area to be used as a terrace (dashed in blue)

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

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

Foxama House, 17-18 Hayward's Place

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

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

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

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

The Hot House, 44-46 Sekforde Street

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

ENFORCEMENT:

7.15 None.

PRE-APPLICATION ADVICE:

7.16 None.

8. CONSULTATION:

Public Consultation

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

8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report 8no. objections in total had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

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

Revisions

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

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

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

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

Internal Consultees

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

External Consultees

- 8.6 None.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

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

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

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

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

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

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

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

National Guidance

- 9.6 The National Planning Policy Framework 2018 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.
- 9.7 Since March 2014 Planning Practice Guidance for England has been published online.

Development Plan

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

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

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

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

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

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

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

Design and Conservation

- 10.5 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas within their area. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses.
- 10.6 Under the National Planning Policy Framework (2018) Listed Buildings and Conservation Areas are considered designated heritage assets. Under paragraph 189 applicants are required to describe the significance of heritage assets affected by a proposal, including any contribution made by their setting.
- 10.7 Paragraphs 193-195 state that great weight should be given to an asset's conservation in a manner appropriate to its historic significance. Significance is defined in the NPPF as: "the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic."
- 10.8 Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.9 Policy DM2.3 of the Development Management Policies requires that alterations to existing buildings in conservation areas conserve or enhance the significance of the conservation area and any adjoining or adjacent heritage assets.
- 10.10 Whilst the NPPF has been updated since the original grant of planning permission (July 2018), it is paragraph numbering updates relating to heritage matters. The context has not been altered.
- 10.11 The proposed application seeks to make alterations to the approved fourth floor level by replacing the approved glazed sliding doors to the north-east elevation with fixed windows and a glazed fire escape door; and installing a metal and glass barrier behind the previously approved balustrade to allow for the front part of the flat roof area to be used as an outdoor terrace space.

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



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

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

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

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

Neighbouring Amenity

- 10.15 Part A(X) of Policy DM2.1 requires new development to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.16 The rear elevation of the building faces towards the rear of the residential properties on the upper floors of Sekforde Street. The rear section of the previously approved flat roof area, which was (and is to remain) to be used only for maintenance and fire escape purposes, faces towards these residential properties.
- 10.17 The proposal includes the provision of a barrier close to the eastern corner of the flat roof. The barrier would allow for the use of the front (south-east) facing section (measuring approximately 25 sqm) as an outdoor terrace, whilst restricting the use of the north-east and north-facing sections of flat roof for essential maintenance or repair, or fire escape in case of emergency. The use of the south-east facing flat roof area as a terrace accessible to workers would therefore not increase the level of overlooking toward the residential properties fronting Sekforde Street to the north and north-west of the site, and would not harm the levels of privacy experienced by residents at these dwellings. This is demonstrated in Figure 3 below.

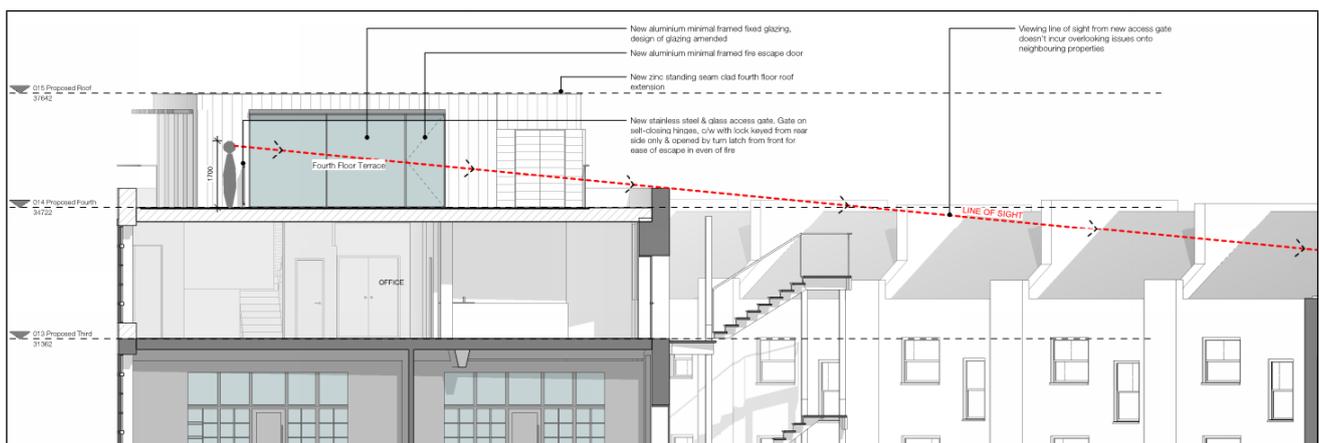


Figure 3: sightlines from the proposed front-facing roof terrace towards the rear (north) of the site.

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

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

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

Noise

- 10.21 A number of objections were received concerning noise disturbance to surrounding residential properties from the use of the roof terrace for amenity purposes. Officers note that the amenity use would be restricted to the south-eastern portion of the terrace, and therefore any noise generated would not harm residential amenity at properties to the north-east, north and north-west of the site. In order to ensure that the neighbouring amenity is not adversely affected, a condition (Condition 9) has been included restricting the use of the roof terrace between the hours of 09:00 and 18:00 Monday to Friday. A further condition (Condition 8) has been included to ensure the remaining roof area is not used for any purpose other than essential maintenance or repair, or fire escape in case of emergency.
- 10.22 In summary the proposal would not conflict with the aims of Policy DM2.1 of the Islington's Development Management Policies with regards to the protection of neighbouring amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential amenity and is therefore acceptable in this regard.

Other Matters

- 10.23 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.

11. SUMMARY AND CONCLUSION

Summary

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

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than 21/03/2021 which is the expiry date of the original planning permission ref P2017/3258/FUL.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>E001; E009; E010; E011; E012; E013; E014; E030; E031; E040; E041; 009; 010; 011; 012; 013; 014 RevD; 015 RevB; 030; 031 RevA; 032 RevB; 040; 041 RevC; 043 RevC; SK180824; Environmental Noise Survey & Plant Noise Assessment ref: 17266/001revA/ha dated 04 August 2017; Letter from Savills dated 18 August 2017; Daylight & Sunlight Report dated 7th February 2018.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials (Details)
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ol style="list-style-type: none"> a) Brick slips (including colour, texture and method of application); b) window treatment (including sections and reveals); c) roofing materials; d) final details and materials for acoustic louvres; e) Any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard</p>
4	Facing Brickwork
	<p>CONDITION: All new facing brickwork shall match the original brickwork in respect of size, colour, texture, face bond and pointing. No permission is granted for the use of brick slips or weatherstruck pointing.</p> <p>Reason: To ensure that the appearance of the building is acceptable.</p>

5	Construction Method Statement
	<p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
6	Plant Equipment Noise Levels
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014."</p> <p>REASON: For the protection of neighbouring amenity.</p>
7	Timer for Plant Equipment
	<p>CONDITION: Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the Mitsubishi condenser units to between the hours of 08:30 to 18:30 Monday to Friday only. The condenser units shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p> <p>REASON: For the protection of neighbouring amenity.</p>
8	Flat Roof Not Used as Amenity Space (Compliance)
	<p>CONDITION: The area to the north-east of the fourth floor flat roof area shown dashed in red on plan no. 014 Rev D hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or fire escape in case of emergency.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
9	Hours of Use (Terrace)
	<p>CONDITION: The roof terrace of the development hereby approved shown dashed in blue on plan no. 014 Rev D shall not be used except between the hours of 09:00 and 18:00 Monday to Friday except in the case of essential maintenance or repair, or escape in case of emergency.</p>

	REASON: To ensure that the amenity of neighbouring residential properties is not adversely affected in accordance with policies 7.6 and 7.15 of the London Plan 2016 and policy DM2.1 of Islington's Development Management Policies 2013.
10	Internal Light
	<p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include:</p> <ul style="list-style-type: none"> - Automated roller blinds; - Lighting strategies that reduce the output of luminaires closer to the façades; - Light fittings controlled through the use of sensors. <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in accordance with the requirements of the NPPF.</p>
2	Community infrastructure Levy (CIL)
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>

3	Noise
	<p>The applicant is advised that no correction for acoustic character has been included and that the plant and enclosure should be regularly checked, maintained and serviced to ensure that the sound emitted does not develop tones, impulsivity or intermittency etc and the sound levels do not rise.</p> <p>The timer hours are taken from the background sound data assessed against in the noise report. The report mentions Saturday operation but no figures for the background sound during this period are quoted within Table 1.</p>
4	Fire Brigade
	<p>The Brigade will be satisfied subject to the application meeting the requirements of Approved Document BS of the Building Regulations.</p>

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

The National Planning Policy Framework 2018 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

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

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

Policy 7.4 Local Character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 7 - Bunhill and Clerkenwell
Policy CS 8 – Enhancing Islington’s character
Policy CS 9 - Protecting and enhancing Islington’s built and historic environment
Policy CS 10 – Sustainable Design

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage
- Policy DM5.1 - New business floorspace
- Policy DM5.4 - Size and affordability of workspace
- Policy DM7.1 - Sustainable design and construction
- Policy DM7.2 - Energy efficiency and carbon reduction in minor schemes
- Policy DM7.4 – Sustainable Design Standards
- Policy DM8.4 - Walking and cycling
- Policy DM8.5 - Vehicle parking

D) Finsbury Local Plan (June 2013)

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

3. Designations

Clerkenwell Green Conservation Area

4. SPD/SPGS

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

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

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department



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

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

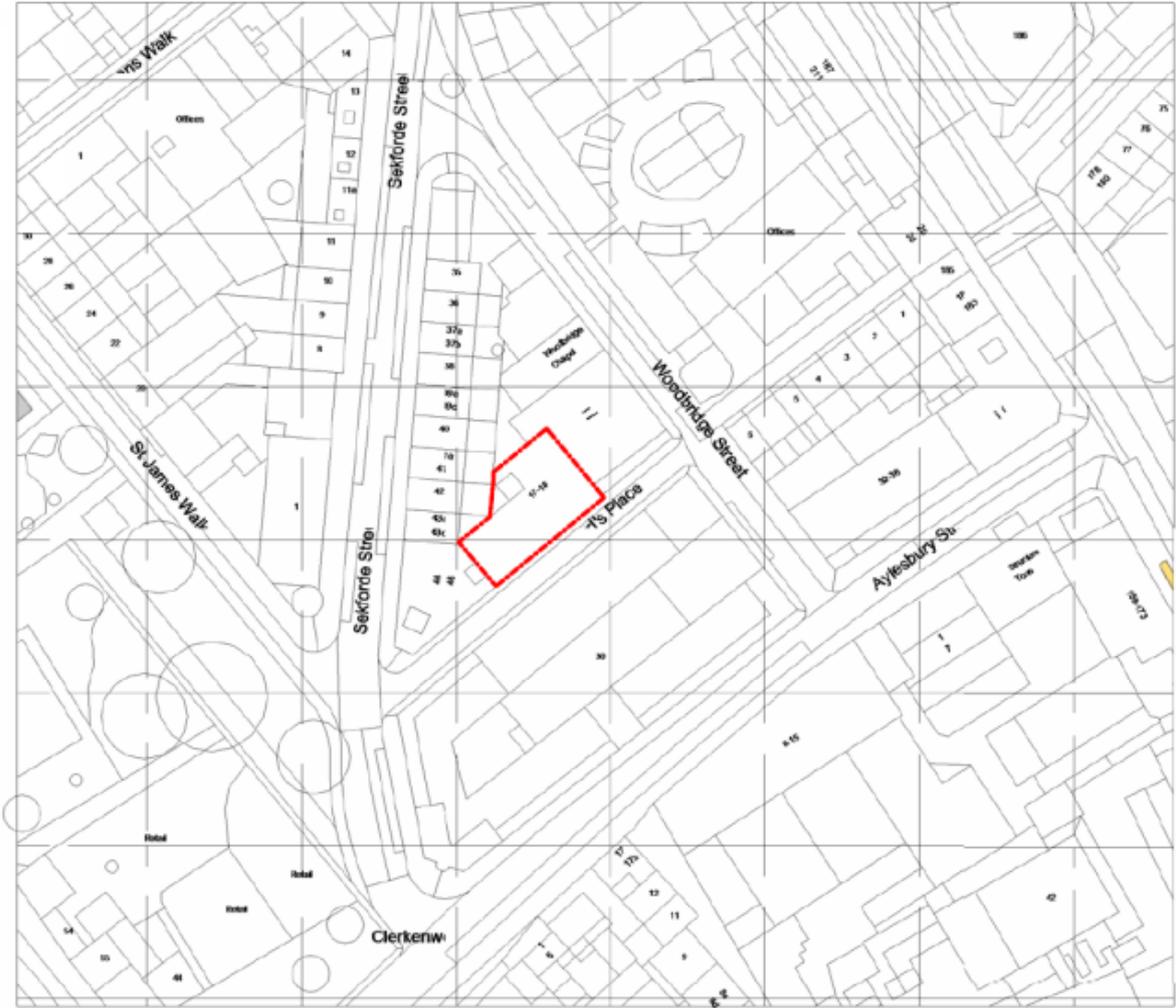
Case Officer	Thomas Broomhall
Applicant	N/A
Agent	Miss Aimee Squires - Savills UK

1. RECOMMENDATION

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

1. Subject to the conditions set out in Appendix 1;

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the application site



Image 2: Aerial view in a north westerly direction



Image 3: Aerial view in a south-easterly direction



Image 4: Aerial view in a southerly direction



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



Image 6: View of existing roof top

4. SUMMARY

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

4.5 The Acoustic Officer is satisfied that the proposal would not detrimentally impact on the amenity of the neighbouring properties.

4.6 The proposal is therefore considered to be acceptable and it is recommended that the application be approved subject to conditions.

5. SITE AND SURROUNDING

5.1 The site comprises a four storey over basement modern office building known as Foxama House which fronts on to Hayward's Place. The front elevation comprises of a brick façade with aluminium Crittal windows at ground to second floor levels with painted brickwork at ground floor. The existing third floor comprises of six dormer windows on the front façade set within a lead clad sloped roof. The existing rooftop has two existing structures comprising an existing lift overrun, and a water tank adjacent to the rear elevation. To the rear is an existing metal external staircase providing a fire escape from ground floor to the third floor level.

5.3 The immediate street scene comprises of modern office buildings. The site adjoins an office building to the west at 44-46 Sekforde Street, and a Grade II listed Chapel (Woodbridge Chapel) to the east of the site. To the rear there are residential neighbours to the north and north west, along Sekforde Street which are Grade II statutorily Listed. The application site is situated within the Clerkenwell Green Conservation Area but is not listed.

6. PROPOSAL (in Detail)

6.1 The application proposes the erection of a fourth floor roof extension to provide 124.8 square metres of additional office accommodation (Use Class B1) and the removal of the dormer windows at third floor and the extension of the existing bricked front facade up to third floor level with Crittal style aluminium windows installed to match the floors below. At roof level a glazed balustrade is proposed adjacent to the front elevation and adjacent to the eastern elevation, recessed from both elevations.

6.2 The proposed single storey roof extension would be recessed by 2.4 metres from the front façade and north east elevation and would comprise zinc cladding and aluminium framed sliding doors with timber and metal Brise Soleil over each sliding door.

6.3 Further works include an extension to the existing external rear fire escape staircase up to fourth floor level and the installation of 6 no. new air conditioning units at fourth floor level that would be enclosed with a 1.5-metre-high acoustic screen plant enclosure at the rear.

6.4 During the course of the application, the position of the proposed plant equipment has been moved away from the rear edge and now sits 2 metres back from the rear elevation and the reference to roof terrace has been removed from the proposed drawings.

6.5 Internally there are changes to reconfigure the existing toilets and shower facilities, installation of a replacement lift in existing lift shaft, some alterations to the access to the stair core at third floor level. The proposed works include the provision of 6 cycle parking spaces at basement level.

6.6 The proposals follow planning permission granted for a single storey fourth floor roof extension of identical height, scale and proportions and also alterations at third floor to remove the dormer windows and extend the front façade in 2015, ref: P2015/2679/FUL (granted in August 2015). The latest application differs from the 2015 consent through the addition of the plant equipment and associated enclosure at roof level. The works to extend the front façade at third floor level differ through a revised design of windows to a design

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

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

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

Foxama House, 17-18 Hayward's Place

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

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

The Hot House, 44-46 Sekforde Street

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

ENFORCEMENT:

- 7.14 None.

PRE-APPLICATION ADVICE:

- 7.15 None.

8. CONSULTATION:

Public Consultation

- 8.1 Letters were sent to 34 occupants of adjoining and nearby properties at Sekforde Street, Woodbridge Street, Clerkenwell Green, Hayward's Place and Aylesbury Street on 1 September 2017. A site and press notice was advertised on 7 September 2017. The initial period of public consultation of the application expired on 28 September 2017. A total of 9 objections were received following the initial period of public consultation.
- 8.2 A second period of public consultation took place following the submission of a Daylight and Sunlight report. Letters were sent to 34 occupants of adjoining and nearby properties. The second period of public consultation of the application expired on 11 January 2018.
- 8.3 A third period of public consultation took place following the receipt of revised drawings indicating the moving of the plant equipment and enclosure away from the rear edge by 2 metres. Letters were sent to 34 occupants of adjoining and nearby properties. The third period of public consultation of the application expired on 13 February 2018.
- 8.4 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report 13 no. objections in total had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):
- Raising the top of the building establishes a precedent (See paragraph 10.25);
 - The extension will not improve appearance of the building, is out of keeping and impacts on the conservation area (See paragraph 10.26);
 - Loss of privacy to 43 Sekforde Street (See paragraph 10.38);
 - Overlooking from additional floor, staircase and roof top towards Sekforde Street properties (See paragraph 10.39);
 - Loss of light and sunlight and overshadowing of the rear of Sekforde Street properties (See paragraph 10.54-10.64);

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

Internal Consultees

8.5 Design and Conservation Officer:

In response to initial scheme:

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

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

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

In response to the revised scheme:

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

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

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

“The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.”

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

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

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

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

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

External Consultees

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

9. RELEVANT POLICIES

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

National Guidance

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

Development Plan

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

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

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

- Sustainability
- Refuse Facilities and Delivery and Servicing

Land Use

- 10.2 The proposed works result in an uplift of 124.8 square metres of B1 office floorspace across the building. The proposed new B1 office floorspace is within the Central Activities Zone and therefore is policy compliant due to the uplift in B1 floorspace in accordance with policy CS 13 of the Core Strategy.
- 10.3 Policy CS7(A) sets out that employment development within Bunhill and Clerkenwell will contribute to a diverse local economy which supports and complements the central London economy. Employment-led development will be largely concentrated south of Old Street and Clerkenwell Road, but also encouraged in other parts of the area particularly along major routes (Farringdon Road, Rosebery Avenue, Goswell Road and City Road). Creative industries and Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and encouraged. Accommodation for small enterprises will be particularly encouraged.
- 10.4 The uplift in B1 office floorspace sits below the 500 square metre threshold set out by Mayoral Crossrail CIL where schemes are required to enter into a legal agreement to make a financial contribution.
- 10.5 The property is within the area designated as an Employment Priority Area (General). Policy BC8 Achieving a Balanced Mix of uses of the Finsbury Local Plan seeks to prevent a net loss in business floorspace and maximise office delivery.
- 10.6 As the application does not propose works that would constitute a major application, the uplift in office floorspace does not trigger the need for a financial contribution towards affordable housing as part of a mixed use scheme or the need to provide on-site housing. Policy CS13 does require major schemes within the Central Activities Zone to provide Affordable workspace, however this is not applicable to the scale of the development proposed by this application.
- 10.7 Part F (i) of Policy DM5.1 sets out that new business floorspace must be designed to allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses. Supporting paragraph 5.10 of the Development Management Policies clarifies what will be expected by policy DM5.1 in terms of flexible design features to help ensure adaptability to changing economic conditions and occupants (including small and medium businesses), this includes:
- adequate floor to ceiling heights (at least 3 metres of free space);
 - Strategic lay-out of entrances, cores, loading facilities and fire escapes to allow a mix of uses
 - Grouping of services, plumbing, electrics, cabling, communications infrastructure and circulation;
 - Flexible ground floor access systems, and
 - Good standards of insulation.

- 10.8 The internal alterations largely retain the existing layouts which already allow for cellular units on each floor to cater for SMEs, high ceilinged units all of at least 3 metres, and a singular lift core to cater for a wider range of needs. The B1 floorspace across the site has level access at each level. Improved bike storage and shower facilities would be situated at basement level, catering for commuter employers. The proposals will ensure enhanced provision of flexible business floorspace with specifications and facilities to meet the needs of a variety of modern businesses, particularly micro, small and medium sized enterprises.
- 10.9 As a result the provision of additional B1 floorspace is maximised and its design is considered to meet the requirements of policy CS13 of the Core Strategy, policy DM5.1 of the Development Management Policies, and the needs of micro and small enterprises as required by policy BC8 of the Finsbury Local Plan, and is acceptable in this regard.

Design and Conservation

- 10.10 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas within their area. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses.
- 10.11 Under the National Planning Policy Framework Listed Buildings and Conservation Areas are considered designated heritage assets. Under paragraph 128 applicants are required to describe the significance of heritage assets affected by a proposal, including any contribution made by their setting.
- 10.13 Paragraphs 132 – 134 state that great weight should be given to an asset's conservation in a manner appropriate to its historic significance. Significance is defined in the NPPF as: "the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic."
- 10.14 Paragraph 134 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.15 Policy DM2.3 of the Development Management Policies requires that alterations to existing buildings in conservation areas conserve or enhance their significance.
- 10.16 Both the Clerkenwell Green Conservation Area Design Guidelines (CADG) and the Urban Design Guide (UDG) 2017 make reference to roof extensions or new dormers however the context for this guidance relates to residential properties rather than commercial properties. A key UDG objective is that development should contribute to the vitality and mix of uses on commercial streets and main roads.
- 10.17 In considering applications for extensions and refurbishment, the CADG sets out that the Council will normally require the use of traditional materials. For new development, materials should be sympathetic to the character of the area, in terms of form, colour, texture and profile. On all redevelopment, extensions and refurbishment schemes the Council expects to see the use of appropriate materials such as stock brick, render, stone, timber windows and slate roofing, which will blend with and reinforce the existing appearance and character of the area.

Proposal:

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

Fourth Floor (Roof) Extension:

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

Third Floor:

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

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

Accessibility

- 10.28 The proposals result in step free access and level access to all floors, and shower room and WCs on each floor which are largely inclusive which is an improvement on the existing situation within the building.
- 10.29 Given the site's constraints, the proposal is considered to generally conform to accessible standards set out within the Inclusive Design In Islington Supplementary Planning Document and conform to Policy DM2.2 (Inclusive Design) of the Development Management Policies (2013).

Neighbouring Amenity

- 10.30 The proposal would create a single storey roof extension and plant enclosure at fourth floor level adjacent to the rear elevation, an extension of the existing external escape staircase on the rear elevation from third floor up to fourth floor level, and external alterations to the building's front façade.
- 10.31 Part A(X) of Policy DM2.1 requires new development to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.32 The rear elevation of the building faces towards the rear of the residential properties on the upper floors of Sekforde Street. There is an existing level of overlooking between the existing windows on the rear elevation at first to third floors of the existing office buildings on the site, and the rear of the residential properties at Sekforde Street.

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



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



Image 8 – Proposed rear elevation of latest proposal

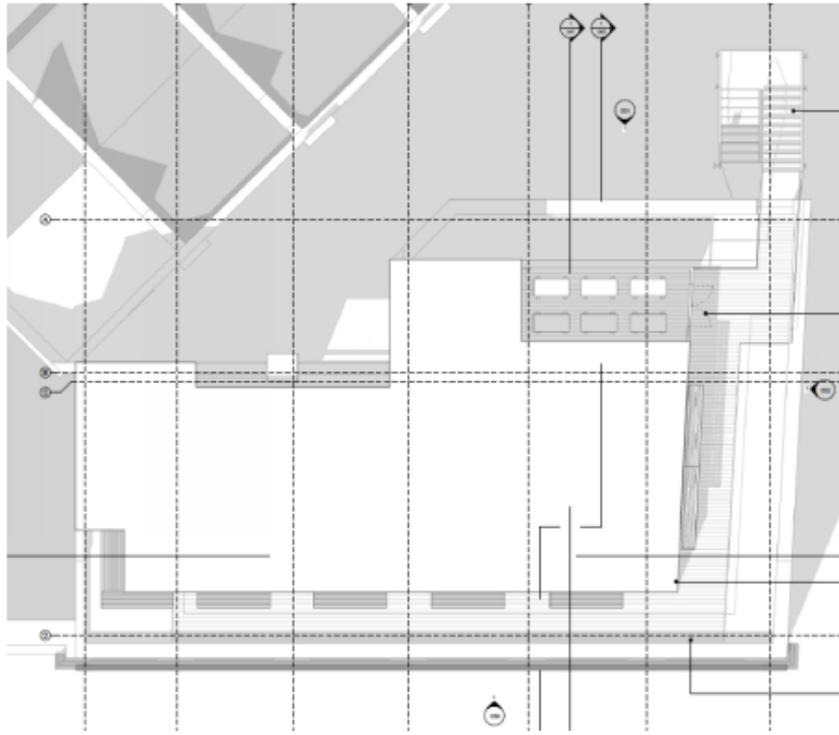


Image 9: Proposed roof plan indicating position of plant equipment and enclosure



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

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



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

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

- 10.43 Daylight and Sunlight: The application has been submitted with a sunlight and daylight assessment. An additional table has been submitted which includes the existing levels of daylight and sunlight, and the results of the impact of the consented scheme and the revised proposed scheme. The assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'. During the course of the assessment of the application and following public consultation additional comments and information in relation to the impact on neighbouring amenity including levels of Daylight and Sunlight were received in a letter including a Waldram Diagram and an updated window map.
- 10.44 Daylight and Sunlight: In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 10.45 BRE Guidelines paragraph 1.1 states: *"People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by"*. Paragraph 1.6 states: *"The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design...In special circumstances the developer or local planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings"*.
- 10.46 Daylight: the BRE Guidelines stipulate that... "the diffuse daylighting of the existing building may be adversely affected if either:
- the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value*
- the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value."* (No Sky Line / Daylight Distribution).
- 10.47 At paragraph 2.2.7 of the BRE Guidelines it states: *"If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time."*
- 10.48 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 10.49 At paragraph 2.2.8 the BRE Guidelines state: *"Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the 'no sky line' in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas*

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

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

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

10.52 Sunlight: the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:

In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.

In cases where these requirements are breached there will still be no real noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of annual probable sunlight hours.

10.53 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasises that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

Analysis of Daylight Losses for Affected Properties

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

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

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

Analysis of Sunlight Losses for Affected Properties

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

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

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

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

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

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

Light Pollution

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

Noise

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

- 10.71 In summary the proposal would not conflict with the aims of Policy DM2.1 of the Islington's Development Management Policies with regards to the protection of neighbouring amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential amenity and is therefore acceptable in this regard.

Highways and Transportation

- 10.72 Policy DM8.6 sets out that provision for delivery and servicing should be provided off-street, particularly for commercial developments over 200 square metres of gross floor area, in order to ensure proposed delivery and servicing arrangements are acceptable.
- 10.73 Whilst no Transport Assessment and Delivery and Servicing Plan has been submitted, in line with the existing arrangements, servicing and deliveries will continue to be undertaken via Hayward's Place. The uplift in floorspace is proportionally small both in real terms and in relation to the host building and is unlikely to materially impact on the existing arrangement. This acceptable subject to a condition requiring a Construction Method Statement to control the construction works phase.
- 10.74 Objections have been received concerned that there would be an increase in traffic congestion. Core Strategy policy CS10 requires all new developments to be car-free, which means no parking provision will be allowed on site and occupiers will not have the ability to obtain parking permits. Blue badge holders will have access to existing spaces in this regard. Therefore, there will be minimal impact on traffic congestion as a result of the proposed works.
- 10.75 The requirements for cycle parking set out in Policy DM8.4 and Appendix 6 of the Development Management Policies applies to the creation of new office floorspace. Cycle parking is required to be provided at a rate of one space per every 80 square metres of new floorspace and needs to be secure, covered, conveniently located and step free.
- 10.76 There are currently no cycle parking facilities within the building. The scheme proposes 6 cycle parking spaces which exceeds the requirement of 2 spaces for the additional 124.8 square metres to be created. Its noted that the application has not made adequate re-provision for the entire building of 1015 square metres (GIA) of B1 floorspace which would necessitate 13 cycle parking spaces to meet the 1 cycle space per 80 square metres requirement by policy DM8.4. However, given the constraints of the site and the limited works to the existing layout on the lower floors, in this instance, it would be unreasonable to make this requirement.
- 10.77 In summary the provision of cycle parking is considered to reasonably accord with the requirements of Development Management Policy DM8.4 (Walking and cycling). As such, the scheme complies with the Councils transport policies.

Other Matters

- 10.78 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposal is for the erection of a fourth floor roof extension to provide additional office accommodation (Use Class B1), continuation of front elevation up to third floor level, extension of existing escape stair and new air conditioning plant at fourth floor level.
- 11.2 The provision of an additional 124.8 square metres of B1 floorspace and its design is considered to meet policy requirements and is acceptable. The design of the proposal is considered to be acceptable and would not detract from the character and appearance of the host building, Clerkenwell Green Conservation Area and setting of adjoining listed buildings.
- 11.3 The statutory duties under Section 66 (1) and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are met. The proposals remain subordinate to the host building and would not harm the character and appearance of the conservation area or the setting of the adjacent listed buildings.
- 11.4 Whilst the proposal would impact on the amenity of the neighbouring properties, having regard to the central urban location of the site and the minimal increase to the bulk, height and massing of the existing building, the harm is considered to be acceptable. The impact of the proposal in terms of overlooking is acceptable due to the existing levels of overlooking, the set back of the roof extension and prevention of the use of the flat roof area at fourth floor level. The impact in terms of a sense of enclosure and noise and light pollution is considered to be acceptable subject to conditions. It is recommended that conditions are attached to minimise the impact of any noise disturbance to an acceptable level.
- 11.5 The proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Finsbury Local Plan, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>E001; E009; E010; E011; E012; E013; E014; E030; E031; E040; E041; 009; 010; 011; 012; 013; 014 RevA; 015 RevA; 030; 031 RevA; 032 RevA; 041 RevA; Environmental Noise Survey & Plant Noise Assessment ref: 17266/001revA/ha dated 04 August 2017; Letter from Savills dated 18 August 2017; Daylight & Sunlight Report dated 7th February 2018;</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials (Details)
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ol style="list-style-type: none"> a) Brick slips (including colour, texture and method of application); b) window treatment (including sections and reveals); c) roofing materials; d) final details and materials for acoustic louvres; e) Any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard</p>
4	Facing Brickwork
	<p>Condition: All new facing brickwork shall match the original brickwork in respect of size, colour, texture, face bond and pointing. No permission is granted for the use of brick slips or weatherstruck pointing.</p> <p>Reason: To ensure that the appearance of the building is acceptable.</p>

5	Construction Method Statement
	<p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
6	Plant Equipment Noise Levels
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014."</p> <p>REASON: For the protection of neighbouring amenity.</p>
7	Timer for Plant Equipment
	<p>CONDITION: Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the Mitsubishi condenser units to between the hours of 08:30 to 18:30 Monday to Friday only. The condenser units shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p> <p>REASON: For the protection of neighbouring amenity.</p>
8	FLAT ROOF NOT USED AS AMENITY SPACE (COMPLIANCE):
	<p>CONDITION: The flat roof area shown on plan no. 014 hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>

9	Internal Light
	<p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include:</p> <ul style="list-style-type: none"> - Automated roller blinds; - Lighting strategies that reduce the output of luminaires closer to the façades; - Light fittings controlled through the use of sensors. <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in accordance with the requirements of the NPPF.</p>
2	Community Infrastructure Levy (CIL)
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>

3	Noise
	<p>The applicant is advised that no correction for acoustic character has been included and that the plant and enclosure should be regularly checked, maintained and serviced to ensure that the sound emitted does not develop tones, impulsivity or intermittency etc and the sound levels do not rise.</p> <p>The timer hours are taken from the background sound data assessed against in the noise report. The report mentions Saturday operation but no figures for the background sound during this period are quoted within Table 1.</p>
4	Fire Brigade
	<p>The Brigade will be satisfied subject to the application meeting the requirements of Approved Document BS of the Building Regulations.</p>

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

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

2. Development Plan

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

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

Policy 7.4 Local Character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 7 - Bunhill and Clerkenwell
Policy CS 8 – Enhancing Islington’s character
Policy CS 9 - Protecting and enhancing Islington’s built and historic environment
Policy CS 10 – Sustainable Design

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage
- Policy DM5.1 - New business floorspace
- Policy DM5.4 - Size and affordability of workspace
- Policy DM7.1 - Sustainable design and construction
- Policy DM7.2 - Energy efficiency and carbon reduction in minor schemes
- Policy DM7.4 – Sustainable Design Standards
- Policy DM8.4 - Walking and cycling
- Policy DM8.5 - Vehicle parking

D) Finsbury Local Plan (June 2013)

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

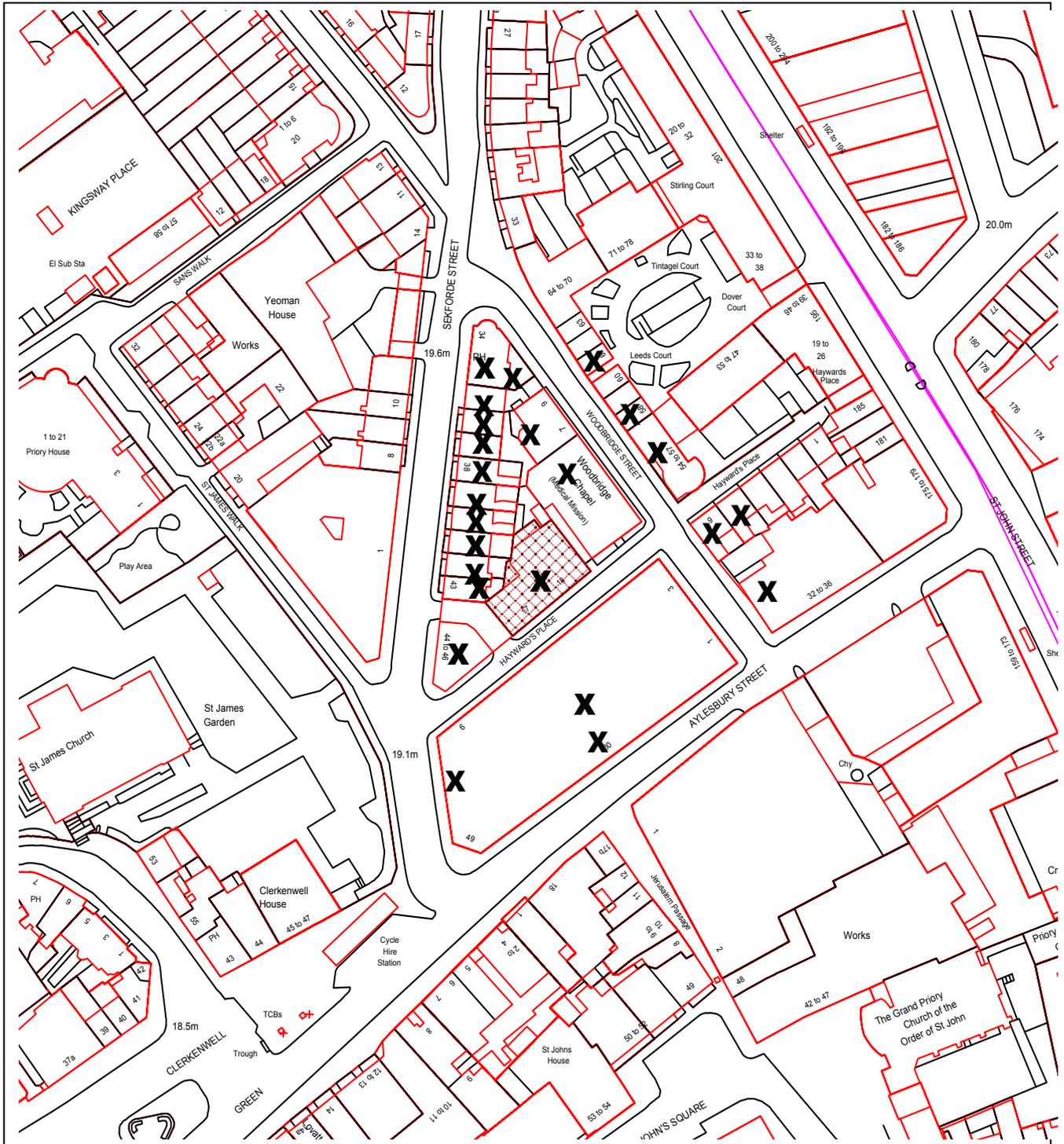
3. Designations

Clerkenwell Green Conservation Area

4. SPD/SPGS

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

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