



AGENDA FOR THE PLANNING SUB COMMITTEE B

Members of Planning Sub Committee B are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **30 April 2018 at 7.30 pm.**

Yinka Owa
Director of Law and Governance

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Despatched : 19 April 2018

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

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

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

Quorum: 3 councillors



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

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

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

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

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

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

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

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

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

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

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

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

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

5.	Order of Business	
6.	Minutes of Previous Meeting	1 - 8

B.	Consideration of Planning Applications	Page
1.	27 Clerkenwell Road, London, EC1M 5RN	11 - 62

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| 2. | Culpeper Community Garden, 2 Dignum Street, Islington, London, N1 0FJ | 63 - 86 |
| 3. | Land rear of 6 Shaftesbury Road, London, N19 | 87 - 124 |

C. Consideration of other planning matters

D. Urgent non-exempt items

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

E. Exclusion of press and public

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

F. Confidential/exempt items

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, 17 July 2018

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

www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING SUB-COMMITTEES

Planning Sub-Committee Membership

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

Order of Agenda

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

Consideration of the Application

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

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

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

What Are Relevant Planning Objections?

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

For further information on how the Planning Sub-Committee operates and how to put your views to the Planning Sub-Committee please call Zoe Lewis on 020 7527 3486. 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

Planning Sub Committee B - 27 February 2018

- It was noted that there was an ongoing enforcement investigation into the noise generated at Iomart which was a separate issue from this proposed planning application.
- A change in noise level of 2dBA was not detectable by the human ear and the Sub-Committee considered that the application could not be refused on this basis.
- The noise officer stated that as a result of the application under consideration, a change of temperature (through reduced air-flow) would affect the measurement however, it was considered that the 3dBA detailed in the report submitted by MLM Group was the worst case scenario and for most situations there would be a 1dBA increase.
- It was stated that given that this proposal would largely generate no more than an unperceivable 1dB increase it was not considered by the Sub-Committee that a refusal on the basis of a single decibel increase in noise at Iomart could be successfully defended.

RESOLVED:

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

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24 AND 26 ALMINGTON STREET, N4 3BG (Item B2)

Change of use from Sui Generis use (Hostel) to C2 use (Residential children's home) together with a joint single storey rear extension at ground floor level to facilitate conversion into single residential unit.

(Planning application number: P2017/3903/FUL)

In the discussion the following points were made:

- The home would be registered with and regulated by Ofsted and there was a condition for the applicant to submit an operational management plan for approval.
- The facilities would enable eight children to remain in the Borough near family, friends and local support network.
- It was noted that streets did not have a 'quota' at which point they are saturated by too many children and that the management arrangements would ensure that the accommodation would support appropriately the children who would reside here as well as protect residential amenity.
- The proposed development was planning policy compliant.

RESOLVED:

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

343

19-21 CHALLONER HOUSE, CLERKENWELL CLOSE, EC1R ORR (Item B3)

Provision of addition office space (use Class B1) through the erection of a replacement mansard roof to Nos. 20 and 21; the rear extension of Nos 19, 20 and 21 with a part one, part two storey rear extension between first, second and third floor levels; erection of a fourth floor roof extension above No. 19 with reinstatement of parapet, partial reinstatement of historic roof form and chimney, with contemporary extension and new plant enclosure to the rear; alterations to existing front and rear fenestrations and creation of new window openings to side and rear elevations; reinstate historic detailing to the frontages of Nos 19, 20 and 21; excavation of an extended basement level at Nos 19, 20 and 21; and the provision of x 13 photovoltaic panels and a biodiverse roof above third and first floor levels respectively at the rear.

(Planning application number: P2017/2089/FUL)

The planning officer advised that for Peabody Block E, the applicant had obtained access and could confirm that Room 3 and 4 on each floor were bathrooms which did not require assessment as stipulated by BRE guidelines. The remaining windows were confirmed to serve bedrooms (a lesser requirement to daylight and sunlight than main living rooms). In this regard, of the 60 windows tested, 6 failed those tests.

In the discussion the following points were made:

- Concern was raised regarding light spill and it was suggested that the wording of condition 11 be amended in order to ensure that automated roller blinds and light fittings with sensors were installed.

Councillor Alice Donovan-Hart proposed a motion to amend the wording of condition 11 to replace the work 'might' to 'shall'. This was seconded by Councillor Jenny Kay and carried.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and including an amendment to condition 11 as outlined above 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.

344

DISUSED SINGLE GARAGE, 16 JAPAN CRESCENT, N4 4BB (Item B4)

Demolition of existing disused derelict building and construction of two storeys over basement single dwelling hours (C3 use class) and associated excavation at basement level.

(Planning application number: P2015/4983/FUL)

The planning officer advised that since the report had been published a letter of support had been submitted and two further conditions were proposed in relation to the construction method statement and to prevent the use of the basement as a bedroom. He further advised that a pre-action protocol letter had been received from objectors. Legal advice was given that limited weight should be given to this.

In the discussion the following points were made:

- The Sub-Committee raised concerns that a pre-action protocol letter had been issued before a decision had been made.
- Following the review of the Structural Method Statement by an Independent company, the Sub-Committee was satisfied that the development now complied with the requirements of the Basement SPD (2016).
- The additional condition preventing the use of the basement as a bedroom reduced concerns regarding the space standards for a two bedroom dwelling.
- The Sub-Committee would not want to see the plans amended to include a bathroom at basement level.

Councillor Jenny Kay proposed a motion to condition the creation of the basement as laid out in the approved plans and for no change therefrom to take place without the prior approval of the Council. This was seconded by Councillor Alice Donovan-Hart and carried.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the original officer report and the additional conditions outlined above; and

Planning Sub Committee B - 27 February 2018

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.

Additional conditions as requested at Sub-Committee.

CONDITION: The development hereby approved shall be carried out in accordance with the approved Structural Method Statement, Hurley Palmer Flatt, July 2016Ref: PUR09923-Jpn Cr – 160728 and Structural Method Statement Addendum dated 30/11/2017.

In the event that there are amendments to the design of the approved excavation works at basement level, updated structural engineers report and excavation strategy including methodology for excavation and its effect on all neighbouring boundaries and neighbouring buildings shall be submitted to and agreed in writing by the Local Planning Authority prior to such works commencing.

The development shall be carried out in accordance with the approved details and retained thereafter.

REASON: To ensure that the development does not adversely impact on neighbouring residential amenity and that it continues to accord with the Islington Basement Development SPD.

CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (2015) (or any order revoking and re-enacting that Order with or without modification) there shall be no alteration to the layout at basement level and this level shall be constructed in accordance with the approved plans and retained thereafter.

REASON: To ensure the development provides an acceptable standard of accommodation.

CONDITION: The basement study room hereby approved shall only be used for the purposes of a study and shall not be used as a bedroom.

REASON: In the interests of ensuring that the consented dwellinghouse accords with the requirements of the minimum unit and amenity space standards as set out in the National Housing Standards

345 FOXAMA HOUSE, 17-18 HAYWARD'S PLACE, EC1R 0EQ (Item B5)

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.
(Planning application number: P2017/3258/FUL)

The case officer reported that since the publication of the report a further two objections had been received but they raised no new issues to those summarised in the report already. The London Fire Brigade had responded raising no objections. The case officer reported that a condition requiring a Building Management System to automatically switch off the lighting was recommended. The roof area was conditioned not to be used except for maintenance.

In the discussion the following points were made:

- This application was a resubmission of a grant of permission in 2015, however this latest application included the installation of a new air conditioning plant and enclosure at the fourth floor.
- No 43 Sekforde Street had been included in the daylight/sunlight report. Room 2 of 43 Sekforde Street would lose 26% daylight distributed which was not considered sufficient grounds for refusal given the urban location. It was noted that this formed part of the grant in 2015.
- The noise officer had reviewed a submitted noise assessment and had not raised an objection subject to proposed conditions restricting noise levels and a timer restricting hours of operation.

RESOLVED:

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

346 NORTHWAY HOUSE, 257-258 UPPER STREET, N1 (Item B6)

Change of use at ground floor level from Class B1 (a) to mixed A1/A3 sandwich bar/café (sui generis use).

(Planning application number: P2017/3435/FUL)

The planning officer reported the following amendment to condition 2 and requests from the applicant to conditions 3 and 5 detailed in the report:-

Condition 2 – Volume 2 February 2018 to replace the wording 21 December 2017.

Condition 3 – the addition of allowing waste collections from 2pm to 7pm every day.

Condition 5 – to add that the unit would not be open to the general public outside the hours of 5am to 11pm.

In the discussion the following points were made:

- It was noted that waste would not be kept on the street for collection but kept on the premises until the collection vehicle arrived.
- The applicant required a waste collection between 2pm and 7pm every day and was concerned that this was not included in condition 3.
- The applicant required that condition 5 be amended in order that staff could attend the premises to accept deliveries outside of the opening hours (which only applied to patrons).
- Although 2 year marketing had not been provided to justify the loss of office floorspace from this employment growth area, the site was also located within a local shopping area and the proposal only sought the change of use to the ground floor. Weight was given to the consideration that the Local Shopping Area seeks active ground floor frontages to contribute to the vitality and vibrancy of such areas as well as to the changing public realm context which would become more and more suited to an active retail function rather than ground floor office use.
- Members felt that on-balance, due to the reduced office floorspace only at ground floor being lost to a use that was otherwise supported by policy in this instance, the scheme was suitable for support.
- It was suggested that a waste management operational strategy could be required as part of the planning conditions to ensure clarity that no waste would be stored on the pavement.

Planning Sub Committee B - 27 February 2018

Councillor Jenny Kay proposed a motion to amend for officers to further consider the servicing and delivery arrangements and hours of operation and reword in consultation with the Chair. This was seconded by Councillor Alice Donovan-Hart and carried.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and the amendments to conditions outlined above the wording of which was delegated to officers and as set out below.

Condition 2:

CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans: Letter dated 21 December 2017, Letter dated 23 January 2018, Delivery and Servicing Management Plan vol. 2 dated February 2018, Planning, Design and Access Statement dated September 2017, Marketing Report and Recommendations dated August 2017, site location plan, NORWAY-Pret-01, NORWAY-Pret-03 Rev. A. 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 3:

SERVICING ARRANGEMENTS (COMPLIANCE): All service vehicle deliveries /collections/visits to and from the ground floor mixed use unit at Northway House, 257 – 258 Upper Street N1 1RU hereby approved must not take place outside hours of: 0200-0600 daily, or 1400-1900 daily for the collection of waste and recycling only. Noise levels during these times must be kept to a minimum, including avoiding slamming doors, leaving engines running, loud voices and other associated noise creating activities.

REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.

Condition 5:

HOURS OF OPERATION (COMPLIANCE): The ground floor mixed use unit hereby approved shall not operate (be open to members of the public) outside the hours of:
0600-2200 Monday-Friday
0630-2100 Saturdays
0630-2030 Sundays and Bank Holidays

REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.

Additional condition 6:

CONDITION: Prior to the first use of the premises as an A1/A3 (sui generis use), an Operational Waste Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Operational Waste Management Strategy shall be implemented at all times and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: To ensure that resulting waste collection and servicing arrangements do not adversely impact on existing and future residential amenity.

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PALMERS ESTATE, 1-39 GREATFIELD CLOSE, 1-12 LITTLEFIELD CLOSE, 1-12 MANORFIELD CLOSE; 2-24 (EVENS) WARD ROAD, 21-32 WARRANDER ROAD, N19 5UE (Item B7)

Replacement of existing single glazed metal windows with double glazed aluminium units to all elevations.

(Planning application number: P2017/2749/FUL)

- Members were of the view that the replacement windows would improve the thermal efficiency of residents homes and help alleviate fuel poverty and supported the proposals in line with officer recommendation.

RESOLVED:

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

The meeting ended at 9.45 pm

CHAIR

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COMMITTEE AGENDA

1 27 Clerkenwell Road

London
EC1M 5RN

2 Culpeper Community Garden

2 Dignum Street
Islington
LONDON
N1 0FJ

3 Land rear of 6 Shaftesbury Road

London
N19

1 27 Clerkenwell Road

London
EC1M 5RN

Ward: Clerkenwell

Proposed Development: Erection of three storey extension to existing three storey (plus basement) host building at fourth, fifth and six floor levels and excavation at basement level to extend the existing floorplate to the rear of the building, and lowering of floor to form a full height basement. Erection of a setback plant room at roof level above the new sixth floor. Proposed extensions resulting in an uplift of 632m² floorspace. Change of use at basement to provide Class A3 café floor space and provision of bike store, refuse and recycle store. Change of use from Class A3 café floorspace to Class B1 office floorspace at first floor level; change of use from mixed Class B1 office floorspace and ancillary Class A3 floor space at second and third floors to provide Class B1 office floor space across both floors. Provision of Class B1 office floorspace at new fourth, fifth and six floors. Alterations to ground floor shopfront including installation of new double doors to provide access to the first-sixth floors; reinstatement of the missing corbel and the missing sash window to the front elevation at third floor level; three storey contemporary extensions at fourth - sixth floors to be formed of glazing and corten steel to comprise Class B1 floorspace with reinstatement of existing saw-tooth roof form at sixth floor.

Reconsultation due to: Amended description.

Application Number: P2017/4659/FUL

Application Type: Full Planning Application

Case Officer: Heather Lai

Name of Applicant: c/o agent

Recommendation:

2 Culpeper Community Garden
2 Dignum Street
Islington
LONDON
N1 0FJ

Ward: Barnsbury

Proposed Development: Erection of a single storey glazed extension (greenhouse) to the existing outbuilding (tea hut) (following demolition of the existing single storey addition)

RECONSULTATION: Development on land designated as Site of Importance for Nature Conservation (SINC) and Open Space (Culpeper Street Open Space and Culpeper Street Community Garden)

Application Number: P2017/3427/FUL

Application Type: Full Planning Application

Case Officer: Daniel Jeffries

Name of Applicant: Culpeper Community Garden Assn.

Recommendation:

3 Land rear of 6 Shaftesbury Road
London
N19

Ward: Tollington

Proposed Development: Proposal for demolition of the existing vacant buildings (previously used as storage/workshop) and construction of 2x2 bedroom two storey dwellings with associated amenity space, lowering of land levels plus installation of bike and refuse storage. [Re-Consultantation due to ammended information recieved].

Application Number: P2015/3034/FUL

Application Type: Full Planning Application

Case Officer: Joe Aggar

Name of Applicant: Mr Robert Gutstein

Recommendation:

PLANNING COMMITTEE REPORT

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



PLANNING SUB-COMMITTEE B		Agenda Item no.
Date:	30 April 2018	NON-EXEMPT

Application number	P2017/4659/FUL
Application type	Full Planning Application
Ward	Clerkenwell Ward
Listed building	Locally listed only
Conservation area	Clerkenwell Green Conservation Area
Development Plan Context	<p>Locally listed building Historic Clerkenwell – BC7 within Finsbury Local Plan Clerkenwell Green Conservation Area St John’s Lane Employment Priority Area Within Central Activities Zone Within Bunhill and Clerkenwell Core Strategy Key Area Clerkenwell Archaeological Priority Area Local cycle route to Clerkenwell Road, major cycle route to St John’s Street Mayors protected vista: Alexandra Palace to St Paul’s Cathedral Article 4 Directions no change from A1-A2 and no change of use from B1 (c) to C3</p>
Licensing Implications	None
Site Address	27 Clerkenwell Road London EC1M 5RN
Proposal	<p>Erection of three storey extension to existing three storey (plus basement) host building at fourth, fifth and six floor levels and excavation at basement level to extend the existing floorplate to the rear of the building, and lowering of floor to form a full height basement. Erection of a setback plant room at roof level above the new sixth floor. Proposed extensions resulting in an uplift of 632m² floorspace. Change of use at basement to provide Class A3 café floor space and provision of bike store, refuse and recycle store. Change of use from Class A3 café floorspace to Class B1 office floorspace at first floor level; change of use from mixed Class B1 office floorspace and ancillary Class A3 floor space at second and third floors to provide Class B1 office floor space across both floors. Provision of Class B1 office floorspace at new fourth, fifth and six floors. Alterations to ground floor shopfront including</p>

	installation of new double doors to provide access to the first-sixth floors; reinstatement of the missing corbel and the missing sash window to the front elevation at third floor level; three storey contemporary extensions at fourth - sixth floors to be formed of glazing and corten steel to comprise Class B1 floorspace with reinstatement of existing saw-tooth roof form at sixth floor.
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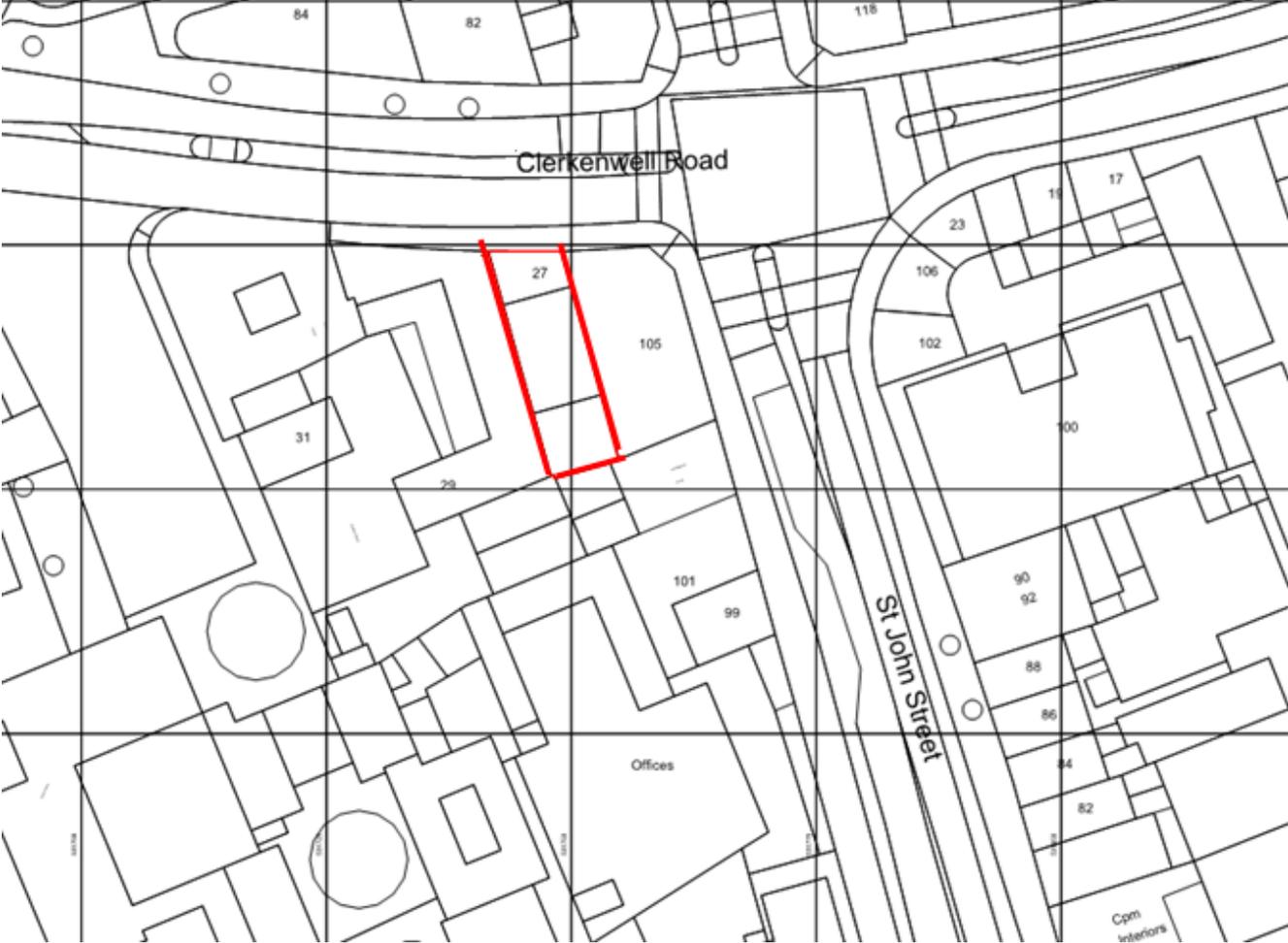
Case Officer	Heather Lai
Applicant	Zefilix Ltd
Agent	Kate Goldie

1. RECOMMENDATION

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

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

2. SITE PLAN (SITE OUTLINED IN RED)



3. PHOTOS OF SITE/STREET

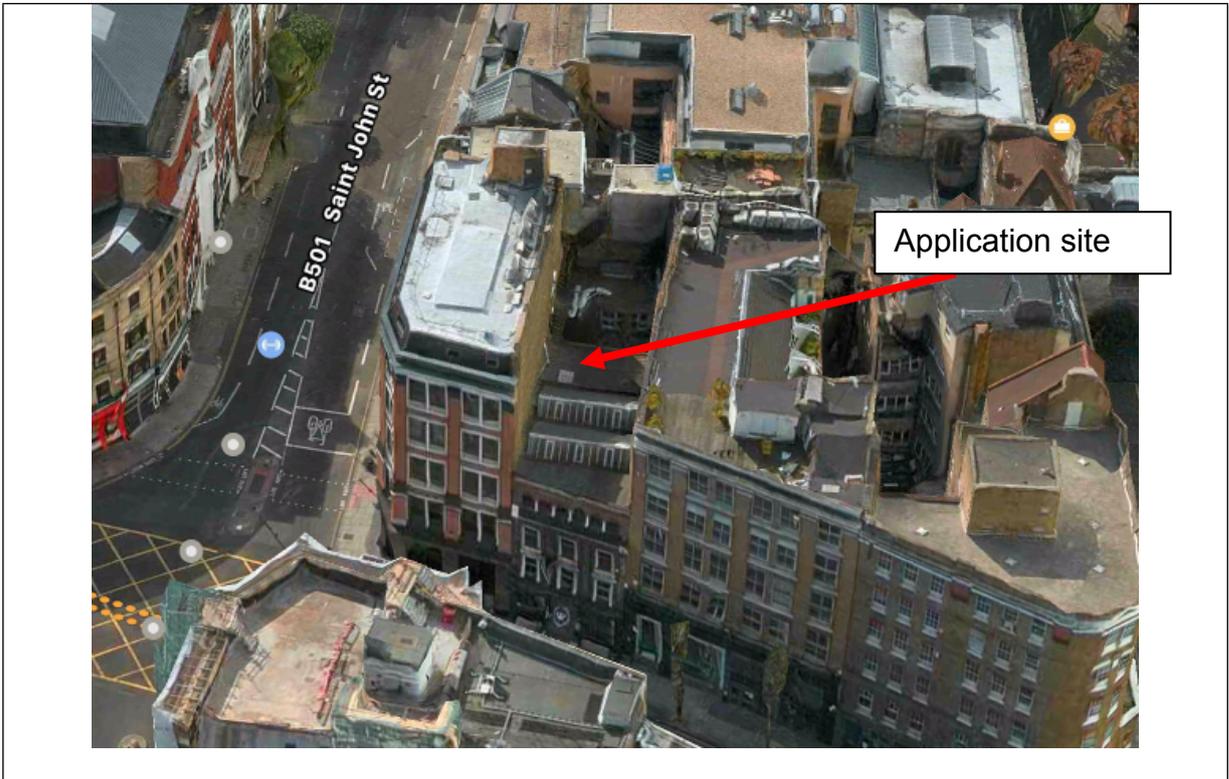


Image 1: Aerial view of the application site from the north

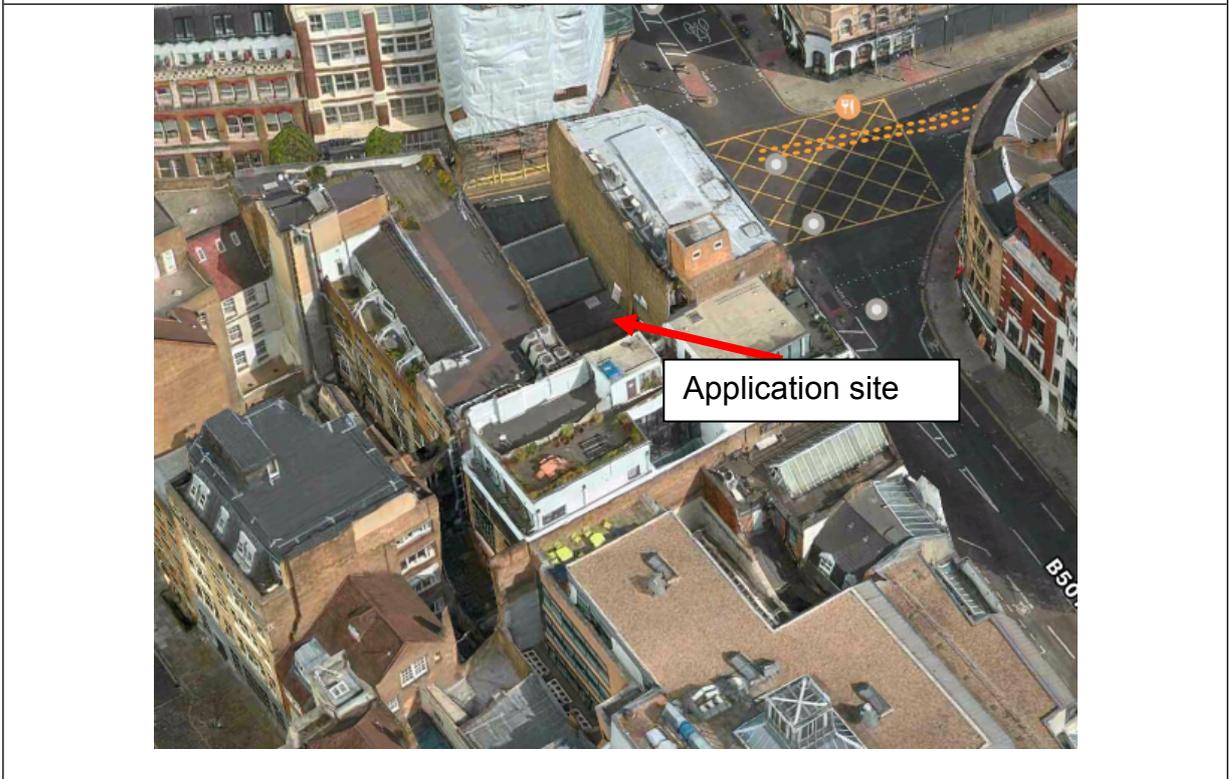


Image 2: Aerial view of the application site from the south east



Image 3: Street view of the site from Clerkenwell Road (looking south west).



Image 4: View from behind the existing saw-tooth roof (looking towards Clerkenwell Road)



Image 5: View into the internal lightwell courtyard

4. SUMMARY

- 4.1 Planning permission is sought for the lowering of the existing basement floor level by 600mm and excavation to extend the floor plate to the full depth of the site. The basement is to be used as part of the reconfigured Class A3 café/restaurant unit at ground floor level and for the provision of a bike store, refuse and recycle store, toilets, and a shower unit.
- 4.2 To the ground floor, alterations are proposed to the historic shopfront including the creation of a second opening in the form of new double doors to access the upper floor offices. Other aspects of the proposal include:
- Change of use at first floor level from Class A3 to Class B1, providing 158m² office floorspace;
 - Reinstatement of the missing corbel and the missing sash window to the front elevation at third floor level;
 - Three storey contemporary infill extension formed of glazing and corten steel to comprise Class B1 offices, providing 479m² floorspace across the three additional floors;
 - Reinstatement of saw-tooth roof form at 6th floor;
 - Creation of set-back plant room at roof-level.
- 4.3 The application is brought to committee because of the number of objections received and due to the uplift in total floorspace of 632m², and an uplift of 714.5m² Class B1 office floorspace across the whole building.
- 4.4 The issues arising from the application are land use and employment generation, the principle of the three storey extension, the impact on the character and appearance of the host building and surrounding Conservation Area, the impact on

the amenity of the adjoining and surrounding residential and commercial properties and the acceptability of basement excavations.

- 4.5 The principle of the creation of additional office floorspace is considered to be acceptable and supports the strategic priority of the Central Activities Zone to maximise office delivery.
- 4.6 The creation of remodelled high quality Class B1 office floorspace in a CAZ location is considered to provide a public benefit that would weigh in favour of the application. The proposal would not detrimentally impact the amenity of the neighbouring properties due to the unique circumstances of the site, which is two storey lower than adjoining buildings and also owing to the relationship to surrounding properties on Clerkenwell Road and St John's Street. The proposed improvements to accessibility within the existing building, and the extension are considered to add to the public benefit.
- 4.7 The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council to pay special attention to the desirability of preserving or enhancing the character and appearance of the Clerkenwell Green Conservation Area when determining this application.
- 4.8 Whilst the extension will be visible from the street and cause some harm to the character and appearance of the locally listed building, and the significance of the conservation area this must be weighed against the benefits as noted in local and national policies. Both DM2.3B policy (Development Management Policies 2013) and the National Planning Policy Framework (NPPF) requires harm to the significance of a conservation area to have clear and convincing justification and this must also be weighed against any public benefits. Officers consider the additional infill extension to be of a high quality contemporary design which will respectfully contrast the host building, and the accurate restoration of some of the original features to the front elevation would improve the appearance of the locally listed building.
- 4.9 The proposal is finely balanced. While less than substantial harm would be caused to the locally listed building and Conservation Area, the proposal would be of a high quality contemporary design, generate an uplift of business floorspace, improve accessibility of the building as well as introduce heritage benefits through reinstatement of original features. In this regard the public benefits are viewed to outweigh the harm and it is therefore recommended that the application be approved, subject to conditions and a legal agreement.

5. SITE AND SURROUNDING

- 5.1 The application site is located on the northern side of Clerkenwell Road and has a GIA of 646m², in use as a Class A3 café/restaurant and Class B1 offices, spread over the basement to third floors.
- 5.2 The site comprises a three storey plus part basement mixed use building with a class A3 café/restaurant at ground and first floor and Class B1 office floorspace to the first-third floors. There is an existing saw tooth roof to the former tin plate

factory building. The property sits between 29 Clerkenwell Road to the west, 105 St John's Street to the east and 103 St John's Street to the north of the site.

- 5.3 The building is locally listed. The list description states:
"Mixed use unit. Timber frontage, stallriser, fascia. Brick pilasters, corbels intact. Central timber panelled door, plain glass fanlight with central mullion. Left hand side stallriser - double doors for deliveries to lower level. Left/right side windows - central transom, three mullions."
- 5.4 The immediately adjoining buildings are both five stories in height, with elongated ground floors. To the south east of the site is St. John's Gate, a Grade I listed building and Scheduled Monument.
- 5.5 The site is located within the Clerkenwell Green Conservation Area, the Central Activities Zone (CAZ), and Employment Priority Area (General) and within the Mayors Protected Vista from Alexandra Palace viewing terrace towards St Pauls Cathedral. The site is within Bunhill and Clerkenwell Area, BC7 of the Finsbury Local Plan.
- 5.6 The site has a Public Transport Accessibility Level (PTAL) of 6a, which is considered extremely good, and there are bus routes along Clerkenwell Road which pass the site (55, 243 and N55 travelling east, and 55, 153, 243 and N55). To the front of the site the east bound carriageway has a single yellow line, with waiting and unloading restrictions being limited to 0800-1000 and 1600-1700 Monday to Friday, and 0800-1330 on Saturdays.

6. PROPOSAL (IN DETAIL)

- 6.1 The application proposes the erection of a three storey roof extension to the existing building at fourth, fifth and sixth floors which would result in an uplift of 632m² floorspace.
- 6.2 At basement level there would be excavations to extend the floorplate to the rear to create a full depth basement as it currently extends approximately two-thirds of the depth of the building, or 15.5m. The basement level would have a resulting floor to ceiling height of 2.8m, an increase of 0.6m compared to the existing.
- 6.3 The existing building has an internal lightwell towards the rear of the building, which extends from ground to third floor. It is proposed to infill this lightwell, providing additional internal floorspace at ground to third floors so the floorplate would extend across the whole depth of the building.
- 6.4 The building is currently mixed in use, and is occupied by a Class A3 café/restaurant and Class B1 offices. The existing Class A3 café/restaurant operates out of the ground and first floors and has additional ancillary floorspace to the rear of the internal lightwell at ground to third floors. The Class B1 use occupies the remaining existing floorspace at second and third floors. The proposal seeks to reconfigure the existing floor arrangements, providing a more coherent and logical arrangement which would result in an uplift of 714.5m² Class B1 office floorspace.
- 6.5 It is proposed for the Class A3 café/restaurant to operate at ground floor and basement, with a net reduction of 82.5m² floorspace to provide a 244m² unit. At

basement level there would also be a refuse and recycling store, cycle parking for 13 bikes (for office and café staff to use), a toilet and shower facilities.

- 6.6 At ground floor level, a separate entrance is proposed to the existing shopfront to access the office floors above, and an accessible toilet would be provided at this level. A lift is to be installed internally at this level to access all floors. The new entrance would be timber framed double doors with a fan light above, to match the existing shopfront.
- 6.7 At first floor level a change of use from Class A3 to Class B1 office floorspace is proposed across the whole floor, and at second and third floors it is proposed to change the use of the ancillary Class A3 floorspace to Class B1 office floorspace, resulting in the use at first, second and third floors solely as Class B1.
- 6.8 To the front elevation of the existing building at ground to third floors, additional external works consist of the replacement of a missing corbel and reinstatement of an existing sash window at third floor front elevation, and the cleaning and repair (where necessary), of all brickwork, stone work and timber sash windows.
- 6.9 The new fourth, fifth and sixth floors are proposed to be Class B1 office floorspace across all floors. Externally, the three storey roof extension would be formed of glazing and corten steel, with the horizontal steel fins being spaced to different widths at each floor. At fourth floor they would be spaced widely, approximately 1m apart which would be narrowed as the floors go up. At sixth floor the fins would be approximately 20cm apart, which would be read as banding in line with the cornicing to adjoining buildings.
- 6.10 At fifth floor level to the western side the building the front elevation would be slightly set in to provide a terrace measuring 3m². The set in area of the terrace would retain a section of the existing townscape view to the flank wall to no. 29 Clerkenwell Road, which is currently visible due to the lower height of no. 27.
- 6.11 At sixth floor level the front elevation would be set back from the building line, with a modern saw tooth roof to reference the existing historic roof in situ. A plant enclosure would be erected above the sixth floor (to the rear of the roof space) at roof level, and the lift overrun would also terminate at roof level.
- 6.12 The existing building height, from ground floor (street level) is 12.5m, the proposed height from ground floor to the new roof above sixth floor level would be 21.2m, with the plant enclosure adding an additional 2m height on top of this.
- 6.13 During the course of the application, amendments were received to respond to objections to the application, namely the relocation of the proposed plant room further forward on the roof, away from the residential units at 105 St John Street, and the provision of a new fire escape ladder will be provided at fifth-sixth floors and roof level to the rear and east elevations (adjoining 105 St John's Street) to replace the existing situation.

7. RELEVANT HISTORY:

7.1 PLANNING APPLICATIONS

- **820112:** Use of 3rd floor as a photographic studio with facilities for developing and printing photographs. Approved on 29/04/1982
- **970731:** Change to A3 (restaurant) use of basement and ground floors of frontage building and of entire small rear building on ground and three upper storeys. Approved on 13/08/1997
- **P002634:** Change of use from B1 (office) use to A3 (food & drink) at first floor as an extension to existing ground floor café. Approved on 01/05/2001.
- **P111691:** Alterations to the glazed shopfront through the insertion of a serving hatch within the window frame. Approved on 30/09/2011.

7.2 ENFORCEMENT

None.

7.3 PRE-APPLICATION ADVICE:

- **Q2017/1575/MIN** (3 October 2017). Pre application advice was given for: Lowering and excavation of basement to extend to the full length of the building, use of the basement as part of Class A3 unit at ground floor level, and provision of bike store, refuse and recycle store and wc/shower unit. Alterations to ground floor shopfront including installation of new double door to access the upper floor B1 units, reinstating and restoration of rear brick elevation, creation of lightwell within the buildings core that runs the full height of the building from ground to third floors. Change of use at first floor level from Class A3 to Class B1, change of use at second and third floors to the rear of the building from Class A3 to Class B1. Four storey extension formed of glazing and corten steel at fourth and fifth storeys, at sixth and seventh floors formed of pared-back glass & metal clad boxes, with the sixth floor to be designed to replicate in glazing the existing saw-tooth roof, the seventh floor is to be set back from the front elevation. Use of the fourth to seventh floors as Class B1 office space. Reinstatement of the missing corbel on the left-hand side and the missing sash window on the third floor front elevation.

Pre-application advice was sought for two different designs to extending the building; one was a traditional design to raise the façade by three full-storeys as a continuation of the existing building style and form and the other proposal was a modern design to raise the façade by two full-storeys in a contemporary contrasting form and a set-back storey at sixth floor level. A substantially set back seventh floor roof extension and plant enclosure were also proposed.

The various possible approaches were discussed at pre-application meetings to ensure all options were considered.

The applicant was advised that the raising of the façade in a traditional design by three-storeys would result in an overly elongated façade which is unconvincing by virtue of its unsuccessful proportions and would cause harm to the locally listed building and Conservation Area. It was considered the harm that this proposal would cause would not outweigh the public benefits including additional office floorspace.

Therefore, it is the contemporary design that has been taken forward in the current application, however the seventh floor has been removed from the proposed scheme, although a small plant enclosure remains.

Regarding land use, the applicants were advised an uplift in Class B1 office floorspace would be supported in principle, as would the general reconfiguration of the building and the provision of additional facilities including cycling storage and showers to encourage more sustainable journeys by staff of the site

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 109 adjoining and nearby properties at Clerkenwell Road, St John's Street and St John's Square on 5 December 2017. A site notice and press advert were displayed on 5 December 2017. The initial public consultation of the application expired on 4 January 2018.
- 8.2 Following an amendment to the description to more accurately reflect the proposal, a second round of neighbour consultation letters were sent out on 27 March 2018. The second round of consultations expired on 17 April 2018.
- 8.3 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report a total of six objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph numbers that provide responses to each issue indicated in brackets):
- The application was missing crucial documents at validation stage, including a biodiversity report, a construction management plan (CMP), contaminated land assessment, economic statement, sustainable design and construction statement and ventilation/extract statement. Therefore the application should not have been made valid (paragraphs 10.92-10.93,10.104).
 - Application form was not correctly filled in as they stated at point 23 that there was no 'commercial processes and machinery' proposed, but rooftop plant is to be erected; and no details of employment figures were provided (paragraph 10.105).
 - The site is within Historic Clerkenwell, is locally listed and within the Clerkenwell Green Conservation Area in close proximity to other statutorily and locally listed sites. It is considered the three storey extension would not be in keeping with the application site or surrounding area and would cause harm to the building and its surroundings (paragraphs 10.13-10.44).
 - External alterations to the existing building at ground and second floor levels do not respect the significance of the locally listed building or Conservation Area, including the installation of the new double door entrance and do not comply with the development plan (paragraphs 10.40- 10.42).
 - Erection of extension would result in an added burden to the transport infrastructure of the local area, and also would result in increased servicing and delivery demands (paragraphs 10.77-10.79, 10.84-10.85).

- Application does not provide sufficient cycle parking; none is proposed for customers of the A3 café (paragraphs 10.80-10.81).
- Does not address sustainability concerns; no greening of the building is proposed, no carbon offsetting contribution is to be made and there are no energy or water efficiency proposals suggested (paragraphs 10.96-10.100).
- Does not address the impact on the Mayor’s protected vista viewing corridor (Alexandra Palace to St Paul’s) (paragraph 10.101).
- Loss of existing A3 floorspace and loss of employment to A3 staff at the site, current occupant is a small, independent retailer (paragraphs 10.9-10.12).
- Fails to consider impact of extension in terms of loss of daylight/sunlight on non-residential occupants to surrounding buildings, would result in a loss of amenity to adjoining business use (paragraphs 10.64, 10.69-10.70).
- Fails to address impact of loss of light to street trees surrounding the site (paragraph 10.106).
- Loss of external fire escape stairs to nos. 103 and 105 St John’s Street at fourth and fifth levels, no replacement of these is proposed. This is written into deeds for adjoining flats (at no. 103) (paragraphs 10.107-10.110).
- Existing extract duct and a/c compressor units to the side wall needs to be addressed (paragraphs 10.111-10.112).
- Loss of amenity to neighbouring residential properties, namely overshadowing, loss of light into 103 St John Street including lightwell and overlooking into upper floors of 103 St John Street (paragraphs 10.64-10.70).
- Plant enclosure is to be erected right next to party wall with no. 103 St Johns Street, causing noise and vibration issues for occupants (paragraphs 10.71-10.76).
- Excessive density of built environment within Conservation Area and overdevelopment, will have an adverse impact on character and appearance of CA (paragraphs 10.32-10.44).
- Proposed development works, including basement works will cause nuisance, namely noise, dust etc (paragraphs 10.88-10.92).
- Concerned about structural impact to adjoining properties (paragraphs 10.94-10.95).
- Consider the rear of the site should not be built up, will be higher than surrounding buildings (paragraphs 10.57, 10.58-10.63).
- Do not consider the amended noise impact proposals will prevent nuisance to the adjoining residential properties (10.73-10.76)

Internal Consultees

- 8.4 **Planning Policy:** No objection; the uplift in Class B1 floorspace is supported in this location within the CAZ, and the existing Class A3 café/restaurant is retained and will continue to operate at ground floor level.
- 8.5 **Design and Conservation Officer:** The application site is a locally listed late Victorian light industrial building located within the Clerkenwell Green Conservation

Area. It is considered of architectural and historical significance due to its former use as a tin plate factory and its Italianate style. The proposal to erect a contemporary three storey roof extension would result in less than substantial harm to the locally listed building, however the quality of the proposed materiality and detailed design of the extensions is high, and would infill the gap in the streetscape by raising the height of the building to match the adjoining buildings.

The proposals will be visible from the street and will cause some harm to the character and appearance of the building, and therefore the Conservation Area given the scale of the extension. This harm should be weighed against any public benefits of the proposed scheme.

While harm will be caused, given the proposed quality of the scheme and the other public benefits of the scheme including the provision of additional high quality office accommodation, in this instance the scheme is supported in design terms, provided relevant conditions are agreed at committee.

- 8.6 **Inclusive Design:** Raised concerns over lack of facilities proposed for patrons with limited access; an extension should be treated the same as a new build.
- 8.7 **Transport Planning Officer:** No objection.
- 8.8 **Highways:** No objection.
- 8.9 **Sustainability:** Sustainability details provided are noted, however would have expected more robust information. Details of the u-value performance and post fit out energy performance can be secured by condition.
- 8.10 **Noise Officer:** Following amendments to Acoustic Report, no objection subject to condition.
- 8.11 **Refuse and recycling:** No objection.
- 8.12 **Building Control:** No objection. Existing fire escapes can be reprovided, however temporary provision should be made while works are undertaken.(recommended informative)

External Consultees

- 8.13 **London Fire and Emergency Planning:** No objection, provided the proposals meet the requirements of the Building Regulations. Sprinklers should be installed.(recommended informative)
- 8.14 **Twentieth Century Society:** No response.
- 8.15 **Clerkenwell Green Preservation Society** No response.
- 8.16 **London and Middlesex Archaeological Association:** No response.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

- 9.1 Islington Council (Planning 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 is within a conservation area, the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
- 9.2 National Planning Policy Framework (NPPF): Paragraph 14 states: *“at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...”*
- 9.3 At paragraph 7 the NPPF states: *“that sustainable development has an economic, social and environmental role”*.
- 9.4 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 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. 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

- 9.8 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.

Designations

- 9.9 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Clerkenwell Green Conservation Area;
 - Locally Listed Building;
 - Archaeological Priority Area;
 - Central Activity Zone;
 - Core Strategy Key Area - Bunhill & Clerkenwell;
 - Finsbury Local Plan - Bunhill & Clerkenwell Designated Area (BC7);
 - Finsbury Local Plan - Employment Priority Area (General);
 - Local Cycle Route.

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.10 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 (including archaeology)
- Accessibility and inclusive design
- Neighbouring Amenity
- Highways and Transportation
- Impact of basement excavations
- Sustainability, energy efficiency and renewable energy
- Fire safety

- Noise and air quality
- Planning obligations

Land Use

- 10.2 The application site is located within an Employment Priority Area (General) and is located within the Central Activities Zone (CAZ) as well as the Clerkenwell Green Conservation Area.
- 10.3 The application seeks planning permission for the erection of a three storey extension to the existing building and the extension to create a full length floorplate at basement level. A reconfiguration of the existing floors would provide 244m² Class A3 use at basement and ground floor, which is a reduction of 82.5m² and the use of the first through sixth floors would be as Class B1 office floorspace. This would result in an overall uplift of 714.5m² GIA of Class B1 office floorspace and an overall uplift of 632m² GIA with the A3 unit being reduced in size from 326.5m² to 244m².

Table 1: Existing and proposed GIA of the building and existing and proposed land use over each floor

B1 office floorspace			
<i>Floor level</i>	<i>Existing</i>	<i>Proposed</i>	<i>+/-</i>
Basement	N/A	39	+39
Ground	10.5	36	+22
First	99	158	+59
Second	102	161	+59
Third	108	162	+54
Fourth	N/A	162	+162
Fifth	N/A	162	+162
Sixth	N/A	155	+155
A3 café/restaurant floorspace			
<i>Floor level</i>	<i>Existing</i>	<i>Proposed</i>	<i>+/-</i>
Basement	106	121	+15
Ground	148.5	123	
First	26	0	-26
Second	24	0	-24
Third	22	0	-22
Fourth	N/A	0	0
Fifth	N/A	0	0
Sixth	N/A	0	0

- 10.4 Policy CS 13 of the Core Strategy (2011) requires that new employment space is provided in the CAZ or town centres, where there is good access to public transport. The policy seeks to provide floorspace that is flexible to meet future business whilst also providing a range of unit types and sizes, including those suitable for Small Medium Enterprises (SMEs).
- 10.5 Policy CS 14 seeks to promote and protect the retail and service economy within the borough, seeking to retain the existing town centres and shopping centres. It encourages economic development which provides services for the people who live, work and study within the borough. Policy BC8 A of the Finsbury Local Plan states that within designated Employment Priority Areas, no net loss of business floorspace will be permitted, and proposals should incorporate the maximum amount of business floorspace reasonably possible.
- 10.6 The proposal, to provide an uplift of 714.5m² Class B1 office floorspace, and the retention of the existing A3 use at ground floor (albeit reduced in floor area), which provides an active frontage accords with policies BC 8 (a) and (b) and CS 13 and is acceptable and encouraged in land use terms. In addition, the quality of the proposed office floorspace is considered acceptable, as it would offer a good standard of office accommodation, ventilation and floor to ceiling heights.
- 10.7 Part B of Policy BC 8 of the Finsbury Local Plan sets out that development within Employment Priority Areas (General) should include a proportion of non-B1 uses at ground floor. There is an existing A3 café/restaurant use at ground-first floors and the application proposes to retain the ground floor use and reconfigure the A3 unit by relocating some of the floorspace to the newly enlarged basement floor. The basement, which is currently in use ancillary to the A3 café and provides staff toilets, staff room, services and storage is to be reconfigured to be used as part of the Class A3 floorspace. This is also to be extended to the rear, and will be used for staff cycle storage, shower/toilet/changing facilities and for waste and recycling provisions.
- 10.8 The existing A3 floorspace at first floor would be lost, and there would be an overall loss of 82.5m² GIA Class A3 floorspace. The existing A3 unit is 326.5m², and the proposed unit size would be 244m² at ground and basement floors.
- 10.9 An objection was received regarding the loss of A3 floorspace, stating that it is contrary to policies CS14 and DM4.1. However, policy DM4.1 (Maintaining and supporting small and independent shops) is not relevant to this proposal as there is no loss of A1 retail on this site. As noted in para CS14 (Retail and Services), providing a good range of services including A3 restaurant.
- 10.10 While it is acknowledged the existing café/restaurant in occupation is a small independent business, it is not considered that the loss of 82.5m² floorspace would have an adverse impact on the function or operation of the business. The reconfiguration to provide the Class A3 café use at ground floor and basement will result in a more cohesive use of the A3 floorspace and will free the upper floors to allow more Class B1 floorspace. It is considered the reconfiguration will allow the two uses to complement each other and in land use terms this change of use is acceptable.
- 10.11 The proposed mix use development of office and café/restaurant accords with the land use requirements of paragraph 1.5 of the Clerkenwell Green, Charterhouse Square and Hat and Feathers Conservation Area Design Guide (CADG) which

requires the provision of proposed floorspace for uses other than unfettered Class B1, and that all existing non-B1 uses at ground floor are retained. While this guidance also states that there should be no loss of non-B1 floorspace, for the reasons stated above, it is considered the reduction in A3 floorspace will not have a harmful impact on the existing cafe use, or on the character and appearance and function of the building or the wider Conservation Area.

- 10.12 In response to the objection regarding lack of data over how many jobs the development would provide, the applicant advised during the course of the application that the office space is likely to provide for approximately 69 jobs. This figure has been based on the job density figure from the Government's Employment Density Guide (2015) for B1a offices (professional services).

Design and Conservation

- 10.13 The delivery of high quality design including the conservation and enhancement of the historic environment is a key objective of the planning system which is to contribute to achieving sustainable development as supported by the NPPF. Sustainable development is further described as including positive improvements in the quality of the built and historic environments including but not limited to replacing poor design with better design (para 9). A core planning principle of the NPPF is to always seek to secure high quality design (para17).
- 10.14 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. Section 72 (1) of the Act requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area.
- 10.15 NPPF Chapter 12 'Conserving and enhancing the historic environment' sets out the criteria for the conservation and enjoyment of the historic environment in the strategy of local plans as well as relevant criteria for assessing and determining planning applications. Consideration includes harm posed to both designated and non-designated heritage assets and their setting.
- 10.16 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.17 London Plan policy 7.4 states that development should have regard to the scale, mass and orientation of surrounding buildings, buildings should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. London Plan policy 7.6 states that buildings should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should not cause unacceptable harm to the amenity of surrounding land and buildings.
- 10.18 London Plan policy 7.9 relates to Heritage-led regeneration, it states that the significance of heritage assets should be assessed when development is proposed

and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration.

10.19 At the local level, policy CS9 of Islington's Core Strategy sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity. Policy DM2.1 of Islington's Development Management Policies requires development to be based upon an understanding and evaluation of an area's defining characteristics, confirms that acceptable development will be required to respect and respond positively to existing buildings, and sets out a list of elements of a site and its surroundings that must be successfully addressed – this list includes urban form including building heights and massing.

10.20 Policy DM2.3B, Conservation Areas states:

i) The Council will require that alterations to existing buildings in conservation areas to conserve or enhance their significance. Similarly, new developments within Islington's conservation areas and their settings are required to be of high quality contextual design so that they conserve or enhance a conservation area's significance. Harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification.

10.21 Clerkenwell Green, Conservation Area Design Guidelines state:

1.20'...roof extensions to existing buildings should conform to the height of existing development in the immediate area.'

1.22 'Roof extensions visible from the street or a public open space will not be granted where this is harmful to the character and appearance of the building.'

1.33'...Alterations and extensions to the existing buildings should respect the building's materials, architectural style and proportions.'

10.22 Part B of policy BC7 in the Finsbury Local Plan states that new buildings should be of high architectural quality, reflect local distinctiveness and be a height, scale and massing that respects and enhances the immediate and wider context, consistent with the predominant building height. In addition, Part C of policy BC7 states that new development should not result in the demolition or amalgamation of buildings with existing character value. Buildings that frame strategic and local views of landmarks should enhance the quality of the view, in particular components within the view that are of heritage value.

Summary of architectural and historic significance of the locally listed building and Conservation Area

10.23 No. 27 Clerkenwell Road has substantial architectural and historic significance as a former Victorian tin plate works in a distinctive Italianate style. It was erected in 1879 to the designs of Parr and Strong for Francis and William Hudden. It is a locally listed non-designated heritage asset and makes a substantial positive contribution to the Clerkenwell Green Conservation Area.

- 10.24 On the local list, the list description for no. 27 Clerkenwell Road reads: 'Mixed use unit. Timber frontage, stallriser, fascia. Brick pilasters, corbels intact. Central timber panelled door, plain glass fanlight with central mullion. Left hand side stallriser - double doors for deliveries to lower level. Left/right side windows - central transom, three mullions.'
- 10.25 The Clerkenwell Green Conservation Area is considered to be of outstanding importance by virtue of its rich collection of Victorian, Georgian and earlier buildings and important historic open spaces such as St John's Square and Clerkenwell Green itself. It has a varied character comprising a mix of uses including specialist manufacturing, craft and light industrial workshops, wholesaling and retailing activities. The specialist workshop uses are essential to the varied character of Clerkenwell as a cultural quarter. There are also a number of retail, showroom, eating and drinking, residential, educational, community and museum uses.

The immediate setting

- 10.26 No. 27 Clerkenwell Road is located between five-storey buildings (with greater floor to ceiling heights) which form a consistent urban block. The gap that arises between the buildings is the equivalent of two and a half storeys. In townscape terms it can be considered that the gap undermines the consistency of the urban block and reveals views of the unattractive blank side elevations of the buildings either side and visual clutter to their roofs. In townscape terms the gap is unusual and is considered to fragment the existing regular frontage along Clerkenwell Road.
- 10.27 However, at the same time the gap is a reminder of an earlier scale of built form indicative of the historic development of the area. The adjoining buildings may be taller but they are also wider which results in a proportionate width to height ratio.
- 10.28 The Council's Design and Conservation Officer agrees with the text in the Heritage Statement which states: '27 Clerkenwell Road is located within a section of the street presently comprising a mixture of commercial, retail and office uses with a number of cafés, bars and restaurants. The building itself is considerably lower in height than the 19th century warehouses to either side. A printworks is at the opposite side of Clerkenwell Road, also of the 19th century but heavily restored, and possibly a façade retention. To the west the road opens out onto a small square close to Albermarle Road, cobbled with granite setts to the south as St John's Square. The early-16th century (though later restored) St John's Gate is surrounded by tall, semi-industrial 19th century buildings at six storeys, as well as a modern 1950s building immediately against the gate itself; this varied mix creates a dramatic contrast in streetscape between the gate and the buildings surrounding it.'

The wider setting of the building

- 10.29 The Council's Design and Conservation Officer agrees with the text in the Heritage Statement which states: 'Located just to the northwest of the City of London, Clerkenwell's long history of urban development is apparent both in the remnants of the medieval street pattern and in its architectural fabric, which is uniquely varied. Its buildings have been employed in an assortment of uses, including specialist manufacturing, workshops, wholesale and retail, further enhancing the vibrant mixed character of the Clerkenwell Green Conservation Area. For the most part it comprises a network of tightly-built streets and back alleys with buildings of a

comparatively smaller-scale than those found elsewhere in central London. Local open spaces provide relief from the tight urban grain and are key to the area's overall layout and amenity, including Clerkenwell Green, St John's Square, St James's Churchyard and Charterhouse Square, among others.'

Proposals

- 10.30 The proposal is to construct three storeys of extensions in a contemporary form, with contrasting Corten steel fins aligning with the parapet of the adjoining buildings (nos. 29 Clerkenwell Road and 105 St. John's Street), partially concealing a set-back glazed floor behind. At fifth floor level this would include a terrace obscured by the steel fins, but one that would give a view to the existing brick of the adjoining building, no. 29 Clerkenwell Road. At sixth floor this would be set back and a modern designed saw-tooth roof would provide additional light and a varied form to this top floor. This would be visible only in limited private views from taller surrounding buildings.
- 10.31 It is proposed to erect a plant enclosure to the roof. This was originally proposed to be set back to the rear of the roof space, adjoining the side of no. 103 St John's Street. However following objections from residential neighbours, this has been relocated further forward on the roof. Amended drawings and plans demonstrate that the new proposed location for the plant enclosure will not be readily visible from the streetscene, or from surrounding buildings owing to its position, and that it would be partially obscured by the saw-tooth roof above sixth floor level.

Design and Heritage Assessment

- 10.32 The proposed extensions conform with the existing higher development in the immediate area. However, three-storey roof extensions to three-storey (plus basement) buildings do not characterise the area.
- 10.33 The extensions will cause some harm to the character and appearance of the host building which is locally listed (non-designated heritage asset), and harm to the significance of the conservation area, by virtue of the proposal being a substantial contemporary addition to an historic building. It is however recognised by Officers that the three-storey roof extension to a four-storey building would technically be a subordinate addition to the existing building. The key argument in this instance is whether the addition causes less than substantial harm to the locally listed building. The proposed development and materials are high quality contextual design that seek to respectfully contrast the historic building's materials, architectural style and proportions. Repair works to the locally listed building together with the high quality design above would allow the both the old and contemporary styles to sit comfortably on this site.
- 10.34 Policy DM2.3B requires harm to the significance of a conservation area to have clear and convincing justification. This is in line with the NPPF which requires harm to heritage assets to be weighed against any public benefits.
- 10.35 Large extents of metal cladding are usually unacceptable in conservation areas. However, this Conservation Area is distinctive within Islington as having a historic light industrial character, with some of the late Victorian buildings being partly constructed from cast-iron. Given this context Corten steel is considered

acceptable as a material as it has a warmth and texture unlike other forms of metal cladding such as powder coated aluminium which generally has a dull and flat appearance. Crucially, however, the Corten Steel is not proposed to be used as a form of cladding but to form the slim and elegant framing to a large extent of glazing and also as slim elegant fins. The vertical emphasis created by Corten steel framing and fins, read together with horizontal beams, successfully responds to the historic light industrial character of the area. The large extent of glazing creates a lightweight addition which reads as a contrasting contemporary addition to the historic building.

- 10.36 The proposed design and materials are high quality contextual design that seeks to respectfully contrast the historic building's materials, architectural style and proportions through its lightweight design.
- 10.37 While the 5th floor terrace creates an asymmetrical arrangement, the terrace aims to reveal part of the end elevation to the adjoining building expressing the memory of the gap. If concern arises over the asymmetry created by the 5th floor terrace and corresponding window below then a consistent approach could be requested. However, it is considered this is acceptable in design terms and the terrace is obscured by the continuation of the corten steel fins and is not considered to cause material harm.
- 10.38 The fins to the top of the building, which are placed closer together, read as an open palisade which achieves a contemporary interpretation of a cornice (a feature to the adjoining buildings) that visually 'completes' or 'finishes' the top of the building.
- 10.39 Policy DM2.3E, Non-designated heritage assets states that proposals that unjustifiably harm the significance of a non-designated heritage asset will generally not be permitted. While the loss of the saw-tooth roof may not harm the character and appearance of the Conservation Area as it is not visible from public views, only harming the significance of the locally listed building, the proposed extension will cause less than substantial harm to the Conservation Area. This harm should be weighed against any public benefits of the proposed scheme.
- 10.40 The proposed alterations to the existing façade, including to repair missing historic features are acceptable and welcome in design terms. The western bay of the shopfront retains its original form with shop window above a stallriser, however the eastern bay has been altered with the strallriser replaced with glazing. The replacement of this with traditional timber double doors and fanlight above (which is detailed to match the historic shopfront) will therefore have a neutral impact on the character of the conservation area and the significance of the listed building.
- 10.41 Objections have been received that these works are not policy compliant and are out of character on the historic front façade, including the repainting of the building. While these are noted, it is considered for the reasons stated above that the external alterations to the host building are acceptable and accord with DM 2.1 and 2.3 as well as the Urban Design Guide and the Shopfront Design Guide as traditional materials will be used, with proportions and details to match the existing shopfront.

10.42 While some harm would be caused to the character and appearance of the Conservation Area, and the locally listed building, the quality and design of the proposed scheme is high and will read as a contrasting modern extension to the important late Victorian building. The proposal will infill a gap in the existing streetscape, reducing the visual dominance of the three storey extension.

Plans and marked up images of the site



Image 6: CGI of proposed front elevation extensions and alterations, from Clerkenwell Road



Image 7: Proposed birds eye drawing showing revised location of proposed plant to the roof



Image 8: Existing front elevation drawing

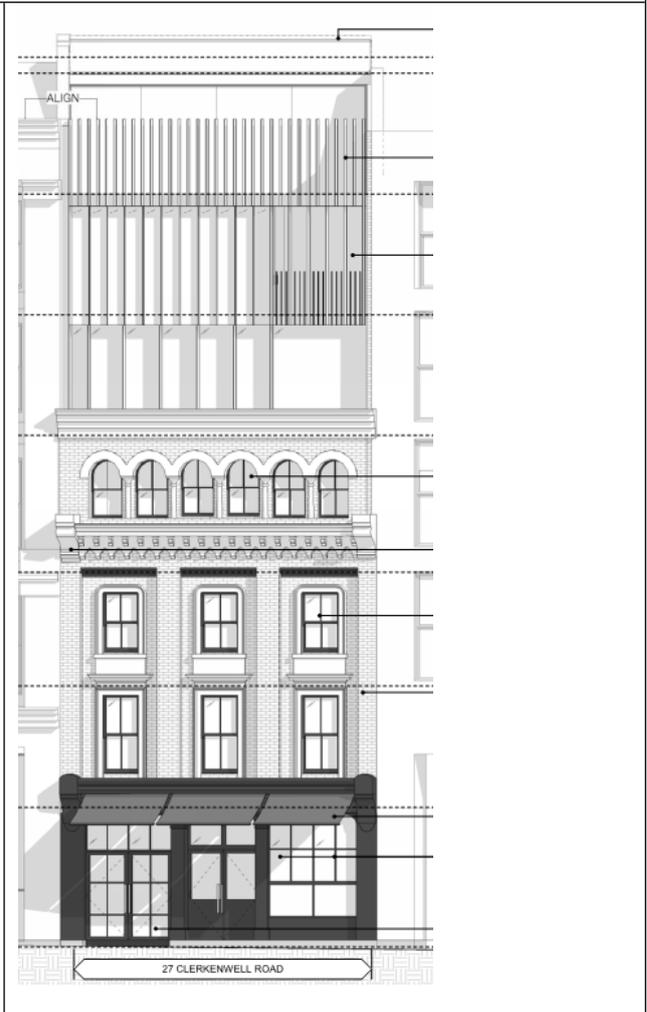


Image 9: Proposed front elevation drawing



Image 10: Proposed visual showing alterations to shopfront including creation of new opening

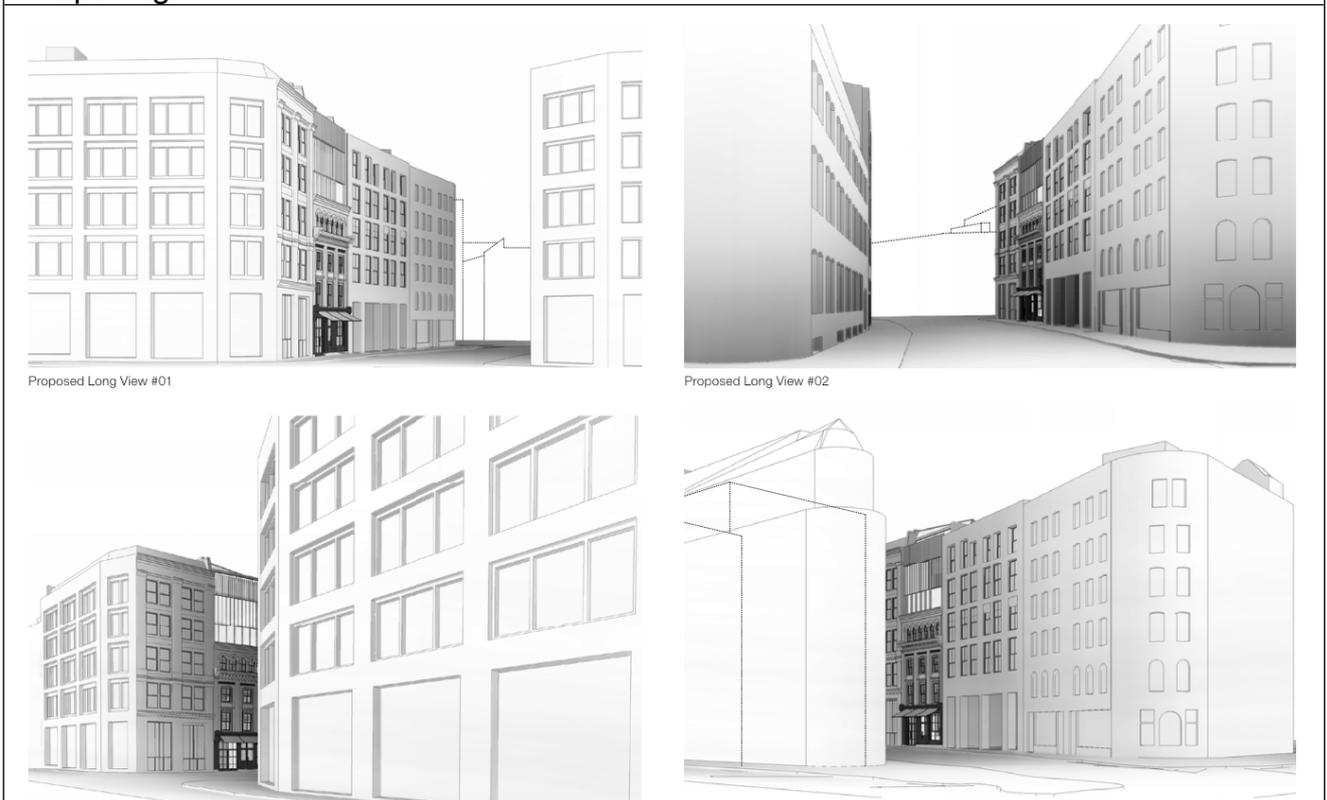


Image 11: Marked up longer views showing the roof top plant will not be visible from street view

- 10.43 The public benefit of providing a high quality modern extension to the existing building due to the improvements to the historic façade, accessibility enhancements, as well as an additional 714.5m² Class B1 floorspace within the Central Activity Zone, in an accessible area which is an Employment Priority Area are considered to outweigh the less than substantial harm caused to the locally listed building and the Clerkenwell Green Conservation Area.
- 10.44 Consideration has been given to the scale of the existing structures on the site, the scale of the extensions and the design, appearance and use of materials. The Design and Conservation Officer concludes that the harm to heritage assets is less than substantial and this is considered to be outweighed by public benefits being improvements to the front façade of the building and uplift and improvement of the office floorspace. Therefore, the proposals are considered to accord with policies DM 2.1, DM2.3 of the Development Management Policies, policies 7.4, 7.6, 7.8, and 7.9 of the London Plan (2016) and guidance contained within the NPPF, the CADG and UDG. While it is a finely balanced judgement, given the merits of the scheme including the quality of the proposed design, it is recommended for approval.

Archaeology

- 10.45 The application site is within an Archaeological Priority Area. No Archaeological Assessment was submitted with the application, and to ensure that an assessment of archaeological records is undertaken before works begin on the excavation to the basement a programme of building recording and historic analysis is to be secured by condition (11).
- 10.46 At the time of writing this report, no response has been received from the London and Middlesex Archaeological Society.

Inclusive Design

- 10.47 Paragraph 57 of the NPPF is relevant to the current proposal in relation to inclusive design. London Plan policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor's Accessible London SPG. At the local level, Development Management Policy DM2.2 requires all developments to demonstrate that they i) provide for ease of and versatility in use; ii) deliver safe, legible and logical environments; iii) produce places and spaces that are convenient and enjoyable to use for everyone; and iv) bring together the design and management of a development from the outset and over its lifetime. The Inclusive Design in Islington SPD is also relevant.
- 10.48 The application seeks the erection of a three storey plus part basement extension to an existing building and therefore Policy DM 2.2 is applicable. The Council's Inclusive Design Officer initially raised concerns to the proposal which are addressed below.
- 10.49 The lift was originally oriented sideways therefore would have been inaccessible to some wheelchair users who are unable to move through 90° within the car. The applicants have responded by confirming that a turning circle of 1500mm outside the lift is to be provided which does make the lift accessible.

- 10.50 The WC at basement level is inaccessible to those with limited mobility. Due to space restraints, a fully DDA-accessible WC on the ground floor is to be provided for the office floorspace. However as shown on plan this would not be accessible by patrons of the café, who would be required to access the DDA toilet at basement level. To address this, a condition (14) has been suggested requiring an amended floorplan to be provided showing that a DDA toilet would be provided or accessible at ground floor level for patrons of the Class A3 unit.
- 10.51 This toilet at ground floor level was originally proposed to have an inward opening door which would make it inaccessible. It also did not have a 300mm clear space beyond the leading edge of the door (pull side). The applicants addressed this by revising the proposal so that there is now a separate lobby to access this toilet and 300mm clear space from the leading edge of the door to the wall.
- 10.52 The Inclusive Design Officer objected to the fact that no DDA toilet is to be provided to the upper floors, to address this a condition (15) has been suggested requiring amended floorplans to be provided showing that DDA toilets would be provided, at a minimum to the three additional floors at fourth-sixth storeys.
- 10.53 The existing ground floor entrance from the street to the café is not level. The application does not propose to create a level access to this entrance. While the existing opening will not be amended, and a removable ramp will provide level access from the street, as this represents the existing situation to an existing locally listed building in this instance this is considered acceptable. It is noted that the new opening, which will serve as the entrance to the B1 offices will have a level entrance from street level.
- 10.54** It was considered the fire evacuation refuges on each floor were insufficient; as a single refuge on each floor would not meet the minimum required including measuring at least 900x1400mm. The applicants responded to this point by ensuring the minimum requirements and measurements are met and these are shown on the drawings.
- 10.55 Following the proposed amendments to the scheme which have addressed some of the concerns of the Inclusive Design Officer, and subject to conditions of consent, it is considered the scheme largely complies with inclusive design and accords with policy DM 2.2 in this regard.
- 10.56 Given the existing physical constraints of the existing building as a non-designated heritage asset, it is considered that the proposed works broadly conform to accessible standards set out within the Inclusive Design in Islington Supplementary Planning Document and conform to Policies DM2.1(Design) and DM2.2 (Inclusive Design) of the Development Management Policies (2013).

Neighbouring Amenity

- 10.57 The property is a north facing mid terrace building adjoining 29 Clerkenwell Road to the west, and 105 St John Street to the east. 103 St John Street is immediately to the rear, located to the south of the application site. The proposal seeks to excavate a deeper, full site coverage single storey basement, to erect a three storey extension to the host building with a setback rooftop plant enclosure at new roof level above the sixth floor. The existing internal courtyard which extends from

ground to third floor will be enclosed. As the existing host building is approximately 2 ½ storeys lower than surrounding buildings, the building will be extended to the same height as surrounding buildings.

- 10.58 Part 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.
- 10.59 Clerkenwell is an historic and dense part of the borough and is mixed use in character, with surrounding buildings incorporating commercial, residential and retail functions.
- 10.60 The application site represents a gap in the roofline along this section of Clerkenwell Road, as no. 27 is approximately two storeys lower than the buildings surrounding it along the terrace (existing buildings have higher floor to ceiling height ratios). While three storeys of extensions are proposed, the building would be extended to the height of the adjoining buildings, and the rooftop plant enclosure would be set back and hidden behind a modern saw-tooth roof. The three storey extension would be read as an infill development.
- 10.61 While the proposal represents a significant uplift that would result in increased massing when viewed from the street scene, owing to the existing streetscape context, it is considered the erection of a three storey infill in this location would not be overbearing or over dominant in this location. The three storey extension would be the same height as surrounding buildings to the east, west and south, and would be obscured on these three sides by existing flank walls to adjoining buildings and therefore would be most prominent to the north (front) elevation on Clerkenwell Road.
- 10.62 The existing rear building line of no. 27 adjoins the flank side wall of 103 St John Street and would be built up against the wall of this building. There are no existing windows to this side elevation of no. 103. To the sides, the application site shares party walls with the flank walls of no. 29 Clerkenwell Road and 105 St John Street. There are no side windows to either of these boundary walls.
- 10.63 Given the relationship of the proposed extended building to those adjoining it, it is considered there would not be a material increase in a sense of enclosure or loss of light to neighbouring buildings along the host terrace as it would not be higher than existing buildings, nor project further forward of existing building lines. While buildings to the opposite side of Clerkenwell Road are located to the north, at a distance of approximately 8m given the relationship across the highway, it is considered the raising of no. 27 by three storeys would not result in a material loss of light to those to the other side of Clerkenwell Road.
- 10.64 A Daylight and Sunlight Report was submitted with the application assessing the impact of the proposed works on the surrounding residential properties, in line with BRE guidance. This report identifies that the building most directly to the north of the application site, no. 80-82 Clerkenwell Road is not in residential use, and a review of Council planning and business rate records appears to confirm this. This

site appears to have a lawful use as a showroom at ground floor level, and Class B1 offices above. As such it is not subject to the same level of protection over daylight and sunlight as residential properties are. However the impacts have still been considered and are deemed to be satisfactory.

116-118 St John Street

10.65 The Daylight and Sunlight Report stated that the closest surrounding residential properties that were likely to be affected by the proposal were at 116-118 St John Street and 103 St John Street. The report stated that 116-118 St John Street which is located to the north-east of the site on the corner of Clerkenwell Road and St John Street does not have any windows directly facing the application site; the fenestration faces due west and due south and therefore is unlikely to be impacted by a material loss of daylight or sunlight. Council Officers agree with this statement, which is demonstrated by a site plan identifying the relationship of no. 116-118 St John Street to the host building. In addition the report confirmed that the three storey extension to no. 27 will be obscured to the north-east no. 105. Following neighbour objections, a supplementary Daylight Sunlight Report was submitted which confirmed this. As such, Council officers consider there will not be a material loss of sunlight or daylight to no. 116-118 St John Street caused by the extensions to no. 27 Clerkenwell Road.

116-118 St. John Street



Image 12: photo and location plan from Daylight and Sunlight Report demonstrating the relationship of the windows at 116-118 St John Street to the application site

103 St John Street

10.66 The Daylight Sunlight Report considered the impact on no. 103 St John Street and concluded that there were no windows overlooking the development site, and as the building-including the existing roof garden is due south of no. 27, there would not be a loss of sunlight. Council officers agree with this conclusion, given the relationship of the application site to no. 103. The height of the extensions to no. 27 will be only

slightly higher than no. 103 (approximately 1m), and will abut the flank walls of 103. The rooftop plant enclosure will be 2m high and will be located on top of the roof, however this has been relocated during the course of the application and will be approximately 4.5m from no. 103. As such, it is considered the extensions to no. 27 will not result in a materially unacceptable situation to no. 103 St John Street.

103 St. John Street



Image 13: photo and location plan from Daylight and Sunlight Report demonstrating the relationship of the windows at 103 St John Street to the application site

- 10.67 The proposed three storey extension would be raised to meet the building height of surrounding buildings, and therefore would be no taller than adjoining no. 105 St John Street, and only slightly taller (by approximately 1m) than nos. 29 Clerkenwell Road, and 103 St John Street. As such, it is considered owing to the proposed height and relationship to surrounding buildings, including no. 103 St John Street the proposal would not result in a material sense of enclosure to surrounding properties.
- 10.68 The proposed erection of a three storey extension would be enclosed on three sides to the side and rear by the flank walls of nos. 29 Clerkenwell Road, 105 St John Street and 103 St John Street. Therefore the fenestration to the existing, and proposed floors of the building will all face to the north, towards Clerkenwell Road. As such, there will not be a material loss of privacy for properties to the sides and rear of the application site (facing west, east and south). In addition, the adjoining properties, nos. 29 Clerkenwell Road, 105 St John Street are in commercial use.
- 10.69 A small terrace to the front elevation at fifth floor level is proposed, which will measure 3m². This will expose the existing brick gap to the side wall of no. 29, and therefore will be set back behind the building line. Therefore this terrace will not result in a loss of privacy for no. 29 Clerkenwell Road, or no 116-118 St John Street, which will be located on the opposite side of the application site. The proposed terrace will be further obscured by the positioning of corten steel fins which will offer a degree of privacy to and from the terrace and therefore will not result in a material loss of privacy for occupants of 80-82 Clerkenwell Road.

10.70 While the enlarged building will result in further fenestration facing nos. 80-82 Clerkenwell Road opposite, this building appears to be in use as a retail showroom and Class B1 offices. Commercial uses are not required to meet the same test as residential units, and the dense urban location across a highway means there is no policy breach here nor unacceptable impact.

Noise and air pollution

10.71 An acoustic report was originally submitted with the application which was assessed by the Council's Noise Officer. Initial concerns were raised over predicted noise levels, namely that plant noise emissions would not comply with the following criteria:

"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."

10.72 Objectors raised concerns that the proposed rooftop plant would be located adjacent to flats at 105 St Johns Street. In response to the objections, and the Environmental Health Officer's concerns, the applicants have relocated the proposed plant and acoustic enclosure further forward on the roof of the building, away from no. 105 St Johns Street and an amended Acoustic Report was submitted.

10.73 The Noise Officer considers the amended report includes expected predictions for acoustic plant which will not result in an unacceptable noise pollution issue, provided the acoustic screening shown on the drawings is erected, and that relevant conditions (6-8) are attached to any decision notice. The Noise Officer confirms that the relocation of the plant is accepted in order to address the concerns of the residents.

10.74 The amended acoustic report states that the final design of the plant enclosure and arrangement is still to be confirmed and in response, three conditions are proposed controlling the overall noise produced, the time of the plant operation in line with the report and a compliance report to be carried out post installation to verify that the final design complies with the noise limit.

10.75 It is considered in planning terms, the impact of the proposed rooftop plant has been adequately addressed-subject to conditions-to confirm that there would not be an unacceptable amenity impact to neighbouring occupiers.

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

Highways and Transportation

- 10.77 The highways authority for the application site is the London Borough of Islington; it is not a TfL red route.
- 10.78 A Transport Statement was submitted as part of the application, which considers the transport provisions in the area, including the public transport accessibility level (PTAL) of the site. According to the TfL PTAL calculator, the Transport Statement confirms the site is level 6a, which represents a high level of accessibility to the site.
- 10.79 The application site is 400m walking distance from Farringdon Station, which is due to open as a Crossrail Station in 2018 and therefore is considered to offer exceptional access to public transport. A neighbour objection regarding the extensions increasing pressure on the transport network is noted, however given the location within the CAZ and the provision of additional office accommodation which is supported in policy terms and the excellent transport connections it is considered the proposal is acceptable and accords with policy DM 8.2 in terms of its impact on the transport network. The Highways Manager has not raised any objections to the proposal.
- 10.80 Thirteen cycle parking spaces are to be provided at basement level; this is marginally under London Plan figures which would require seven (six short stay; one long stay) parking spaces for the A3 use, and seven (six short stay; one long stay) parking spaces for the B1 use. However the proposal accords with Islington requirements for provision of cycle parking, namely DM 8.4 and given the excellent public transport connections and the central location it is considered this is acceptable. A condition (10) has been recommended requiring these cycle parking spaces to be provided prior to the first occupation following the completion of the development.
- 10.81 The applicants have proposed in their Transport Statement that the thirteen cycle parking spaces are to be for the B1 office use. They have stated that while no onsite cycle parking has been provided for staff or patrons of the A3 café, parking for these uses typically requires short-stay parks and 34 on street cycle parks are in situ within 50m of the application site. Given the building's location and good PTAL rating, and that the established A3 use is to have a reduction in floorspace, it is considered there will be a good provision of public transport to the unit. However a condition (11) has been recommended requiring provision of two cycle parking spaces, in line with London Plan requirements for an A3 use of this size.

Delivery and Servicing

- 10.82 Policy DM 8.6 requires that all commercial developments over 200m² provide off-street servicing and delivery. In addition servicing and delivery vehicles should be able to enter and exit the site in forward gear, and servicing bays should be strictly controlled.
- 10.83 According to the submitted Transport Statement (TS) it is expected that two servicing/delivery trips would be made to the site daily. Given the nature of the application site, off street deliveries are not possible, however it is noted that loading along this area of Clerkenwell Road is possible outside the hours of 8-10am and 4-7pm weekdays. Beyond this the TS did not identify the current servicing

arrangements or detail any changes to this. To address this, a condition (13) has been recommended seeking a detailed servicing and delivery plan before first occupation of the site by all uses.

- 10.84 One objector stated that the extension would result in an increase demand for servicing and deliveries. While this is noted, given that there will be a reduction in the amount of Class A3 floorspace, which typically requires more regular servicing than Class B1 floorspace, it is considered that there would not be such a material impact on the highways network from servicing and deliveries to warrant refusal of the application, particularly in a location which is within the CAZ and supports mixed use sites.
- 10.85 The Highways Manager has not raised any concern regarding the proposal, and while the Transport Statement did not identify any changes to the existing on street servicing it is considered this can be addressed through the provision of a detailed servicing and delivery plan as recommended by condition 13. If the details of the servicing and delivery condition are agreed, it is considered the proposal accords with policies DM 8.2 and 8.6.

Waste and Recycling

- 10.86 Waste and recycling storage will be provided at the rear of the ground floor to serve the Class A3 unit, and at basement level to serve all floors of the Class B1 office floorspace. One recycling bin and one waste bin will be provided for the B1 use, and two recycling bins and two waste bins will be provided for the A3 use.
- 10.87 The basement bins will be brought up in the lift and wheeled outside by on site porters via the commercial entrance, and the ground floor bins will be wheeled to the street by on site porters where they will be collected, similar to the existing arrangements. The Council's Waste and Recycling Officer has raised no objections and it is considered that subject to the provision of a Waste Management Plan secured by condition, the proposal is acceptable and accords with the requirements of DM 8.6.

Basement excavation

- 10.88 There is an existing basement at the site, and the application proposes to lower the floor level from a 2.2m to a 2.8m floor to ceiling height, and to extend the floor plate to the rear to create a full depth basement. This will create a more functional basement space that will offer a better quality unit for the A3 café, as well as accommodating services.
- 10.89 The Islington Basement SPD states that basement development should be appropriate and proportionate to a site, considering its specific context and geological conditions. For commercial and mixed use buildings, this should be commensurate to the site context and building design. In the CAZ, the context of surrounding buildings and development needs to be considered to avoid adverse structural impacts. A structural method statement is required to be provided at validation stage, and as such one prepared by Furness Partnership was submitted.

- 10.90 Basements should be of a single storey, and have a floor to ceiling height which does not exceed 3m and on both these points the proposed extension to create a deeper full plate to the existing basement accords with the Basement SPD.
- 10.91 The existing basement extends from the front building line approximately 2/3 of the way through the building and is the full width of the site. The site is encompassed to the sides and rear by existing buildings, and as there is an existing basement to the front of the building line, the excavation to increase the floor to ceiling depth, and the length of the basement will not result in external manifestations. Therefore there are no design considerations to the basement development.
- 10.92 An objection was received regarding the temporary impact the development and excavation works will have on neighbouring properties, particularly residential properties. While this is noted, an SMS was submitted to consider the structural impacts, and the impact from building works would be managed through the submission of a construction method plan (CMP), to be secured by condition (5).
- 10.93 One objection stated that a CMP should have been required at validation stage. For this type of development, a CMP is required by way of condition, and a condition has been recommended requiring a CMP to be submitted and approved prior to commencement of basement works.
- 10.94 An objection raised concerns over the structural impact of the works on nearby properties. While this is noted, this is a civil matter which would need to be addressed through a party wall agreement. The submission of a Structural Method Statement at validation stage also advised of the method of excavation and underpinning.
- 10.95 While this SMS was provided, it is considered that it does not provide the required level of detail for a project of this size. As such, the provision of an amended SMS before works on the basement begin has been recommended by way of condition. The proposed basement works are considered to accord with the Basement SPD and are therefore acceptable, provided an amended SMS is submitted for approval prior to implementation/commencement of the basement development (condition 5).

Sustainability, Energy Efficiency and Renewable Energy

- 10.96 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF. Further planning policies relevant to sustainability are set out in chapter 5 of the London Plan, Core Strategy policy CS10 and chapter 7 of the Development Management Policies. Islington's Environmental Design SPD is also relevant.
- 10.97 One objector raised issues over the lack of sustainability information provided, namely no greening of the building is proposed, no carbon offsetting contribution is to be made and there are no energy or water efficiency proposals suggested.
- 10.98 The applicants have provided a sustainability response to this, stating:

'The proposed refurbishment scheme is particularly complex given the restricted nature of the sites location within a Conservation Area and the

mixed use programme. The proposed strategy will be to improve the energy efficiency of the existing building, namely with a significant services upgrade, improving building fabric u-value performances & new glazing throughout. Furthermore the proposed strategy will look to include additional energy efficient measures such as LED lighting, water conservation fittings, natural ventilation and an energy efficient hot water system.

The developer aims to review the energy performance of the building after handover and has planned to undertake seasonal site visits for testing of all building services under full load conditions, i.e. heating equipment in mid-winter, cooling/ventilation equipment in mid-summer, and under part load conditions (spring/autumn). The Design team aim to conduct testing during periods of extreme (high or low) occupancy including interviews with building occupants to identify problems or concerns regarding the effectiveness of the systems.'

- 10.99 Given that the proposal seeks to extend an existing building, rather than erect a new build, it is not subject to the same requirements for sustainable design. While the point about no provision of a green roof is noted, given that there is to be an area set aside for rooftop plant and the erection of a modern saw tooth roof to replicate the historic one, it would be difficult to accommodate a green roof.
- 10.100 The Council's Sustainability Officer has reviewed the details provided and raises no objection, subject to details of the buildings energy performance being provided by condition. A condition (10) has been recommended, and it is considered subsequent to the details of this condition being successfully met, the proposal accords with policies DM7.1, DM7.2 and DM7.4.

Viewing Corridors

- 10.101 The application site is in a viewing terrace from Alexandra Palace to St Paul's Cathedral, which is a Mayor of London Protected Vista. During the course of the application this matter was discussed, and the applicant advised that the maximum increase in height of the extension is to be 42.34m. The London View Management Framework SPD (2012) advises that townscape and visual impact assessments are required where proposals affect a designated view. The SPD advises in respect of St Pauls, that proposals above 52m AOD (above ground level) would impact this view. Given the proposal is approximately 10m below this threshold, and that it will infill a gap between existing buildings of this height and visual townscape views were provided which demonstrate the building would not obscure views to/from surrounding buildings. Therefore no harm is considered to be caused to viewing corridors and the proposal is considered to comply with The London View Management Framework SPD (London Panorama 1), BC7 of the Finsbury Local Plan, paragraph 2.53 of Policy DM 2.3 and Policy DM 2.4 of the Development Management Policies.

Fire Safety

- 10.102 Part B of the London Plan policy 7.13 states that development proposals should contribute to the minimisation of potential physical risks, including those arising as a result of fire.

10.103 The London Fire and Emergency Planning Authority (LFEPA) has commented on the proposed development. It was confirmed that the LFEPA will be satisfied subject to the proposal meeting the requirements of Approved Document B5 of the Building Regulations. It is advised the applicant should contact the council's Building Control team in relation to fire safety, an informative is recommended.

Other

10.104 An objection stated that the application was missing crucial documents at validation stage and should not have been validated. Following detailed pre-application discussions the applicants provided all the documentation they had been advised they would require and it is considered sufficient detail was submitted to allow officers to assess the acceptability of the scheme in planning terms. Those documents were provided in line with local and national validation requirements; it is not considered reasonable or proportionate to expect further provision of supporting evidence beyond this. A biodiversity report and a contaminated land assessment for a central London site, where most of the existing building is to be retained was not expected. An acoustic report was provided therefore a ventilation/extract statement was not necessary. An economic statement, for an extension to an existing building was not considered necessary in this situation, and sustainability considerations have been addressed during the course of the application.

10.105 An objector considered that the application form was not correctly filled in as at point 23 it said there was no 'commercial processes and machinery' proposed, but rooftop plant is to be erected as part of the application. While this is noted, and the rooftop plant is relating to commercial use, the use of the site is not for commercial processes, but for Class B1 offices and a Class A3 café. In addition, as full details were provided of the proposed plant, including an acoustic report the details of the scheme were sufficiently clear and rightly made valid in this regard.

10.106 One objection raised concerns that no consideration had been given to the impact of the loss of light to street trees on Clerkenwell Road. The Council's Arboricultural Officer confirmed that the erection of a three storey extension in this location would not have a material impact on the street trees. All development will be outside the adjoining street trees canopies.

10.107 Several objections were received from occupants of 103 and 105 St John Street which stated that there was an existing legal right of access onto the roof of no. 27 for emergency access. This is not a planning matter, but a civil matter between both parties; however, given the nature of the objection it must be addressed. The applicants have advised that their clients are aware of no legal right being granted allowing access onto the property's roof via the existing staircases from adjoining properties. There is no evidence of use of these existing stairs, and as shown in pictures provided with the application, the access from 103 St John Street has apparently been boarded up for many years. The building owner is not aware of this route ever being available to flat owners in that building.

10.108 However, in the light of the comments of adjoining occupiers, the applicants have proposed to re-provide the existing situation by the installation of two sets of fire escape ladders onto the roof of the site which will be located on the boundary wall, within the demise of no. 27 Clerkenwell Road.

- 10.109 The Council's Building Control team have assessed the proposed replacement stairs and consider they are acceptable, but have advised that if these stairs are indeed the legal fire escape for the neighbouring buildings, then a temporary means of escape would have to be provided while building works are undertaken. An informative regarding this has been recommended.
- 10.110 As this is a civil matter, not a planning matter further to this it cannot be addressed within the current planning application, but would require a legal agreement between the owner of the building and owners of neighbouring buildings. The agreement of the applicants to provide an emergency access route does not imply or acknowledge that a legal or other right is approved by either the Council or the applicants.
- 10.111 One objection stated that there are existing air conditioning units on the party wall with no. 105 which would have to be removed if planning permission is granted. The applicant has advised that these units were installed without planning permission, or the agreement of no. 27 by the owners of no.105. While this may be true the units may have become lawful due to the passage of time.
- 10.112 Regardless of the lawful or otherwise situation of these air conditioning units, they do project out into the demise of no. 27 and it would be unreasonable to refuse planning permission on these grounds, given the public benefit the three storey extension would provide. It is considered there are other locations within the demise of 105 where the air conditioning units could reasonably be placed.

Planning Obligations

Community Infrastructure Levy

- 10.113 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.
- 10.114 Both Islington CIL and Mayoral CIL would be payable in relation to the proposed development.

Crossrail CIL

- 10.115 The Crossrail Funding SPG (March 2016) sets out that planning obligations/S.106 contributions should be sought in respect of retail and hotel and office development in central London and the northern part of the Isle of Dogs, which involves a net increase in office floorspace of more than 500 square metres with contributions proportionate to the calculated impact.
- 10.116 The application results in an uplift of 632m² of B1 Office floorspace and is located within an area liable from Crossrail CIL at £140 per square metre as set out by the SPG. As a result, the applicant is required to enter into a S106 Agreement for a contribution of £88, 480 as required by the Mayor of London Crossrail Funding SPG

adopted March 2016. Therefore it is recommended that any grant of planning permission is subject to condition and legal agreement.

Section 106 agreement

- 10.117 Prior to and following the amendment of the proposals, officers advised the applicant that a Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The necessary Heads of Terms are set out at Appendix 1 Recommendation A.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The benefits of the proposed development must be noted. These include the uplift of the office floorspace and employment, the improvement to the appearance of the front elevation of the locally listed building, as well as improved accessibility within the building, with new cycle and refuse facilities of a higher quality, as discussed in paragraphs 4.5-4.9 of this report.
- 11.2 These benefits must, however, be weighed against the shortcomings of the proposed development, the material harm that the proposed development would cause. Officer's primary concerns are with the visual impact of the extensions on the locally listed building and Conservation Area, which is considered to amount to less than substantial harm. The provision of additional high quality office accommodation and DDA accessible facilities are considered benefits of the scheme, as is the improved quality of the Class A3 café/restaurant. The impact on neighbouring amenity of the adjoining and surrounding properties is considered to be acceptable following amendments during the course of the scheme to relocate the roof top plant away from residential properties to the south.
- 11.3 As such, the benefits of the proposed development are considered to outweigh the less than substantial harm caused and therefore accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and is recommended for approval subject to appropriate conditions and the provisions of a S106 agreement.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

The Heads of Terms are:

£88, 480 contributions towards the funding of Crossrail.

- Council’s legal fees in preparing the Section 106 agreement and officer’s fees for the preparation, monitoring and implementation of the Section 106 agreement.
- All payments to the council would be index-linked from the date of Committee and would be due upon implementation of the planning permission.

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

RECOMMENDATION B:

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

List of Conditions:

1	Commencement
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved plans list
	CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans: Daylight and Sunlight Statement by CBRE dated 24 November 2017, Daylight and Sunlight Objections response by CBRE dated 9 February 2018, Design

	<p>and Access Statement Rev. A by Hut Architects dated February 2018, Structural Method Statement by Furness Partnership dated November 2017, Noise Impact Assessment Rev. 02 by Scotch Partners dated 23 January 2018, Transport Statement issue 002 by Sweco dated 22 November 2017, Planning Statement by CBRE dated November 2017, Historic Building Report by Donald Insall Associates dated November 2017, E001, E009, E010, E011, E012, E013, E014, E030, E040, E041, E042, E043, 009 Rev. D, 010 Rev. F, 011 Rev. G, 012 Rev. E, 013 Rev. E, 014 Rev. F, 015 Rev. F, 016 Rev. F, 017 Rev. G, 030 Rev. B, 040 Rev. D, 041 Rev. D, 050 Rev. E, 051 Rev. F, 053 Rev. F, 055 Rev. F, 057 Rev. C, 1000 Rev. A, 1001 Rev. C, D009, D010, D011, D012, D013, D014.</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	Samples of materials
	<p>DETAILED DRAWINGS/SAMPLE OF MATERIALS (DETAILS): Details at appropriate scales and samples, where appropriate, in respect of the following, shall be submitted to and approved by the Local Planning Authority prior to commencement of the relevant works. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Sample of the proposed Corten steel b) Details and sample of the proposed glazing to the roof extension c) Details and sample of the proposed glazing and framing to saw tooth roof to the sixth floor level d) details of the proposed replacement corbel at third floor to the front elevation e) details of the sash window to be installed at third floor to the front elevation f) details of the proposed timber double doors and fan light to the eastern bay of the shopfront g) details of the proposed brickwork to the rear elevation h) details of soffits, handrails and balustrades i) details of junctions j) any other materials to be used <p>The development shall be carried out strictly in accordance with the details and samples 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: 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 in accordance with policies DM 2.1 and DM 2.3 of Islington's Development Plan.</p>
4	Construction Method Statement
	<p>CONDITION: No development (including demolition works) shall take place on</p>

	<p>site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
5	Structural Method Statement (Details)
	<p>CONDITION: No development shall be commenced on site unless and until an updated structural engineers report and excavation strategy including methodology for excavation and its effect on all neighbouring boundaries and adjoining buildings has been submitted to and agreed in writing by the Local Planning Authority. This includes identifying the depth of the existing foundations and datum levels for the depth to which excavation is proposed.</p> <p>This strategy shall be fully implemented in accordance with the approved details.</p> <p>REASON: To ensure that the proposed development would have no undue impact on the structural integrity of the neighbouring buildings.</p>
6	Noise Levels of Plant Equipment
	<p>The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142:2014.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity</p>
7	Report for noise levels of Plant Equipment
	<p>A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed</p>

	<p>mechanical plant to demonstrate compliance with condition 8. The report shall include measurement of the new plant following installation. The report shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the use hereby permitted.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity</p>
8	Timer for plant equipment
	<p>Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the building services plant to between the hours of 06:00 to 22:00 each day only. The plant shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity.</p>
9	Construction Environmental Management Plan
	<p>CONDITION: A Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, emissions from non-road mobile machinery, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts.</p> <p>The CEMP shall refer to Islington's Code of Practice for Construction Sites, BS5228:2009 and 2014, the GLA's Control of Dust and Emissions During Construction and Demolition SPG and shall commit the developer to sign up to the Non-Road Mobile Machinery Register.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of residential and local amenity, and air quality</p>
10	Energy Reduction and Sustainability
	<p>The development hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, and a water efficiency target of 95 l/p/d. A post fitout Energy and Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation to demonstrate compliance with the above, and in accordance with the developers proposed energy review post completion. The building shall be maintained as such thereafter into perpetuity.</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</p>

	standard.
11	Cycle storage
	<p>CONDITION: The bicycle storage area(s) hereby approved for the Class B1 office floorspace, shall be provided prior to the first occupation of the development hereby approved as shown on drawing no. 009 Rev. D (13 cycles) and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
12	Cycle storage (Class A3 unit)
	<p>CYCLE PARKING PROVISION (DETAILS): Notwithstanding the approved drawings, details of the layout, design and appearance (shown in context) of provision of bicycle storage for staff of the Class C3 café/restaurant shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The storage shall be covered, secure and provide for no less than two cycle spaces.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
13	Archaeological investigation
	<p>CONDITION: No works (including demolition works) shall take place on site unless and until the applicant has undertaken a programme of building recording and historic analysis, which considers building structure, architectural detail and archaeological evidence. This shall be undertaken in accordance with a written scheme of investigation submitted by the applicant and approved by the Local Planning Authority in association with Historic England GLASS.</p> <p>REASON: Built heritage assets of archaeological interest may survive on the site. The Local Planning Authority (in conjunction with London and Middlesex Archaeological Association) wishes to secure the provision of archaeological recording of the historic structures prior to development.</p>
14	Waste strategy
	<p>CONDITION: Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The details shall include: a) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s); b) a waste management plan The development shall be carried out and operated strictly in accordance with the details and</p>

	waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development and shall be maintained as such thereafter. REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.
15	Delivery and servicing plan
	CONDITION: A delivery and servicing plan (DSP) 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. 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. REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.
16	Inclusive design
	CONDITION: Notwithstanding the drawings hereby approved, prior to commencement of any works at ground floor level, details (including plans and sections) shall be submitted to the Local Planning Authority showing provision of a DDA accessible toilet at ground floor level for patrons of the Class A3 unit. 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. REASON: To ensure the development is of an inclusive design and conforms to Policy DM2.2 (Inclusive Design) of the Development Management Policies.
17	Inclusive design 2
	CONDITION: Notwithstanding the drawings hereby approved, prior to commencement of any works to the proposed extension at fourth to sixth floor levels, details (including plans and sections) shall be submitted to the Local Planning Authority showing provision of a DDA accessible toilet on the fourth, fifth and sixth floors. 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. REASON: To ensure the development is of an inclusive design and conforms to Policy DM2.2 (Inclusive Design) of the Development Management Policies. (2013).

List of Informatives:

1	Positive Statement
	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. A pre-application advice service is also offered and encouraged. The LPA and the applicant have worked positively and proactively in a

	<p>collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>
2	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	Written Scheme of Investigation
	<p>The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.</p>
4	Means of escape
	<p>You are advised that during building works a temporary means of escape must be provided to any surrounding buildings which have an existing means of escape accessed via the application site.</p>
5	Excavation
	<p>The applicant is advised to consider the construction impacts of the proposed excavation of a considerable basement in close proximity to neighbouring residential properties and refer to LBI's Code of Construction Practice, BS5228:2009, the GLA's SPG on control of dust and emissions during construction and demolition.</p>
6	Building Control
	<p>The Building Acts and Building Regulations: To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works.</p>

	T: 020 7527 5999 E: building.control@islington.gov.uk
7	Party Wall (etc) Act 1996 (as amended)
	The applicant is advised to comply with the relevant sections of the Party Wall (etc) Act 1996 (as amended) in regards to the proposal, namely in relation to the alteration and building up onto side boundary walls, and the excavation of a single storey basement to the existing side boundary walls.
8	Other legislation
	You are advised of the need to comply with other legislation outside the realms of planning, namely building regulations and environmental health regulations.
9	Hours of construction
	Nuisance from Construction Work: Nuisance from demolition and construction works is subject to control under the Control of Pollution Act. The normal approved noisy working hours are: " 08:00 to 18:00 Monday to Friday " 08:00 to 13:00 Saturday " No work on Sundays and Public Holidays If you anticipate any difficulty in carrying out construction works other than within normal working hours (above) and by means that would minimise disturbance to adjoining properties then you should contact the Pollution Project Team. T: 020 7527 7272 E: pollution@islington.gov.uk
10	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.
11	London Fire Brigade Informative
	London Fire Brigade advise that there should be fire brigade access to the perimeter of the building (s) and sufficient hydrants and water mains in the vicinity. The London Fire Bridge strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk of life. The Brigade opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of occupier. Please note that it is our policy to regularly advise our elected Members about how many cases there have been where we have recommended sprinklers and what outcomes of those recommendations were. These quarterly reports to our Members are public documents which are

available on our website.

The applicant is advised to contact London Fire for further information on tel 0208 555 1200 89171

Or the website london-fire.gov.uk

APPENDIX 2: RELEVANT POLICIES

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

11.5 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.

11.6 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
Policy 7.8 Heritage assets and archaeology
Policy 7.9 Heritage-led regeneration

B) Islington Core Strategy 2011

Strategic Policies

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 DM5.2- Loss of existing 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 DM8.2 - Managing transport impacts
- Policy DM8.4 - Walking and cycling
- Policy DM8.6 - Delivery and servicing for new developments

D) Finsbury Local Plan June 2013

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

11.7 Designations

Clerkenwell Green Conservation Area
Employment Priority Areas (General)

11.8 SPD/SPGS

Urban Design Guidelines
Conservation Area Design Guidelines
Environmental Design SPD
Inclusive Design SPD
Basement Development SPD 2016
Crossrail Funding SPG March 2016

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Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department



PLANNING SUB COMMITTEE B		
Date:	30 th April 2018	NON-EXEMPT

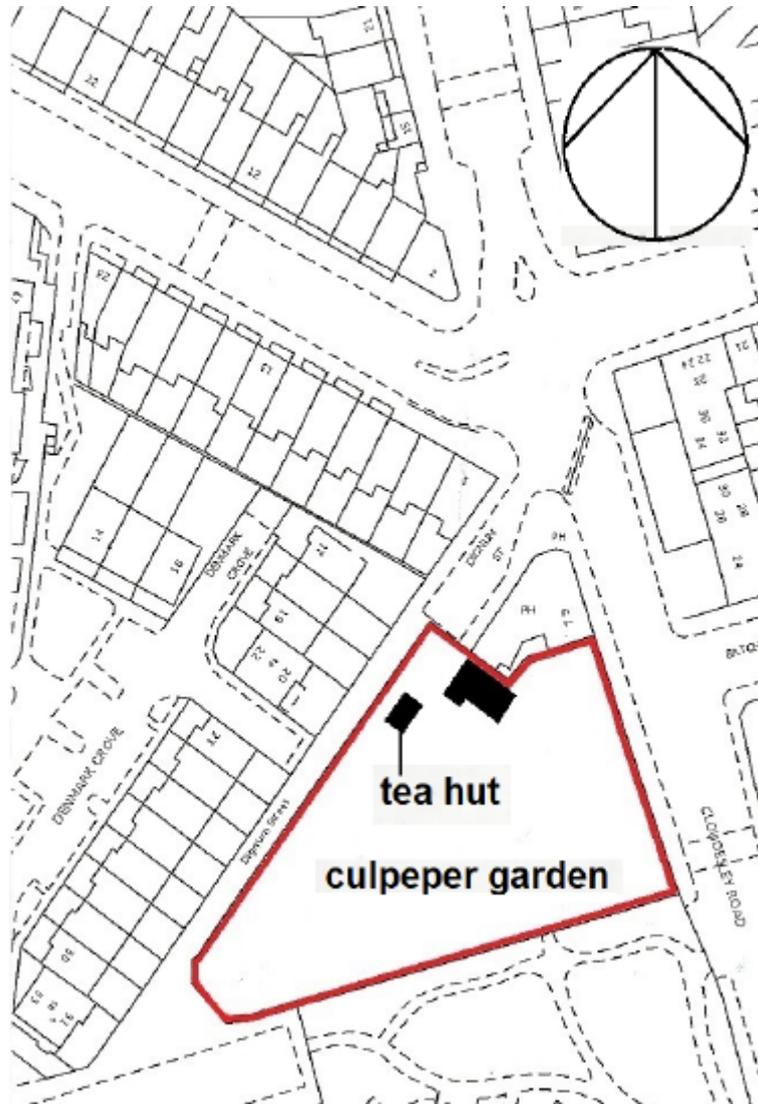
Application number	P2017/3427/FUL
Application type	Full Planning Application
Ward	Barnsbury
Listed building	No
Conservation area	Adjacent to Barnsbury Conservation Area
Development Plan Context	Culpeper Community Garden SINC (Site of Importance for Nature Conservation) (SINC 16) Culpeper Street (OS 46) and Culpeper Street Community Garden (OS 45) designated Open Spaces Adjacent to Barnsbury Conservation Area
Licensing Implications	No
Site Address	Culpeper Community Garden, 2 Dignum Street Islington LONDON N1 0FJ
Proposal	Erection of a single storey glazed extension (greenhouse) to the existing outbuilding (tea hut) (following removal of existing greenhouse)

Case Officer	Daniel Jeffries
Applicant	Culpeper Community Garden Association
Agent	Mr Stephen Mullin

1. RECOMMENDATION

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

2. **SITE PLAN (site outlined in black)**



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the site arrow pointing at location of existing building to be extended



Image 2: View of existing pedestrian access along western boundary connecting Dignum Street to the north and Dewey Road (arrow pointing to proposal area)



Image 3: View of proposal area from pedestrian access facing northeast



Image 4: View of existing greenhouse (within site) to be removed and location of proposed greenhouse



Image 5: View facing west within site where greenhouse would be located showing proposal area and the rear of nearest residential properties along Denmark Grove

4. SUMMARY

- 4.1 The application relates to improved and enlarged facilities for Culpeper Community Garden. The buildings on site consist of 3 no. single storey buildings, being a brick (main building), a prefabricated (tea hut) and adjacent to the tea hut, lies an existing greenhouse, approximately 8.36 sqm in area. The site is designated as SINC (Site of Importance for Nature Conservation) and open space, and is adjacent to the Barnsbury Conservation Area along the west and north boundaries.
- 4.2 This application seeks planning permission to replace the existing greenhouse, with an elite Kensington greenhouse measuring 4.432m x 1.915m in a similar location adjacent to the tea hut. This would be positioned adjacent to the western boundary which is shared with the existing pedestrian access which connects Dignum Street and Dewey Road. The existing greenhouse to be removed measures 1.9m x 1.9m in area.
- 4.3 The applicant has confirmed that the proposal is required for the improvement and enlargement of the existing community garden facilities, which would be used to grow plants and vegetables, and would also include provision for the use by schools and local community groups.
- 4.4 In land use terms, development in designated open space is contrary to the Council's policies which states that planning permission would not be granted. It is acknowledged that the planning history does not indicate that the existing greenhouse to be removed benefits from planning permission. However, historical aerial photographs show that this structure has been in-situ in this location for over 4 years and therefore immune from enforcement action. In this instance, the proposal would only result in a relatively modest increase in area, in comparison to the existing greenhouse to be removed, from 3.61 sqm to 8.36 sqm. It is considered that given

its position, scale and that it would enlarge the existing community facilities together with policy DM4.12 which encourages the expansion of social infrastructure to support the needs of communities, on balance, the principle is considered acceptable.

- 4.5 Whilst not within a conservation area, the site is bounded by Barnsbury Conservation Area which shares the north and western boundaries of the site. It is therefore important that the proposal, which would be partially visible from the public realm (from pedestrian alleyway) and private views, preserves the visual appearance and historic character of these designated heritage assets. However, given the existing boundary treatment and planting, views would be somewhat obscured from the adjacent conservation area. Furthermore, the translucent nature of the proposed greenhouse would be in keeping with the leafy environment it would be situated on, thereby reducing its visual impact. In this regard, the design of the proposal is considered to be of an acceptable scale and in keeping with the existing buildings within the application site and similar to the design of the greenhouse to be removed, in terms of its materials. The proposal is therefore considered acceptable in design terms.
- 4.6 Overall, the proposed development is not considered to have any material adverse impacts on adjoining residents' amenity levels in terms of noise disturbance, overlooking or loss of light. Also the proposal is considered not to result in a detrimental impact on the sites designation as Site of Importance for Nature Conservation and its biodiversity value from present owing to its minimal footprint increase.
- 4.7 The application is presented to committee because the proposal is contrary to policy as it would be development on designated Open Space and Site for Nature Conservation (SINC). However, this slight increase in size of the greenhouse from the existing, would provide benefits to the local community and surrounding schools which outweighs the small loss in Open Space and SINC, which is also positioned on an existing area of hardstanding. It is therefore recommended for approval subject to conditions.

5. SITE AND SURROUNDING

- 5.1 The application site is located between the public highways of Cludesley Road, to the east, Tolpuddle Street to the south, and the pedestrian access connecting Dignum Street and Dewey Road along the western boundary. The residential block of flats along Denmark Grove are immediately to the west of the pedestrian access. In addition there is a four storey residential building to the corner of Cludesley Road and Dignum Street to the north of the site, and a block of flats to the south east corner along Tolpuddle Street.
- 5.2 The site itself consists of the Culpeper Community Garden, which is community run and funded areas of open space. The community group, which is a registered charity, was set up in 1982 by local people near the Angel, Islington. The site is a Site of Importance for Nature Conservation (SINC 16) and Culpeper Street (OS46) and Culpeper Street Community Garden (OS45) designated Open Spaces. It is also adjacent to the Barnsbury Conservation Area, which runs along the western and northern boundaries. The existing buildings within the site include a brick built single storey building which is attached to the four storey building on the corner of Dignum Street and Cludesley Road, and two smaller detached single storey buildings along the western boundary, being prefabricated building and a greenhouse, which has aged overtime .

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks planning permission to replace the existing greenhouse which would be removed with a larger greenhouse attached to the existing tea hut. The proposal would also include the repositioning of the existing 2m internal fence located immediately to the south of the proposal.
- 6.2 The applicant has confirmed that the increasing emphasis on environmental education for local schools and community groups has placed demands on the existing greenhouse which it is now struggling to fulfil, due to its age and restricted size and headroom. The proposal to demolish the existing greenhouse and construct a larger one in its place, according to the applicant, will allow sufficient space for expansion of these activities, and present an opportunity to expand plant propagation to supply the bi-annual plant sales which form a significant source of the Trust's annual income.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

Application Number	Development Description	Decision	Decision Date
830022	Erection of 1.8m. high timber boundary fence and gates and various garden structures.	Approved with conditions	17/05/1983
831849	Use as public open space.	Approved with conditions	29/03/1984
891167	Construction of new hut for meetings and resiting of existing storage hut.	Approved with conditions	11/12/1989
P041093	Construction of replacement single storey building for use as office, meeting space and store in connection with the Community Garden.	Approved with conditions	02/07/2004
P071874	Construction of replacement garden office and store in connection with the existing community garden.	Approved with conditions	17/09/2007
P071874(MA01)	Minor amendment to siting of previously approved scheme for construction of replacement garden office and store in connection with the existing community garden approved on 17th September 2007.	Approved with no conditions	22/02/2008

ENFORCEMENT:

- 7.1 None

PRE-APPLICATION ADVICE

- 7.2 None

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 53 adjoining and nearby properties at Denmark Grove, Dewey Road, Batcelor Street and Cloudesley Road on 4th October 2017. Further reconsultation letters were sent on 8th November 2017, informing neighbours that proposal includes development on land designated as Site of Importance for Nature Conservation (SINC) and Open Space (Culpeper Street Open Space and Culpeper Street Community Garden). The public consultation of the application therefore expired on the 27th November 2017, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of writing this report one response, supporting the application, had been received from the public with regard to the application.

External Consultees

- 8.3 **None**

Internal Consultees

- 8.4 **Design and Conservation Officer** raised no objections to the proposal.
- 8.5 **Biodiversity Conservation Officer** confirmed that they can't foresee any impact on the SINC designation.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

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

- 9.3 At paragraph 7 the NPPF states: “that sustainable development has an economic, social and environmental role”.
- 9.4 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.5 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.6 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.7 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.8 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.9 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.10 Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

National Guidance

Development Plan

- 9.11 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.

Designations

- 9.12 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Culpeper Community Garden SINC16 (Site of Importance for Nature Conservation)
 - Culpeper Street (OS46) and Culpeper Street Community Garden (OS45) designated Open Space
 - Adjacent to Barnsbury Conservation Area

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

- Land Use
- Design & impact on adjacent Conservation Areas
- Amenity Impact
- Highways and Transportation
- Impact on SINC designation and biodiversity

Land-use

- 10.2 The site to which the application relates is located on the designated open space, being Culpeper Street Open Space (OS46) and Culpeper Street Community Garden (OS45) and is a designated SINC16 (Site of Importance for Nature Conservation). As the proposal seeks to replace a greenhouse, with a similar greenhouse fit for modern standards, to the north west of the site policy DM6.3 is most relevant in terms of protecting open space.
- 10.3 Paragraph 6.26 of the Development Management Policies (2013) states that *due to the dense urban nature of the borough, high population density, and open space deficiencies, public open spaces in the borough will be strongly protected*. Part A of Policy DM6.3 states *Development is not permitted on any public open space and significant private open spaces*. Whilst the impact on biodiversity is discussed later in this report the site also has a SINC designation which protects against development.

- 10.4 Whilst the Act requires decisions to be made in accordance with the development plan (which would suggest refusal is the appropriate decision) there are material planning considerations that should also be considered. These include:
- The scale and position of the proposal
 - The use and function of the development
- 10.5 In this instance, the existing greenhouse to be removed has been in situ for at least 6 years and is no longer fit for purpose given its condition. The existing greenhouse measures an area of approximately 3.61 sqm and situated within 0.5m of the existing tea hut. The replacement tea hut would measure 8.36 sqm and lie directly adjacent to the tea hut.
- 10.6 The increase in overall area is considered to be minor in relation to the overall site which covers 0.58 hectares, and predominately remains green open space. It must also be noted that in addition to the greenhouse being located on an area of hardstanding, the use as a greenhouse for the community would be an appropriate building associated with the green space. Policy DM6.1 seeks to promote healthy development. Paragraph 6.6 states development can improve healthy eating by increasing the availability and access to healthy foods and increase participation in physical activity by improving the built environment and green space. The greenhouse would contribute to healthy living.
- 10.7 Development Management Policy DM4.12 should also be considered in terms of the acceptability of the principle of the proposed development, in relation to community and social facilities. These are defined, within page 206, as *facilities are available to, and serve the needs of, local communities and others and are often funded in some way by a grant or investment from a government department or public body or the voluntary sector*. Given the application relates to organisation which is a registered charity, and its function is an existing community run garden, which is funded through the voluntary sector, it is considered that the existing facilities would fall within this classification. It should also be noted the applicant has stated that the proposal is to allow for providing additional space for the growing of plants and is used for community-led and school projects. Policy DM4.12 is very supportive of new social and community infrastructure provision.
- 10.8 Policy DM4.12C sets out criteria for new social infrastructure, which must:
- be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport;*
 - provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;*
 - be sited to maximise shared use of the facility, particularly for recreational and community uses; and*
 - complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.*
- 10.9 Whilst it is acknowledged that the proposal is not strictly an educational establishment, the applicant has confirmed that the proposal would expand the facilities, part of which would be used for educational purposes for schools and

community groups. Policy 3.18 of the London Plan 2016 supports the expansion of education facilities and the enhancement of facilities for educational purposes. The provision of additional facilities and space is classified as provision of new social infrastructure which is supported by policy DM4.12 of the Development Management Policies 2013. Paragraph 4.69 associated with this policy states *'development/redevelopment of social and strategic infrastructure should be designed to meet the needs of their intended occupants, taking into account any appropriate regulations and national design and space standards*. The London Plan is supportive of proposals which enhance education and skills provision, including the expansion of existing facilities. A condition has been recommended (condition 4 in Appendix 1) to secure the submission of a community and schools access management plan, in order to ensure that the proposal is compliant with the above policies.

- 10.10 It is acknowledged that the proposal would be contrary to the Council's policy DM6.3, which prevents any development within a designated open space. However, it is considered that as the proposal would result in the expansion of the existing Culpeper Garden, which is a community funded and run facility, it would be compliant with policy DM4.12 in terms of expanding existing social infrastructure, including being used by local schools and community groups for educational purposes.
- 10.11 It should also be noted that the proposal would result in the demolition of the existing greenhouse. Whilst it is acknowledged that this existing building is slightly smaller and detached, the proposal would retain the existing function and operation of this unit as a greenhouse to produce healthy food.
- 10.12 In conclusion, it is acknowledged that the development within designated open space would not be compliant with the Council's policies which state that permission will not be granted planning permission. However, the following material planning considerations are considered to weigh in favour of this application, the scale of the proposal, its position, adjacent to the western boundary on an area of hard standing and the community and educational function and use of the proposal, which would be secured by way of condition, which would promote healthy eating, it is therefore considered acceptable in this instance in land use terms. It is also considered the proposal would not result in any loss of the open nature or function of the designation as an area of Open Space.
- 10.13 The proposal would also replace an existing smaller greenhouse, which is used for the same function as the proposal. Given these circumstances together with the policy objectives of providing expanded and improved social infrastructure facilities for the existing Culpeper Community Garden, including for educational purposes, which would enhance the existing facilities, as well as the promotion of healthy eating and living, the proposal is considered to be acceptable, in the context of the specific material planning considerations and the wider Development Plan when read as a whole.

Design and Conservation

- 10.14 Given the site is within the setting of Barnsbury Conservation Area the proposal is required to pay special regard to the statutory duty (s72(1)) for the preservation or enhancement of these heritage assets. Therefore, in terms of assessing the acceptability of the design of the proposal, it is important to consider the NPPF, Development Management Policies (2013) DM2.1 and DM2.3, Islington Core Strategy Policies (2011) CS9, and the guidance found within the Urban Design Guide (UDG) 2017, and the associated Conservation Design Guidelines.

- 10.15 Policy DM2.1 states 'All forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics'.
- 10.16 In relation to heritage, Policy DM2.3 states 'Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance'.
- 10.17 Core Strategy Policy CS9 states that 'high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive'.
- 10.18 The UDG provides guidance on how urban design principles should be applied to ensure that new development successfully contributes to making the borough a better place. It is applicable to all new developments, including alterations and extensions to existing buildings.
- 10.19 Whilst it is acknowledged that the guidance within paragraphs 5.131 to 5.134 relate to residential extensions and alterations, it is considered that there are elements which are relevant in the assessment of this application and are considered to be consistent with the above policy objectives. The guidance states that extensions 'should take into account bulk, height, massing, materials and proportion and how they relate to adjacent heritage assets, uses, building alignment and general treatment of setting. Where the proposal is within a Conservation Area, applicants should have reference to the guidance within the applicable Conservation Area Statement' and 'the depth of extensions must also be carefully considered, having regard to both the impact on the amenity of neighbouring properties and the host building'.
- 10.20 In terms of the visual appearance the guidance advises that 'there may be circumstances when extending a building in a way which is a continuation of the existing form, using matching materials and details, is important. In other cases, high quality contemporary contextual design, such as utilising contrasting high quality materials or a lightweight glazed form, may be more appropriate'.
- 10.21 The site is adjacent to a designated Conservation Area, and the Barnsbury Conservation Area Design Guidelines state 'in considering applications for extensions, alterations and refurbishment, the Council will normally require the use of traditional materials'. In terms of modern materials (glass, steel and concrete) it notes that they may be acceptable as long as the design of the building acknowledges the scale and character of the area.
- 10.22 The single storey greenhouse would replace an existing single storey detached greenhouse, would be attached to the west elevation of the existing detached single storey building, known as the tea hut, and adjacent to the western boundary, shared with the pedestrian alleyway, to the south of Dignum Street.

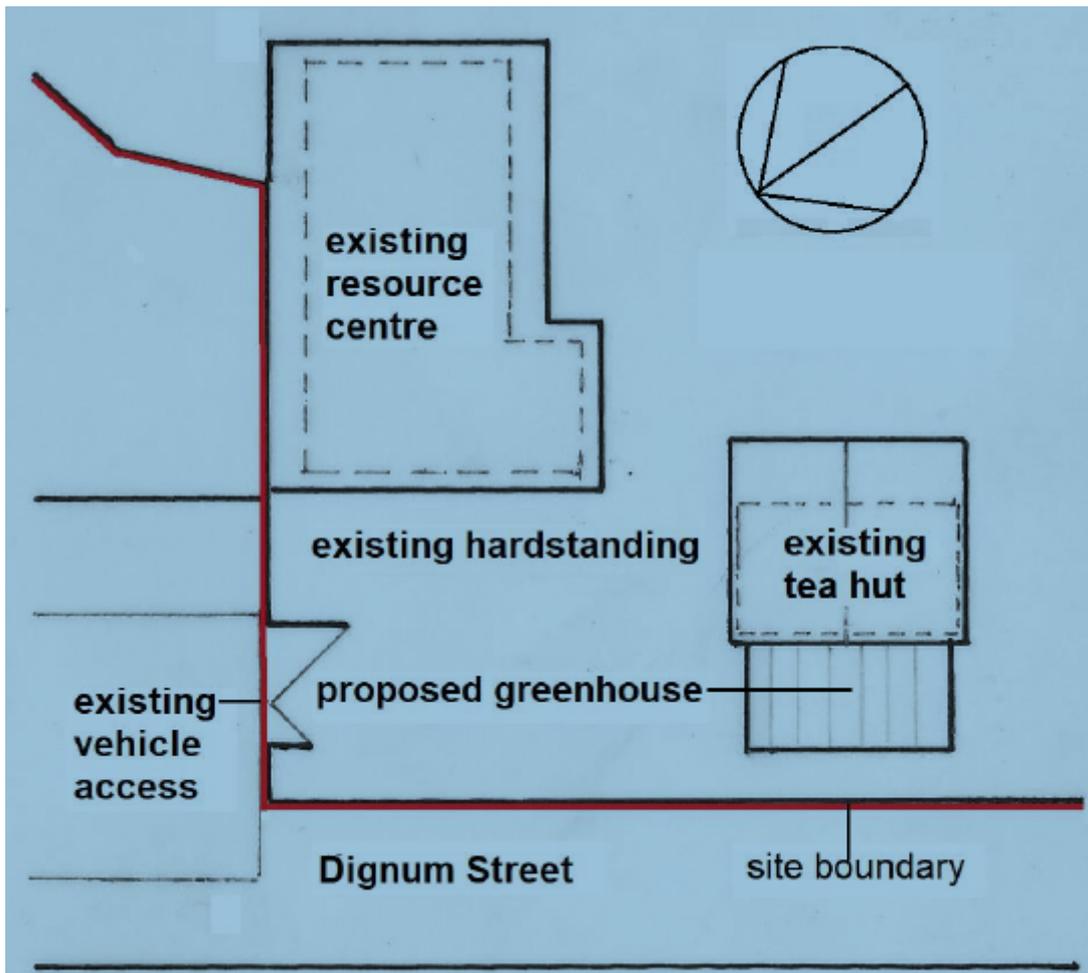


Image 6: Block Plan showing existing situation



Image 7: Comparison of existing and proposed extensions

- 10.23 The extension would extend 1.9m in depth, and 4.4m across the length of the existing single storey building (approximately 8.36 sqm area). It would have a lean-to roof and would be a predominately glazed structure. Whilst it is acknowledged that the proposal would be larger than the existing greenhouse, particularly in terms of its footprint (3.61 sqm), only extend less than half of the length of this west elevation, it would have a similar maximum height. It is also acknowledged that the eaves of the proposal would be higher than the existing structure to be demolished. However, due its design with a lean-to roof, with the proposal attached to the existing adjacent building (tea hut), it would be set away from the western boundary of the site, thereby reducing the visual impact. It is also considered that the extension would be subordinate to the existing building (tea hut) in terms of scale and massing.
- 10.24 It is acknowledged that the proposal would use modern materials, being fully glazed, they would be the same as the detached greenhouse building to be demolished. Whilst the proposal would likely be visible from the public realm, via the existing pedestrian access, it should be noted that any views from the Barnsbury Conservation Area, from Dignum Street, would be restricted to the side elevation and are likely to be restricted by the existing boundary treatment and planting within the site. It should also be noted to the north and south of the extension there are existing 2m high fences, which would prevent views apart from a small section of the roof. The transparent materials used for the greenhouses also reduces its solid appearances allowing the development to blend in with the green environment.
- 10.25 Overall, the proposal is considered to be in keeping with the visual appearance of the host building to be extended, the other single storey building within the site and is of appropriate siting, massing and detailed design and are not considered to detract from the character and appearance of the abutting Barnsbury Conservation Area. The proposal would therefore accord with policies DM2.1 and DM2.3 of the Development Management Policies (2013) and Islington Core Strategy Policies CS8 and CS9, and the guidance found within the Urban Design Guide 2017 and the Barnsbury Conservation Area Design Guidelines.

Amenity

- 10.26 Policy DM2.1(x) seeks to ensure developments 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.
- 10.27 In this instance, the proposal would be located to the west elevation of the existing single storey building, known as the tea hut. As a result, the nearest residential properties to the proposal are to the opposite side of the existing pedestrian access, connecting Dignum Street and Dewey Road. This includes the block of flats along Denmark Grove, with the rear elevation of these properties being located 10m away from the western boundary of the site.
- 10.28 Given the scale of the proposed extension, this separation distance is considered to ensure that no significant amenity issues, in terms of any loss of daylight/sunlight or outlook to these neighbouring properties. In addition, given the proposal is restricted to a single storey in height, it is also considered to be the same for the neighbouring properties located to Copenhagen Street and Dignum Street to the north.
- 10.29 In terms of the privacy impact to neighbouring properties, paragraph 2.14 of the Development Management Policies (2013) seeks to protect privacy for residential developments and existing residential properties, stating there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.
- 10.30 In this respect it is acknowledged that the proposal would be fully glazed and would have a separation distance of less than 18m. However, these windows serve proposed greenhouse and are not considered to be habitable rooms. It should also be noted that the side elevations overlook across a public highway, Dignum Street does not constitute an unacceptable loss of privacy, in the event that it was habitable room. As such, the proposal is considered not to result in any significant overlooking issues associated with the proposal.
- 10.31 The proposal is considered not to result in any significant amount of noise over and above the existing situation, which includes the existing building to be demolished.
- 10.32 Overall, the proposal would accord with policy DM2.1 which requires development to safeguard the residential amenity to neighbouring properties.

Highways and Transportation

- 10.33 Policy DM8.2 seeks to ensure that the *development proposals are required to meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice.*
- 10.34 In this instance, there are no proposed alterations to the existing access, which is positioned immediately to the north of the proposal. It is considered that the proposal would not have a significant impact in terms of the existing pedestrian access or the local highway network, given the scale of the development, and is considered acceptable in this regard.

Impact on SINC designation and biodiversity

- 10.35 As stated within the land use assessment above, the application is located with a SINC (Site of Importance for Nature Conservation), in this instance Culpeper Community (SINC16) is a Borough Grade II in terms of its importance.
- 10.36 Paragraph of Development Management Policies (2013) states that the designation of SINC takes into account a number of factors, as defined within Islington's Habitat Survey (2011). Sites of Metropolitan Importance contain the best examples of London's habitats, including particularly rare species, while sites of Borough Grade 1 Importance are of particular significance at the borough level and are of high social value to local communities - these sites are therefore offered the strongest protection. Sites of Borough Grade II and Local Importance are of ecological value, and also of value to local communities, and are therefore afforded strong protection. Proposals on sites of significant biodiversity value will only be considered in wholly exceptional circumstances where high quality re-provision will be required, including at least equal habitat area and value
- 10.37 Part C of Policy DM6.3 states planning permission will not be given for any schemes which adversely affect designated SINC of Metropolitan or Borough Grade 1 Importance. SINC of Borough Grade II and Local Importance, and any other site of significant biodiversity value, will also be strongly protected.
- 10.38 In this instance, whilst it is important that the biodiversity value of the SINC designation is protected, the proposal would be located to the edge of the site, along the western boundary, covering a small footprint (1.9m x 4.4m), part which is already built upon, including an area of hard standing, with the existing greenhouse to be demolished. The Council's Biodiversity Conservation Officer raised no objections to the proposal, and considered that they can foresee no significant impacts on the biodiversity and the sites designation as a SINC. Officers also consider the use associated with the proposal, would be compatible with the SINC increasing interest from community and educational groups, thereby contributing to the long term future of the SINC.
- 10.39 Overall, given its scale and location, and that it would replace an existing building which would be demolished, the proposal is considered to be consistent with the requirements of the Council's policies in terms of protecting existing biodiversity and the sites designation as a SINC.

11. SUMMARY AND CONCLUSION

- 11.1 The proposed greenhouse extension, is contrary to the Council's policy DM6.3 as it would result in development within a designated area of public open space. However, the following material planning considerations are considered to weigh in favour of this application, being the scale and position of the extension, its community and educational use as part of the Borough's social infrastructure, which would promote healthy living.
- 11.2 The proposal would also result in only a small increase in terms of the greenhouse to be demolished and being predominately glazed would be similar in design, and would provide Culpeper Community Garden, which is community run and funded garden, with improved facilities, which would also include educational purposes for existing schools and community groups, details of which would be secured by condition, and would promote healthy living. This is welcomed and supported by policy DM4.12. It is considered that given these wider material planning

considerations would result in the principle of the development is therefore acceptable.

- 11.3 The proposed greenhouse, which would be set away from the western boundary and between 2m high fencing which would restrict views is considered to be acceptable in design terms and will not have a detrimental impact to the character of the adjacent and nearby heritage asset of Barnsbury Conservation Area and would fulfil the Council's statutory duty requirements (s72(1)) in this regard.
- 11.4 The amenity of neighbouring residents will not be materially harmed due to appropriate siting, scale and separation distances, and restricted scale. The proposal is not considered to result in a detrimental impact to either pedestrians or vehicles using the surrounding local highway network or the existing pedestrian access.
- 11.5 The designation as a Borough Grade II SINC, and its biodiversity value, is not considered to be detrimentally impacted by the proposal, given its position and scale. It is also considered that its function and use would be compatible with the SINC designation, which would promote healthy living.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5)</p>
2	Approved plans list
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p style="padding-left: 40px;">Planning Statement, 193/10, 193/11, 193/07A</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the application form. 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	Community and Educational Access Management Plan
	<p>CONDITION: Prior to the first use of the hereby approved greenhouse extension, a community and educational access management plan shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.</p> <p>REASON: To ensure that the proposal provides improved community and educational facilities.</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't</p>

	<p>taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p>
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This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

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

2. Development Plan

The Development Plan is comprised of the London Plan 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:

3 London's people

Policy 3.16 Protection and enhancement of social infrastructure

Policy 3.18 Education facilities

6 London's transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.7 Location and design of tall

Policy 7.8 Heritage assets and archaeology

8 Implementation, monitoring and review

Policy 8.1 Implementation

B) Islington Core Strategy 2011

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

C) Development Management Policies June 2013

DM2.1 Design

- DM2.3** Heritage
- DM6.1** Healthy development
- DM6.2** New and improved public open spaces
- DM6.3** Protecting open space
- DM6.5** Landscaping, trees and biodiversity
- DM7.1** Sustainable design and construction
- DM8.2** Managing transport impacts
- DM4.12** Social and Strategic infrastructure and cultural facilities

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

The following SPGs and/or SPDs are relevant:

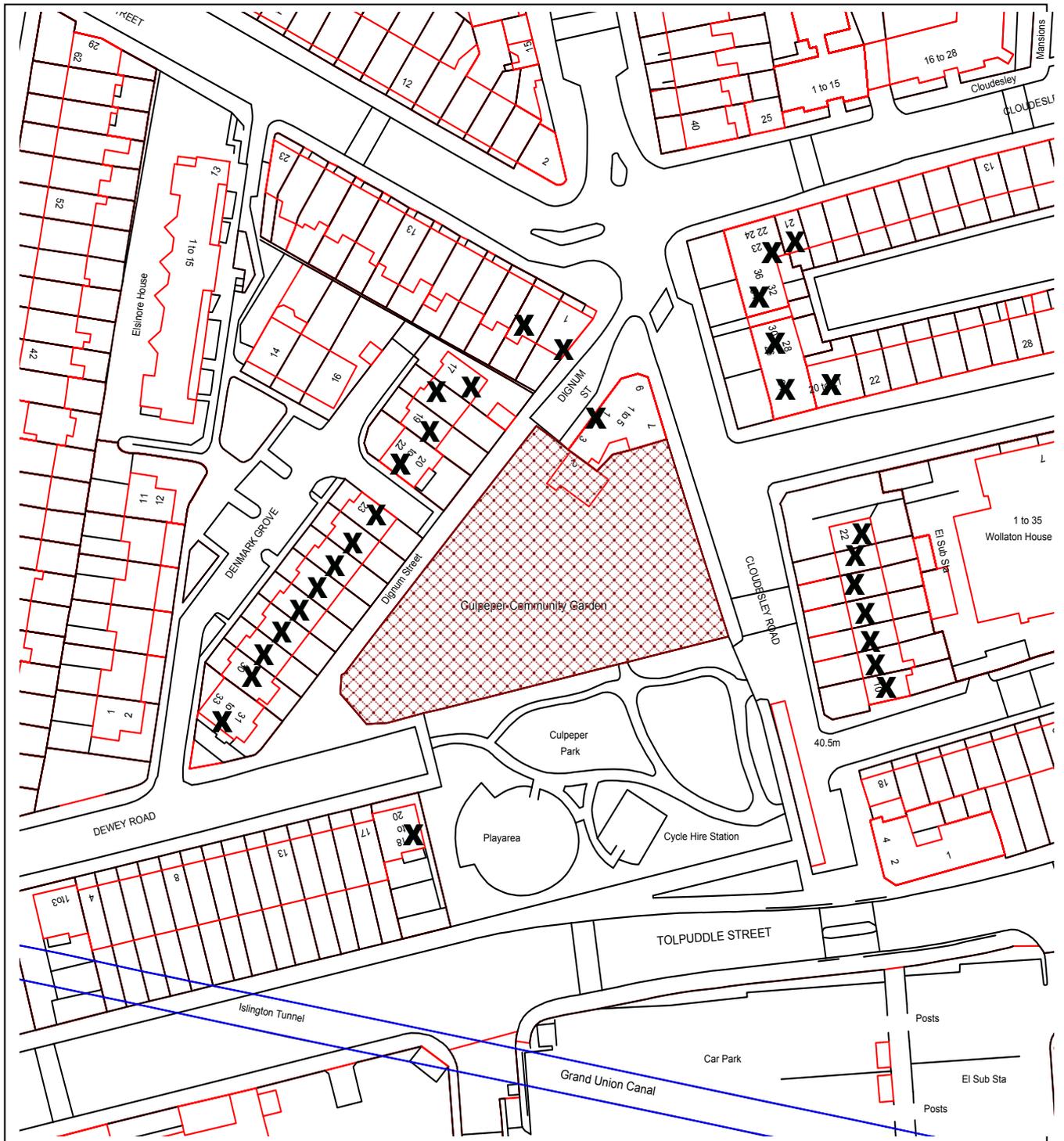
Islington Council Guidance

- Conservation Area Design Guidelines
- Environmental Design SPD
- Urban Design Guide

London Plan

- None

Islington SE GIS Print Template



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ADDENDUM TO PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration

PLANNING SUB-COMMITTEE B		
Date:	30 th April 2018	NON-EXEMPT

Application number	P2015/3034/FUL
Application type	Full Planning
Ward	Tollington
Listed building	Not listed
Conservation area	None
Development Plan Context	Tollington Cycle Routes (Local/Major)N/A
Licensing	None
Site Address	Land rear of 6 Shaftesbury Road, London, N19
Proposal	Proposal for demolition of the existing vacant buildings (previously used as storage/workshop) and construction of 2x2 bedroom two storey dwellings with associated amenity space, lowering of land levels plus installation of bike and refuse storage.

Case Officer	Joe Aggar
Applicant	Mr Robert Gutstein
Agent	Mr Philip Morris

1. RECOMMENDATION

- 1.1 The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 2.
- 1.2 conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

2. REASONS FOR WITHDRAWAL FROM THE AGENDA

- 2.1 A recommendation for this application was previously published and scheduled to be heard at Planning Sub-Committee A on 21st March 2017. The application was withdrawn from the agenda prior to being heard at committee.
- 2.2 The reason for the application not being heard at subcommittee was that the Council was in receipt of detailed further submissions in objection to the proposals that identified (what the objectors consider to be) inaccuracies in the report published on the agenda. Officers required additional time to review the further submissions, to be in a position to accurately brief members on the merits of the concerns raised.
- 2.3 In summary, these representations related to:
- 'House 2' being capable of accommodating 3-bedroom dwelling (4.45)
 - The aerial view is out of date and does not show the recent construction of an extension at 6 Shaftesbury Road (4.46)
 - Committee report states 7 responses had been received in relation to consultations (4.47)
 - Overlooking to properties on Lambton Road from southern facing windows of the proposed development (4.31)
 - Loss of light to lower ground floor habitable room at 6 Shaftesbury Road (4.16 & 4.28).
 - Overbearing impact on no. 4 Shaftesbury Road, taking into account existing built form and that of the proposed development (4.23-4.24)
 - Unacceptable loss of sunlight to garden of 4 Shaftesbury Road (4.16)
 - With no gate to Shaftesbury Road there is an increased risk to security, including vandalism, graffiti, access to rear gardens (4.42)
 - Insufficient light and poor quality of internal living accommodation (4.10)
 - No calculation of ADF to habitable upstairs bedrooms (4.10)
 - Insufficient private amenity space based on internal floor layout of dwellings (4.5 & 4.45)
 - No details of platform lift, no discussion of how the sections of walls are to be treated to no. 4 and no. 6 Shaftesbury Road (4.48)
- 2.4 Based on the representations received on the days prior to the committee meeting, the application was not heard at planning subcommittee A. A committee report was published and this original is included in Appendix 1 of this report.

3. UPDATES FOLLOWING PUBLICATION OF PREVIOUS REPORT (21st MARCH 2017)

- 3.1 A meeting/site visit was undertaken on 6th April 2017, at the application site with council officers, the applicant and the agent present. Council officers, in order to address the above concerns requested the following information (by email 11 April 2017):
- both of the proposed dwellings requested to be reduced to 2B4P dwellings with no other rooms that could be considered to be bedrooms.
 - to provide a block plan at 1:200 @ A3 showing a greater context, particularly in respect of the opposing dwellings on Lambton Road. This drawing should indicate positions of any rear facing windows where possible.
 - request access to neighbouring rear gardens, to survey the levels of each adjoining garden and the locations of any rear facing windows. In lieu of access not being granted the applicant should provide a method statement explaining that access was sought and denied and therefore provide details as to how levels

- or windows locations have been estimated given prevention of proper access
- Four additional sections have been requested, the location of these sections would be clearly marked on each site layout plan. The proposed location of these additional sections to be marked on plan.
 - An updated 'Daylight, sunlight and overshadowing' report required for the following areas: Note that the report should assess VSC and ADF for the proposed new dwellings. Sun on ground for all amenity spaces and for adjoining properties the report should provide VSC and Daylight Distribution or No Sky Line details relevant to the following:
 - The lower ground floor of the proposed dwellings
 - The amenity space of the proposed dwellings
 - The upper ground floor of the proposed dwellings
 - The rear gardens of No.4 and No.6 Shaftesbury Road
 - The existing dwelling at No.6 Shaftesbury Road
 - The existing dwelling at No.6 Shaftesbury Road
 - Proposed details for the platform lift are required, in terms of its relationship with the existing building at No.6 Shaftesbury Road. Specific manufacturers details are not required.
 - The outline of the existing building(s) within the application site will be shown on every proposed elevation and section.
 - The updated submission to be circulated to the LPA,
 - An additional consultation period will be required prior to a committee meeting date being confirmed.

3.2 Further documentation was submitted by the applicant on 14.12.2017. The revisions included the following:

- Replacement of study in House 2 with dressing room. Replacement of bedroom with dressing room in House 1.
- a block plan at 1:200 @ A3 showing a greater context, particularly in respect of the opposing dwellings on Lambton Road.
- revised drawings indicate the positions of rear facing windows to Lambton Road.
- drawings include updated surveyed levels of adjoining gardens and the locations of rear facing windows.
- four additional sections have been provided. These run through the application site and through the facing properties to indicate separation distances, ground levels, building heights and walls.
- a revised 'Daylight, sunlight and overshadowing' report has been provided. This provides assessment to the interior space of each proposed dwelling, the amenity space of each proposed dwelling, the amenity space of adjoining dwellings and the internal areas of the adjacent buildings.
- revised drawings shows an area earmarked with a 'soft spot' for the future installation of an external platform lift.
- revised drawings show the outline of the existing building(s), indicated on revised elevations and sections.

3.3 Following receipt of these amended drawings and drawings, letters were sent to the occupiers of neighbouring properties along Shaftesbury Road, Pegasus Court, Lambton Road and Hornsey Road. Letters were sent on 19th January 2018. Whilst the consultation expired on 14th February 2018, the Council considers comments until the date of the determination of the application. Four further representations were received (including letters from the same residents in response to the additional consultation). These representations can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Loss of light to surrounding properties (4.28)
- Lowering of floor levels will cause damage to no. 4 Shaftesbury Road (4.36-4.37)
- Flooding to courtyard of proposed dwellings (4.39)
- Removal of gate will lead to security risk (4.42)
- Proposal will result in increased sewage (4.44)
- Living below ground level is unhealthy (4.5-4.6)
- Plants to the side wall of no. 4 Shaftesbury Road will cause damage (4.36)
- Refuse and recycle bins will be visible (4.43)
- Lack of sunlight to rear garden of no. 4 Shaftesbury Road (4.16)
- Poor working practices carried out under previous work at 6 Shaftesbury Road (4.41)
- Site lends itself to one dwelling not two and is an overdevelopment (4.49)
- Omission of 17 Lambton Road within sunlight daylight results (4.27)
- Overlooking to rear properties on Lambton Road (4.31)

4. ASSESSMENT OF ADDITIONAL INFORMATION

4.1 Attached is Appendix 1 outlining the recommendation in relation to the merits of the application, dated 21st March 2017 . The following assesses the additional information received. This takes into account the additional information received and the objections received from the re-consultation on the 19th January 2018. In summary, the further issues include:

- Quality of Accommodation
- Neighbouring Amenity
- Basement Development
- Other Matters

Quality of Accommodation

4.2 Paragraph 17 of the NPPF outlines a set of core land-use principles which should underpin decision making, including that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The previous report addressed policies at paragraphs 10.24-10.26 (Appendix 1), however policy DM3.4 requires new units to have adequate sizes and layouts, good floor to ceiling heights, sufficient storage space, and functional, useable space.

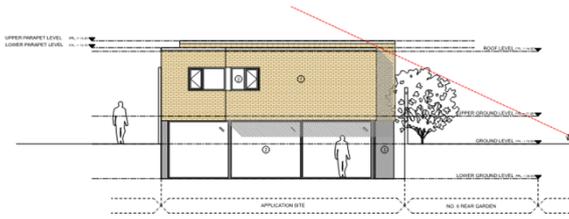
4.3 The drawings have been amended to vary the external design of the building (as shown in figure 1, below). These design changes are considered relatively minor and do not alter the design merits of the proposal. In relation to the proposed accommodation, the footprint at ground floor extends westwards into the garden space, resulting in a larger Kitchen/Living space, comprising mainly glazed facade. The irregular footprint of the upper ground floor to House 2 also varies due to the change in the orientation to R-1-03 and the removal of the chamfered corner to the ensuite bathroom.



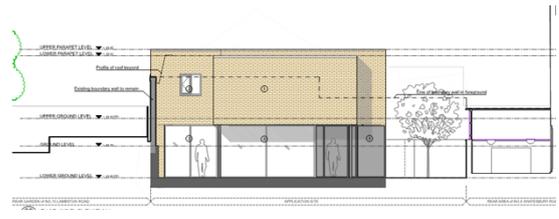
Proposed West elevation 21/03/2017



Proposed West elevation



Proposed East elevation 21/03/2017



Proposed East elevation

4.4 In relation to House 1, the lower ground floor façade is now staggered to the garden space and comprises mainly glazing, previously this was flush. At upper ground floor level there is the removal of an east facing window. In relation to the internal living accommodation the proposal is considered to meet the required minimum internal living standards, as set out in Table 3.2 of the DMP.

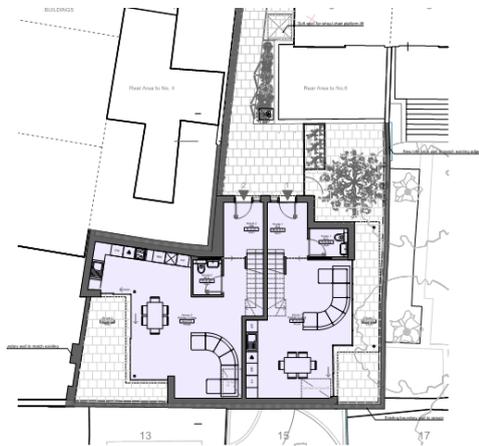


Figure 1. Proposed lower ground plan



Proposed upper ground floor plan



Proposed lower ground floor plan (21/03/2017)



Proposed upper ground floor plan (21/03/2017)

4.5 Objections have been raised regarding the quantum and usability of the lower ground floor private amenity space. The garden levels (as laid out in Appendix 1) previously measured 19sqm and 35sqm. There has been a reduction in the quantum of garden space as part of the revisions. The amount of private amenity space now proposed for the units would consist of 16sqm and 32sqm respectively. Policy DM3.5 states that a minimum 15sqm on ground floors for 1-2 persons with 5sqm for each additional

occupant. House 2 would fall below the recommended garden space (16sqm provided and 20sqm being the minimum). This weighs against the proposal.

- 4.6 Concern has been raised in relation to the internal light levels based on the structure proposed at lower ground floor level as well as the adequacy of the light levels to the upper ground floor levels of both units, taking into account the existing site constraints and development quantum proposed. An updated Daylight/Sunlight Report has been submitted in conjunction with the application which has assessed the level of light for both proposed dwellings. The findings of this report are discussed below.

Average Daylight Factor

- 4.7 Policy DM3.4 requires all residential development to maximise natural light enabling direct sunlight to enter the main habitable rooms for a reasonable period of the day. The BRE Guidelines detail the level of light rooms should receive through the assessment of Vertical Sky Component (VSC) and Average Daylight Factor (ADF), as well as sunlight (APSH). The tests for APSH are explained in the Neighbour Amenity section, however the ADF test is appropriate only for proposed units, the way this is calculated is as follows:

- 4.8 Average Daylight Factor (ADF): is a test used for proposed residential units and is not advised to be used for adjoining properties that may be affected. ADF is defined as the average internal illuminance as a percentage of the unobstructed external illuminance under standard overcast conditions. Where floor to ceiling windows or doors exist, the 2011 BRE allows for a further test to be applied to glazing areas below the working plane with floor reflectance added in. The target levels aim to achieve a factor of 1 for bedrooms, 1.5 for living rooms and 2.0 for kitchens.

- 4.9 An updated Daylight, Sunlight and Overshadowing Assessment, dated December 2017 has been submitted, accompanying the application. The assessment takes into account light levels of House 1 and House 2 including the Kitchen/Living/Dining (KLD) areas plus the bedrooms within both properties (as shown in the table below:)

Unit ref	Floor	Room type	Window No.	Room ADF (%)
House 1	LGF	KLD	1-3	1.5
	GF	Bed	1-2	5.9
	GF	Bed	3	1.1
House 2	LGF	KLD	4-6	2.6
	GF	Bed	5-7	4.1
	GF	Bed	4-6	4.2

- 4.10 As advised in the guidance the requirement for living rooms is 1.5 and kitchens is 2. The results indicate sufficient internal light levels for the majority of the rooms. It is evident that the lower ground floor KLD to House 1 is below the required standard of 2. This weighs against the proposals

- 4.11 It is noted objections have raised in particular the presence of trees in as a constraint to the levels of light. However, taking into account the BRE Guidance, these are not considered determinative in this this instance.

Sunlight to the proposed private amenity spaces

- 4.12 The BRE guide recommends that at least 50% of the area of each amenity space, including gardens should receive at least two hours of sunlight on 21st March. The

50% criteria mentioned above is also applicable when assessing the impact of a development on proposed garden spaces as well as existing neighbouring amenity areas. The sunlight/daylight report acknowledges the amenity area does not meet the 50% criteria, and the area which can receive two hours of sunlight on 21st March. This is considered largely based on the overhanging upper ground floor restricting the levels of sunlight to the lower ground floor levels. This weighs against the proposals.

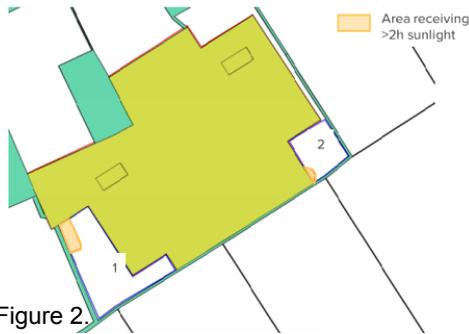


Figure 2.

Neighbouring Amenity

4.13 The updated sunlight/daylight report accompanying the application, dated December 2017, has assessed those properties adjacent to the site that are the most sensitive in relation to the proposed development. The report has assessed the properties to the north, south and west. The Daylight/Sunlight report incorrectly identifies the adjoining property addresses, however does correctly confirm their location. For clarity, the impacts on adjacent properties have been tested in relation to 4 Shaftesbury Road, 6 Shaftesbury Road, 9 Pegasus Court and 13-15 Lambton Road. The image below and updated text below corrects the property addresses.



Sunlight to No. 4 Shaftesbury Road

- 4.14 The BRE Guide recommends that at least 50% of the area of each amenity space, including gardens should receive at least two hours of sunlight on 21st March.
- 4.15 The 50% criteria mentioned above is also applicable when assessing the impact of a development on an existing neighbouring amenity area. If, as a result of a new development, an existing garden or amenity area does not meet the 50% criteria, and the area which can receive two hours of sunlight on 21st March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.
- 4.16 The sunlight assessment analysed four amenity spaces (nos. 4, 6 & 8 Shaftesbury Road and Pegasus Court). The assessment shows that for two of the amenity spaces there would be the same overshadowing effect. And in two cases, increases of sun on ground would result. This includes the garden of no. 4 where the proposed lit area would increase from 13% to 35% and to the rear of no. 6 where it would increase from 57% to 97%.

Outlook and sense of enclosure to No. 4 Shaftesbury Road

- 4.17 No. 4 Shaftesbury Road is a two storey, semi detached dwelling. It contains a two storey rear addition which projects along the boundary with the application site. The west side of the garden to no. 4 Shaftesbury Road is surrounded by the flank wall of the properties to Pegasus Court. The flank walls of these properties rise approximately 2.9m above the assumed boundary wall of no. 4 Shaftesbury Road. A previous condition, related to the boundary wall was attached to permission 2, Shaftesbury Road (Application ref: P001707) for the 'residential development comprising five two bed houses and one 1 bed house'. The condition stated:

CONDITION: The boundary wall surrounding the site shall be retained at its existing height.

REASON: To safeguard the amenities of the proposed development and those of existing neighbouring properties.

- 4.18 The above reasoning for the condition has been taken into account within the assessment of the current application. Also of note, is the current pitched roof within the application site, which rises approximately 5.9m above the garden level of no. 4 and a rear wall rising to a height of 3.8m on the boundary with no.4 Shaftesbury Road. Currently, the eastern garden wall rises to a height of 2.4m. It is considered therefore that the garden of no. 4 already experiences a degree of enclosure from the existing surrounding built form, notably to the west and south.
- 4.19 No. 4 also exhibits a two storey partial width addition and outbuildings within the garden, which reduces the footprint of the garden further. The outrigger of no. 4 would be located approximately 8.9m from the proposed development and the rear main elevation 11.6m.

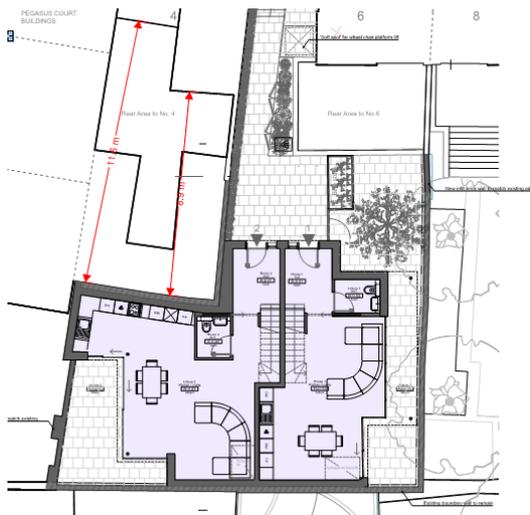


Figure 3. Proposed lower ground floor in relation to no. 4 Shaftesbury Road

- 4.20 The overall height of the proposed structures on the application site would be reduced by 1.6m compared to the existing roof pitch, however this needs to be considered carefully as the profile of the roof will change and the built form will be appreciably higher and closer than currently exists.
- 4.21 The windows to the rear main elevation are currently enclosed by the flank wall of the buildings to Pegasus Court and the two storey outrigger. The principle views from these windows are therefore already framed by brick walls and the proposed increase in the rear wall (11.6m away) from 3.8m to 4.5m high, is not considered to cause a significant reduction in the overall outlook and sense of enclosure from these windows than what currently exists.
- 4.22 The proposed development would abut the full southern and part of the eastern edges of the rear garden to no. 4 Shaftesbury Road. Adjacent to the rear of the garden there would be a 0.6m increase in height and to the eastern boundary an increase of 2.3m. The proposal would result in an expanse of built form.

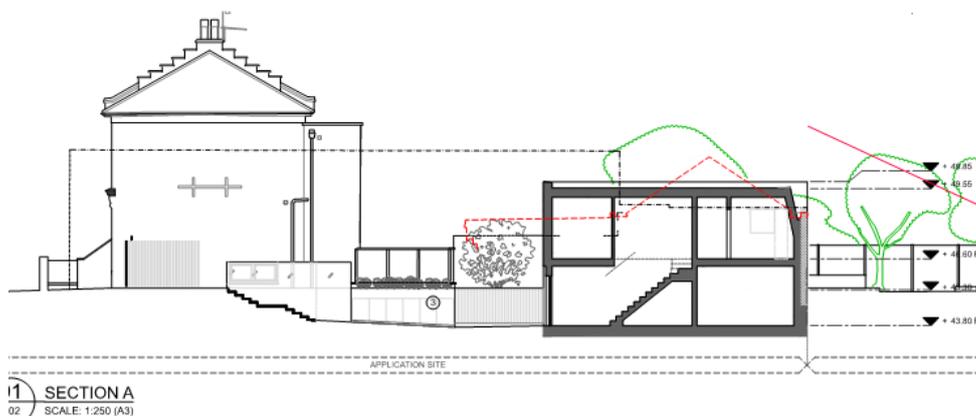


Figure 4. Proposed section through (red line indicating existing built form)

- 4.23 It is considered there would some loss of outlook to the occupiers of no. 4 Shaftesbury Road. The proposal would result in an increase in the height of the northern elevation to the proposed development. It is also acknowledged that the proposed development would alter how No. 4's rear amenity space is experienced from the garden. However as described, there are outbuildings which enclose the rear amenity space in any event, and sunlight on the ground to the garden would increase.

- 4.24 Therefore, on balance, whilst there would be a reduction in outlook, it is important to consider that no.4 already suffers a degree of enclosure, and the proposed development is not considered to significantly diminish the overall levels of outlook or create an unacceptable sense of enclosure to the occupiers of no. 4 Shaftesbury Road, and would also experience a greater degree of sunlight to its garden.

Daylight to 6 Shaftesbury

- 4.25 Objections have been raised in relation to the amount of daylight loss to the rear lower patio doors at 6 Shaftesbury Road. There are two windows at lower ground floor level, one is considered to serve a stairwell, the other a habitable room. The habitable room is served by a set of double patio doors.
- 4.26 The BRE advises drawing a section in plane to each of the potentially affected windows. If the new development interrupts the 25-degree line drawn from the centre point of the window further testing is required to show no adverse impact on the window. For a patio door a figure of 1.6m above the ground floor is considered acceptable. The section in plan perpendicular to the affected window illustrates that the development would not interrupt the 25-degree line and as such an acceptable level of light is considered to remain to the rear lower ground floor habitable room, as passing this assessment means no further testing is required under the BRE Guide.

Daylight to 17 Lambton Road

- 4.27 The above property adjoins the application site however does not directly face onto the proposed development in the same way as nos. 13 and 15 Lambton Road. A section has been provided that shows the proposed development would not breach the 25-degree line in relation to no. 17 Lambton Road. As such there is considered to be no adverse impact to daylight levels received to the rear facing windows and in this regard would be in accordance with DM2.1 of the Development Management Policies.
- 4.28 In relation to other surrounding properties 50 windows were tested in relation to potential loss of daylight. 47 of the 50 windows tested passed the 25-degree line test. The remaining three windows were tested in relation to VSC. The Vertical Sky Component (VSC) is a measure of the amount of visible sky available from a point on a vertical plane. The reference point used for the calculation is usually the centre of the vertical face of the window. The BRE guide explains that diffuse daylight may be adversely affected if, after a development, the VSC is both less than 27% and less than 0.8 times its former value. None of the remaining three windows fell below 0.8 of their former values.

Overlooking to Lambton Road

- 4.29 Policy DM2.1 at its supporting text, paragraph 2.14, refers to an 18m separation distance between windows of habitable rooms. This is stated to protect privacy for new developments and also for existing residents, therefore this distance does guide internal development layouts also.
- 4.30 Representations have been received from properties to the rear, (Lambton Road) that the development would give rise to overlooking between habitable rooms. The south facing windows to House 1 and House 2 sit largely below the existing boundary wall. Previously, (Appendix 1) it was considered this would not give rise to undue overlooking.

- 4.31 Taking into account the objections raised and the angle of upper floor windows to the properties on Lambton Road it is considered overlooking could occur. Whilst this would be somewhat oblique; it is considered this would unacceptably impede on the living conditions of those occupiers to Lambton Road. As such a condition is recommended (condition 18) that the south facing windows be opaquely glazed (that serve dressing room windows).

Basement Development – Structural Method Statement

- 4.32 A structural method has been submitted dated September 2016 by Morph Structures and structural and civil engineer company. The report, as stated, was prepared by a Chartered Structural engineer. The report is also accompanied by a ground investigation report, soiltechnics, dated October 2016.
- 4.33 The existing structure is of a traditional build, with masonry wall and timber roof and covers the majority of the application site. It is proposed to remove this structure.
- 4.34 The ground level is proposed to be excavated approximately 1.6m below the existing ground level. Concern has been raised in relation to the structural stability of neighbouring properties in particular to no. 4 Shaftesbury Road. The Structural Method Statement indicates the existing walls to be underpinned to transfer foundation loads down to the new lower level. A new reinforced concrete retaining wall is proposed to be constructed in front of the underpinning.
- 4.35 The NPPG advises that the effects of land instability may result in landslides, subsidence or ground heave. Failing to deal with this issue could cause harm to human health, local property and associated infrastructure, and the wider environment. The application is also assessed in accordance with the Basement SPD which aims to promote best practice in terms of basement development in the borough.
- 4.36 It is important to note when dealing with land that may be unstable, the planning system works alongside a number of other regulations outside the realms of planning legislation including Building Regulations, which seek to ensure that any development is structurally sound as well as the requirements under the Party Wall Act. Any development hereby approved would also be required to fully comply with these regulations.
- 4.37 The Structural Method Statement provides a construction methodology to minimise the risk to adjoining occupiers. This confirms nos. 4 and 6 Shaftesbury Road have been looked at and reported on in the SMS, which appears to have dealt with these buildings adequately in the design and mitigation proposals (underpinning and monitoring). As such the approach to require the of implementation of any permission in accordance with an approved method statement would be consistent with the Basement Development SPD.

Flooding

- 4.38 The site does not fall within an area identified as at risk of groundwater flooding. The Structural Method Statement confirms no ground water was encountered during investigation.
- 4.39 The Basement Development SPD recognises, garden spaces allow rainwater to be absorbed and penetrate the ground surface, reducing the amount of surface water runoff, and maintaining sub soil moisture levels which alleviate against potential flooding. Subterranean development can potentially have a significant impact on

these functions. A condition has been attached to ensure the proposal is designed to reduce the potential impact of the new development with respect to surface water drainage discharges (*condition 5, Appendix 1*).

- 4.40 As such the proposal is not considered to result in or cause flooding within the application site or those located nearby. As such the proposal is considered to accord with DM2.1, DM6.3 and Basement SPD.

Other Matters

- 4.41 Representations have been made regards practices of former construction. In so far as is material to the assessment of this application, a Construction Method Statement is recommended via condition to ensure construction impacts are minimised on neighbouring occupiers. This condition would mitigate against noise and disturbance to the adjoining neighbours and ensure the work is carried out during normal working hours.
- 4.42 Concern has been raised regarding acces to the alleyway. The Urban Design Guide advises against gated developments. Moreover the occupation plus comings and going of occupiers would generate a high degree of natural surveillance.
- 4.43 Whilst the proposed refuse store would be visible from the public realm, it is considered appropriately placed adjacent to the highway to allow for adequate servicing.
- 4.44 It is acknowledged the proposal will result in a material intensification of the use of the site. As a minimum, it is recommended that all drainage connections from basements to sewers are fitted with a one-way valve to prevent sewers surcharging into basements in high flow periods. Thames Water also recommend that all basements are fitted with a 'positive pumped device' (or equivalent reflecting technological advances) as this will assist in directing the flow of sewage away from the basement building, should sewer flooding occur. The increase in sewage would not warrant withholding the planning permission in this instance.
- 4.45 Concern has been raised regarding the ability to use the dwellings as 3 bed residential units. The dressing rooms, as annotated on the floorplans, are of a size, in terms of floor space (at 7sqm and 8 sqm) to be used as single bedrooms which could result in the dwellings becoming three-bed/five-person properties as opposed to 2 bed/four person properties. Officers advised the removal of the bedrooms to remove any ambiguity in terms of use for these areas and seek to address objections in this regard. The future use of these rooms as bedrooms is a possibility. Whilst the overall internal floor area is sufficient to allow for the increased occupation of the dwellings, this exacerbates areas of concern raised in the committee report, in relation to quality of outdoor amenity space proposed. Policy DM3.5 places greater importance on good quality, larger outdoor amenity spaces for family units (30sqm). This, in combination with aspects of the outdoor amenity space which are not considered policy compliant, notably the levels of sunlight to the proposed garden areas, restricted outlook from garden spaces and overall quantum of private amenity space, in particular to House 2, is considered to also weigh negatively in the consideration. In light of this, and the further information and material considerations presented by the applicant since the publication of the previous committee report, the merits of the application are finely balanced.
- 4.46 Concerns have been raised that the aerial views are out of date. The aerial views were gathered from internet sources and give members an overview of the site. It is acknowledged that this does not show recent developments at no. 6 Shaftesbury

Road and whilst unfortunate these images are out of date; it does not prejudice the assessment.

- 4.47 The updated committee report acknowledges the number and nature of objections from residents during the course of the application.
- 4.48 It is considered reasonable in this instance to reserve details of the lift via condition, to be submitted to in writing and operation prior any occupation (*condition 12*).
- 4.49 It is acknowledged the proposal will result in a material intensification of the use of the site. The proposal is for two dwellings and it is common within planning that each case must be considered on its own merits.

5. CONCLUSION

- 5.1 Taking into account the above assessment and the considerations within the previous committee report, it is considered due to concerns regarding the quality of accommodation (LKD) due to the inherent design and lack of daylight (ADF), undersized and poorly sunlit amenity solace this is a finely balanced scheme. These weigh against the proposal, however the benefits of delivering two units and £100,000 small sites contribution are considered to tip to an approval.
- 5.2 It is recommended that planning permission be granted subject to the conditions and legal agreement as set out in Appendix 2 – RECOMMENDATIONS as amended, added to the following alterations to conditions 2, 6, 11, 12 and 18.

5.3 Condition 2:

Approved plans list:

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

234 B(10) P00 revC; 234(B10) P01 rev C; 234 B(18) E01; 234 1PL(18) P01; 234 B(20) E01 revA; 234 B(20) E02 revA; 234 B(20) E03 revA; 234 B(20) E04 revA; 234 B(20) P00 revB; 234 1PL(10) P00; 234 1PL(20) P00 revC; 234 1PL(20) P01 revD; 234 1PL(20) P02 revC; 234 1PL(20) E01 revD; 234 1PL(20) E01; 234 1PL(20) E03 revB; 234; 234 1PL(20) E04 revB; Daylight, Sunlight & Overshadowing Assessment dated December 2017; Design and Access Statement dated December 217; Structural Method Statement; Arboricultural Report dated 3rd August 2015. Soiltechnics Ground Investigation Report.

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.

5.4 Condition 6:

Green roof:

CONDITION: The biodiversity green roofs as indicated on Drawing No. 234 1PL(20) P02 rev C shall be:

- a) biodiversity based with extensive substrate base (depth 80-150mm);
- b) laid out in accordance with plan 234 1PL(20) P02 rev C hereby approved; and

c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).

The biodiversity green roofs 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.

The biodiversity roof(s) shall be carried out strictly in accordance with the details specified and shall be maintained as such thereafter.

REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.

5.5 Condition 11:

Refuse:

CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. 234 1PL(10) P00 shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.

5.6 Condition 12:

Disabled access:

CONDITION: Details of the lift shall be provided to the Local Planning Authority in writing and installed and operational prior to the occupation of the residential units. The lift shall be maintained as such thereafter.

REASON: To ensure inclusive access to all properties is achieved.

5.7 Condition 18:

Obscure Glazing:

A further condition (Condition 18) has been added to prevent no overlooking to the rear of the properties on Lambton Road. This reads as follows.

CONDITION: The south facing windows of proposed House 1 and House 2 at upper ground floor shall be opaquely glazed and shall be maintained as such thereafter.

REASON: in order to protect the living conditions of occupiers to Lambton Road.



APPENDIX 1 – COMMITTEE REPORT 21st MARCH 2017



Development Management Service
Planning and Development Division
Environment and Regeneration
Department

PLANNING COMMITTEE REPORT



PLANNING SUB-COMMITTEE A		
Date:	21 st March 2017	NON-EXEMPT

Application numbers	P2015/3034/FUL
Application types	Full Planning Application
Ward	Tollington
Listed building	Unlisted
Conservation area	No
Development Plan Context	Cycle Routes (Local/Major)
Licensing Implications	None
Site Address	Land rear of 6 Shaftesbury Road, London, N19
Proposals	Demolition of the existing vacant buildings (previously used as storage/workshop) and construction of 1 x 2 bedroom/4 person and 1 x 3 bedroom/5 person, two storey single family dwellings at lower ground and upper ground floors levels with associated amenity space, lowering of land levels plus installation of bike and refuse storage.

Case Officer	Joe Aggar
Applicant	Mr Robert Gutstein
Agent	Create Design Ltd

1 RECOMMENDATION

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

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

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1 – Frontage of No. 6 Shaftesbury Road with access to application site between No. 4 and 6 Shaftesbury Road



Image 2 – Aerial view of application site located to the rear of 6 Shaftesbury Road



Image 3 – view of access from Shaftesbury Road



Image 4 – view of front elevation and rear boundary to 6 Shaftesbury Road

4 SUMMARY

- 4.1 Planning permission is sought for the demolition of the existing vacant buildings (previously used as storage/workshop) and for the construction of a 1 x 2 bedroom/4 person and a 1 x 3 bedroom/5 person, two storey single family dwellings with associated amenity space, lowering of land levels plus installation of bike and refuse storage.
- 4.2 The application was reconsulted on the 31/03/2016 as the original site plan submitted with the application was incorrect. At this time updated information was requested and received relating to a new site plan, platform lift for access, marketing information for the disused site and daylight report relating to habitable lower ground floor rooms. A structural method statement was requested by officers in May 2016. Also at this time, the drawings of the neighbouring buildings were identified as incorrect. It was also advised to removed one of the bedrooms to 'house 2' and update the Design and Access Statement. An additional round of public consultation was undertaken on 28/11/2016 to notify neighbours of changes to the scheme and submission of structural method statement.
- 4.3 A total of 7 letters of objection have been received. Councillor Flora Williamson has also objected to the proposal on behalf of local residents.
- 4.4 The main issues arising from this proposal relate to land use, design and appearance, and potential impacts of the development on the amenity levels of adjoining occupiers and standard of accommodation for future occupiers of the proposed units.
- 4.5 This application is submitted following the withdrawal of planning application (ref: P2014/2550/FUL) following officer comments regarding the unacceptable design and appearance (scale, bulk and materials) and unacceptable access arrangements, and pre-application ref: Q2015/1420/MIN which sought to address above officer concerns.
- 4.6 The demolition of the vacant storage/workshop buildings and introduction of residential use in this specific location, given the site constraints and close proximity of residential buildings, is appropriate. The creation of 2 x two-storey dwelling houses to this site is not considered to represent over-development and provides much needed family accommodation within the Borough.

- 4.7 The design, layout, scale and massing of the proposed development is considered acceptable. The application has been reduced in height compared to the previous withdrawn application, through the lowering of the ground levels and sinking the houses 1.5 metres below the existing land level. In addition, effort has been made to minimise impacts on surrounding occupiers.
- 4.8 The impact of the development on neighbours has been considered in detail. There is not considered to be any unacceptable loss of light, outlook or loss of privacy to warrant the refusal of the scheme.
- 4.9 The redevelopment of the site has no vehicle parking on site and occupiers will have no ability to obtain car parking permits (except for parking needed to meet the needs of disabled people), in accordance with Islington Core Strategy policy CS10 Section H which identifies that all new development shall be car free.
- 4.10 The proposal is considered to be acceptable and in accordance with the Development Plan policies and planning permission is recommended for approval.

5 SITE AND SURROUNDING

- 5.1 The application site comprises a parcel of land to the rear of 6 Shaftesbury Road which is a two-storey over basement residential property located on the southern side of Shaftesbury Road. The site is accessed via a passageway between No. 4 and 6 Shaftesbury Road.
- 5.2 The site is approximately 231sqm and presently consists of a vacant and dilapidated building. The existing building is in a state of disrepair and rises from single to two storeys in height, with a maximum height of approximately 5.7 metres. The storage/workshop building covers the majority of the site (approximately 183sqm).
- 5.3 The application site and surrounding use is predominantly residential in character and use. The site is not located within a designated conservation area and the existing buildings are not listed.

6 PROPOSAL (in Detail)

- 6.1 Full planning permission is sought for demolition of the existing vacant buildings (previously used as storage/workshop) and construction of 1 x 2bedroom/4 person and 1 x 3 bedroom/5 person, two storey single family dwellings with associated amenity space, lowering of land levels plus installation of bike and refuse storage.
- 6.2 Amended drawings were submitted in relation to the scheme on 13/10/2016. In summary the amendments included:
- Changes to 'House 2' from 3 bedroom/5 person to 2 bedroom/4 person dwellinghouse.
 - Alterations to north facing window of House 1 to opaquely glazed
 - Structural Method Statement
 - Overshadowing report
 - New site plan to correctly outline application site
 - Inclusion of a platform lift to enable access to proposed residential units
 - Marketing Information in relation to the existing storage/workshop
- 6.3 Access to the site would be via a footpath between No. 4 and 6 Shaftesbury Road. As a result of excavation to lower the land level there is stepped access down to the proposed to the new dwellings with entrances located at lower ground floor. On request, a platform lift

between nos. 4 and 6 Shaftesbury Road has also been positioned to allow level access to the proposed units.

- 6.4 The proposed 1 x 2 bedroom/4 person and 1 x 3 bedroom/5 person units will be two storey in height but sunk by approximately 1.5 metres through the excavation of the existing site to the rear, resulting in a total building height of 4.2 metres above existing ground level at the site. The units will be contemporary in character and comprise flat green roofs.
- 6.5 Amenity space is provided in the form of lower ground floor courtyards to both properties. These would be 35sqm to House 1 and 19 sqm to House 2. Refuse and recycling is located to the frontage of the site.
- 6.6 The scheme currently being assessed is produced as a result of a pre-application and taking into consideration the reasons the previous application ref: P2014/2550/FUL was withdrawn in October 2014 and through the course of the assessment of the current application.
- 6.7 The application has been referred to Planning Sub-Committee A, due to the development being for the creation of 2 new residential dwellings and the level of objection from the public.

7 RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 P2014/2250/FUL - Demolition of existing shed building and erection of two semi-detached three bedroom dwelling houses. Withdrawn by agent on the 10/10/2014. The application was withdrawn following officer comments regarding the unacceptable design and appearance (scale, bulk and materials) and unacceptable access arrangements.

History at 6 Shaftesbury Road

- 7.2 P2014/4945/FUL - Retention of full width basement extension and first and second storey half-width extension (to be finished in brick), excavation of front lightwell and rear garden, and conversion into one single dwelling, associated alterations external elevations of the house; new timber sash windows to rear elevation. Withdrawn on the 27/02/2015.
- 7.3 P2014/4930/FUL - Retention of full width basement extension and first floor half with rear extension to (removal of second floor half-width rear extension), removal of render to rear extension and finish in brick, excavation of front lightwell and rear garden, conversion into one single dwelling, associated alterations external elevations of the house. Withdrawn on the 27/02/2015.
- 7.4 P2014/3505/FUL - Retention of full width basement extension and first and second storey half-width extension finished in white render, excavation of front lightwell and rear garden, and conversion into one single dwelling, associated alterations external elevations of the house. Refused on the 23/10/2014. Appeal allowed with conditions 18/02/2015.

ENFORCEMENT

- 7.5 E/2014/0382 – Unauthorised operational development at 6 Shaftesbury Road.

PRE-APPLICATION ADVICE:

- 7.6 Q2015/1420/MIN – Pre-application advice was sought following the withdrawn of planning application P2014/2250/FUL. The application was withdrawn following officer comments

regarding the unacceptable design and appearance (scale, bulk and materials) and unacceptable access arrangements. This pre-application presented an amended scheme to the Council addressing these concerns.

8 CONSULTATION

Public Consultation

- 8.1 A total of 38 letters were sent to occupants of adjoining and nearby properties at Horney Road, Shaftesbury Road and Lambton Road on 14 October 2015. A site notice was also displayed.
- 8.2 Re-consultation took place on 31/03/2016 and 28/11/2016 due to updated information being submitted. This updated information included a revised site plan, inclusion of a platform lift for level access, marketing information in relation to the existing use, an internal daylight assessment for the proposed units, removal of one of the bedrooms to House 2, an overshadowing report, a structural method statement in relation to the proposed excavation and the inclusion of an opaque window to House 1. Councillor Flora Williamson has raised objection on the grounds that residents are concerned by the precedent being set for family homes being built in back gardens, and their homes being overlooked.
- 8.3 In addition, 17 letters of objection (plus additional letters from the same residents following additional consultation) had been received from the public with regard to the application at the time of writing this report.
- 8.4 The grounds of objection raised are as follows (with the paragraph that provides response to each indicated in brackets):
- Excavation and disruption (10.22)
 - Precedent for further development (10.5)
 - Loss of light to surrounding properties (See paragraph 10.17 – 10.19)
 - Overlooking / loss of privacy to surrounding properties (See paragraph 10.14)
 - Use of roof as a terrace (10.20)
 - Increase in the overall mass and bulk (10.11)
 - Loss of outlook, sunlight and increased sense of enclosure to no. 4 Shaftesbury Road (10.17-10.19)
 - Principle of development (10.5, 10.11)
 - Location of bins alongside No 6 Shaftesbury Road (See paragraph 10.31)
 - Poor internal living conditions of the proposed development (10.27-10.28)
 - Requirement for inclusive design (10.30)
 - No details of sewage (10.31)
 - Private amenity space for House 2 is poor (See paragraph 10.29)
 - Security risk (10.11, 10.21)
 - Building materials not in keeping with surrounding area (See paragraph 10.11)
 - Result in additional competition for parking spaces on street (See paragraph 10.20)
 - Increase in the height of the proposed building (10.10)

External Consultees

- 8.5 None.

Internal Consultees

- 8.6 **Access & Inclusive Design:** The provision of the lift is considered acceptable.

- 8.7 **Design and Conservation:** The overall height, bulk and massing and when viewed in context is considered to be acceptable.
- 8.8 **Planning Policy:** No objection to loss of storage/workshop space in this instance.
- 8.9 **Tree Preservation:** The impacts to the existing trees in adjacent gardens to the site are limited because of the deep footings of the existing boundary wall. The adjacent trees will have little rooting volume affected by the proposal. The juxtaposition between the existing structure and trees and the proposed development is similar and any pruning works considered relatively minor and acceptable. No arboricultural reason to recommend refusal of the application.
- 8.10 **Refuse and Recycling:** No comments provided.
- 8.11 **Highways Officer:** No comments provided.

9 RELEVANT POLICIES

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

National Guidance

- 9.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.2 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.3 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via
- Written Ministerial Statement issued 25th March 2015
 - Deregulation Bill (amendments to Building Act 1984) – to enable 'optional requirements'
 - Deregulation Bill received Royal Assent 26th March 2015

Development Plan

- 9.4 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 1 to this report.

Designations

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

None.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use;
- Design and Appearance;
- Neighbouring amenity impacts;
- Quality of resulting accommodation and Dwelling mix;
- Sustainability, Energy Efficiency and Renewable Energy;
- Highways;
- Trees;
- Basement/Excavation
- Small Sites Contributions/Carbon Offsetting

Land Use

- 10.2 The application site comprises a parcel of land to the rear of 4 and 6 Shaftesbury Road. The lawful planning use is unclear however the site presently consists of a vacant and dilapidated building formerly used as storage/workshop. The existing building rises from one to two storeys in height. Based on the sites current location within immediate proximity to residential dwellings and that the premises has been vacant and is in a poor state there is no objection to the loss workshop/storage space.
- 10.3 The site is physically constrained as it is enclosed on each side by existing residential use. The introduction of a residential use to this rear section of the site is considered to be acceptable in principle and in keeping with the surrounding use.
- 10.4 The existing vacant buildings at the site are in a dilapidated state and are of no merit to the site or surrounding area. The demolition is therefore not contentious and would be supported.
- 10.5 The introduction of residential use in this specific location, given the site constraints and close proximity of residential buildings, would appear most appropriate. Since the site lies within an established residential area, was in previously use as a joiners workshop, and has not been used in recent times, there is no objection to the principle of its redevelopment for residential use. Each application should be considered on its own merits. Although the site is constrained by tight boundaries and the proximity of other residential properties the proposal would make effective use of previously developed land within the urban area.

Design and Conservation

- 10.6 This application concerns a proposal to build two modern 2-storey houses on this backland site. The existing building on site is neither listed nor located within a conservation area. The surrounding area is predominantly residential in character and appearance. The site is located to the rear of No. 6 Shaftesbury Road, a two-storey over basement semi-detached; single family dwellinghouse located on the southern side of Shaftesbury Road and can be accessed via a narrow walkway between no. 4 and no.6 Shaftesbury Road. To the south of the site are residential properties located on Lambton Road and to the west are residential uses and a public house located on Hornsey Road.
- 10.7 The Islington Urban Design Guide (2017) states that new buildings should reinforce the character of an area by creating an appropriate and durable fit that harmonise with their setting. They should create a scale and form of development that is appropriate in relation to the existing built form so that it provides a consistent / coherent setting for the space or

street that it defines. It is important that any development on this site respects the local context.

- 10.8 The proposal seeks to construct 1 x 2 bedroom and 1 x 3 bedroom, two storey dwellinghouses to the rear of no. 6 Shaftesbury Road. Most of the site would be excavated by approximately 1.5m so that the proposed units are sunken to reduce the overall height. The proposed dwellings would consist of lower and upper ground floors. The proposed building would have a maximum height of 4.2 metres above existing ground level in comparison to the existing shed which is 5.7 metres in height. This reduction in height is achieved by excavating part of the site by 1.5 metres in depth.
- 10.10 The proposed development would have flat green roofs. Concern was raised during the previously withdrawn application (P2014/2250/FUL) about the bulk of the roof form and finish resulting in an incongruous form of development. It is noted that whilst the rear section of the site will result reduced mass and bulk than that existing on structure on site, there will be additional height/bulk towards the rear elevations of residential properties on Shaftesbury Avenue. Notwithstanding this, the revised scheme has sufficiently overcome this concern and the overall height, bulk and massing and when viewed in context of the existing building on site at present is acceptable.
- 10.11 The proposed development is of contemporary design, with an irregular footprint, using a simple material palette including London stock at upper ground floor, aluminium cladding at lower ground floor, aluminium framed windows/doors and hardwood timber front doors. The upper ground floor level would cantilever over the lower ground floor in parts. The development will also comprise a large expanse of glazing at lower ground floor to facilitate a better internal living environment. The proposed materials are considered acceptable in this context. Overall the proposal would introduce a new development of modern design, but given its backland location, it would not have a significant visual impact on the surrounding street scene. There is not considered to be a heightened security risk based on the natural surveillance if the dwellings were to be inhabited. The replacement of previous structures and an untidy site with new development will improve the overall appearance of this site.
- 10.12 Overall, the proposal is considered to be in accordance with policies 7.4, 7.6 and 7.8 of the London Plan 2016, CS9 of the Core Strategy 2011, Policies DM2.1 (Design) of the Development Management Policies 2013.

Neighbouring Amenity

- 10.13 The southern boundary of the site abuts the rear gardens of residential properties along Lambton Road. There is an existing high boundary wall in this location. There are no proposed southern facing windows. As such, there is considered to be no privacy/overlooking issues to the south of the site. The upper ground floor windows at the site are positioned to overlook the private amenity spaces or the gardens to neighbouring properties. Given the mutual degree of overlooking in relation to gardens this would not compromise a reason for refusal.
- 10.14 In terms of the north elevation of the development, there is one window proposed at first floor facing towards the rear elevation of No's 6-8 Shaftesbury Road. It is acknowledged that this one window on the proposed new unit and the rear windows of properties along Shaftesbury Road fall short of the 18 metre separation distance between habitable windows. To overcome this, the window will be an obscure glazed clearstorey window and shall be fixed shut. A condition is attached to ensure this window is maintained as such thereafter. Based on this, there is not considered to be any unacceptable loss of privacy/overlooking as a result of the development. In relation to the properties to the south the southern facing windows to the proposed development would not protrude above the

existing boundary wall and therefore no undue overlooking would occur to the rear of the properties on Lambton Road

- 10.15 Concern has been raised about the use of the proposed green roofs as roof gardens. A condition is proposed to restrict the green roof areas being 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.
- 10.16 In terms of the issue over the height of the building, as noted above, the proposed development involves an element of excavation so that the units are sunken below existing ground floor level to reduce the overall height to 4.2m. The proposed units will therefore be read as 1.5 storeys above the existing ground level. In comparison to the existing ridge height which stands at 5.7 metres. The proposed building would rise 650mm (1100mm including the parapet) above existing southern boundary wall with the rear gardens of 11-17 Lambton Road. Overall the height of the building is considered acceptable, and any negative impact has been mitigated by the excavation work proposed at the site.

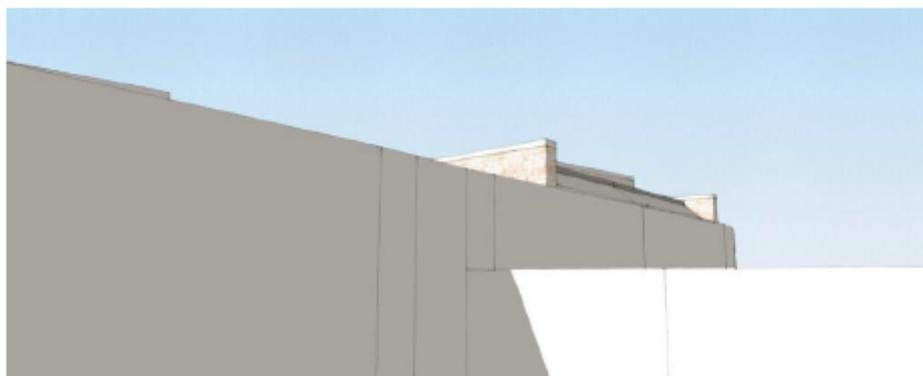


Image 5: Proposed illustrative view from rear of Lambton Road (Taken from Design & Access Statement prepared by Create Design + Architecture).

- 10.17 The site has a particular sensitive relationship to the rear elevations of no. 4 and no. 6 Shaftesbury Road given the proximity of the proposed buildings to these properties. Although the new houses would be some 8m away from the rear windows of No.6, the proximity of this new building would be relieved to some degree by the open amenity/garden areas immediately adjoining the property, which currently is a single storey part of the existing structure on site. Moreover, whilst there may be an appreciable change in the sense of enclosure and the outlook, due to the height, bulk and design of the facing elevation of the new houses, this would tend to be balanced by the overall visual improvement in the appearance of the site with the new development and overall reduction in the height. The loss of light to surrounding properties has been raised as an issue. The proposed dwellings have been designed considering the constraints of the site such as the impact on the surrounding properties in terms of its design and the potential impact on daylight and sunlight. The development includes excavation to result in the proposed units being 1.5metres below existing ground level. In terms of daylight/sunlight the 25 degree test is used where the development is opposite a window of a neighbouring dwelling. The centre of the lowest habitable window is used as the reference point for the test.
- 10.18 Drawing No. 234 1PL(20) E00 rev A shows that the proposed development falls beneath the 25 degree line (taken from the centre point of the lowest rear habitable window at 6 Shaftesbury Road) and therefore there is unlikely to be a substantial effect on daylight and sunlight.

- 10.19 An overshadowing assessment for the garden at 4 Shaftesbury Road has been submitted in support of the application. No. 4 has a south facing garden is located to the north of the application site. The report outlines that the garden is currently overshadowed below the BRE recommended sunlight target. The proposal which results in an increased height to the flank wall at the rear of the garden would cause a further loss of sunlight. However, this would meet the recommended ratio of 0.8 and therefore the slight reduction in the amount of sunlight received is considered to be adequate for the occupants of no. 4 Shaftesbury Road. In relation to outlook, to the west of No 4 Shaftesbury Road there are two storey dwellings with blank elevations and a single storey element to the rear of the garden of no. 4. The proposal would increase the northern flank elevation in relation to no. 4 Shaftesbury Road to 4m from 3.4m. Whilst this is considered an appreciable change it is also considered modest and would not cause an unacceptable loss of outlook or an undue sense of enclosure.
- 10.20 An objection has been raised over the use of the flat roof as a roof terrace. A condition is recommended to overcome this concern. An objection has been raised that the proposal will result in additional competition for on street parking. In accordance with policy all new development is 'car-free' and a condition is attached to ensure all future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents' parking permit.
- 10.21 Concern has been raised that there is no security gate proposed and that the proposal will result in security concerns to adjoining residents. The UDG 2017 generally advises against gating development. As such the proposal is considered acceptable in this regard and is not considered to give rise to an unsafe environment.
- 10.22 The demolition, excavation and construction periods are generally responsible for the most disruptive impacts affecting residential amenity and this issue has been raised by an objector. A condition requiring the submission of a Construction Management Plan including hours of work has been included as part of the recommendation, in order to mitigate and reduce the impacts of demolition and construction
- 10.23 Overall the proposal would result in some change to the outlook and general amenity for adjoining residents, at no. 4 and no.6 Shaftesbury Road as these are in the closest proximity to the site. However for the reasons stated above this would not be to a degree that would justify refusing planning permission.

Quality of resulting accommodation and Dwelling mix

- 10.24 In terms of new residential development, as well as having concern for the external quality in terms of design it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offer sufficient storage space and also be dual aspect.
- 10.25 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. In addition, Planning policy and guidance require a range of unit sizes to be provided to meet specific housing demand and to help foster stable and balanced communities. Policy DM3.1 (Mix of housing sizes) of the Islington Development Management Policies (2013) seeks to secure a good mix of housing sizes on all sites.
- 10.26 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 Standards.

These new standards came into effect on 1 October 2015 and from this date Councils are expected to refer to the NDSS as a material consideration.

- 10.27 The proposal seeks to create 1 x 2 bedroom and 1 x 3 bedroom residential units, both of which meet the minimum requirement as set out in Table 3.2 of the DMP. The units comprise main living accommodation at ground floor and bedrooms and bathrooms would be located at first floor. Both the units are dual aspect at ground floor in accordance with policy and include expansive glazing to the living/kitchen space to allow plentiful light to reach the main living space. At first floor, it is acknowledged the window to Bedroom 1 House 1, is obscured. However given the general compliance in relation to the internal living accommodation this is not considered to form a reason for refusal.
- 10.28 An Internal Daylight assessment for living rooms in the proposed development has been submitted. This has tested the Average Daylight Factor in relation to the living rooms at lower ground floor level. The BRE advises minimum values for kitchens and living rooms. The proposed dwellings have joint living rooms and kitchens. An ADF of 1.5% is required for living rooms and 2% for kitchens. The internal daylight assessments for the lower ground floor habitable areas measures 1.9% and 2.21%. Overall the application scheme is deemed to provide the residential occupants with satisfactory levels of daylight in the main living spaces at lower ground floor given the urban location of the site.
- 10.29 DM Policy 3.5 requires all new residential development to provide good quality private outdoor space in the form of gardens, balconies roof terraces or glazed winter gardens. The minimum requirement for outdoor space is 5sqm on upper floors and 15sqm on ground floors for 1 to 2 person dwellings. For each additional occupant an extra 1sqm is required on upper floors and an extra 5sqm on ground floors. The two residential properties would have private amenity space in the form of ground floor patio/terrace areas. These spaces measure 35sqm for the 3 bedroom/5person unit and 19sqm for the 2 bedroom/4 person unit. 'House 2' has been amended from a 3 bed/5 person unit to a 2 bed/4 person unit and therefore 19sqm of private amenity space is acceptable.
- 10.30 Access to the site is via a footpath between No. 4 and 6 Shaftesbury Road. Given the proposed varying land levels at the site there is stepped access. However, on request, a platform lift has been incorporated into the design to ensure there is level access to the site. A condition is suggested to ensure samples of the courtyard and ground surface treatment along the access to the development from Shaftesbury Road is submitted and approved in writing prior to the occupation of the properties on the site.
- 10.31 Waste storage and recycling facilities are integrated into the developments to the frontage of the site alongside No. 6 Shaftesbury Road which is considered appropriate and accessible. Details relating to sewage are not considered material to the merits of this application.

Sustainability, Energy Efficiency and Renewable Energy

- 10.32 The design and access statement notes that the development is designed to be energy efficient adopting sustainable design and construction measures, minimising greenhouse gas emissions. A natural ventilation strategy is to be employed in each dwelling with mechanical extract ventilation in bathrooms and kitchens.
- 10.33 In terms of drainage and surface water run-off levels at the site, details on how the scheme is designed to ensure no net increase in surface water drainage from the site post development is achieved should be conditioned to be in accordance with standards in DM 6.6 of the DMP.
- 10.34 The proposed green roof will be biodiversity based with an extensive substrate to a depth of 80-150cm. The provision of green roofs is encouraged and a condition is attached to control

this. Rainwater recycling will be incorporated and a target of 110litres/day will be set for water usage in each dwelling.

- 10.35 The design and access statement illustrates that various renewable energy technologies were explored at the site. However, due to the special circumstances at the constrained site no decentralised renewable energy technologies are proposed.

Highways

- 10.36 Islington policy identifies that all new development shall be car free. Car free development means no parking provision will be allowed on site and occupiers will have no liability to obtain car parking permits, except for parking needed to meet the needs of disabled people. Residents of the development will not be eligible to attain on-street parking permits, unless required to meet the needs of occupiers registered disabled.
- 10.37 The provision of 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'. Policy DM8.4 of the Development Management Policies supports sustainable methods of transport and requires the provision of 1 cycle space per bedroom. A bike storage area for six bicycles is provided at the site. A condition will be attached to ensure compliance with the cycle parking requirement in accordance with policy DM8.4.

Trees

- 10.38 An arboricultural report and impact assessment has been submitted in support of this application. The report notes that all trees within the survey are to be retained. The only pruning works that shall be required shall be the trimming back to the boundary of the canopies of two fruit trees (one cherry and one apple tree). This shall require the removal of secondary branches which should be pruned back to a secondary growth point. The report states that given the pruning works are undertaken sympathetically, the trees shall not be significantly harmed. No foundations are proposed within the areas where roots are anticipated to proliferate.
- 10.39 The Council's Tree Officer has reviewed the details submitted in support of the application and has no reason to recommend refusal of the application.

Basement/Excavation

- 10.40 The Islington Basement SPD is used in the assessment of any planning application which involves the excavation for the creation of new or additional subterranean/basement floor space. The general principles within the guidance are also relevant for a range of sites including infill residential development, such as this. A Structural Method Statement has been submitted in conjunction with the application. The extent of basement development appropriate for a site is influenced by a number of factors. The site is already developed with the presence of a workshop covering the majority of the site. It is acknowledged that there would be a change in the land levels. Based on the extent of the existing building's coverage at present; the opportunity to provide some open space in the form of garden areas; and an attempt to achieve other policy aims; the excavation of 1.5m in this instance is considered acceptable.

Small Sites Contributions/Carbon Offsetting

- 10.41 The Affordable Housing Small Site Contributions document was adopted on the 18th October 2012. This document provides information about the requirements for financial contributions from minor residential planning applications (below 10 units) towards the

provision of affordable housing in Islington. As per the Core Strategy policy CS12, part G and the Affordable Housing Small Sites Contributions SPD, we would require a contribution of £50,000 per new residential unit in off-site contributions in lieu of on-site provision, subject to viability.

- 10.42 The applicant has submitted a viability assessment which has been independently reviewed. The outcome being that the scheme can support full contribution of £100,000 towards affordable housing (£50,000 per unit).
- 10.43 The granting of planning permission is subject to the applicant entering and agreeing into a Unilateral Undertaking in respect of the above plus £3,000 (£1,500 per unit) for carbon offsetting contributions.
- 10.44 The proposed development would also be liable for the Mayoral and Islington CIL.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 The application seeks the erection of an end of terrace single family dwelling house.
- 11.2 The principle of the development and providing additional residential accommodation would be acceptable in land use terms, have an acceptable impact upon the character and appearance of the adjacent properties and street scene. In addition, the proposal would not be unduly harmful to the amenities of adjoining residents.
- 11.3 Overall it is considered that the development would not result in the loss of daylight, sunlight to the occupiers of the adjoining residential properties, undue increase in enclosure levels, loss of outlook or have a significant detrimental impact upon their amenity levels taken as a whole, notably in relation to nos.4 and 6 Shaftesbury Road.
- 11.4 The proposed residential dwelling would provide acceptable standard of accommodation with all units achieving minimum internal floorspace standards, dual aspect, and meet the required private amenity space standards. The proposal would achieve Category 2 Homes in relation to Building Regulation for wheelchair accessible units and level access to the entrance.
- 11.5 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

- 11.6 It is recommended that planning permission and advertisement consent be granted subject to conditions as set out in Appendix 1 – RECOMMENDATIONS

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- A CONTRIBUTION OF £100,000 TOWARDS AFFORDABLE HOUSING WITHIN THE BOROUGH.
- A CONTRIBUTION OF £3,000 TOWARDS CARBON OFFSETTING.

That, should the Section 106 Deed of Planning Obligation not be completed within 6 weeks from the date when the decision was made by the Committee, the Service Director, Planning and Development / Head of Service – Development Management may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

RECOMMENDATION B

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

List of Conditions:

1	Commencement CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved plans list CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: 234 B(10) P00 revB; 234 B(20) P00; 234 B(20) E01; 234 B(20)E00; 234 B(20)E02; 234 1PL(90) P00 revA; 234 1PL(20)P00 revA; 234 1PL(20)P01 revB; 234 1PL(20)P02 revB; 234 1PL(20) E01 revB; 234 1PL(20)E00 revB; 234 1PL(20)E02; 234 1 PL(20) S00 revA; Design and Access Statement; Structural Method Statement; Arboricultural Report dated 3 rd August 2015; letter dated 09 March 2016; Internal Daylight Assessment dated 26/02/2016; Overshadowing Assessment dated 20/06/2016. 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.

3	Materials and Samples
	<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> <ul style="list-style-type: none"> a) solid brickwork b) aluminium cladding c) window/door treatment (including sections and reveals); d) 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	Paving and Hard Surfaces
	<p>CONDITION: Notwithstanding the approved plans, samples of the courtyard paving and ground surface treatment along the access to the development from Shaftesbury Road shall be submitted to and approved in writing prior to occupation of the properties on the site.</p> <p>REASON: In order to safeguard the character and appearance of the development and the existing setting.</p>
5	Drainage
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximise water quality, amenity and biodiversity benefits. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will achieve no net increase in surface water run-off from the site post-development. The drainage system shall be installed /operational prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water.</p>
6	Green Roofs (Compliance)
	<p>CONDITION: The biodiversity green roofs as indicated on Drawing No. 234 1PL(20) P02 rev B shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plan 234 1PL(20) P02 rev B hereby approved; and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity green roofs 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 specified 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>

7	Car Free Housing
	<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> <p>(1) In the case of disabled persons;</p> <p>(2) In the case of units designated in this planning permission as "non car free"; or</p> <p>(3) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>REASON: In the interests of sustainability and in accordance with the Council's policy of car free housing.</p>
8	Cycle Parking
	<p>CONDITION: The bicycle storage area(s) shown on drawing No. 234 1PL(20) P00 rev A hereby approved, shall be secure and provide for no less than 6 bicycle spaces and shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
9	Accessible homes
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, the dwelling shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance with LPP 3.8</p>
10	Removal of Permitted Development Rights – Houses (Compliance)
	<p>CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any amended/updated subsequent Order) no additional windows, extensions or alterations to the dwellinghouse(s) hereby approved shall be carried out or constructed without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwellinghouse(s) in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme.</p>
11	Waste Management
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. 234 1PL(90) P00 rev A shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>

12	Platform Lift Provision
	<p>CONDITION: The lift as shown on drawing number 234 1PL(90)P00 Rev A shall be installed and operational prior to the first occupation of the proposed dwellings and shall be maintained as such thereafter.</p> <p>REASON: To ensure inclusive access to all properties is achieved.</p>
13	Construction Management Plan
	<p>CONDITION: No development (including demolition works) in respect of the dwellings hereby approved 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 Statement shall provide details of:</p> <ul style="list-style-type: none"> a. the parking of vehicles of site operatives and visitors; b. loading and unloading of plant and materials; c. storage of plant and materials used in constructing the development; d. the erection and maintenance of security hoarding; e. wheel washing facilities; f. measures to control the emission of dust and dirt during construction; and g. 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 Statement as approved throughout the construction period.</p> <p>REASON: to ensure no harm to neighbouring occupiers.</p>
14	Carbon and water efficiency
	<p>CONDITION: The dwellings hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, and a water efficiency target of 110 l/p/d. No occupation of the dwellings shall take place until details of how these measures have been achieved.</p> <p>REASON: In the interest of securing sustainable development.</p>
15	Landscaping
	<p>CONDITION: A landscaping scheme, including details of proposed trees, together with details of the positions of planned and existing underground services, proposed groundworks, enclosures, drainage, hard ground surfaces and details of all surface treatment and boundary treatment, as appropriate, shall be submitted to and approved in writing by the local planning authority before any part of the development hereby permitted is commenced. All landscaping in accordance with the approved scheme shall be completed during the first planting season after the date on which development in accordance with this permission has been completed. This landscaping and tree planting must have a two-year maintenance/watering provision following planting. Trees or shrubs which die within five years of completion of the development shall be replaced to the satisfaction of the local planning authority with the same species or an approved alternative.</p> <p>REASON: In the interest of securing sustainable development.</p>
16	Window to House 1
	<p>CONDITION: Notwithstanding the approved plans the north facing window to 'Bedroom 1' in 'House 1' shall be obscurely glazed and fixed shut before first occupation of the dwelling and shall be maintained as such thereafter.</p>

	REASON: In order to protect neighbouring residential amenity.
17	Roof Access
	CONDITION: No roof of any part of the building(s) shall be used for any recreational purpose and access shall only be for the purposes of the maintenance of the property or means of emergency escape. Reason: To safeguard the privacy of the occupiers of adjoining properties.

List of Informatives:

1	Positive statement
	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. A pre-application advice service is also offered and encouraged. The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF. The LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant or have been dealt with by condition. This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages.
2	Definition of Superstructure and Practical Completion
	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.
3	Community Infrastructure Levy (CIL)
	Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk . The Council will then issue a Liability Notice setting out the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil
4	Sustainable Sourcing of Materials
	Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled

	content, use of local suppliers and by reference to the BRE's Green Guide Specification.
5	Hours of Construction
	No building work shall be carried out at the site outside the following hours: <ul style="list-style-type: none"> • 8am - 6pm, Monday to Friday; • 8am - 1pm, Saturday; and • no audible building works to be carried out on Sunday or public holidays
6	Section 106
	SECTION 106 AGREEMENT: You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
7	Thames Water
	Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development. With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required.
8	Highways Requirements
	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 . All agreements relating to the above need to be in place prior to works commencing. Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk . Section 50 license must be agreed prior to any works commencing. Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk . Compliance with sections 59 and 60 of the Highway Act, 1980 – "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk . Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question. Temporary crossover licenses to be acquired from streetworks@islington.gov.uk . Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.

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

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

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

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

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

All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact streetlights@islington.gov.uk

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

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

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

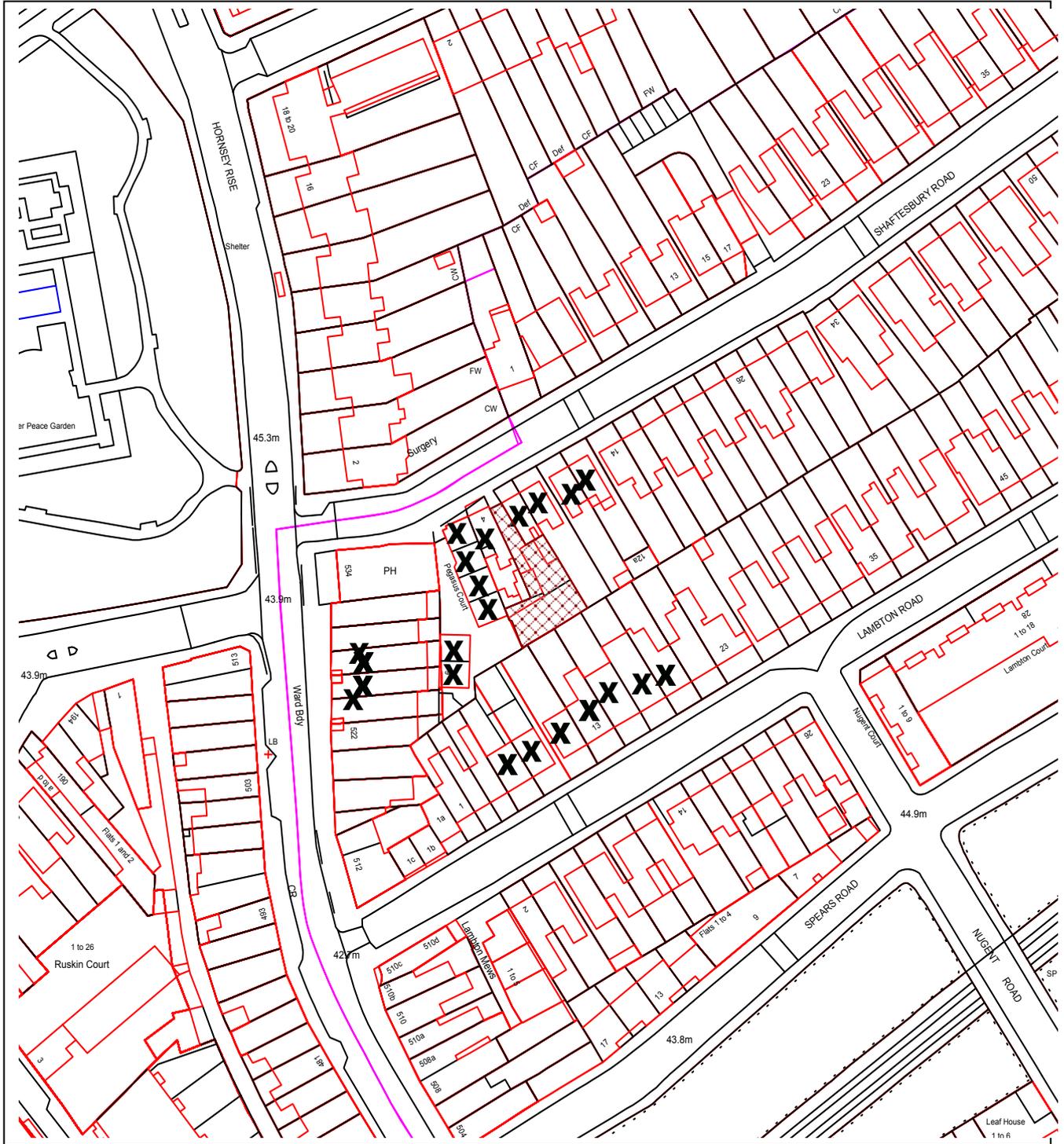
Regarding entrance levels, developers must take into account minimum kerb height of 100mm is required for the public highway. 15mm kerb height is required for crossover entrances.

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

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

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

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