



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

AGENDA FOR THE PLANNING SUB COMMITTEE B

Members of Planning Sub Committee B are summoned to a meeting, which will be held in Committee Room 1, Town Hall, Upper Street, N1 2UD - Islington Town Hall on, **16 July 2019 at 7.30 pm.**

Enquiries to : Jonathan Moore
Tel : 020 7527 3308
E-mail : democracy@islington.gov.uk
Despatched : 8 July 2019

Welcome:

Members of the public are welcome to attend this meeting.

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

Committee Membership

Councillor Kay (Chair)
Councillor Klute
Councillor Poyser
Councillor Spall
Councillor Woolf

Wards

- Mildmay;
- St Peter's;
- Hillrise;
- Hillrise;
- Canonbury;

Substitute Members

Councillor Picknell
Councillor Convery
Councillor Graham
Councillor Nathan
Councillor Chowdhury
Councillor Clarke
Councillor Gill
Councillor Hamitouche
Councillor Mackmurdie
Councillor Turan
Councillor Wayne
Councillor Webbe

- St Mary's;
- Caledonian;
- Bunhill;
- Clerkenwell;
- Barnsbury;
- St George's;
- St George's;
- Barnsbury;
- Clerkenwell;
- St Mary's;
- Canonbury;
- Bunhill;

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 1 - 2
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B.	Consideration of Planning Applications	Page
1.	16 Tytherton Road, London ,N19 4 QD	7 - 30
2.	4,5,6 & 7 Park Place, London, N1 3JU	31 - 58
3.	Highland House, 6-10 Market Road, London, N7 9PW	59 - 98
4.	Land & Access Ways Rear of 13-27 Cowcross Street, London, EC1	99 - 126

C. Consideration of other planning matters Page

D. Urgent non-exempt items

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

E. Exclusion of press and public

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

F. Confidential/exempt items Page

G. Urgent exempt items (if any)

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

Date of Next Meeting: Planning Sub Committee B, 1 October 2019

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

PROCEDURES FOR PLANNING SUB-COMMITTEES

Planning Sub-Committee Membership

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

Order of Agenda

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

Consideration of the Application

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

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

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

What Are Relevant Planning Objections?

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

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

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COMMITTEE AGENDA

1 16 Tytherton Road
London
N19 4QD

2 4, 5, 6 & 7 Park Place
London
N1 3JU

3 Highland House
6 - 10 Market Road
London
N7 9PW

4 Land & Access Ways Rear of 13-27 Cowcross Street
London EC1

1 16 Tytherton Road
London
N19 4QD

Application Number: P2019/0752/FUL
Ward: Junction
Proposed Development: Erection of a single storey rear and side extension, including the demolition of an existing 1.2m deep single storey rear extension.
Application Type: Full Planning (Householder)
Case Officer: Owen Griffiths
Name of Applicant: Mr Igor Zyskind
Recommendation:

2 4, 5, 6 & 7 Park Place
London
N1 3JU

Application Number: P2019/0526/FUL
Ward: Canonbury
Proposed Development: Proposed erection of a continuous roof extension across 4-7 Park Place to form roof terrace and habitable space for each unit, comprising zinc cladding, opaque screening between units, double glazed fenestration and bi-fold doors facing south towards Rosemary Gardens.
Application Type: Full Planning Application
Case Officer: Jake Shiels
Name of Applicant: XXXXXXXXXX
Recommendation:

**3 Highland House
6 - 10 Market Road
London
N7 9PW**

Application Number: P2019/0187/FUL

Ward: Holloway

Proposed Development: Rebuilding parts of the existing elevations including alterations to the existing fenestration, with new glazed entrance doors to the south elevation. Infilling ground floor car park to provide additional office accommodation and internal refurbishment and reconfiguration . Proposed roof terraces to first and second floors to rear elevation. Installation of new plant equipment and associated enclosures at roof level (following removal of existing roof level and structures).

RECONSULTATION: Amended drawings received in relation to size of the plant enclosures, daylight/sunlight information.

Application Type: Full Planning Application

Case Officer: Daniel Jeffries

Name of Applicant: SDI (Market Road) Limited

Recommendation:

**4 Land & Access Ways Rear of 13-27 Cowcross Street
London EC1**

Application Number: P2019/1744/FUL

Ward: Clerkenwell

Proposed Development: Continuation of the use of the external plaza area for a food market of up to 13 stalls for a maximum of 3 days per week(Temporary Planning permission previously granted P2016/3449/FUL 07/07/17). The market would operate Tuesday, Wednesday and Thursdays between 9am and 4.00pm with food cooked and served between 11am and 2.30pm only.

Application Type: Full Planning Application

Case Officer: Eoin Concannon

Name of Applicant: No name supplied

Recommendation:

London Borough of Islington

Planning Sub Committee B - 7 May 2019

Minutes of the meeting of the Planning Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 7 May 2019 at 7.30 pm.

Present: **Councillors:** Kay (Chair), Chapman (Vice-Chair), Klute, Woolf and Poyser

Councillor Jenny Kay in the Chair

47 INTRODUCTIONS (Item A1)

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

48 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillor Khondoker.

49 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

50 DECLARATIONS OF INTEREST (Item A4)

None.

51 ORDER OF BUSINESS (Item A5)

No changes were proposed to the order of business.

52 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 12 March 2019 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

53 GARAGES ADJACENT TO 29 RINGCROFT STREET, ISLINGTON, LONDON, N7 8ND (Item B1)

The proposed demolition of disused single storey garages and their replacement with 3No. three bed terraced houses, with associated private amenity space. The proposals also include the construction of a bicycle shelter and the replacement of a brick wall at the end of Ringcroft Street with new boundary treatment.

(Planning application number: P2018/4056/FUL)

In the discussion the following points were made:

- The Planning Officer corrected a typographical error at paragraph 10.30 of the report submitted, inserting the word 'not', as follows: 'As such, it is considered that the proposal would not have an unacceptable impact on

neighbouring residential amenity in terms of loss of outlook or an increased sense of enclosure.'

- The Planning Officer summarised an objection received in relation to the application, which included a suggestion that the proposal should also include the repair and upgrade of the whole of Ringcroft Street in order to match the proposed landscaping and paving. In response, the Planning Officer did not consider that improvement works to the whole of Ringcroft Street could be justified. The application was consistent with the requirements of the Streetbook SPD and was not considered to have a detrimental impact on the St Mary Magdalene's Conservation Area.
- The Sub-Committee queried apparent discrepancies on the submitted plans and elevation drawings.
- The applicant concurred that it would be possible to revise the width of the first floor windows to achieve compliance with Condition 4, however it was not yet known how this would be achieved.
- Members of the Sub-Committee queried if the proposed development was sympathetic to the existing street scene, highlighting that the use of materials appeared to differ from existing properties. The architect set out their vision for the development and explained that the proposal was a modern interpretation of a historic London terrace. The architect also commented that new paving would make use of the same materials as the existing pavement.
- The Committee queried the proposed green roofs on the properties. The architect advised that these were initially proposed to be balconies however were changed to green roofs following a pre-application discussion with planning officers. Planning Officers explained that any balcony would cause unacceptable overlooking of the adjacent house window (in the side wall of the outrigger at first floor). Screening would be required to mitigate overlooking issues however this would present unacceptable clutter and would cause restriction to outlook of the nearest window.
- Officers advised that the houses met amenity space standards without providing a balcony, and access to a balcony from a child's bedroom was not necessarily appropriate. The proposed inclusion of green roofs was policy compliant. Members expressed concern that the green roofs would inevitably be used as amenity space regardless.
- Members queried the placement of doors and windows, noting that the proposed window line did not continue that of neighbouring properties. The architect explained that this was necessitated by modern design standards and the intention was for the development to be sympathetic to neighbouring properties.
- Following a question, the applicant confirmed that the development would be fitted with swift boxes.

Councillor Klute proposed a motion to defer the consideration of this item to enable the applicant to revisit the plans, including the possible inclusion of balconies, the placement of windows, the use of landscaping and materials, and the accuracy of drawings. This was seconded by Councillor Chapman and carried.

RESOLVED:

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

The meeting ended at 8.15 pm

CHAIR

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PLANNING SUB COMMITTEE B		AGENDA ITEM NO:	B1
Date:	16 th July 2019	NON-EXEMPT	

Application number	P2019/0752/FUL
Application type	Full Planning Application
Ward	Junction
Listed building	N/A
Conservation area	N/A
Development Plan Context	Article 4 Direction A1-A2
Licensing Implications	None
Site Address	16 Tytherton Road, London, N19 4QD
Proposal	Erection of a single storey rear and side extension, including the demolition of an existing 1.2m deep single storey rear extension.

Case Officer	Owen Griffiths
Applicant	Mr Igor Zyskind
Agent	Projection Architects Ltd

1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



3.1 Image 1: Aerial View of Site



3.2 Image 2: Street View of Building



3.3 Image 3: Rear View of Building



3.4 Image 4: Location of Side Extension.

4. SUMMARY

- 4.1 Permission is sought for the erection of a single storey side extension and a single storey rear and side infill extension.
- 4.1 The side extension is modest in scale and has been sufficiently setback from the principle elevation and neighbouring boundary to avoid any negative impacts on the streetscene. Various neighbouring residents have objected to this element of the proposal due to the terracing effect it may have and due to the general unacceptability of development that may disrupt the uniformity of the semi-detached row of properties. It is concluded that no such terracing effect will be realised due to the scale and positioning of the extension that is set back by 2.3m from the front elevation and as it is inset from the neighbouring boundary by 0.3m.
- 4.2 It is concluded that the side extension meets all the relevant principles of Islington's Urban Design Guide and Policy DM2.1 by responding to its surrounding context and not effecting the coherent setting of the semi-detached row of properties.
- 4.3 Surrounding properties include infill side extensions that have disrupted the semi-detached pairings but the side extension proposed is similar to a neighbouring property (number 20) where a modest side extension has been constructed that does not disturb the uniformity of the semi-detached properties.
- 4.4 The rear extension is modestly proportioned and will not have any adverse implications for the amenities of neighbouring residents. The extension has been inset from the neighbouring boundary with number 14 to ensure there will not be a negative effect in terms of sunlight and daylight to this property. The overall design is contemporary while respecting the proportionality of the host building, remaining subservient to the primary mass.
- 4.5 Seven objections have been received from neighbouring residents and these objections have been raised to councillors who have requested for the application to be determined by the planning committee.

5. SITE AND SURROUNDING

- 5.1 The application site is a semi-detached Victorian dwelling located on the northern side of Tytherton Road. It forms part of a pair of identical dwellings (numbers 16 and 14). Numbers 10 to 24 (even) Tytherton Road form a row of semi-detached properties that are all identical in design and massing. Some have been altered over time with side extensions, rear extensions and between numbers 12 and 14 two front facing flat roof storage areas have been constructed in the gap between the not attached properties.
- 5.2 16 Tytherton Road is elegantly proportioned and retains many of its original features such as timber sash windows, arched window heads and decorative cornices. The property has a front facing gable with intricate brick work and a hipped roof.
- 5.3 The property is not listed and is not located within a conservation area. The surrounding area is predominantly residential in character with a mixture of terrace and semi-detached properties between two and three storeys in height.

6. PROPOSAL

- 6.1 It is proposed to construct a single storey rear extension and a side extension to the existing property. The side extension is set back from the front of the property by 2.3m and is 1.2m wide and 3.6m deep. The side extension will leave a 0.3m gap between the extension and the boundary wall to the neighbouring property, number 18 Tytherton Road and be constructed with a shallow pitched roof.
- 6.2 The rear extension would measure 6.2m in depth and is 5.3m wide. The property has an existing part two-storey, part single-storey rear outrigger extension measuring 3m in width and 4.5m in depth. The proposed rear extension is infilling the area to the side of the existing outrigger leaving a 0.3m gap to the neighbouring boundary, number 14 Tytherton Road, and extends 1.7m beyond the rear elevation of the existing outrigger. The extension has a flat roof apart from a small section of glazed shallow pitched roof that adjoins to the principle rear elevation of the property.
- 6.3 Both extensions are single storey (3m in height) and will be constructed from materials to match the existing building.

Amendments

- 6.4 The scheme has been revised to address concerns that were raised by officers and reconsulted neighbours over the design:
- It was originally proposed for the side extension to abut the boundary with the neighbouring property, 18 Tytherton Road and to adjoin the front elevation of the property. To avoid a terracing effect, it was advised that the side element should be set back from the front elevation and to not extend all the way to the neighbouring boundary. This advice has now been incorporated into the design and the side extension is set back 2.3m from the front elevation.
 - The rear extension was initially designed to adjoin the neighbouring boundary with number 14 Tytherton Road. Such an extension would have breached the BRE Guidance 45-degree rule in relation to sunlight and daylight and because of this the applicant was advised to inset the extension from the neighbouring boundary to ensure there will not be a negative impact in terms of daylight on the neighbouring property.
 - The BRE 45-degree rule is used to gauge whether a development will have an impact on the amount of light that is received into adjoining properties. If a development breaches a 45-degree line of the centre of a neighbouring window, in both plan and elevation, there is considered to be a negative impact. If the development is within the 45-degree line, in either plan or elevation, the impacts are considered to be minimal and therefore acceptable.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

16 Tytherton Road:

- 7.1 **P2019/0538/COLP** - Certificate of lawfulness for a proposed use or operation - Hip to gable loft conversion under permitted development, including rear dormer and two skylights to front roofslope. **Approved 26th February 2019.**

20 Tytherton Road:

- 7.2 **P2017/4534/FUL** - Alterations to and extension of existing rear ground floor extension, including rear garden excavation works, removal of pitched roof to form flat roof with 1no. roof light above and fenestration changes. Replacement of sash window in rear flank elevation. Erection of timber pergola to side elevation. Insertion of 1no. roof light to main rear roof slope. **Approved 11/04/2018.**

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 23 adjoining and nearby properties on Tytherton Road and Beaversbrook Road on the 11th April 2019. The application underwent a second round of consultation on the 9th May 2019 due to design alterations (paragraph 6.4).
- 8.2 In total, 7 objections have been received from surrounding residents. Objections have been raised to local ward councillors who have requested for the application to be determined by the planning committee. The reasons for these objections are summarised below with the relevant paragraphs highlighted in *italics* that address each reason for objection.

- Six objectors raised concerns over the side extension and that the amended design is still unacceptable. Objectors specifically raised issues with the side extension such it being too high and too large; it will change the aesthetics of the street; it is an ugly addition that will be of detriment to the whole street, a brickwork side addition with sloping roof is out of character and visually intrusive, changing the look of houses from the street; side extension should be no more than 2m high to match boundary fence; will create a terrace effect to the semi-detached houses, drastically changing the street scape and being contrary to paragraphs 5.142, 5.149 of Islington's Urban Design Guide.

Paragraph 10.7 – 10.14

- Impact on light to adjoining properties, in particular number 14 Tytherton Road but also the side windows to number 18 that are felt to be effected by the side and rear extensions.

Paragraph 10.21 – 10.25

- The proposed fibreglass roof and aluminium windows will be out of character with the property.

Paragraph 10.19 – 10.20

- The application is leapfrogging on previous development at properties in close proximity to the site, mainly number 10 to 20 Tytherton Road and gives incorrect information in the submitted documentation.

Paragraph 10.10 – 10.14

- Concern is raised due to the details approved under the certificate of lawfulness application (ref: P2019/0538/COLP) and that these are not shown on the existing or proposed drawings that have been submitted for the full planning application.

8.3 Comments

- The roof to the house has been removed and is not mentioned in the planning application. This should not be allowed as it effects the integrity of the row.

External Consultees

8.4 None

Internal Consultees

8.5 Design and Conservation – No Objection. The side extension is sufficiently set back from the front elevation and will therefore not detract from the architectural integrity of the semi-detached row of properties. The site is not listed nor is it located within a conservation area and therefore no concern is raised over the alterations to the rear.

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.) and;
- As the development is within 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 11 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 8 the NPPF states: “that sustainable development has an economic, social and environmental role”.

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

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

- 9.6 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.
- 9.7 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.
- 9.8 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

- 9.9 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 2 to this report.

Designations

- 9.10 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:

Supplementary Planning Guidance (SPG) / Document (SPD)

9.11 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:

- Design and Conservation
- Neighbouring Amenity
- Other Matters

Design and Conservation

- 10.2 The National Planning Policy Framework (NPPF) 2019, Policy 12, states that good design is a key aspect of sustainable development, creating better places to live and work.
- 10.3 Policy CS8 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.4 Islington Urban Design Guide (2017) outlines at paragraph 5.67 that 'New development should create a scale and form of development that relates to the existing built form and provides a consistent and coherent setting for the space or street that it defines or encloses, while also enhancing and complementing the local identity of an area. The nature of the existing street frontage will therefore normally determine the extent of potential development'. The UDG goes on to identify that 'any proposal for a side extension between semi-detached dwellings should take into account the rhythm and symmetry of the built form and the street as a whole. In limited circumstances it is possible that an extension would serve to restore that symmetry, but more often the effect is to undermine the prevailing rhythm and to dominate the existing building(s)' (paragraph 5.142). Furthermore, 'one sided extensions will normally be resisted where they undermine the symmetry of the original building. Two sided extensions on semi-detached villas and extensions above detached villas will usually only be considered where they exist elsewhere in the street on identically designed buildings' (paragraph 5.149).
- 10.5 Policy DM2.1 of Islington's Development Management Policies requires new development, inter alia, to respect and respond positively to existing buildings, the streetscape and wider context, and to be sustainable, durable, adaptable, safe and inclusive. Policy DM2.3 further provides that the borough's heritage assets should be conserved and enhanced in a manner appropriate to their significance.

Proposal

- 10.6 The development incorporates a side extension setback 2.3m from the front elevation of the property and a rear extension that is infilling an area to the side of and existing rear outrigger extension. The rear extension will extend 1.8m beyond the rear of the existing outrigger.

Side Extension

- 10.7 The side extension is set back from the principle front elevation of the property by 2.3m and will be 3m in height to the eaves (3.4m maximum), 1.2m in width and 3.6m in depth. The extension will be constructed from materials to match the existing building, that being brick facades and a shallow pitched grey slate roof with two non-protruding rooflights. There will be a 0.3m gap between the side elevation of the extension and the boundary fence with the neighbouring property, 18 Tytherton Road.

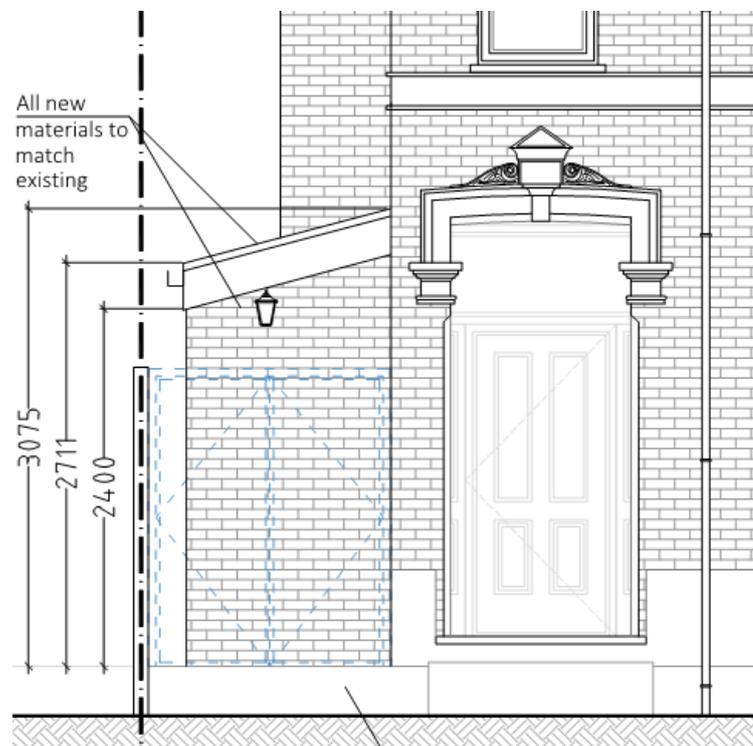


Image 5: Front Elevation View of Side Extension



Image 6: Side View of Side Extension

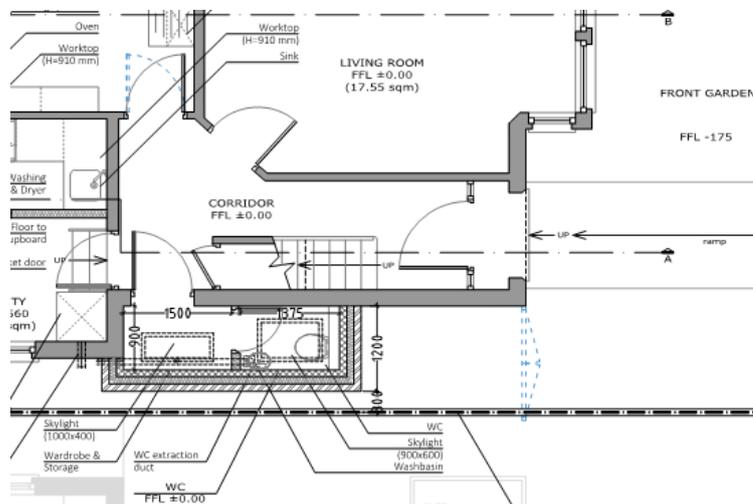


Image 7: Plan view of side extension

- 10.8 An extension of this scale, with a footprint of 4.1sqm, is considered to be appropriately modest and would not harm the architectural integrity of the host dwelling. The materials of the extension will match the existing property and a shallow pitched roof accords with the build form of surrounding properties.
- 10.9 Concern has been raised by surrounding residents over the potential terracing effect a side extension may have. These concerns were raised to the applicant and it was suggested that the extension should be inset from the neighbouring boundary and set back from the principle elevation fronting Tytherton Road. These amendments have been incorporated into the design to avoid a terracing effect and to ensure the overall architectural appearance of the host dwelling, as well as surrounding properties, is not materially altered.
- 10.10 16 Tytherton Road lies within a row of 8 semi-detached properties, numbers 10 to 24 (even), while the rest of the area is predominately formed of residential terraces. From street level there are various signs of non-original development that have affected the appearance of the semi-detached row. Between numbers 12 and 14,

garage style infill extensions have been constructed that have joined the non-attached sides of the properties. A side extension has been constructed to number 20 Tytherton Road that is visible from public views (ref: P2017/4534/FUL) and finally, number 24 has a hip to gable and dormer roof extension that is visible from street level due to a there being a pathway to the side of this property, the last of the semi-detached row.

- 10.11 It is evident that there have been alterations to neighbouring properties that have altered the appearance of the semi-detached row, some more positively than others. The adjoining extensions between numbers 12 and 14 have no architectural merit but looking at historic imagery of the street it can be seen that these areas have been infilled since at least 2008 (when the first historical imagery is available). The side extension at number 20 is more comparable to the extension proposed to number 16 and this was granted planning consent in 2018 under the same local planning policies that are currently adopted. In this instance, the extension was replacing an existing side extension that was nearly identical in style and massing. The side extension to number 20 leaves a 0.7m gap to the neighbouring boundary and is set back from the front elevation by 3.15m (see image 8 below).



Image 8: Consented Side Extension at Number 20 Tytherton Road (Ref: P2017/4534/FUL)

- 10.12 The Urban Design Guide sets out guidance for side extensions and makes specific reference to side extensions to semi-detached properties. Paragraph 5.67 states that new development should provide a consistent and coherent setting and that the existing street frontage will therefore normally determine the extent of potential development. Paragraph 5.142 refers to side extensions and that for semi-detached dwellings, side extensions should take into account the rhythm and symmetry of the built form and the street as a whole. Finally, paragraph 5.149 states that 'Two sided extensions on semi-detached villas and extensions above detached villas will usually only be considered where they exist elsewhere in the street on identically designed buildings'.

10.13 The side extension to number 16 is considered to comply with the aforementioned paragraphs of the UDG for the following reasons. The side extension has responded to the built form of surrounding development by the use of matching materials and a shallow pitched roof that compliments the surrounding architectural style of neighbouring properties. The extension has been sufficiently set back from the front elevation and inset from the side boundary as to not disturb the coherent setting of the streetscape. Being set back by 2.3m from the principle elevation also results in the extension not effecting the symmetry of the semi-detached row and the inclusion of a gap to the neighbouring boundary also ensures that no terracing effect will be realised. The extension to number 20, an identically designed building, demonstrates that the side extension is compliant with UDG paragraph 5.149. Furthermore, design that respects and responds positively to existing buildings, the streetscape and locally distinctive patterns of development forms a key component of Policy DM2.1, Part A (ii).

10.14 On balance, and given the scale, massing and positioning of the side extension, set back from the principle elevation by 2.3m, this element of the proposal is considered to be an acceptable form of development and in accordance with Policy DM2.1 and the relevant sections of the Islington's Urban Design Guide (2017)

Rear Extension

10.15 To the rear of the property a single storey extension will infill the majority of the area to the side of the existing outrigger extension, leaving a 0.3m gap to the neighbouring boundary with number 14 Tytherton Road. The rear extension will also extend 1.8m beyond the furthest point of the existing rear outrigger extension into the rear garden. Overall, the extension will measure 5.3m in width and 6.4m in depth. The extension will have a flat roof (2.4m above ground level) apart from a sloped glazed skylight that adjoins the primary rear elevation of the host building at a height of 3.1m. There will be a further glazed skylight towards the rear of the flat roof. Access to the garden will be provided from the new living/dining room via three glazed sliding doors.

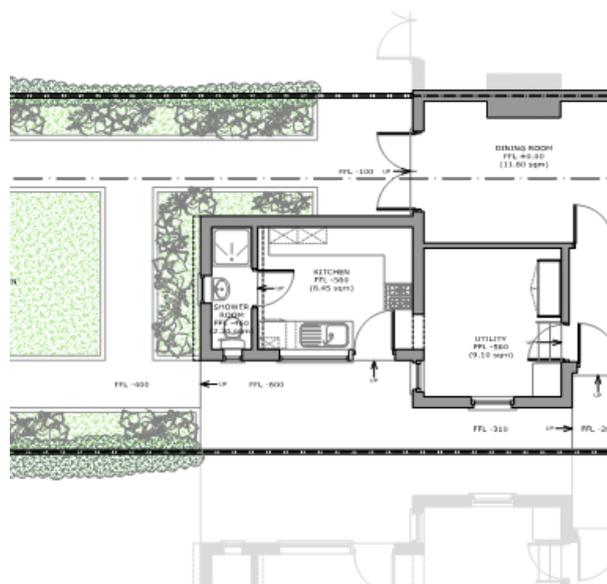


Image 9: Existing Floorplan (rear part)

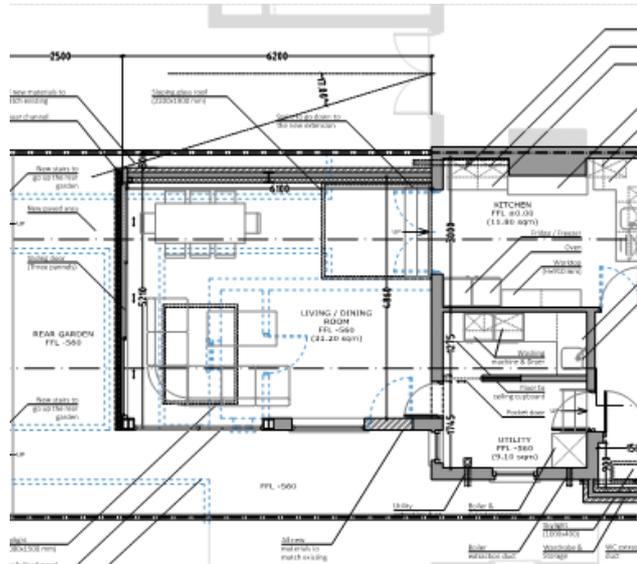


Image 10: Existing and Proposed Rear Extension

10.16 The rear extension will also involve minor excavation works, approximately 0.6m deep from the principle rear elevation into the rear garden and will provide an extra 0.3m to 0.4m of floor to ceiling height in the rear extension. Given the level of excavation proposed and its location within the rear garden and not underneath the principle mass of the property, the submission of a structural method statement is not necessary in this instance.

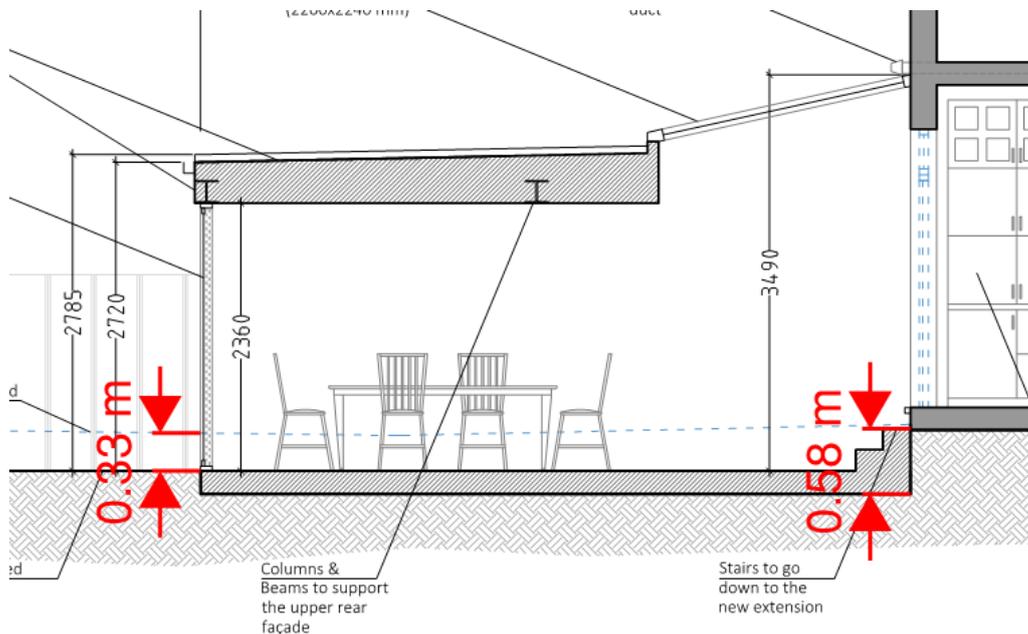


Image 11: Section Through Rear Extension

10.17 Islington’s Basement Development SPD (2016) sets out design indicators for basement developments due to the proliferation of subterranean development that is occurring in the borough. Soil excavation to 0.6m is not classed as an engineering operation and leaving an excavated area of between 0.3 and 0.4m in depth is considered to be sufficiently shallow as to not be classed as basement

development, usually around 3m in depth. The requirements of the Basement Development SPD therefore do not apply in this instance.

- 10.18 Paragraph 5.138 of the UDG states that there will normally be scope for lower ground or ground floor extensions beyond the line of the existing back addition providing sufficient garden space is retained as useable amenity and does not result in fragmented areas incapable of supporting soft landscaping. High quality contemporary extensions are encouraged on lower floors except where conservation guidelines require extensions to conform to the design of the existing building.



Figure 19 Acceptable approaches to rear extensions. Ground floor infill extensions are normally acceptable in design terms. Where there are generous gardens and they do not impede on the amenity of neighbouring properties, there is sometimes opportunity to extend out beyond the existing back line. Where there is existing variation in the rear elevations, extensions above existing rear projections will normally be acceptable providing they are visibly below the lowest point of the roof.

Image 12: Figure 19 from the Urban Design Guide (2017) – Acceptable Forms of Rear Extensions (page 52)

- 10.19 In design terms, there are no adverse concerns raised by an extension such as the one proposed. The majority of the extension is infilling an area to the side of an existing extension and the overall appearance of the extension, while contemporary in its design, will complement the existing dwelling in terms of its scale, massing and use of matching materials. The proportions of the extension will ensure that the extension remains subservient to the main mass of the host building and sufficient usable garden space is being retained for the enjoyment of future occupiers of the building.

- 10.20 Overall, the design of the rear and side extensions are considered to be acceptable. The architectural styling and fine detailing to the host property does hold some heritage value despite not being listed or within a conservation area. However, the development proposed is not considered to harm the host property or the appearance of the matching semi-detached properties on this stretch of Tytherton Road. The side extension is of a similar scale and sufficiently set back from the

principle front elevation as to not affect the streetscape. The scale and massing of the rear extension remains subservient to the mass of the original dwelling house and it is therefore concluded that the proposals, in terms of design complies with the Urban Design Guide, Policies CS8, CS9, DM2.1 and DM2.3 as well as the principles of the NPPF described above.

Neighbouring Amenity

- 10.21 Policy 7.6 of the London Plan provides that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings. This is reflected at local level in Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, hours of operation, vibration, pollution, overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.22 The initial rear extension design infilled the side of the existing outrigger up to the boundary with the neighbouring property. During the application process it was noted that such an extension would breach the BRE guidance 45-degree rule (paragraph 6.4) in elevation for the neighbouring ground floor opening to number 14 Tytherton Road (the adjoining property of the semi-detached pair). The extension will also breach the 45-degree rule in plan. However, this is common for rear extensions such as the one proposed. To avoid the extension breaching both the 45-degree rule in plan and elevation, as this would likely have a material impact on the levels of light entering the adjoining property, it was requested for the extension to be inset from the boundary. This amendment has been incorporated into the final design and the extension is set back 0.3m from the boundary fence with number 14 Tytherton Road. The BRE 45-degree test is now complied with and the development will therefore not have an unacceptable harm on the daylight to the neighbouring property.

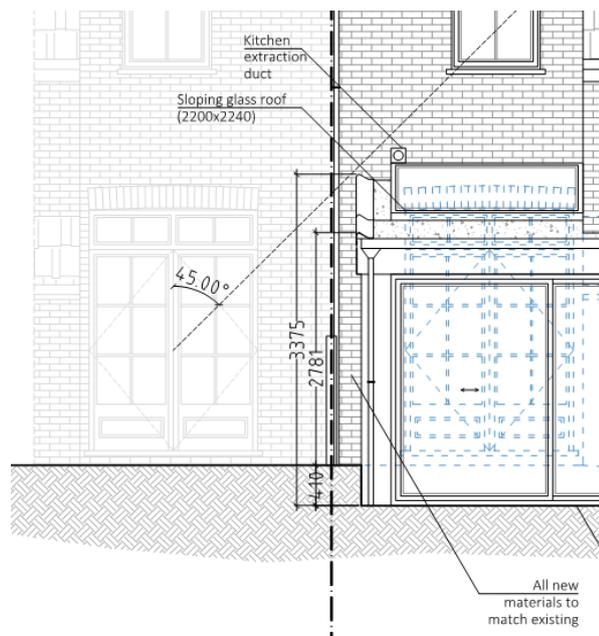


Image 13: Rear Elevation Showing 45-Degree Line

- 10.23 The resident to the neighbouring property at 18 Tytherton Road made reference to the impact on sunlight and daylight to the side windows of his property. The existing situation already breaches the initial 25-degree BRE test, with the main mass of the

building at the application site directly facing the side windows of the neighbouring property, being within 3.4m. In instances such as these, where the existing window is already heavily impacted by the current situation, no further assessment is required. The side extension will have a negligible impact to the ground floor side doorway of the adjacent property but as this doorway, with glazed panelling, leads to an internal hallway and not a habitable room, no adverse concerns are raised and a detailed assessment is not required.

- 10.24 As both extensions are single storey, with no side facing windows, there will be no effect on neighbouring amenity in terms of overlooking or loss of privacy. The extensions have been set back from neighbouring properties and have been correctly proportioned, with the rear extension sitting 0.4m below the existing ground level due to the excavation works proposed. Therefore, it is concluded that the development will not be overbearing or to have an enclosing effect on neighbouring properties. A condition is recommended to prevent the flat roof area being used as an amenity space as to prevent undue overlooking to neighbouring properties.
- 10.25 Overall, the proposals do not raise any adverse concerns in terms of effects on neighbouring amenity. The design has been sufficiently amended to address initial concerns that were raised and the amended scheme is therefore considered to comply with Islington Development Management Policy DM2.1 in terms of effect on neighbouring amenity and London Plan Policy 7.6.

Other Matters

- 10.26 On the 26th February 2019 a Certificate of Lawfulness was approved at the site for the construction of a hip to gable loft conversion including rear dormer and two skylights to front roofslope under class B and Class C of the General Permitted Development Order 2015. At the time of submission for the current application, and subsequent site visit on the 30th April, this development had not been implemented and the roof was unaltered.
- 10.27 Objections have been raised over alterations to the roof, that do not form part of the application currently under assessment, and that these details were not provided on the submitted plans for the two extensions currently under consideration. Had the roof alterations been implemented at the time of submission and were apparent during the site visit, it would have been requested for the roof alterations to be included on the plans for the extensions. Furthermore, the above assessment has been undertaken in the knowledge of the development that has been approved under the General Permitted Development Order 2015. Taken together, the cumulative impacts of the roof alterations and the proposed extensions are not considered to be overdevelopment and no adverse concerns are raised that would warrant a reason to refuse the application.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 A summary is provided at paragraph 4.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION

That planning permission be granted subject conditions listed below.

List of Conditions:

1	Implementation Period 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: B-01 Rev F, A-01 Rev G, A-02 Rev F, A-03 Rev F, A-04 Rev F, A-05 Rev F, A-06 Rev F, A-07 Rev F, A-08 Rev F, A-09 Rev F, Design and Access Statement dated 7 th March 2019 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.
3	Materials to Match (Compliance) MATERIALS TO MATCH (COMPLIANCE): The facing materials of the extensions hereby approved shall match the existing building in terms of colour, texture, appearance and architectural detailing and shall be maintained as such thereafter. REASON: To ensure that the appearance of the building is acceptable.
4	Rooflights Conservation Grade (Compliance) CONDITION: The roof lights to the side extension hereby approved shall be conservation grade rooflights and not protrude beyond the plane of the roof to the extension. REASON: To ensure that the appearance of the building is of high quality.
5	Flat Roof Not Used as Amenity Space (Compliance) CONDITION: The flat roof area shown on plan no. A-02 Rev F hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency. REASON: To prevent the undue overlooking of neighbouring habitable room windows.

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 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

2. Development Plan

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

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

7 London's living places and spaces
- Policy 7.6 Architecture

B) Islington Core Strategy 2011

Spatial Strategy
- Policy CS8 (Enhancing Islington's Character)

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

C) Development Management Policies June 2013

Design and Heritage

- DM2.1 Design
- DM2.2 Inclusive Design
- DM2.3 Heritage

Energy and Environmental Standards

- DM7.1 Sustainable design and construction statements

3. Designations

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

- Article 4 Direction A1-A2

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

The following SPGs and/or SPDs are relevant:

- | | |
|---|-------------------------------------|
| <u>Islington Local Development Plan</u> | <u>London Plan</u> |
| - Urban Design Guide (2017) | - Housing |
| | - Sustainable Design & Construction |

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Islington SE GIS Print Template



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P2019/0752/FUL

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PLANNING COMMITTEE REPORT

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

PLANNING SUB-COMMITTEE B		AGENDA ITEM	B2
Date:	16 th July 2019	NON-EXEMPT	

Application number	P2019/0526/FUL
Application type	Full Planning Application
Ward	Canonbury
Listed building	No
Conservation area	Within 50m of Conservation Area (East Canonbury)
Development Plan Context	Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	None
Site Address	4, 5, 6 & 7 Park Place, London, N1 3JU
Proposal	Proposed erection of a continuous roof extension across 4-7 Park Place to form roof terrace and habitable space for each unit, comprising zinc cladding, opaque screening between units, double glazed fenestration and bi-fold doors facing south towards Rosemary Gardens.

Case Officer	Jake Shiels
Applicant	Redacted
Agent	Ian Silversides

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Aerial

view of the site

Image 2: View of No.5 Park Place (Front Elevation)



Image 3: View of application building and 8-14 Park Place within courtyard.



Image 4: Roof and full front elevation view from Rosemary Gardens to to the south



Image 5: Rear elevation view from inbetween Downham Road and Trafalgar Point



Image 6: View west from roof terrace at No.5



Image 7: View east from roof terrace at No.5

4. SUMMARY

- 4.1 The application proposes the erection of a continuous roof extension across 4-7 Park Place to form roof terrace and habitable space for each unit, comprising zinc cladding, opaque screening between units, double glazed fenestration and bi-fold doors facing south towards Rosemary Gardens.
- 4.2 The proposed extension would span 24.95m across the existing roof of the building, measuring approximately 2.6m in maximum height and 4.1m in depth providing additional living space for each residential unit. The roof extension would comprise of zinc cladding, and would feature bi-folding doors 6 casement wide for each unit, 4.8m wide.
- 4.3 The design, layout, scale and massing of the proposed development is considered acceptable. The Design and Conservation Team have been consulted during the application process and are satisfied that the proposed external alterations would preserve the character and appearance of the host building and the adjacent Conservation Area.
- 4.4 The proposed extensions and newly formed terrace area are considered to be of an appropriate scale, and the proposal is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of sunlight and daylight, increased sense of enclosure, overlooking, overshadowing or loss of privacy. The proposal therefore accords with policy DM2.1 of the Development Management Policies 2013.
- 4.8 The application is referred to committee given the number of objections received (12).
- 4.9 The proposal is considered to cause no harm to the character and appearance of the surrounding area, and to accord with the Development Plan.

5. SITE AND SURROUNDINGS

- 5.1 The site is located on the west side of Southgate Road, in close proximity to the junction with Downham Road. Accessed from underneath 41-43 Southgate Road, the application building is a mews development consisting of 4 no. 3 storey residential properties with roof terrace gardens/access. The application site is not listed and not within a Conservation Area however, it is in close proximity to East Canonbury Conservation Area (CS23) which is located to the north and west of the site.
- 5.2 The mews development is a contemporary white rendered flat roof building which overlooks Rosemary Gardens to the south and the communal area of Downham Court to the north. Property no. 8-14 Park Place (4 storeys) is located to the west and attached to the application building, whilst 1 to 3 Park Place (3 storeys) is located and attached to the eastern part of the application building. 8-14 has an existing timber terrace similar to the application building, and has a zinc clad 4th floor whilst 1-3 has a semi curved zinc clad roof. These properties are all accessed from the private gated access off Southgate Road.
- 5.3 This area is characterised as dense urban and residential with a range of architectural styles. 41-43 which is directly adjacent to the site to the east is a 5 storey brick built building with zinc 5th floor, 45 Southgate Road is a 4 storey building with a stone exterior, 137 Downham Road is attached to No.45 and is of the same architectural detail consisting of a part 5 storey, part 6 storey (including lower ground floor level) building that extends around the junction of Southgate Road and Downham Road and

is located to the north east of the site and built as one development. No.s 1 to 12 Downham Court is a post war red brick Council owned building located directly north of the site and is a 4 storey building with an outdoor communal area to the rear.

- 5.4 The site is in close proximity with the De Beauvoir Estate to the east (Hackney), and high rise contemporary development on Benyon and Balmes Road including Texrtye House, south east of the site.

6. PROPOSAL (in Detail)

- 6.1 The application seeks permission for the erection of a continuous roof extension across 4-7 Park Place to form roof terraces and habitable space for each unit (4 units), comprising zinc cladding, opaque screening between units, double glazed fenestration and bi-fold doors facing south towards Rosemary Gardens.
- 6.2 The proposed extension would span 24.95m across the existing timber terrace roof of the development, measuring approximately 2.6m in height (2.4m internally) and 4.1m in depth, set flush with the rear elevation of the four storey building providing additional living space for each residential unit. The roof of the extension would have a 1m overhang to the frontage with a terraced area for each property measuring approximately 26.50sqm. There are existing roof top terraces which will be reduced in area as a result of the proposal.
- 6.3 The proposal would include obscure glazing upon the east flank of the terrace above No.4 Park Place, whilst the handrail is to be re-positioned to the outer edge of the roof as permitted under application P061282.
- 6.4 The roof extension would comprise of zinc cladding, and would feature bi-folding doors 6 casement wide for each unit, 4.8m wide.
- 6.5 The application has been referred to the planning sub-committee due to the number of objections received.

7. RELEVANT HISTORY

- 7.3 881335: Redevelopment to provide seven business/residential units in two 3-storey buildings. **Approved** with conditions on 13/09/1989.
- 7.4 P001271: Demolition of existing warehouse and erection of four houses and five flats together with parking spaces. **Approved** with conditions on 16/11/2000.
- 7.4 P010407: Demolition of existing warehouse and erection of five 2-bed houses and seven 2-bed flats. **Approved** with conditions at Committee on 23/05/2001.
- 7.5 P020530: Addition of roof terraces and sliding glass rooflights to 4 No. houses proposed under planning consent reference P01040 dated 23rd May 2001. Alterations to rear windows. **Approved** with conditions on 28/05/2002.
- 7.6 P061282: Re-alignment of existing roof balustrade by one metre to perimeter of existing roof. **Approved** with conditions on 18/09/2006.
- 7.7 P2018/1407/FUL: Erection of a continuous roof extension across 4-7 Park Place comprising zinc clad, double glazed fenestration and bi-fold doors facing south towards Rosemary Gardens. **Withdrawn** on 05/11/2018.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of adjoining and nearby properties at Park Place, Southgate Road, Downham Road, Downham Court on 8 March 2019.
- 8.2 At the time of the writing of this report a total of 12 objections have been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).

Use

- Houses already have ample floorspace and terrace, further alterations not understood.
- Terraces infrequently used.

(paragraph 10.2)

Design and character

- Increase in development density
- Overbearing
- Roofline would be at odds with neighbouring properties on Park Place
- View from street level would have adverse impact
- Out of scale and character with immediate neighbours
- Imbalance of heights
- Large blank flank wall would be created
- Materials not reflecting or sympathetic of area
- Loss of view to park and its greenery
- Visual impact on neighbourhood
- Visual impact of roof design not inkeeping
- Change in character of area
- Overdevelopment
- Loss of sky contour and sky view
- Impact on character of Rosemary gardens
- Expansion of property furthermore would impact the distinctive historical character of the street

(paragraphs 10.3-10.19)

Neighbouring amenity

Loss of daylight/sunlight

- Loss of light to adjacent apartments
- Loss of natural sunlight from balcony and flats
- Loss of sunlight to garden
- Overshadowing
- Impacts of loss of light during mid winter
- Reduction in APSH
- BRE criteria not met

(paragraphs 10.20-10.37).

Noise

- Noise and impact of use of terrace area
- Works should take place at reasonable hours

(paragraphs 10.38-10.40).

Internal Consultees

8.3 **Design and Conservation officer:** No objection.

'The proposed roof extension is considered acceptable.

It would not be visible in any long views that could result in harm to the East Canonbury Conservation Area to the north, and it is substantially set back from the boundary to the south resulting in minimal impact on Rosemary Gardens. The proposed building height is also already established by the adjacent building; although the proposed extension would result in a slightly taller height it would not be perceived as such from street level.

The modern, predominantly glazed design is considered appropriate and in accordance with the guidance contained within the IUDG.

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

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

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

9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.

9.3 The National Planning Policy Framework 2019 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.

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

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

- 9.6 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.
- 9.7 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.
- 9.8 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.
- 9.9 In line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.

Development Plan

- 9.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.11 Some weight is attributable to the Draft London Plan.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

- Design and assessment of any heritage impacts
- Impact on the amenity of neighbouring residents.

Land Use

- 10.2 It is proposed to erect a continuous roof extension across the flat roof terraces area of No.s of 4,5,6 and 7 Park Place. The roof extension would be for additional habitable floor space for each unit in C3 use (residential). No change of use would occur, nor would the proposal result in additional residential units, there is therefore no land use matters to consider.

Design

- 10.3 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should contribute positively to making places better for people.
- 10.4 Policy CS 8 and 9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.5 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
- 10.6 The Islington Urban Design Guide states that residential extensions should respect the integrity, rhythm and visual amenity of the street.
- 10.7 The IUDG, Para. 5.153 states that outside conservation areas, there is more scope to introduce roof extensions where these are of a high quality design. Where a street frontage benefits from a consistent and unbroken roofline, alterations which would disrupt this consistent roofline and be visible from the public realm need to be designed in a style appropriate to the host building.
- 10.8 However, paragraph 5.148 In all cases, states that applications for roof extensions, dormers and roof lights will be assessed on merit, giving due consideration to:
- The quality of design.
 - Materials and construction proposed.
 - The cumulative effect on visual amenity, unity and coherence of the street scene.
- 10.9 The application building is a modern mews development flat roof building which overlooks Rosemary Gardens to the south and the outdoor communal area of

Downham Court to the north and is in close proximity to the East Canonbury Conservation Area (located due north and west of the site).

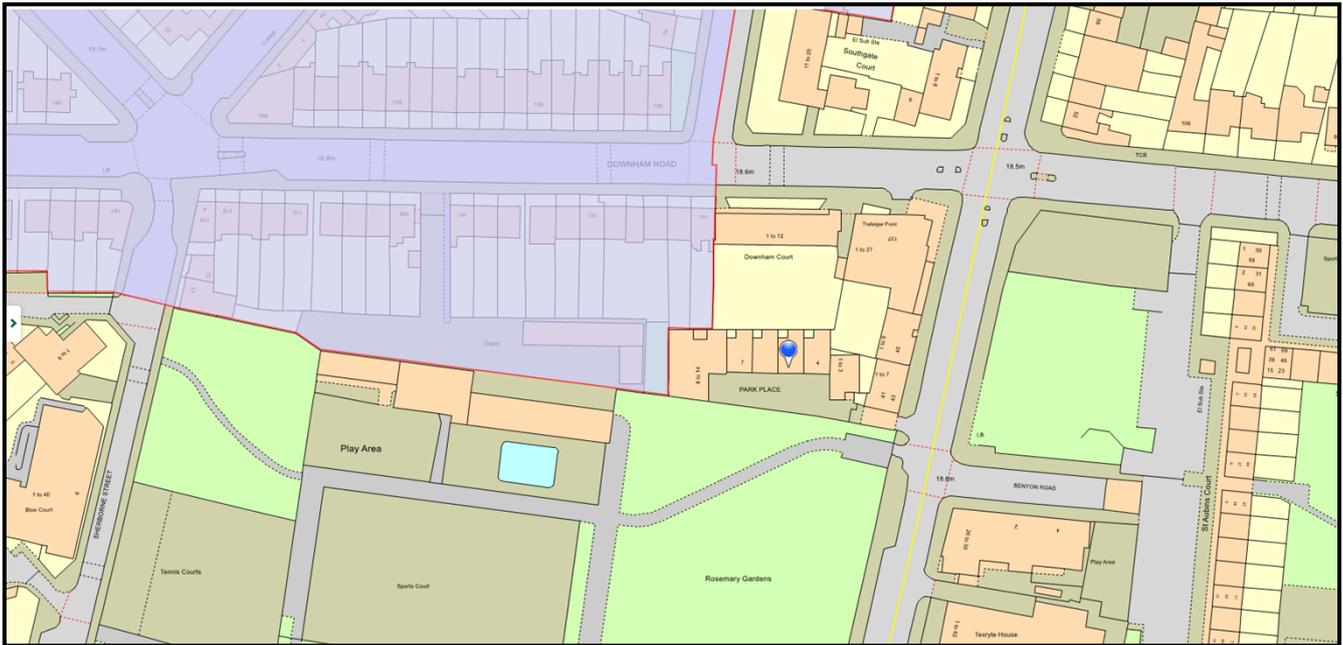
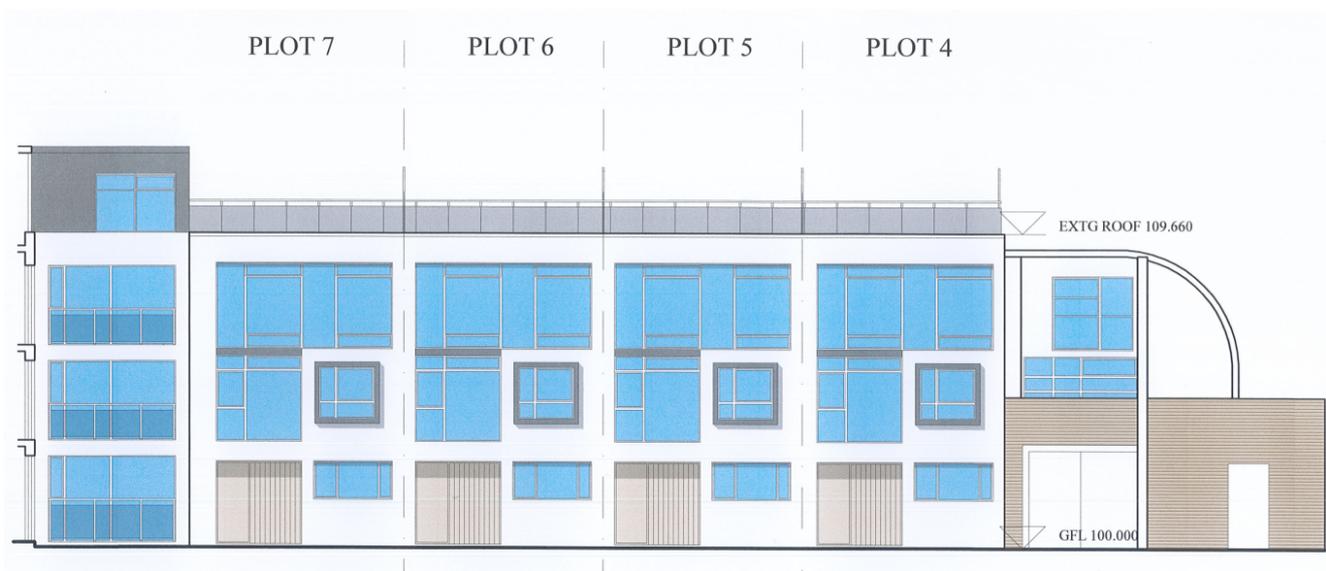


Image 8: Application site (blue marker) in context of East Canonbury Conservation Area (blue shading).



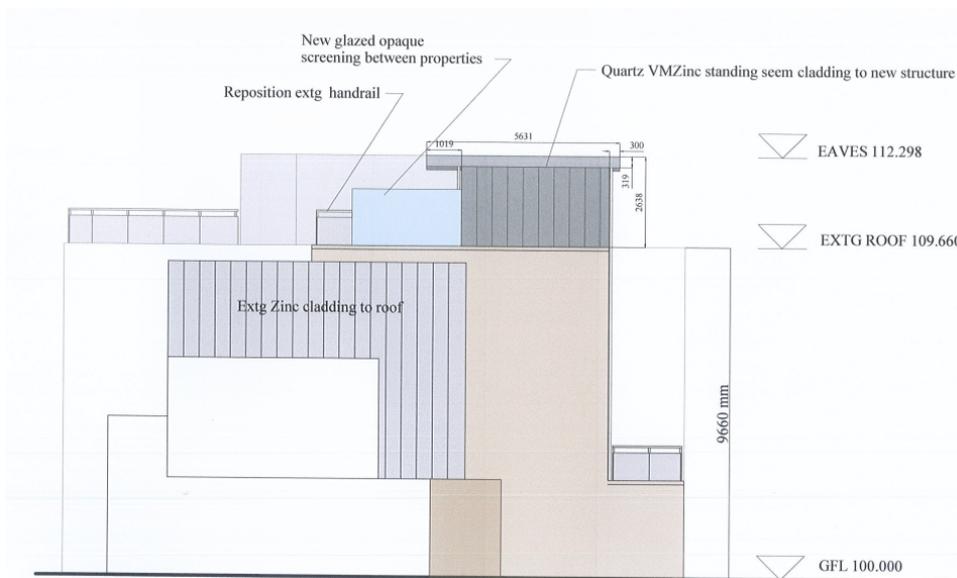
Drawing 1: Existing elevation facing south.



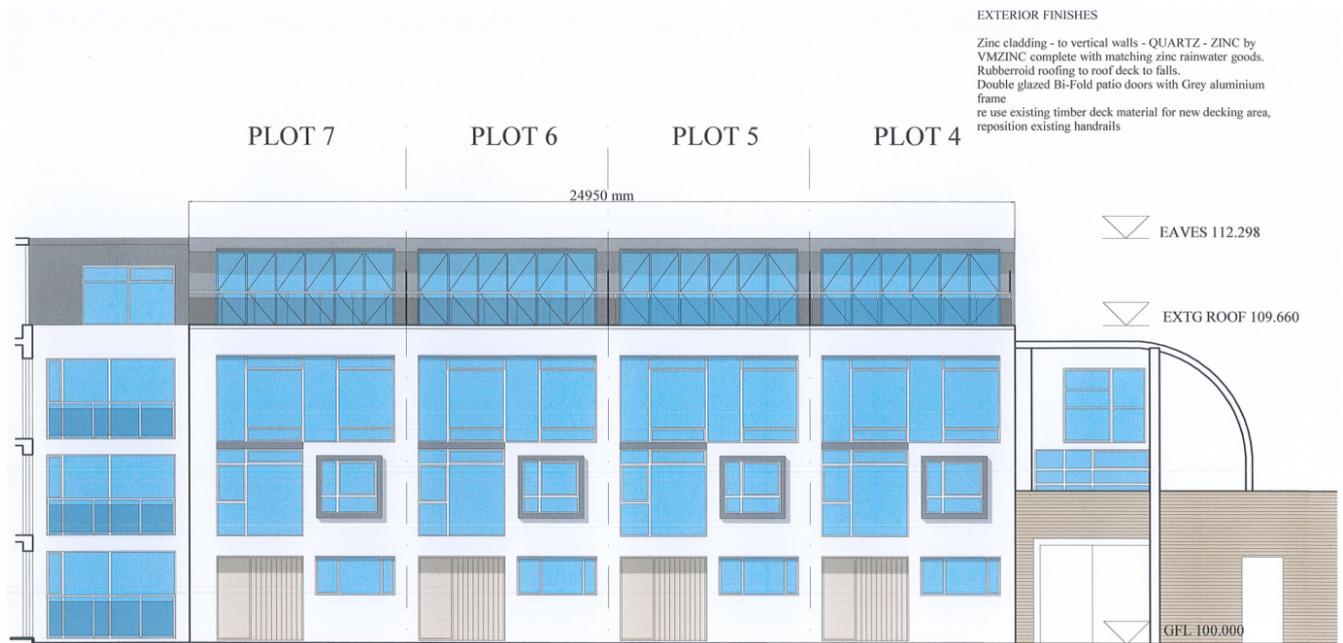
Drawing 2: Existing west elevation

10.10 The immediate and surrounding area is characterised as dense urban and residential with a range of architectural styles. No.s 41-43 Southgate Road which is directly adjacent to the site to the east is a 5 storey brick built building with zinc 5th floor, 45 Southgate Road is a 4 storey building with a stone exterior, 137 Downham Road is attached to No.45 and is of the same architectural detail consisting part 5 storey, part 6 storey (including lower ground floor level) building that extends around the junction of Southgate Road and Downham Road and is located north east of the site and built as one development. No.s 1 to 12 Downham Court is a post war red brick Council owned building located directly north of the site and is a 4 storey building with an outdoor communal area to the rear.

10.11 The application proposes the erection of a single storey roof extension that would span 24.95m across the existing terraced and roof of the development in total, measuring approximately 2.6m in height and 4.1m in depth set flush with the rear elevation of the four storey building, the development would result in a total height of 12.3m.



Drawing 3: Proposed east elevation



Drawing 4: Proposed south elevation



Drawing 5: Proposed north elevation

10.12 The extension when considering the surrounding buildings to the east and north east which consist of 4-6 storeys, would not be prominent when considered in the context of the the established height and form of adjacent buildings. The extension would meet with the zinc roof of 8-14 Park Place to the west and would form a consistent roofline with this property. Officers consider in line with the assessment from the Design and Conservation Officer, that the extension would result in a slightly taller height when viewed within the immediate context of Downham Court and Trafalger Point adjacent, however the extension would not be prominent from street level, by reason of it's height of 2.6m. Additionally, the extension would have a setback from the boundary adjacent Rosemary Gardens to the south by 11m, therefore minimising it's view from the gardens and from further views south-west and south-east. Officers also consider, that the greater height proposed overlooking the park would add greater natural surveillance which is welcomed in urban design terms and crime prevention.

10.13 In regards to the addition of the extension upon the roof of the main building, the proposed height and scale and materials that will be discussed further within the next section would not appear prominent and when read within the context of the existing design of the mews development would therefore not appear out of character, or at odds with the character of the area. Officers do not consider that the roof extension would cause any harm to the character and appearance of the East Canonbury Conservation Area that is located directly north and west of the site and the addition overall is therefore considered acceptable.

Appearance and Materials

10.14 Paragraph 131 of the NPPF (2019) states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

10.15 Paragraph 5.156 of the Urban Design Guide states that “Contemporary roof extensions, with a lightweight appearance such as glass and steel, comprise a vertical frontage and flat roof that is usually well set back behind the front parapet. They are most appropriate on relatively modern buildings.”

10.16 Nos 8-14 Park Place is located west and attached to the application building, and has an existing timber terrace similar to the application building, and a zinc clad 4th floor whilst 1-3 has a semi curved zinc clad roof.

10.17 In line with the comments from the Design and Conservation Officer, it is considered that the modern, predominantly glazed design is appropriate and in accordance with the guidance contained within the IUDG. The obscure screening would also not appear prominent within the street scene and would only be visible from the east and south. Officers also consider the zinc roof material to be reflective of the immediate site context. The existing streetscape is varied, and therefore there is no objection to the materiality of the extension in the view of mixed architecture locally.

10.18 Officers note that specific details regarding materials are limited. Therefore, a condition has been recommended requiring the applicant provide details of all facing materials for the approval of the Local Planning Authority prior to the commencement of construction.

Simultaneous construction

10.19 The proposal as described would be a continuous extension over the four properties. However, in order to ensure that this takes place to ensure the development is not piecemeal which would have an adverse impact on the appearance of the building and the character and appearance of the area a condition has been advised to ensure the development is constructed concurrently.

Neighbouring Amenity

10.20 All new development is subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. The proposal is subject to London Plan Policy

7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.

Overlooking and Loss of Privacy

- 10.21 Paragraph 2.14 of the Development Management Policies 2013 states that *'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.'*
- 10.22 In this instance, glazing is proposed within the south elevation of the proposed development, which is setback from the outer edge of the roof by 4.4m. No overlooking issues have been identified, whilst it should be acknowledged that the roof as existing is being used as a terrace amenity area and therefore there is an existing degree of authorised overlooking. The proposed extension would also inevitably reduce overlooking towards Downham Court and Trafalgar Point and it is not considered that the glazing would cause an unacceptable overlooking towards neighbouring properties given it faces towards Rosemary Gardens.
- 10.23 The proposed balustrade would be slightly re-positioned to the edge of the roof to the south, which would bring the balustrade closer to the communal courtyard and 8-14 Park Place. This balustrade is consistent with the terrace balustrade at 8-14 and has been authorised under planning application P061282 without compromising overlooking.
- 10.24 The proposed obscure screening to the east flank of no.7 Park Place at a height of 1.8m would screen views towards the properties within the upper levels of 45 Southgate Road and 137 Downham Road, which as detailed above would result in no overlooking to the north and east. The terrace would be enclosed with views only south towards Rosemary Gardens. The 1.8m screening between individual units would also mitigate overlooking between the units and is considered acceptable.

Outlook and enclosure

- 10.25 The proposed extension would be adjacent to the rear facing walls and upper floor windows of 45 Southgate Road, located to the east of the site, whilst the screening would be directly adjacent to 41-43 Southgate Road. Whilst this is noted, there is approximately 11m-12m spacing between the proposed extension and these properties, whilst the screening would be approximately 10m-11m from the rear elevations. When considering the angled siting of the application property to the adjacent buildings, greater heights and separation distances, it is not considered to cause demonstrable harm to neighbouring amenity by virtue of loss of outlook or enclosure. Additionally, officers note that the length of the extension at 5.6m (including overhang) would not be significant and at a height of 2.6m over the roof level would not be considered overbearing to the neighbouring properties.
- 10.26 To the opposing flank, the extension would meet with the fourth floor zinc roof of 8-14 Park Place and would therefore not impact on this neighbour and would be set back

from the south edge of the roof. When considering the separation distances to the properties at Downham Court (Approx. 23m) and Trafalgar Point (Approx. 15m-16m) no harm has been identified in this regard.

- 10.27 Overall, the proposal would not have a detrimental impact, outlook, privacy and overlooking and would therefore be in compliance with policies DM2.1 of the Development Management Policies 2013 and the guidance set out in the Urban Design Guide 2017.

Daylight and Sunlight

- 10.28 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours. A number of objections have been raised with regard to the impact of the proposed structure upon the levels of sunlight and daylight provided to neighbouring properties. The applicant has provided a Sunlight and Daylight analysis, which has assessed the impact of the proposal on the windows that could potentially be affected of the adjoining properties on:

- 1-12 Downham Court (north),
- 137 Downham Road, Trafalgar Point (north-north east),
- 41-43 Southgate Road (east),
- 8-14 Park Place (west-south-west).

- 10.29 **Daylight:** the BRE Guidelines stipulate that there should be no noticeable loss of daylight provided that either:

- the Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value (Skylight); or
- the daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of working plane area receiving light is measured, is not reduced by greater than 20% of its original value.

- 10.30 The results from both the VSC test and daylight distribution show that all windows tested are not reduced by greater than 20% of its original value (Skylight) nor are they reduced by greater than 20% of their original value in regards to daylight distribution. Therefore, the impact of the proposal upon access to daylight at the neighbouring properties on Southgate Road and Downham Road is considered to be acceptable in line with BRE Guidelines and recommended target values. Neither test is failed by any window or room.

- 10.31 **Sunlight:** the criteria within the BRE Guidelines advise that calculation of the annual probable sunlight hours (the amount of sun available in both the summer and winter for each given window) should be calculated for all windows which face within 90° of due south. In existing buildings, the BRE guide suggests that; *'If a living room or an existing dwelling has a main window facing 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window., then the*

sunlighting to the existing dwelling may be adversely affected. This will be the case if the centre of the window;

- *receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21st September and 21st March and;*
- *receives less than 0.8 times its former sunlight hours during either period and;*
- *has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.*

- 10.32 All windows within Downham Court have been tested and would meet the BRE guidelines, the windows of the properties at 41-43 Southgate Road and 8-14 Park Place do not face within 90° of due south, and therefore these have not been analysed, as per the BRE guidance.
- 10.33 Windows that also face within 90° due south are windows R1-R3 from ground floor to fifth floor at 137 Downham Road (Trafalgar Point). All windows pass annual probable sunlight for the year, meaning the windows would not receive less than 25% of annual probable sunlight hours, would not receive less than 0.8 times their former sunlight hours during either period and; would not have a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.
- 10.34 There are three windows that have been identified as not meeting the winter month requirements, these are W1/F01, W2/F01 and W3/F01 at first floor. The criteria for winter sunlight is a minimum of 5% APSH as set out within the Methodology section of the submitted report.
- 10.35 Window W1/F01 serves a Living Room and will go from 6% APSH to 4% APSH in the winter months, window W2/F01 serves a bedroom and will go from 5% APSH to 2% APSH in the winter months. The third window, W3/F01 serves a living room, the window will go from 4% APSH to 3% APSH. It would appear that window W1/F01 and window W2/F01 serve one flat, whilst W3/F01 would serve a living room for another residential unit.
- 10.36 Table 1 and 2 below highlights the daylight and sunlight impacts to accommodate the analysis for W1/F01, W2/F01 and W3/F01.

Table 1: Daylight Assessment

Daylight Assessment	F01 - W1	F01 - W2	F01 - W3
VSC – Existing	19.33	17.01	11.68
VSC – Proposed	18.20	16.14	11.05
PR/EX	0.94	0.94	0.94
Meets BRE Guidance	YES	YES	YES

Table 2: Sunlight assessment

Sunlight Assessment	F01 - W1	F01 - W2	F01 - W3
ANNUAL – Existing	45	40	25
ANNUAL – Proposed	43	37	24
PR/EX	0.95	0.92	0.96

Meets BRE Guidance	YES	YES	YES
WINTER – Existing	6	5	4
WINTER – Proposed	4	2	3
PR/EX	0.66	0.40	0.75
Meets BRE Guidance	NO	NO	NO

10.37 None of the windows (W1/F01, W2/F01 and W3/F01) have a reduction in sunlight received over the whole year greater than 4% of APSH from existing to proposed APSH, which is also considered acceptable under BRE guidance. When considering compliance with annual sunlight and compliance with BRE guidance in regards to VSC and daylight distribution, it is not considered that the proposal would cause unacceptable harm to the level of daylight and sunlight received by the windows of the existing properties on 137 Downham Road that are due south of the development in line with BRE Guidance.

Construction Noise

10.38 In order to ensure that management practices are implemented to ensure that the impact of construction on neighbouring residents is minimised, a condition has been recommended requiring the applicant to provide a Construction and Environmental Management Plan for the approval of the Local Planning Authority prior to the commencement of construction. The applicant has agreed to this requirement for a pre-commencement condition.

10.39 For the reasons above, and subject to the conditions recommended, it is considered that the proposed development would not unacceptably harm the living conditions of the occupiers of adjoining and adjacent properties. Accordingly, the proposal does not conflict with policy DM2.1 of the Development Management Policies 2013 or policy 7.6 of the London Plan 2016 insofar as they aim to safeguard residential amenity. The scheme would also adhere to the core principle of the National Planning Policy Framework, which is to always ensure a good standard of amenity for all occupants of land and buildings.

10.40 Officers are not of the opinion that the new terrace area would cause more or less noise in regards to the use of the terrace, when considering the existing use and the fact that the terrace size would be reduced in scale.

Amenity for existing units

10.41 It is acknowledged that the existing units at 4, 5, 6 and 7 are two and 3 bed units from the applicant's surveys. The proposal would result in the loss of amenity space by virtue of the loss of terrace area. In line with policy DM3.5, the properties would require between 7m² and 9m² maximum, the proposed terrace area left would comprise at least 26.50sqm complying with the requirements.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The principle of the development is considered acceptable and would provide an additional floor area for each residential property and its design would not appear out of character within the streetscene, nor would the development harm the adjacent East Canonbury Conservation Area and is considered conducive to the surrounding residential character and use which is varied in character. The extension is conditioned to be built out as one continuous extension to prevent unsightly gap-tooth development.
- 11.2 Overall, subject to conditions the proposal would not harm the character or appearance of the host building nor that of the surrounding area. The proposal accords with policies DM2.1 of the Development Management Policies 2013, policies CS8 and CS9 of the Core Strategy 2011 and the Urban Design Guide 2017.
- 11.3 It is considered that the development would not result in unacceptable loss of daylight or sunlight to the occupiers of adjoining residential properties having regard to the daylight and sunlight assessment against BRE guidelines. The proposal would not cause an unacceptable increase in enclosure levels, loss of outlook nor direct overlooking and would not regard have a detrimental impact upon nearby amenity levels taken as a whole and accords with Policy DM2.1.
- 11.4 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Location Plan, 100/100, 100/101, 100/102, 100/103, 100/104, 100/105, 100/106, 100/107, 100/108, 100/109, 100/110, 100/111, 100/112, Context document (undated; pages 1-7 4-7 Park Place) and Daylight & Sunlight Assessment (04/02/19).</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 (Details)
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) zinc cladding; b) window and door treatment (including sections and reveals); c) balustrading 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 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 standard and preserves the character and appearance of the Newington Green Conservation Area.</p>
4	Schedule of works

	<p>CONDITION: Notwithstanding the details submitted with the application, a 'schedule or works' outlining how the development will be built concurrently across no's 4-7 shall be submitted to the Local Planning Authority for approval prior to the commencement of development. The development shall then be carried out in accordance with an approved 'schedule of works'.</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 interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard and preserves the character and appearance of the adjacent Conservation Area and surrounding area.</p>
5	Construction and Environmental Management Plan
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance; f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works; g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.) h) Details of any proposed external illumination and/or floodlighting during construction, including positions and hours of lighting; i) Details of measures taken to prevent noise disturbance to surrounding residents; j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site; k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)

	<p>l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic at all times, including emergency service vehicles;</p> <p>m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and</p> <p>n) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.</p> <p>o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration.</p> <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.</p> <p>The demolition and development shall thereafter be carried out in accordance with the approved details and measures.</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 order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
6	Flat roof not used as amenity space (Compliance)
	<p>CONDITION: The flat roof area of the roof extension's hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
7	Terrace screening (Compliance)
	<p>The proposed obscure glazed screening proposed to the roof edge to the east of the development and proposed in between each unit (4-7) in accordance with the details noted on the plans shall be carried out prior to occupation of the terrace areas.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>

List of Informatives:

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

APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE

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

1. National and Regional Guidance

The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- NPPF (2019)

2. Development Plan

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

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

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.14 Improving Air Quality

Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

B) Islington Core Strategy 2011

Policy CS8 (Enhancing Islington's Character)

Policy CS9 (Protecting and Enhancing Islington's Character)

Policy CS10 (Sustainable Design)

Policy CS12 (Meeting the Housing Challenge)

Policy CS15 Open space and green infrastructure

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM3.3 Residential conversion and extensions

DM3.5 Private Amenity Space

Health and Open Space

DM6.3 Protecting open space

DM6.5 Landscaping, trees and biodiversity

Energy and Environmental Standards

DM7.2 Sustainable Design and Construction

3. Designations

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

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Urban Design Guide (2017)

East Canonbury Conservation Area
Guidelines (2002)

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		AGENDA ITEM NO : B3
Date:	16 th July 2019	NON-EXEMPT

Application number	P2019/0187/FUL
Application type	Full Planning Application
Ward	Holloway
Listed building	Nearby Grade II Listed Building (no. 451 Caledonian Road) 20m to the south east
Conservation Area	Nearby St Mary Magdalene Conservation Area 400m to the south east
Development Plan Context	<ul style="list-style-type: none"> - Kings Cross & Pentonville Road Core Strategy Key Area - Cycle Routes (Local) - Within 100m of SRN (Strategic Road Network) - Rail Land Ownership – National Rail Surface - Rail Land Ownership – TfL Tunnels - London Underground Zone of Interest - Article 4 Direction – office to residential - Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	No
Site Address	Highland House, 6 - 10 Market Road, London N7 9PW
Proposal	Rebuilding parts of the existing elevations including alterations to the existing fenestration, with new glazed entrance doors to the south elevation. Infilling ground floor car park to provide additional office accommodation and internal refurbishment and reconfiguration. Proposed roof terraces to first and second floors to rear elevation. Installation of new plant equipment and associated enclosures at roof level (following removal of existing roof level structures).

Case Officer	Daniel Jeffries
Applicant	SDI (Market Road) Limited
Agent	Ms Kate Outterside – DP9 Limited

1. RECOMMENDATION

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

- 1.1 The conditions set out in Appendix 1;

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET

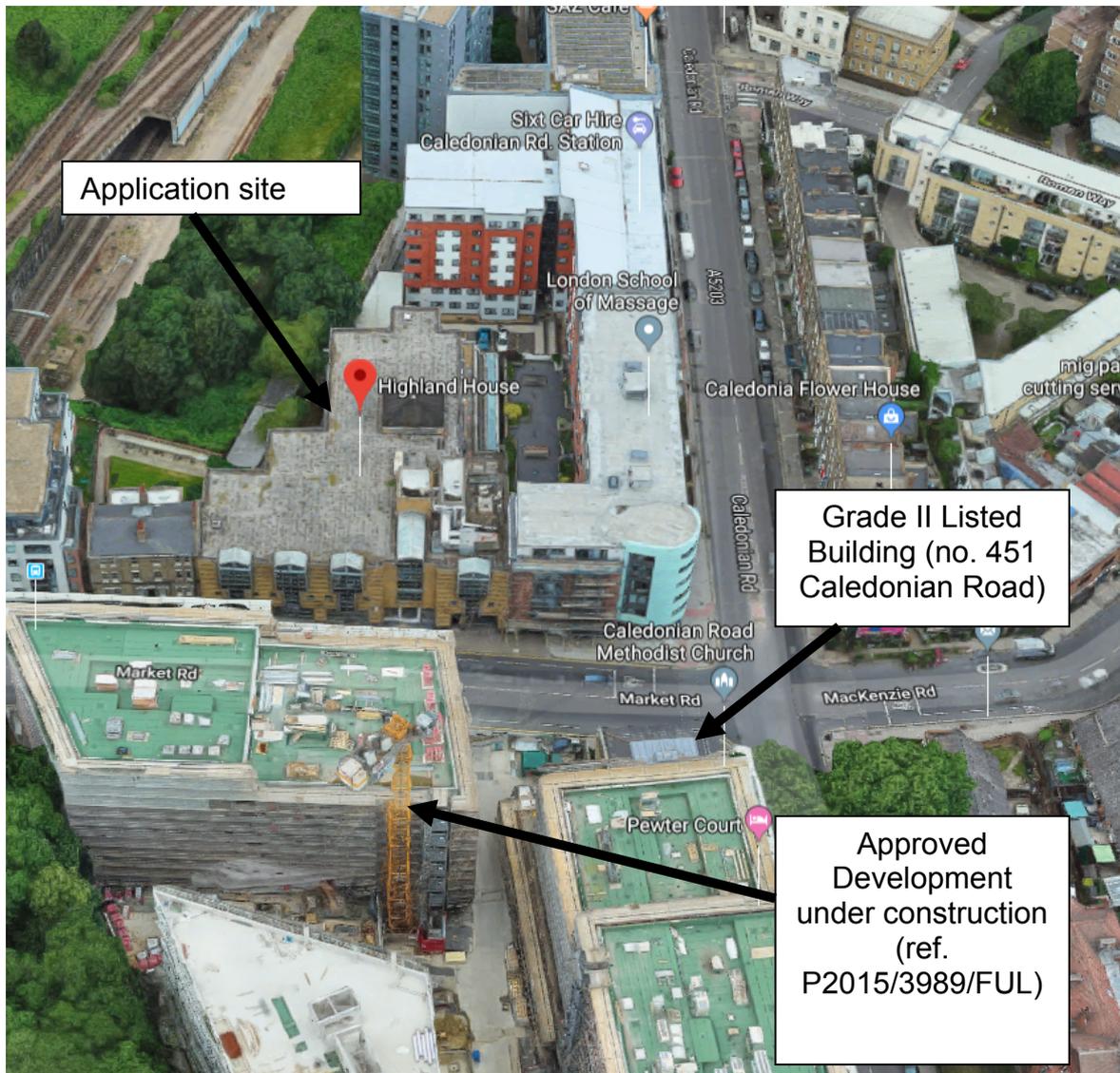


Image 1: Aerial view in northerly direction



Image 2: Photograph showing existing south elevation of host building and relationship with the streetscene in a westerly direction



Image 3: Photograph from top floor within nos. 453-455 Caledonian Road showing part of existing east elevation and roof level

4. SUMMARY

- 4.1 Planning permission is sought for alterations including the rebuilding of parts of the existing elevations (all building elevations). This would include alterations to the glazed entrance doors to the south elevation, and changes to the double height bay windows on the upper floors. The proposal would also result in an additional (104 sqm) of office floorspace by the infilling of the existing ground floor car park and

would also include internal refurbishment and reconfiguration of the existing building.

- 4.2 The proposal includes roof terraces at the first and second floors to the rear along the west, east and north elevations. However, due to the proximity to the residential properties, within nos. 453-455 Caledonian Road, a condition has been recommended to prevent the use of the proposed roof terraces along the east elevation. At roof level, the application proposes the installation of new plant equipment and an associated enclosure in the form of a metal screening, this is following the removal of existing roof level structures.
- 4.3 The issues arising from the proposal are the principle of the additional office floorspace in land use terms, design (including its impact on the setting of the Grade II Listed Building no. 451 Caledonian) its impact on amenity of neighbouring properties (noise, loss daylight/sunlight and privacy), as well as its acceptability in regard to sustainable design, inclusive design and the surrounding public highway network.
- 4.4 The proposed increase in office floorspace (104 sqm), as result of the loss of the ground floor car park, is considered to be compliant with the Council's policies.
- 4.5 The proposed façade changes would be an improvement on the existing situation and are considered to be in keeping with the character of the wider streetscene. The roof top plant enclosure has been designed so that it is restricted in height, and set away from the front elevation and from the nearest residential properties, meaning that it would not be readily visible from the public realm. It is therefore considered that the design of the proposal is acceptable and would preserve the setting of the Grade II Listed Building at no. 451 Caledonian Road. It is therefore compliant with Islington Core Strategy (2011) policies CS8 and CS9, policies DM2.1 and DM2.3 of the Development Management Policies (2013) and the Urban Design Guide (2017).
- 4.6 The proposal is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of light, outlook or increased sense of enclosure. The submitted Daylight/Sunlight Report has confirmed that the proposal would be compliant with BRE requirements in regards to any daylight/sunlight impacts on habitable windows to neighbouring properties, and any impact on the communal amenity space.
- 4.7 Following the submission of a Noise Impact Assessment in support of the application, the Council's Acoustic Officer has been consulted and subject to conditions is of the opinion the proposal would not result in any significant noise to neighbouring properties over and above the existing situation. Conditions have also been recommended to ensure that the noise levels comply with Islington's Development Management Policies (2013) acoustic requirements. It is therefore considered to be compliant with policy DM2.1 of Islington's Development Management Policies (2013).
- 4.8 In addition, conditions have been recommended relating to the removal of the existing crossover and the submission of Construction and Environmental Management Plan.

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

5. SITE AND SURROUNDINGS

5.1 The application site is a mid-terraced three storey building located to the north side of Market Road. The existing building comprises of 5,238 sqm (GIA) of office floorspace (B1 use) and is currently occupied by the charity Scope. The building, which slopes away to the east, was converted from a printworks into office use in the 1990s with Scope the sole occupier since its conversion.

5.2 The site includes an on-site car park (for 6 spaces) with cycle spaces at ground floor level which are accessed via Market Road from the south elevation. There is an additional vehicular access to an on-site loading bay from the south elevation, to the southeast of the site. The main pedestrian access to the building is also from Market Road to the south elevation, from the southwest of the site near the access to the car parking.

5.3 The surrounding area is predominantly residential with a mix of other uses, including commercial, student accommodation and ground floor retail. Positioned immediately to the east and west of the site there are a number of residential buildings, ranging from 4-6 storeys along the northern side of Market Road. The nearest residential properties are positioned adjacent, with no. 453-455 Caledonian Road, which is an L-shaped building with a communal garden, to the first floor roof, positioned along the east elevation. The east facing windows of these residential properties are 9m away from the shared boundary.

5.4 On the southern side of Market Road, to the south west is Market Road Gardens and Lumpy Hill adventure playground. To the south east, and on the corner of Caledonian Road, there is the Grade II Listed Building (no. 451 Caledonian Road). Adjacent to this Listed Building, and immediately to the south of the site there is a recently approved major development (ref. P2015/3989/FUL) which is currently under construction. This is a mixed use development and includes new buildings ranging from 1-11 storeys, as well as providing 252 residential units, in addition to a floorspace for a number employment, retail and community uses (B1a-c, A1-A3, and D1 uses). The approved development also incorporates a new central vehicular and pedestrian access route through the site from Market Road to Brewery Road.

5.5 Whilst the site is subject to a number of designations, the nearest conservation area, the St Mary Magdalene Conservation Area, is located 400m away to the south east. The site is also located within Kings Cross & Pentonville Road Core Strategy Key Area, and is subject to Article 4 directions restricting development, for office to residential and A1 to A2 uses. In terms of its transport designations, the site is within close proximity of cycle routes (Local), and within 100m of a SRN (Strategic Road Network). The site is also within close proximity to an area with rail land ownership, being national rail surface and TfL (Transport for London) tunnels and London Underground Zone of Interest, being within close proximity to existing rail tracks and the Caledonian Road London Underground Station.

6. PROPOSAL (in Detail)

- 6.1 Planning permission is sought to allow the rebuilding of parts of the existing elevations including alterations to the existing fenestration, with new glazed entrance doors to the south elevation. The infilling of the ground floor car park to provide additional office accommodation, and the internal refurbishment and reconfiguration throughout. The introduction of roof terraces and balconies to first and second floors to the rear elevation is also proposed, as well as the installation of new plant equipment and associated enclosures at roof level, as well as lift overruns.
- 6.2 In terms of the south elevation, which fronts Market Road, the proposal would result in changes to the windows and doors. The proposal would replace the irregular shaped overhangs with double height rectangular bay windows on the first and second floors. It would also alter the frontage at ground floor level, resulting in glazed panelled windows and doors underneath the projecting bay windows, as well as an emergency exit door and loading gate towards the east of the elevation. The other alterations to the existing façade include part of the existing buff brickwork being painted grey, and being part rebuilt with new brickwork which would also be grey in colour. The double height projecting bays and ground floor windows would use a curtain wall system, and the access gate would have a powder coated finish, and metal gates, all of which would be grey in colour.
- 6.3 The remaining north, east and west elevation would largely follow the proposed arrangement to the south elevation. The alterations would result in the painting and rebuilding of the existing brickwork, which would consist of both brickwork and glazed panels. The proposal would include balconies and roof terraces along the recessed elements of the first and second floors, along the north, east and west elevations. The roof terraces and balconies would benefit from metal balustrades, being grey in colour. A condition has been recommended to remove the proposed roof terraces along the east elevation at first and second floor level.
- 6.4 The proposal would result in the infilling of the existing ground floor car park used by the office employees, as well as a plant room. This is located towards the southwest of the building, and includes 6 no. car parking spaces and 15 no. cycle racks for 30 no. cycles. The proposal would result in the creation of 104 sqm of additional office floorspace, and the loss of all of these 6 no. car parking spaces.
- 6.5 At roof level the proposal would result in the installation of screening, which would enclose the proposed plant equipment, at roof level. The screening would be positioned towards the front of the building at roof level, being set back approximately 7m (alters due to the shape of front façade) from the front elevation, with the rear aligning with rear of the lift core, it would measure 2.6m in height, and would be constructed using metal PPC louvre screen and would be grey in colour. The specific details of the proposed plant equipment are yet to be provided, as this is dependent on the needs of the future occupier. The plant equipment is proposed to operate continuously, 24 hours per day. This is following removal of existing roof level and structures, including all existing plant bases, lift motor room, stair enclosure, coping to external wall, existing glazed atriums, and plant enclosure columns.

- 6.6 The proposal has been amended following officer's advice in relation to the extent of the plant enclosure at roof level. The plant screening has been reduced in height (by 0.725m) and the separation distance from the south (Market Road) by 1.2m, north (rear), and east (towards nos. 451-453 Caledonian Road) by 2.27m, and a total area of the enclosure has been reduced by 110 sqm in order to reduce its visibility. The area now proposed measures 230 sqm.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

6 and 10 Market Road

- 7.1 881279 - Redevelopment to provide a 3 storey B1 Business Use Class building. Approved with conditions on 07/02/1989.
- 7.2 891441 - Installation of canopy over main entrance and six flags attached to building at first floor level. Withdrawn on 18/05/1990
- 7.3 921281 – The installation of a steel canopy at fascia height. Approved with conditions on 08/03/1993
- 7.4 990032 - Erection of boundary fencing to rear of nos. 6-10 Market Road car park and courtyard area. Approved with conditions on 25/02/1999
- 7.5 P040969 - Relocation of front entrance and other minor alterations to front elevation. Approved with conditions on 21/06/2004
- 7.6 P080666 – Erection of plant at roof level. Approved with conditions on 13/08/2008.
- 7.7 P120562 - The installation of a galvanised freestanding safety handrail system for access to the roof area for periodic maintenance. Approved with conditions on 12/06/2012.
- 7.8 P121674 - Installation of air conditioning condenser plant at rooftop level. Approved with conditions on 21/09/2012.
- 7.9 P2017/4957/FUL - Refurbishment of existing office building and erection of two-storey roof extension with plant enclosure to provide additional office floorspace (Use Class B1); the external re-modelling of the existing building; infill of existing terraces and ground floor car park; re-location of main entrance at ground floor; provision of new cycle and refuse store and other associated works incidental to the development. Withdrawn on 06/02/2019.
- 423-425, 429-435 [odd] Caledonian Road; 1-11 Balmoral Grove; 4-6 [even] Brewery Road & Grove House 1 Market Road.
- 7.10 P2015/3989/FUL - Demolition of all existing buildings on site to provide a mixed use development within new buildings ranging from 1-11 storeys; providing 252 residential units [use class C3]; flexible employment [use class B1a-c]; flexible retail [use class A1-A3]; and community [use class D1] floorspace; together with the creation of a new central vehicular and pedestrian access route through the site from Market Road to Brewery Road and associated highway works; basement car parking; cycle parking; creation of a new pedestrian access into the site from Caledonian Road; and provision of open space and associated works of hard and soft landscaping. Approve with conditions and legal agreement on 09/08/2016. This development is currently under construction.

ENFORCEMENT

7.11 None

PRE-APPLICATION ADVICE:

7.12 Q2017/3702/MJR - Refurbishment, extensions and new street elevation to create additional office accommodation. Referred to Design Review Panel who were generally supportive of the principles of the proposed scheme. They did, however, raise a number of concerns and made a number of recommendations, which they felt should be addressed in order to enhance the proposal. Of particular importance was the treatment of the projecting bays to the remodelled Market Road elevation and the principle of painting the existing brickwork to this frontage, both of which require further consideration and justification. Also provided additional advice in relation to Energy requirements.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to 241 no. occupants of adjoining and nearby properties Caledonian Road, Sterling Way and Market Road on 7th February 2019, and site and press adverts were displayed. Following the submission of amended and additional information, relating to the reduction of the area of the plant enclosure as well as the height of the associated screening, additional consultation letters were sent on 23rd May 2019. The public consultation of the application expired on 6th June 2019.

8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report 6 no. objections in total had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- Design and impact on visual appearance of the area (paragraphs 10.5 to 10.17)
- Noise and disruption due to proposed plant equipment (to occupiers of no. 453 Caledonian Road) (paragraphs 10.40 to 10.44)
- Lack of detail of proposed plant equipment (paragraph 10.42)
- Hours of operation of the plant should be restricted to office hours (paragraph 10.32)
- Noise and privacy issues associated with roof terraces (paragraphs 10.38 and 10.39, and 10.44)
- Loss of daylight/sunlight to neighbouring properties, and communal garden (associated with nos. 453-455 Caledonian Road) as a result of the proposal, including plant enclosure screening, and any potential solid balustrades (paragraphs 10.16 to 10.36, and 10.38)

- Potential noise and disruption caused by construction traffic, (including blocking access to car park of no. 453 Caledonian Road) (paragraph 10.46)
- Requests reflective (rather than transparent) angled rooflight to improve daylight/sunlight to communal garden and that the goods lift is repositioned and reduce extent and height of plant enclosure at roof level (paragraph 10.60)
- Lack of bird and bat boxes/bricks (paragraph 10.50)

Internal Consultees

- 8.4 **Design and Conservation Officer:** raised no objections to the proposal.
- 8.5 **Pollution Officer:** raised no objections to the proposal, subject to conditions including the details of the plant equipment and sound levels and for a post mitigation installation report to be submitted.

External Consultees

- 8.6 **London Underground Zones of Interest:** confirms that they have no comment to make.
- 8.7 **Network Rail:** raised no objections to the proposal providing the applicant ensures that their proposal, both during construction and after completion of the works on site, does not impact their network. They have requested that the applicant is informed about a number including those relating to the future maintenance, drainage, use of plant and materials, scaffolding, piling, fencing, lighting and noise and vibration.

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.) and;
 - As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- 9.2 National Planning Policy Framework (NPPF): Paragraph 11 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 8 the NPPF states: “that sustainable development has an economic, social and environmental role”.
- 9.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.6 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.
- 9.7 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.

Development Plan

- 9.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.11 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:
- Kings Cross & Pentonville Road Core Strategy Key Area
 - Cycle Routes (Local)
 - Within 100m of SRN (Strategic Road Network)
 - Rail Land Ownership – National Rail Surface
 - Rail Land Ownership – TfL Tunnels
 - London Underground Zone of Interest
 - Article 4 Direction – office to residential
 - Article 4 Direction A1-A2 (Rest of Borough)
 - Nearby Grade II Listed (no. 451 Caledonian Road) 20m to the south east

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

- Land use
- Design and Conservation
- Neighbouring Amenity including sunlight/daylight and noise
- Sustainability
- Inclusive Design
- Highways

Land use

- 1.1 The host building consists of 5,238 sqm (GIA) of existing office floorspace, which consists of an internally located car park at ground floor. This car park currently in sole use by the current occupiers of the office building. Therefore, whilst the proposal would result in an increase in the use part of the ground floor being used as an office (104 sqm), the proposal would not result in any change of use of the building as this is an ancillary car park, associated with the function of the use of the building. However, Islington Core Strategy (2011) policy CS6 confirms that the King's Cross area is expected to accommodate growth in jobs from B-use floorspace.
- 1.2 Notwithstanding the above, the removal of the existing ground floor car park would comply with policy requirements of Part B of Policy DM8.5 relating to non-residential parking. It notes that *parking will only be allowed for non-residential developments*

where this is essential for operational requirements and therefore integral to the nature of the business or service.

- 1.3 Given that the policy also confirms that *normal staff parking will not be considered essential and will not be permitted*. Given the existing car parking is used as a staff car park, the loss of this area for parking is considered compliant with this policy, and acceptable in land use terms, subject to all other material considerations.

Design and Conservation

- 1.4 The site is not located within a conservation area, and the nearest conservation area is St Mary Magdalene Conservation Area (400m away). However, the site is within close proximity to a Grade II Listed Building (no. 451 Caledonian Road) being 20m to the south east. Therefore, the proposal is required to pay special regard to the statutory duty (S66 (1)) for the preservation or enhancement of this heritage asset. 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) CS6 and CS9, and the guidance found within the Urban Design Guide (UDG) 2017.
- 1.5 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’.
- 1.6 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’.
- 1.7 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’.
- 1.8 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. The proposal includes a number of different elements which are assessed below.

Rebuilding and alterations to fenestration of existing elevations

- 1.9 Paragraphs 5.89 to 5.130 of the UDG provides advice in relation to elevational treatment to buildings. On a general basis it recommends that the elevation must work in terms of its relationship to its neighbours, to the public realm and its own architectural integrity. To deliver a successful design, consideration needs to be given to a range of detailed design elements including:
- Defining the roofline.
 - Treatment of the ground floor.
 - Appropriate articulation of fenestration.
 - Passive design principles such as solar shading.
 - Choice of materials/detailing

- 1.10 Paragraphs 5.91 to 5.98 of the UDG provides more specific advice in relation to fenestration design, noting that *'windows are a key component of the façade that help define a building's character and their arrangement is an important element in breaking down the scale of building frontages. Care needs to be taken to ensure that the windows are of an appropriate scale to the façade and that windows in the façade have some relationship with each other'*.



Image 4: Proposed south elevation fronting Market Road

- 1.11 In terms of the proposed works to the façade of the south elevation, which fronts Market Road. Views are possible from the public highways of Market Road, and the junction with Caledonian Road and McKenzie Road to the east, and to the south further along Caledonian Road.
- 1.12 The proposed alterations to the existing fenestration are considered to be in keeping with the wider streetscene. The projecting double height windows are considered to provide the front elevation with a more consistent appearance and an improvement of the existing situation, removing the overly small windows that fail to offer rhythm to the elevation. The proposed rebuilding and painting of the existing brickwork to be grey in colour is considered to be acceptable, given the surrounding buildings which are relatively contemporary in nature. The other external alterations to the facades, to the north, east and west elevations, whilst not visible from the public realm would be visible from the adjacent residential properties, and the existing external communal area associated with no. 453-455 Caledonian Road. The proposed façade alterations are limited in their scope and refresh its appearance than altering it any substantial way, with the proposal largely retaining its existing solid to void ratio, and is considered to be acceptable, and provide the building with a consistent visual appearance.

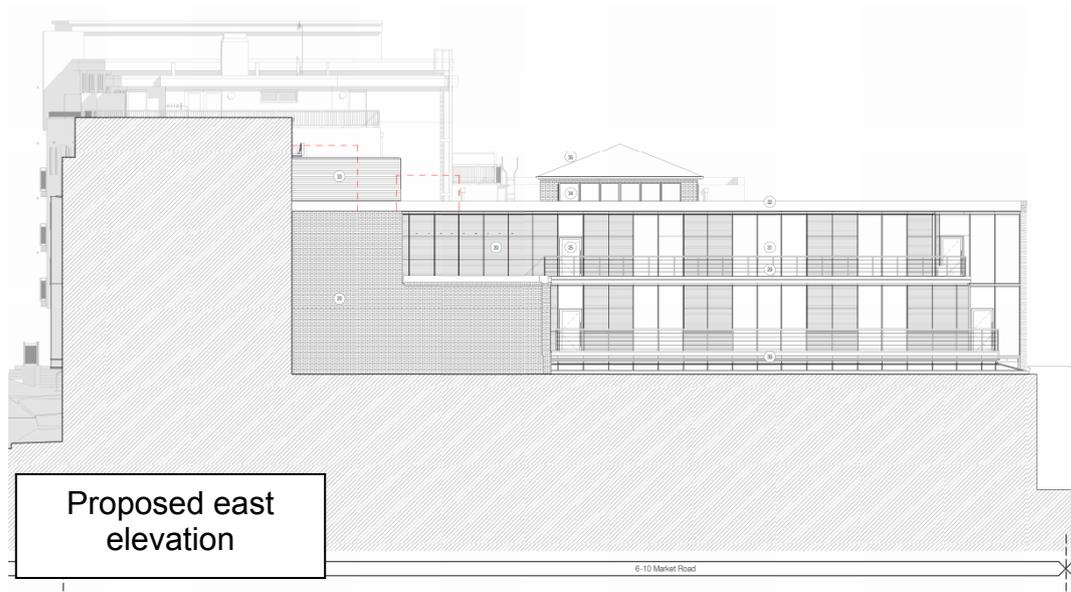


Image 5: Proposed east elevations

Roof terraces and balconies

- 1.13 Paragraphs 5.171 to 5.173 of the UDG provide advice in relation to the design considerations for proposed roof terraces and balconies. It advises that when considering the introduction of a roof terrace or balcony, the main considerations should be:
- The scale and visual prominence.
 - The impact on the established townscape and architectural style.
 - The impact on neighbouring properties (overlooking and visual amenity).
- 1.14 The proposed roof terraces and balconies would be located to the rear of the host building, along the first and second floors along the east and north elevations, and within recessed corners, to the north and west elevations at first floor, as well as a terrace at lower ground floor. In terms of the principle of a roof terrace on the host building the drawings associated with the approved application for plant equipment showing the second floor area, to the east and north elevation, as an existing roof terrace (Ref. P121674).
- 1.15 Notwithstanding these drawings, planning permission has not been granted for their use, and therefore their acceptability should be assessed against the criteria set out with paragraphs 5.171 and 5.173 of the UDG. Whilst all of the roof terraces and would not be visible from the public realm, it is important to consider the visual impact from private views. The roof terraces and balconies would be highly visible from the residential flats immediately opposite and adjacent, within nos. 453-455 Caledonian Road, being 9m and 7m respectively, and the associated communal area. Any views of the other roof terraces to the north and west elevations would largely be obscured due to their position and relationship with neighbouring properties. However, the acceptability of the proposed terraces would be dependent on the amenity impact of this close relatively close relationship.
- 1.16 However, whilst none of the terraces and balconies would be visible from the public realm it is important to consider the visual impact from residential properties,

particularly the east elevation where clear views would be possible from the residential flats and communal garden associated within nos. 453-455 Caledonian Road. As such a condition has been recommended for the removal of the proposed east roof terraces at first and second floor levels, given their close proximity to neighbouring properties.

Roof level plant and enclosure

- 1.17 Paragraphs 5.182 to 5.185 provide design advice in relation to building service and equipment. It notes that any plant or machinery associated with the operation of a commercial flue should be located within the building if possible. If it is necessary to install plant on the outside of the building, it should be located at a low level (preferably within a courtyard or rear garden area) and either obscured from view by existing structures such as parapet walls or housed within a suitably designed enclosure.
- 1.18 The proposal would result in the use of an area at roof level for the proposed plant equipment. Whilst specific details of the amount and type of plant equipment proposed has not been provided, as the applicant has confirmed that this will be dependent on the needs of the future occupier of the building, the proposal seeks to erect a screen to enclose the plant area, which would contain any future plant equipment.

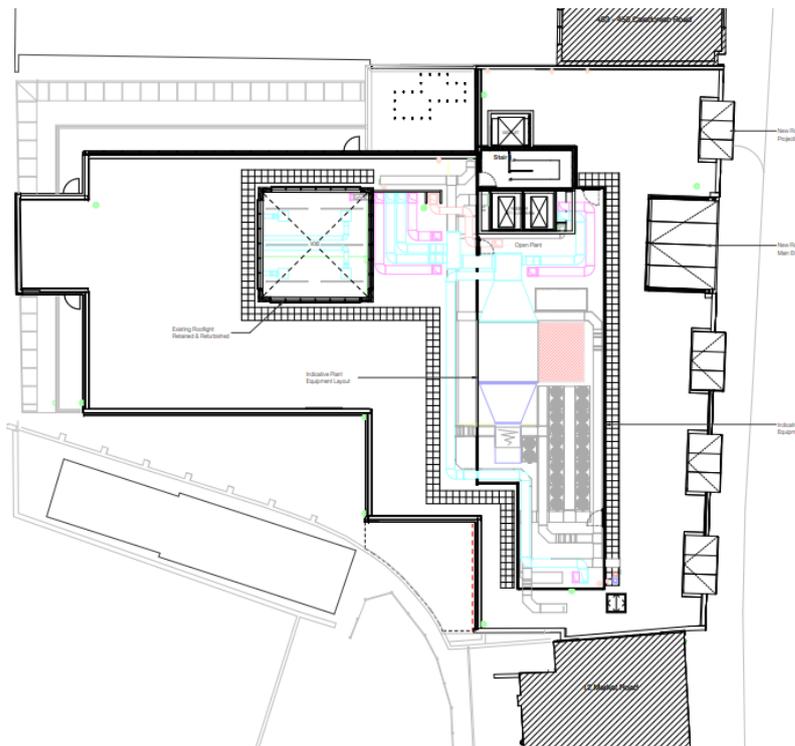


Image 6: Roof Plan showing proposed plant enclosure

The host building has a number of roof level structures, including the lift and stair overrun, a large projecting rooflight, as well as plant equipment which has already been approved (some of which would be removed including all existing plant bases, lift motor room, stair enclosure, coping to external wall, existing glazed atriums, and plant enclosure columns). The acceptability of the additional roof level plant and

associated enclosure is dependent on the impact on the surrounding area, including the streetscene.

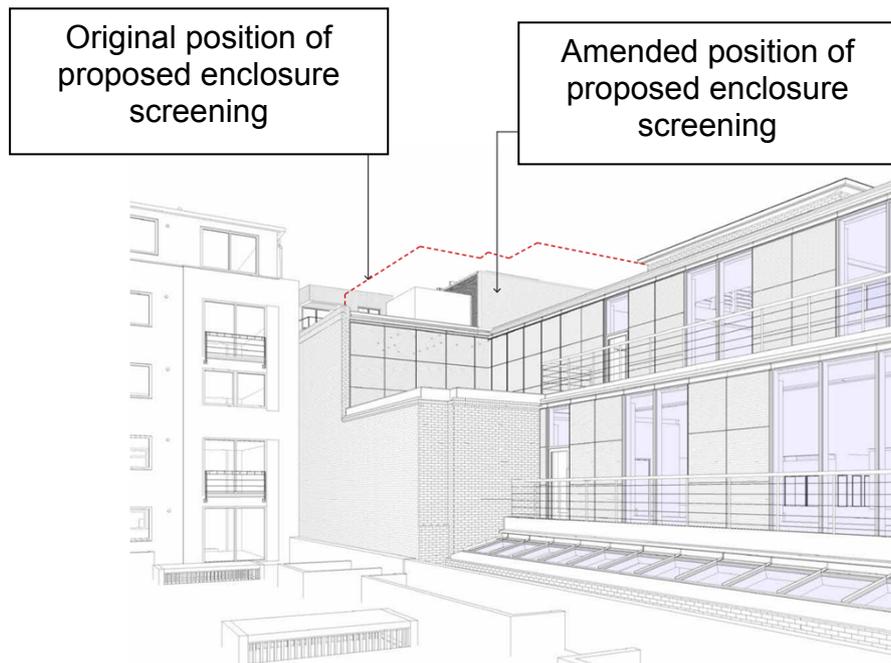


Image 7: Visual drawing showing the east elevation in a southerly direction from the communal amenity space associated with nos. 453-455 Caledonian Road

- 1.19 Private views are afforded from nearby residential properties, views from the east would largely be obscured given its position adjacent to the existing lift overrun, from the east. The views from the west, would be largely obscured by the roof of the adjacent property, no. 12 Market Road.



Image 8: Visual drawing showing south elevation along Market Road, towards the junction with Caledonian Road

- 1.20 The proposed enclosure screen would be visible from the streetscene. However, given the restricted height at 2.6m and the setback of the screening (approximately 7m) from the south elevation along Market Road, views would be limited to small sections of the top of the enclosure, from between the recessed elements of the front façade.

- 1.21 This includes the assessment of the impact of the approved, and currently under construction, mixed use development opposite (ref. P2015/3989/FUL). The development is immediately to the south of the site and immediately opposite, to the south side of Market Road, and consists of single to 11 storey buildings that is currently under construction and includes a pedestrian and vehicle access route, connecting Market Road and Brewery Road.

Setting of the Grade II Listed Building

- 1.22 The application site is located within the setting of the Grade II Listed Building (no. 451 Caledonian Road) which is located 20m away to the south east, and on the south west corner of Market Road and Caledonian Road. As noted above, the proposal is required to preserve the visual appearance and historic character of this heritage asset.
- 1.23 The proposed external alterations to the existing elevations are considered to be in keeping with the visual appearance of the wider area, and would be an improvement of the existing situation, in terms of relationship with the properties along Market Road. The height and setbacks are considered to ensure that the proposed plant enclosure screening would be largely obscured from views when inside or immediately adjacent to the listed building. Furthermore, the proposed roof terraces and balconies would be located towards the rear of the building away from this building and any views from the public realm. In addition, a condition has been recommended to ensure that the materials used in the proposal would be submitted and approved in writing.
- 1.24 Therefore, it is considered that the proposed elevation changes would preserve the visual appearance and historic character of the setting of this Grade II Listed Building (no. 451 Caledonian Road).
- 1.25 Overall, given the above assessment that the proposal would preserve the visual appearance and historic character of the host building and the setting of the nearby Grade II Listed Building (no. 451 Caledonian Road), and is considered acceptable in design terms.

Neighbouring Amenity including Noise

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

promoting new technologies and improved practices to reduce noise at source and on the transmission path from source to receiver.

- 10.15 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

BRE Guidance: Sunlight and Daylight

- 10.16 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.

- 10.17 BRE Guidelines (2011) paragraph 1.1 states: "People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by". Paragraph 1.6 states: "The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design...In special circumstances the developer or local planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings".

BRE Guidance: Daylight to existing buildings

- 10.18 The BRE Guidelines stipulate that the diffuse daylighting of the existing building may be adversely affected if either:

- the VSC (Vertical Sky Component) measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value (or reduced by more than 20%), known as "the VSC test".
- the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value (or reduced by more than 20%), known as the "No Sky Line" (NSL) or "Daylight Distribution" (DD) test.

- 10.19 At paragraph 2.2.7 of the BRE Guidelines it states:

"If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time."

- 10.20 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 10.21 At paragraph 2.2.8 the BRE Guidelines state: “Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the ‘no sky line’ in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside”.
- 10.22 Paragraph 2.2.11 states: “Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.” The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.
- 10.23 The BRE Guidelines at its Appendix F gives provisions to set alternative target values for access to skylight and sunlight. It sets out that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. An example given is: “in a mews development within a historic city centre where a typical obstruction angle from ground floor window level might be close to 40 degrees. This would correspond to a VSC of 18% which could be used as a target value for development in that street if new development is to match the existing layout”

BRE Guidance: Sunlight to existing buildings.

- 10.24 The BRE Guidelines state in relation to sunlight at paragraph 3.2.11: “If a living room of an existing dwelling has a main window facing within 90 degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected.” 10.40 This will be the case if the centre of the window:
- Receives less than 25% of annual probable sunlight hours (APSH), or less than 5% of annual (winter) probable sunlight hours between 21 September and 21 March (WPSH) and;
 - Receives less than 0.8 times its former sunlight hours (or a 20% reduction) during either period and;
 - Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

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

“A south-facing window will, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and westfacing windows will receive sunlight only at certain times of the day. A

dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit.”

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

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

10.27 The nearest residential properties to the host building are located immediately adjacent, being the self-contained flats within nos. 453-455 Caledonian Road and 12 Market Road, to the east and west respectively.

10.28 In this instance, the proposed external facades and the alterations associated with the roof terraces are not considered to result in any additional amenity issues in terms of any loss of daylight/sunlight or outlook to neighbouring properties.

10.29 Notwithstanding the above, a Daylight and Sunlight Assessment has been submitted of the application. The report has assessed the impact of the development to all neighbouring residential properties using the VSC (Vertical Sky Component), Daylight Distribution and APSH (Annual Probable Sunlight Hours) tests as recommended by the BRE guidance. The report has assessed the impact on the residential properties found within nos. 453-455 Caledonian Road, nos. 457-463 Caledonian Road, nos. 1-9 Market Road, no. 12 Market Road, and no. Xchange Point, 14-22 Market Road.

10.30 The submitted report, which has assessed the whole of the proposal including the goods lift, has identified that all windows tested meet the BRE Guidelines in terms of VSC and Daylight Distribution. The VSC assessment has identified that the facing windows of nos. 1-9 Market Road and 453-455 Caledonian Road to the south and east of the site, respectively, are located very close to the proposed development and are the most sensitive to any change in massing on the development site. The assessment has shown that the largest reduction in daylight levels for nos. 453-455 Caledonian Road is 4.2%, relating to a second floor bedroom, whereas for nos. 1-9 Market Road the largest reductions relating living/kitchen/dining areas at first (7.7%) and second floor (7.4%). The BRE guidance suggests anything less than 20% would not be noticeable to occupants, this loss is considered acceptable.

10.31 In terms of Daylight Distribution, the submitted report has identified that whilst all of the windows and rooms tested achieve the BRE guidelines criteria. In terms of nos. 453-455 Caledonian Road, the biggest losses can be found within a second floor kitchen (7.5%) and a first floor kitchen (6.4%) and bedroom (5.9%). The 2 no. habitable windows within no. 1-9 Market Road to the south would result in a loss to 2 no. bedrooms at first floor (12.6% and 5.5%).

10.32 It is noted that all of the windows and rooms tested achieve the criteria set within the BRE Guidance in terms of VSC and Daylight Distribution (NSL).

Sunlight

- 10.33 In terms of loss of sunlight, the applicant has undertaken Annual Probable Sunlight Hours (APSH) testing against BRE Guidance. It is recommended within BRE Guidance that windows should not receive less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March (winter). It also mentions that windows should not receive less than 0.8 times its former sunlight hours during either period or have a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours. The guide suggests that sunlight is most important in main living rooms and that kitchens and bedrooms are less important. Furthermore, only windows which face within 90 degrees of due south are relevant for consideration.
- 10.34 The report has identified that all of the neighbouring properties that have windows within 90 degrees of due south will receive very little impact to sunlight and all retain the existing levels in excess of the BRE recommendations.
- 10.35 The submitted Daylight/Sunlight Report has not provided any assessment of the existing communal garden associated with nos. 453-455 Caledonian Road. However, given the proposed setbacks from the shared boundary of the proposed rooftop plant enclosure and associated structures, and the relationship with the height of the surrounding existing buildings, it is considered that the proposal would have an acceptable impact in comparison to the existing situation.
- 10.36 Overall, it is considered that the daylight/sunlight testing undertaken by the applicant demonstrates that the proposed development at nos. 6-10 Market Road will not cause unreasonable harm to the amenities of neighbouring occupiers in terms of loss of daylight and sunlight.

Privacy

- 10.37 The alterations to the existing facades, as well as the plant enclosure at roof level, are not considered to result in any loss of privacy to neighbouring properties over and above the existing situation.
- 10.38 The nearest residential properties to the proposed roof terraces at first and second floor are nos. 453-455 Caledonian Road to the east, and no. 12 Market Road to the west, which are both positioned immediately adjacent. The existing communal garden associated with nos. 453-455 Caledonian Road is positioned between the shared boundary and immediately opposite the main part of the east elevation of the building, measuring 9m. rear and south elevations could result in additional privacy issues. It is acknowledged that nearest flat to the roof terraces is located approximately 7m away, views from this amenity space into the existing windows are largely obscured by the shape of and relationship with the host building. The roof terrace at first floor towards the west elevation also benefits from a similar relationship, being located at the same distance away and in a recessed area of the building, which is considered to obscure views.

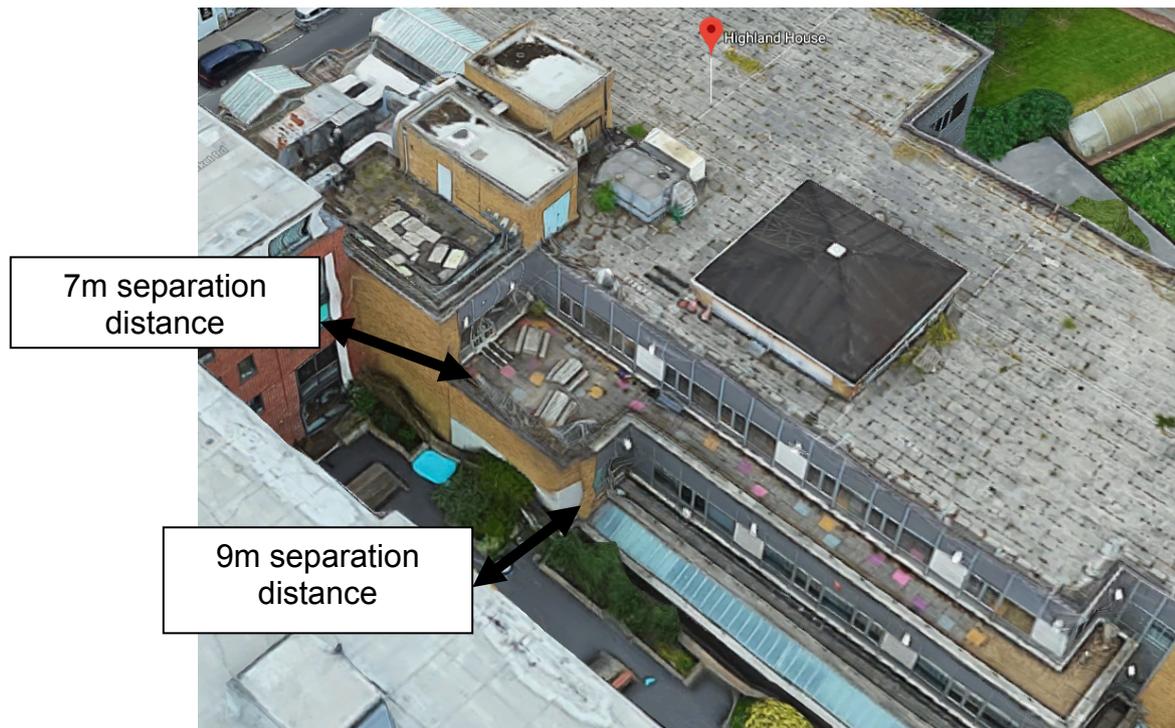


Image 10: Aerial photograph showing east elevation

10.39 Notwithstanding the above, a condition has been recommended in relation to details of proposed balustrades to ensure this element of the proposal would not result in any significant overlooking issues. A condition has also been recommended to remove the proposed east roof terraces at first and second floor levels. No planning permission has been given for establishment of the use of the roofs as amenity areas or terraces and the condition to remove the proposed east roof terraces at first and second floor levels is considered necessary given the close relationship of the site to the neighbouring properties.

Noise

10.40 The application was accompanied by the submission of a Noise and vibration planning report (ref. 17443-R02-C) produced by Sandy Brown and dated 10th January 2019. This report was carried out to determine the existing background and ambient sound levels in the area, and to set the appropriate plant noise limits in line with the requirements of the Council.

10.41 The report has identified all plant must be designed such that the cumulative noise level at 1 m from the worst affected facade of the nearby noise sensitive premises that face towards the railway does not exceed LAeq 39 dB during the daytime and LAeq 37 dB during the night. For the facades that overlook Market Road noise egress from building services should not exceed LAeq 45 dB during the daytime and LAeq 35 dB during the night.

10.42 The specific details of the plant equipment will be dependent on the needs of the future occupier of the host building, and a condition has been recommended for the submission and approval of their details. However, the applicant has provided information in relation to the type of plant equipment proposed within the enclosure,

including air handling units, gas fired VRF units, toilet extract fan unit and control panel GRP enclosures. This equipment varies in height between 2.35m to 2m and would sit within the enclosure, which would help mitigate the noise, as well as the visual impact of the proposal.

- 10.43 Concerns have been raised in relation to the proposed hours of use of the plant equipment. Whilst the applicant seeks to use the equipment continuously, 24 hours a day, a condition has been recommended to restrict their use to 0800 to 2000 hours, Monday to Friday only, which is consistent with the restrictions associated with the existing approved (ref. P121674) plant at roof level. Furthermore, the review of the submitted report by the Council's Pollution (Acoustic) Officer concluded that there are no objections to the proposal, subject to conditions in the event that the application was approved. These conditions relate to the sound levels and for a post mitigation installation report to be submitted to demonstrate compliance.
- 10.44 In addition to the above, it is noted that the proposed roof terraces may result in increased noise to surrounding area. As such conditions are recommended to restrict the hours of use of these areas between 900 hours to 1800 hours, Monday to Saturdays only, to protect the amenity of neighbouring properties.
- 10.45 It is therefore considered that given the comments received by the Council's Pollution Officer, and recommended conditions relating to the specific details of the plant equipment, restriction of noise levels, post installation mitigation report, the requirement of the installation of the acoustic louvres prior to the operation of any plant, are considered acceptable.
- 10.46 In addition, especially given the other development in the area and in order to minimise noise and disruption during the construction period, and associated impacts on the local highway network, a condition has been recommended to secure a Construction and Environmental Management Plan prior to the commencement of the development.
- 10.47 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.

Sustainable Design

- 10.48 Policy DM7.1 seeks to ensure development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development.
- 10.49 The application has identified a number of matters to ensure that the development uses passive and low energy demand and minimise CO2 emissions followed by the application of low carbon technologies. It is considered that the proposal is acceptable in this regard, and a condition has been recommended to ensure that these measures are implemented in full (including providing a high degree of thermal insulation within the new walls, floor and roof areas, mechanical supply and extract ventilation with integral high efficiency heat recovery, high efficiency air source heat

pumps, low building air leakage rate, low energy LED lighting, automatic lighting control system with occupancy and daylight dimming controls, and building management system to provide energy efficiency controls).

- 10.50 A letter of representation has raised concerns relating to the lack of bat and bird nesting boxes and bricks. A condition has been recommended to ensure this is included within the development.

Inclusive Design

- 10.51 Policy DM2.2 seeks to ensure all developments provide for ease of and versatility in use and deliver safe, legible and logical environments.
- 10.52 The host building benefits from level access to all floors, with 2 no. new lifts (4 no. in total), as well as accessible WC's to all floors. It is acknowledged that the loss of the existing car park would result in the building being less accessible for disabled persons. However, there are 4 no. disabled car parking spaces to the front of the building. The site is also in a highly accessible location, with very good levels of public transport. Overall, it is considered to be acceptable in providing accessible accommodation to future occupiers.

Highways

- 10.53 The site is in a highly accessible area with very good (PTAL – 5) levels of public transport accessibility. The site is within walking distance to Caledonian Road Underground Station, and there are a number of bus routes in close proximity to the site.
- 10.54 Development Management Policy DM8.4 (Walking and cycling), Part D requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, stepfree and accessible cycle parking.
- 10.55 Appendix 6 of the Development Management Policies (2013) requires 1 cycle storage space per 80 sqm of office floorspace, which would mean that a minimum of 66 no cycle spaces. The proposal would result in provision at basement level for 69 no. cycle storage spaces, including 3 no. accessible bays, 2 no. mobility scooter spaces. A condition has been recommended to ensure this is provided.

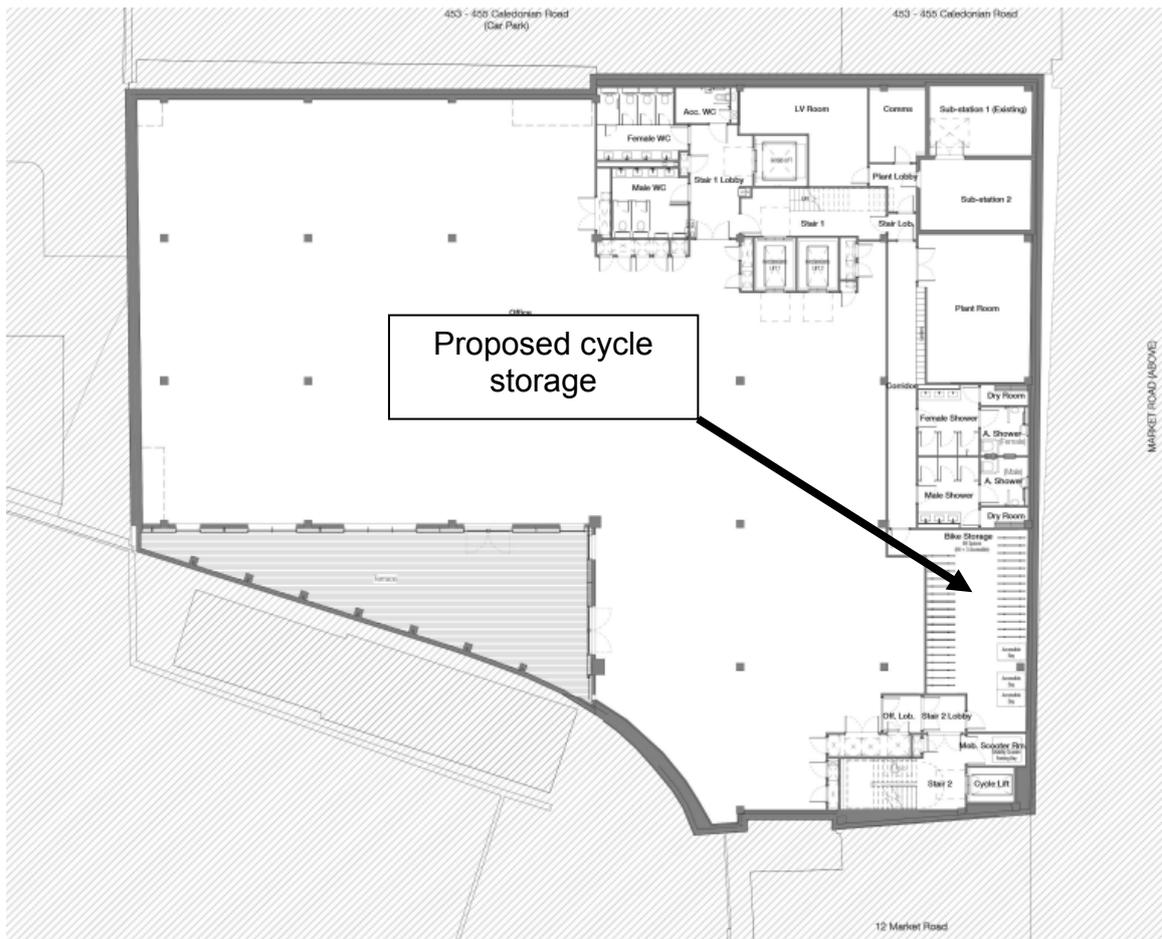


Image 11: Proposed lower ground floor plan

- 10.56 As noted above, the proposal would result in the loss of the existing car park, whilst this is compliant with the Council’s car-free development policies, it would result in the host building less accessible for disabled users. However, as noted in the Inclusive Design assessment above, there are 4 no. disabled parking bays along Market Road near the entrance. The application site is also in a highly accessible location for public transport provision.
- 10.57 The applicant has confirmed proposed servicing and refuse collection arrangements are that the majority of deliveries will be undertaken from the on-site loading bay which can accommodate up to a 4.6 tonne Panel Van. Larger vehicles would make use of the single yellow line on the site frontage. Also waste will be stored in a dedicated area at ground floor level and will be collected from the kerbside of Market Road, as per the existing situation. Given the nature of the office use, which would retain the existing servicing and refuse collection arrangements, the additional floorspace (104 sqm) is not considered to result in any significant additional requirements, over and above the existing situation.
- 10.58 The existing vehicular access at the southeast of the building will be closed as part of the development, and the applicant has confirmed that the existing crossover will be removed with the footway reinstated. It is anticipated that these works will be secured by a Section 278 agreement and such a condition has been recommended so that the existing crossover would be removed prior to the occupation of the additional office floorspace.

Other Matters

- 10.59 As part of the consultation for the application, Network Rail identified a number of matters relating to the nearby railway track. An informative has been recommended to make the applicant aware of these comments.
- 10.60 The letters of representation raised alternative proposals and suggested changes. The assessment of the application is based on the submitted details by the applicant and its acceptability against adopted policy guidance and other material considerations.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 Planning permission is sought for alterations including rebuilding of parts of the existing elevations of the host building. This would include alterations to the glazed entrance doors to the south elevation, and changes to the upper floors. The proposal would also result in an additional 104 sqm of office floorspace by the infilling of the existing ground floor car park and would also include internal refurbishment and reconfiguration throughout.
- 11.2 The proposal also includes roof terraces to first and second floors. At roof level, the application proposes the installation of new plant equipment and associated enclosure in the form of a metal screening, this is following removal of existing roof level structures.
- 11.3 The application is brought to committee because of 6 no. objections received, raising valid planning matters and previous Member interest in the site.
- 11.4 The issues arising within consultation responses include the design of the proposal, its impact on amenity of neighbouring properties, in terms of loss of daylight/sunlight and privacy, noise impacts, as well as the impact on the surrounding area during the construction period, including noise and disruption.
- 11.5 The proposed increase in office floorspace, as result of the loss of the ground floor car park, is considered to be compliant with the Council's policies. In addition, conditions have been recommended relating to the removal of the existing crossover and the submission of Construction and Environmental Management Plan.
- 11.6 The proposed façade changes are considered to be an improvement on existing situation and are in keeping with the character and appearance of the wider streetscene. The plant enclosure has been designed so to that it is restricted in height, and set away from the front elevation and from the nearest residential properties, meaning that it would not be readily visible from the public realm. It is therefore considered that design of the proposal is acceptable and would preserve setting and historic character of the surrounding heritage asset, being the Grade II Listed Building (no. 451 Caledonian Road). It is therefore compliant with Islington Core Strategy (2011) CS8 and CS9 policies, DM2.1, DM2.3 of the Development Management Policies (2013), the Urban Design Guide (2017).

- 11.7 The proposal is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of daylight or sunlight, outlook, privacy or increased sense of enclosure. The submitted Daylight/Sunlight Report has confirmed that the proposal would be compliant with BRE requirements in regards to daylight/sunlight impact on habitable windows and rooms to neighbouring properties, and the impact on the communal amenity space, associated with no. 453-455 Caledonian Road, is not considered to be significant given the setbacks and the scale of the surrounding buildings.
- 11.8 Given the close relationship with the residential flats within nos. 453-455 Caledonian Road, a condition has been recommended to prevent the use of the terraces and balconies on the east elevation being used as private amenity space. However, the proposed roof terraces to the north and west are considered to have acceptable amenity impact on neighbouring properties, and conditions relating to hours of use and details of the balustrades are recommended.
- 11.9 Overall, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for approval subject to conditions.
- 11.10 Following the submission of a Noise Impact Assessment, in support of the application, the Council's Acoustic Officer concludes that subject to conditions, the proposal would not result in any unacceptable noise to neighbouring properties over and above the existing situation. Conditions have also been recommended to ensure that the noise levels comply with the Development Management Policies (2013) acoustic requirements. It is therefore considered to be compliant with policy DM2.1 of Islington's Development Management Policies (2013).

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	<p>Commencement</p> <p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list</p> <p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Existing drawings: 2017-165/0100/Rev.A, 2017-165/0101/Rev.A, 2017-165/1020/Rev.A, 2017-165/1021/Rev.A, 2017-165/1022/Rev.A, 2017-165/1023/Rev.A, 2017-165/1024/Rev.A, 2017-165/1025/Rev.A, 2017-165/1026/Rev.A, 2017-165/1027/Rev.A, 2017-165/1028/Rev.A, 2017-165/1029/Rev.A, 2017-165/1030/Rev.A</p> <p>Proposed drawings: 2017-165/2150/Rev.A, 2017-165/2151/Rev.A, 2017-165/2152/Rev.A, 2017-165/2153/Rev.A, 2017-165/2154/Rev.C, 2017-165/2160/Rev.A, 2017-165/2161/Rev.A, 2017-165/2180/Rev.A, 2017-165/2174/Rev.C, 2017-165/2173/Rev.C, 2017-165/2172/Rev.C, 2017-165/2171/Rev.C, 2017-165/2175/Rev.A, 2017-165/2176/Rev.A, 2017-165/2177/Rev.A, 2017-165/2178/Rev.A</p> <p>Documents: Ventilation and Extraction Statement (ref. 4265) Issue 4 by Watkins Payne dated January 2019, Design and Access Statement dated January 2019, Employee Travel Plan and Transport Plan by Caneparo associates dated January 2019, Planning Statement dated January 2019, Noise Assessment (noise and vibration planning report) by Sandy Brown ref. 17443-R02-C dated 10 January 2019, Letter from eb7 dated 19th March 2019 with Daylight and Sunlight Assessment, Plant Screen Update 2017-165 dated May 2019</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>

3	Materials (Details)
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Bricks (including colour of paint, texture and method of application); b) Window treatment (including sections and reveals); c) Screening for plant enclosure (including colour) d) Balustrades (roof terraces and balconies) e) Any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard</p>
4	Plant Enclosure
	<p>CONDITION: Notwithstanding the details hereby approved, the screening for the plant enclosures, shown in drawing nos. 2017-165/2154/Rev.C (roof plan) and 2017-165/2170/Rev.C (south elevation) shall be installed prior to the first operation of the hereby approved plant equipment and retained thereafter.</p> <p>REASON: In order to protect the amenity of neighbouring properties in terms of noise and ensuring adequate mitigation is provided</p>
5	Noise Levels
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: In order to protect the amenity of neighbouring properties in terms of noise</p>
6	Post Installation Noise Report
	<p>CONDITION: Within 3 months of the installation of new items of fixed plant a report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 5. The report shall include site measurements of the plant insitu. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter. In the event</p>

	REASON: In order to protect the amenity of neighbouring properties in terms of noise
7	Details of Plant Equipment
	<p>CONDITION: Prior to the commencement of the hereby approved development details of the plant equipment shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained as such thereafter.</p> <p>REASON: In order to protect the amenity of neighbouring properties in terms of noise</p>
8	Hours of use/timer
	<p>CONDITION: Prior to the first use for the hereby approved plant equipment, submitted for condition 7, a timer shall be installed limiting the operation of the units to between the hours of 08:00 to 20:00 Monday to Friday only. The units shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>
9	Hours of use (roof terraces)
	<p>CONDITION: The hereby approved roof terraces (to the north at first and second floor and west elevations at lower ground and first floors) shall only be in use between the hours of:</p> <ul style="list-style-type: none"> - 0900 to 1800 on Monday to Friday only - The roof terraces shall not be used on weekends or on bank holidays. <p>The roof terraces shall not be accessed outside of these permitted house except in case of emergencies and for essential maintenance and repair purposes.</p> <p>REASON: To protect the amenity of neighbouring properties.</p>
10	CEMP (details)
	<p>CONDITION: Prior to the commencement of the hereby approved development a Construction and Environmental Management Plan (CEMP) shall be submitted in writing the Local Planning Authority. The CEMP shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned construction vehicle routes and access to

- the site;
- e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;
 - f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)
 - h) Details of any proposed external illumination and/or floodlighting during construction, including positions and hours of lighting;
 - i) Details of measures taken to prevent noise disturbance to surrounding residents;
 - j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;
 - k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)
 - l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic using Market Road at all times, including emergency service vehicles;
 - m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and
 - n) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.
 - o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. The report shall assess the impacts during the construction phase of the development on the surrounding roads, together with means of mitigating any identified impacts.

The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.

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: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.

11	Removal of existing crossover
	<p>CONDITION: Prior to the occupation of the approved additional floorspace (formerly used as a car park) at ground floor the crossover situated immediately to the south of the site shall be removed and the pavement reinstated pursuant to an agreement with the local highway authority under Section 278 of the Highways Act 1980.</p> <p>REASON: In the interests of ensuring the redundant feature to the street scene as a direct result of the development is removed and the highway reinstated for pedestrian safety.</p>
12	Cycle storage
	<p>CONDITION: The cycle storage shown on drawing no. 2017-165/2150/Rev.A shall be provided prior to the occupation of the approved additional floorspace (formerly used as a car park) as a result of an infill extension at ground floor. The cycle storage shall be implemented in full and retained thereafter.</p> <p>REASON: To provide adequate cycle storage provision and encourage the use of sustainable forms of transport.</p>
13	Bat/bird boxes
	<p>CONDITION: A minimum of 2 no. bat and/or bird nesting boxes / bricks shall be installed prior to the first occupation of the approved additional office floorspace (formerly used as a car park) as a result of an infill extension at ground floor, and shall be retained into perpetuity.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and bio diversity enhancements.</p>
14	Sustainable design measures
	<p>CONDITION: The sustainable design measures identified within the hereby approved Planning Statement dated January 2019 (including thermal insulation, ventilation measures, automatic lighting controls etc) shall be implemented in full prior to practical completion of the works hereby approved, and retained into perpetuity.</p> <p>REASON: To ensure the development is sustainable, minimises CO2 emissions.</p>
15	No permission for roof terraces to east elevation
	<p>CONDITION: Notwithstanding the hereby approved drawings, no permission is granted for the creation of roof terraces at first and second floor levels on the east elevation.</p> <p>REASON: To protect residential amenity from unreasonable overlooking and loss of privacy due to the units being single aspect and a distance of 9m away.</p>

	INFORMATIVES
1	Network Rail
	<p>The developer must ensure that their proposal, both during construction and after completion of works on site, does not:</p> <ul style="list-style-type: none"> • encroach onto Network Rail land • affect the safety, operation or integrity of the company's railway and its infrastructure • undermine its support zone • damage the company's infrastructure • place additional load on cuttings • adversely affect any railway land or structure • over-sail or encroach upon the air-space of any Network Rail land • cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future <p><u>Future maintenance</u></p> <p>The development must ensure any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand-off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.</p> <p><u>Drainage</u></p> <p>Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's</p>

property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 - 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on

	<p>approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.</p> <p><u>Noise and Vibration</u></p> <p>The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.</p>
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APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

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

2. Development Plan

The Development Plan is comprised of the London Plan 2019, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

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

Policy 5.3 Sustainable design and construction
 Policy 7.4 Local Character
 Policy 7.6 Architecture
 Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 6 – Kings Cross

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 DM6.5 – Landscaping, trees and biodiversity
- Policy DM7.1 – Sustainable design and construction
- Policy DM8.2 – Managing transport impacts
- Policy DM8.4 – Walking and cycling
- Policy DM8.5 – Vehicle parking

3. Designations

Kings Cross & Pentonville Road Core Strategy Key Area

Cycle Routes (Local)

Within 100m of SRN (Strategic Road Network)

Rail Land Ownership – National Rail Surface

Rail Land Ownership – TfL Tunnels

London Underground Zone of Interest

Article 4 Direction – office to residential

Article 4 Direction A1-A2 (Rest of Borough)

Grade II Listed (no. 451 Caledonian Road) within 20m to south east

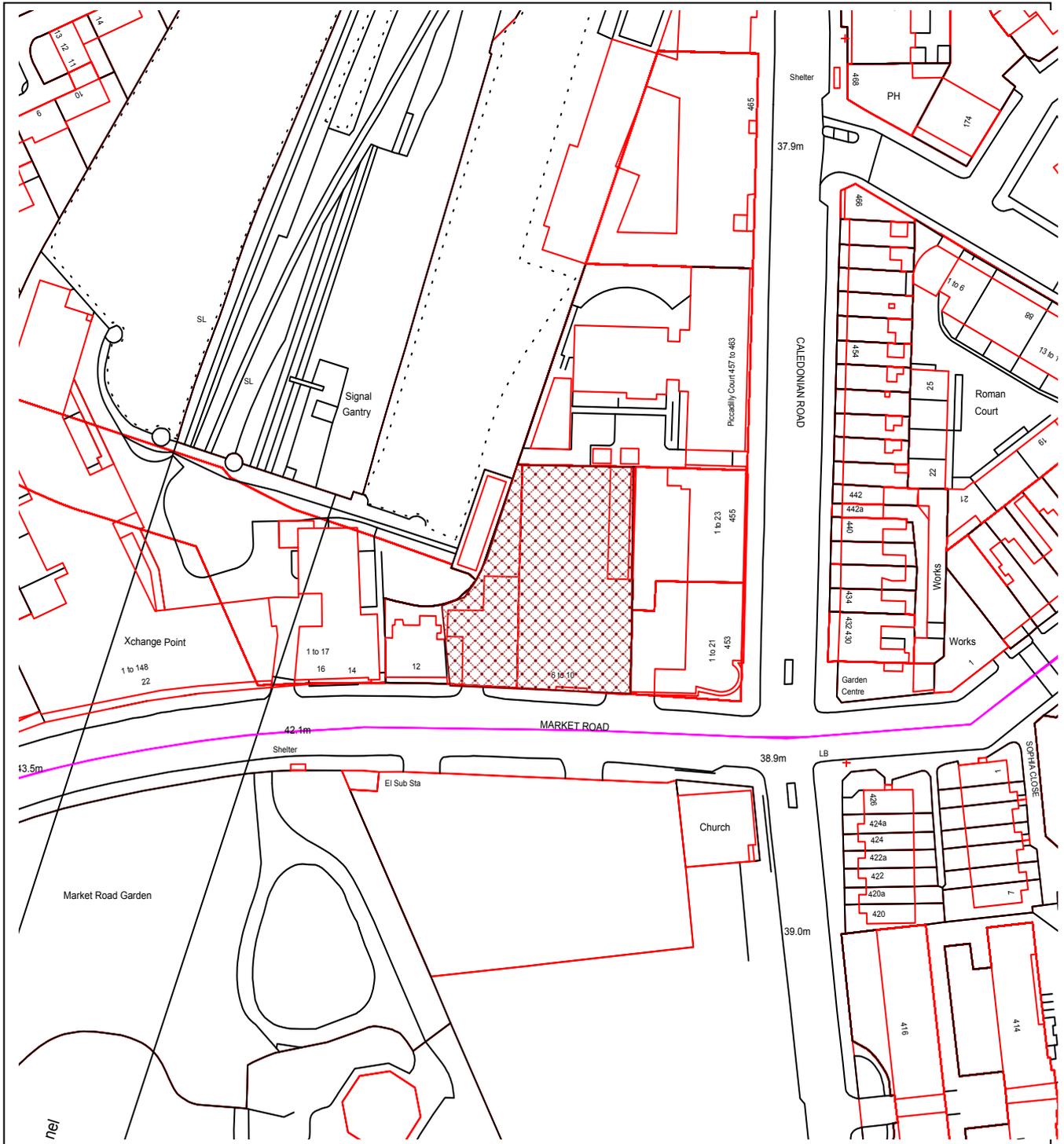
4. SPD/SPGS

Urban Design Guidelines

Inclusive Design SPD

Environmental Design SPD

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		AGENDA ITEM NO : B4
Date:	16 th July 2019	NON-EXEMPT

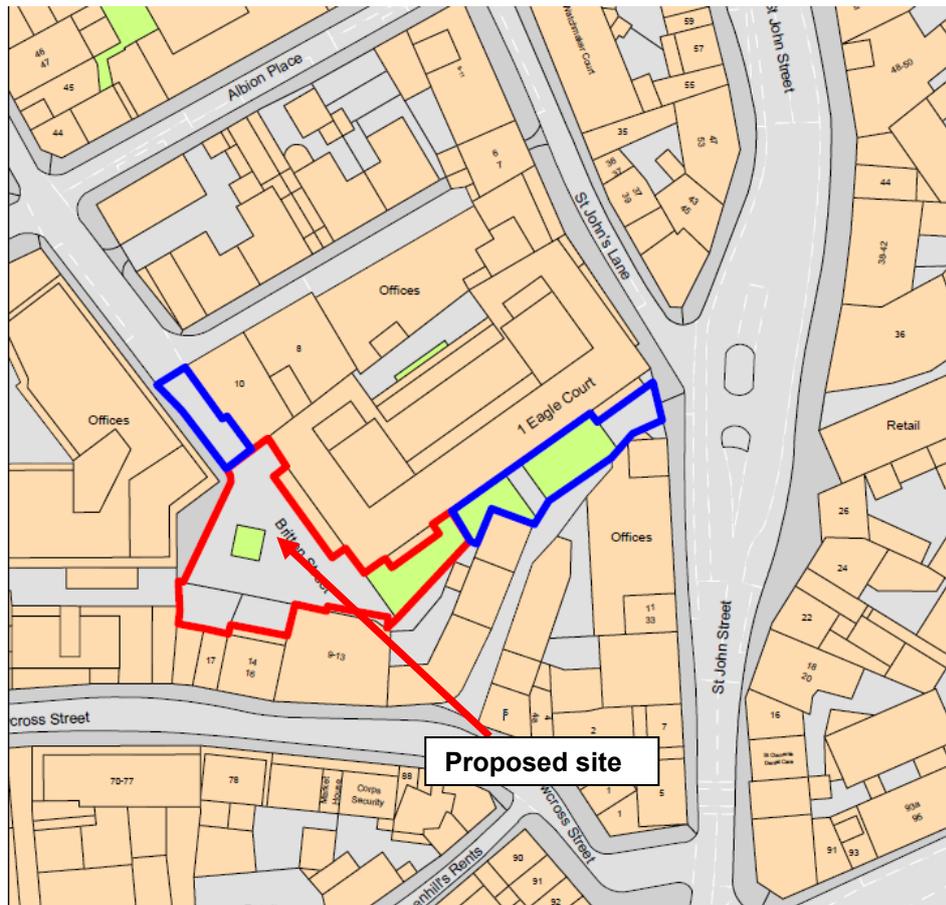
Application number	P2019/1744/FUL
Application type	Full Planning Permission
Ward	Clerkenwell
Listed building	No
Conservation area	Clerkenwell Green
Development Plan Context	Central Activity Zone; Bunhill & Clerkenwell (Finsbury Local Plan); Employment Priority Area, Private Open Space, Archaeological Priority Area, Crossrail Safeguarding Area,
Licensing Implications	None
Site Address	Land & Access Ways Rear of 13-27 Cowcross Street London EC1
Proposal	Continuation of the use of the external plaza area for a food market of up to 13 stalls for a maximum of 3 days per week (Temporary Planning permission previously granted P2016/3449/FUL 07/07/17). The market would operate Tuesday, Wednesday and Thursdays between 9am and 4.00pm with food cooked and served between 11am and 2.30pm only.

Case Officer	Eoin Concannon
Applicant	DTZ Investors
Agent	GL Hearn

1. RECOMMENDATION

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

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET

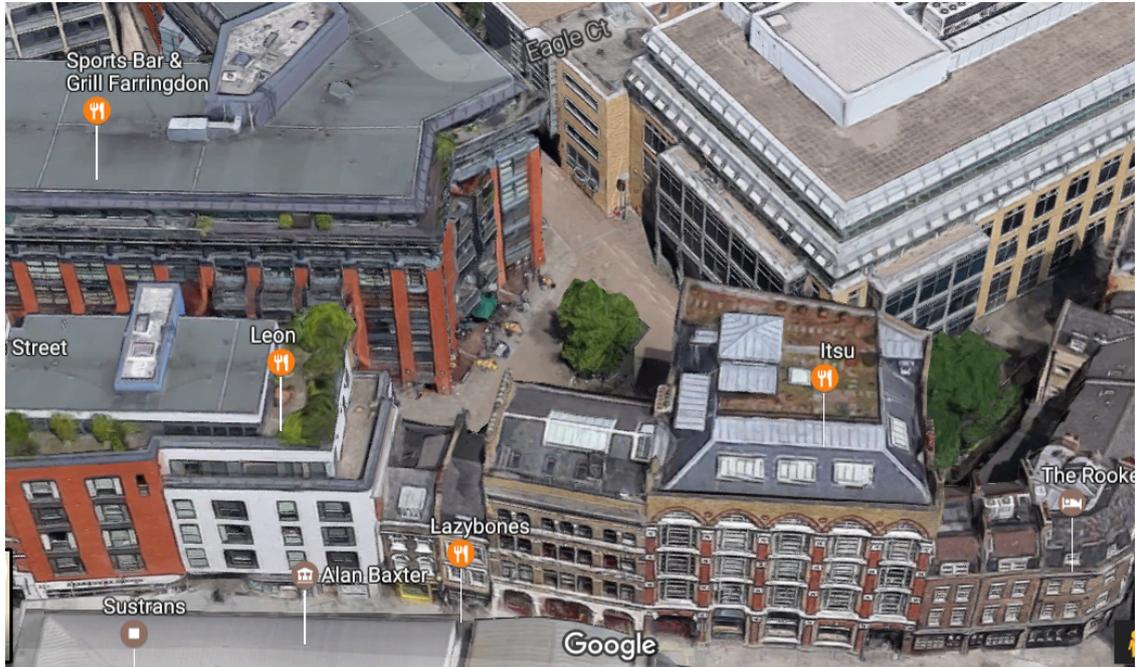


Image 1: Aerial view of the site arrow pointing at location of built extension



Image 2: View of the market taken from the edge of Britton Street



Image 3: View of private open plaza from rear of 13-27 Cowcross Street

4. SUMMARY

- 4.1 Planning permission is sought to continue the use of the external plaza area for a food market of up to a maximum of 13 stalls for a (maximum) of 3 days per week. The market would operate on Tuesdays, Wednesdays and Thursdays between 9.00am and 4.00pm with food cooked and served between 11.00am and 2.30pm only.
- 4.2 The application submitted is a resubmission of a previously approved temporary consent which allowed for the operation of the market for a maximum period of 2 years. The current submission is similar in layout/number of stalls and seeks to continue the use of the plaza area as a market for a further period of up to 3 years.
- 4.3 The application is presented to committee due to the number of objections received raising material planning issues. During the consultation, a total of 16 objections and 1 letter of support were received. The main issues highlighted include noise, disturbance, smells, hours of operation and parking issues. A full list of the objections raised is highlighted in section 8.2. The use and overall layout would be acceptable in principle and would not impact on the character and appearance of the conservation area or the setting of surrounding listed buildings.
- 4.4 No objections have been received from Street Trading; Environmental Health; Refuse Control' or Pollution Control. Whilst the residential and commercial properties concerns are acknowledged, given the sites location in a private plaza and its overall

limited operational period (3 days a week), it is considered acceptable and policy compliant.

- 4.5 The use is considered conducive to the central location and subject to conditions relating to the control of hours and intensity of use, the proposal would not prejudice the residential amenity of the neighbouring properties insofar of undue noise or disturbance and would comply with policy DM2.1 of the Islington Development Management Policies
- 4.6 In order for the market to remain viable, a minimum period of 3 years has been sought by the applicant. The previous permission had given a 2-year consent to allow a substantial period of time to monitor the use in terms of operating times, waste management control, traffic and operational management controls. As no significant concerns have been identified by internal/external consultees during the consultation period and from the previous two-year operational period, officers consider that a further 3-year temporary consent is reasonable in this instance.
- 4.7 The proposal is considered acceptable subject to suitable conditions as set out in Appendix 2 and it is recommended that the application be approved.

5. SITE AND SURROUNDING

- 5.1 The application site is situated to the rear of Nos. 13-27 Cowcross Street and comprises a small triangular shaped open plaza approximately (800sqm in size) which serves as both a private open space and throughway from Britton Street (north-west) to Peter's Lane (north east). White Horse Alley connects the site from Cowcross Street (south) towards the north east where it intersects with the laneways of St.Peter's and St John's Lane at the junction with St John Street.
- 5.2 The area is a mixture of uses including office buildings, retail, restaurants and public houses. The nearest residential units are situated with the complex known as City Pavillion at 33 Britton Street which leads onto the open space. Further residential units are situated at 8-10 Eagle Court and Zinc House (19-25 Cowcross Street).
- 5.3 The site is within the Central Activity Zone and is also an Employment Priority Area. It lies within Clerkenwell Green Conservation Area with several Grade II Listed Buildings situated within the immediate area including Nos 9-13, 14-16 and 27-27 Cowcross Street. The area is also Archaeological Priority Area and Crossrail Safeguarding Area.

6. PROPOSAL (IN DETAIL)

- 6.1 The proposal seeks planning permission to use the external plaza area known as Cowcross Estate for a food market for a maximum of 3 days a week – Tuesdays, Wednesdays and Thursdays only. This application is for a continuation of the temporary 2-year consent granted in 2017.
- 6.2 The market would continue to operate a maximum of 13 stalls with the market operating between 9.00am and 4.00pm each permitted day. As previously agreed, the cooking of food would take place between 11.00am and 2.30pm only. The applicant does, however, seek to serve cold drinks and heated food outside the cooking times to allow customers to use the market earlier and later in the day.

- 6.3 The food will be run by a specialist food operator under the same restrictions and conditions as the existing market. The aim is to provide a diverse choice of fine, British and International foods to customers.
- 6.4 Each stall would measure 3m x 3m and would be strategically positioned to maintain the throughway access between Britton Street, White Horse Alley and Peters Lane. In terms of servicing, unloading will take place from either Britton Street, Peter's Lane (St John's Lane) or Cowcross Street entrances. It is proposed that each stall would take 20 minutes to unload and load with a maximum of 4 vans unloading at a time.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 **P2019/0983/ADV Wall to rear or 14-16 Cowcross Street** Advertising mural applied to existing rear boundary walls of the properties at nos. 14-16, 17 and 18 Cowcross Street. The mural would front the White Horse Alley (**Decision pending**)
- 7.2 **P2019/0747/FUL** Public seating consisting of three groups of multi-coloured timber box structures (**Decision Pending**)
- 7.3 **P2016/3449/FUL** Use of the external plaza area for a food market of up to 13 stalls for a maximum of 3 days per week. The market would operate Tuesday, Wednesday and Thursdays between 9am and 4.00pm with food cooked and served between 11am and 2.30pm only. (**Granted 07/07/2017**)

ENFORCEMENT

- 7.4 None

PRE-APPLICATION ADVICE

- 7.5 **Q2019/0799/MIN** – Pre-application for use of the site as a market and public realm improvements – the principle of the market was acceptable subject to controls on its use. Concerns raised regarding mural design and public realm improvements which are currently being amended.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 219 no. occupants of adjoining and nearby properties at Britton Street, St John's Lane, Cowcross Street and Eagle Court on the 07th June 2019.
- 8.2 A site notice and press advert was also displayed on the 13th June 2019. The consultation period expired on the 7th July 2019 and at the time of writing this report, 16 objections have been received from nearby residents and commercial businesses as well as 1 letter of support. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Food market not in keeping with the character of the area. There is no basis for setting up a market in this area (paras 10.8, 10.16-10.21)

- The market adds very little or variety to the area with no benefit to the community including the residents (paras 10.7)
- Noise from the market in operation. It would affect the quiet nature of the plaza and its residential surrounds (paras 10.43-10.44)
- The plaza is a private amenity space and should be kept as such. Space already used by residents and local workers for relaxing, walking dog (paras 10.6 & 10.46)
- Smells from market in operation (paras 10.23, 10.45)
- Waste management concerns leading to vermin problem in the area; No drainage for liquid waste, cleaning or other needs (paras 10.33-10.38)
- Congestion due to the food stalls - Loading and unloading concerns and market stallers blocking entrances of commercial premises. (10.25-10.32)
- Existing markets already closeby along Leather Lane; already abundance restaurants in the pavilion and backing on the pavilion (paras 10.2-10.10)

Internal Consultees

- 8.3 **Planning Policy:** No objections.
- 8.4 **Environmental Health:** No objections The Environmental Health Officer requested further information on the provision of portable water to be conditioned.
- 8.5 **Environmental Pollution, Policy & Projects Team:** No comments or objections on the changes from the previous scheme. No noise complaint has been received in regard the market over the last two years.
- 8.6 **Street Trading:** No objections. A boards and advertising are not placed on the highway without appropriate A Board license (obtained by Street Trading) or planning approval.
- 8.7 **Licensing:** The premises would not require a premises license unless they are having stalls selling alcohol. If that is the case and market is every week, the land owner would have to apply for full Premises License
- 8.8 **Highways:** No objections given its located in a private open space.
- 8.9 **Design and Conservation:** No objections to the proposal. Historically this is one of the main market areas of London and such uses are welcomed.

External Consultees

- 8.10 **Secure by Design Officer:** No objections or comments on the scheme proposed
- 8.11 **London Underground Infrastructure Protection:** No comments to make on this application
- 8.12 **Crossrail:** Crossrail Limited do not wish to make comments on this application as submitted.
- 8.13 **Transport for London:** TFL has no strategic transport comments to make
- 8.14 **Network Rail:** No observations or comments to make

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) s66(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 Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by

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

- 9.7 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. 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 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.
- 9.9 Policies in the Draft London Plan are attributed some weight.

Designations

- 9.10 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
 - Adjacent to Charterhouse Square Conservation Area
 - Clerkenwell Archaeological Priority Area
 - Bunhill & Clerkenwell (Core Strategy)
 - Central Activity Zone
 - Employment Priority Area (Finsbury Local Plan)
 - Rail Safeguarding Area
 - Crossrail Safeguarding Area

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.11 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
- Operation Management and Transportation Issues
- Neighbouring amenity

- Other Issues

Land-use

- 10.2 The proposal is situated to the rear of Cowcross Street and comprises a private plaza that is also used as a pedestrian thoroughway. The thoroughway links pedestrians across the plaza from Britton Street via Horse Lane Alley onto Cowcross Street and from St Johns Lane/Peter's Lane onto St. John Street. The plaza site is surrounded by a mixture of commercial/residential and office buildings that enclose the site and protects the space from the busier routes of Cowcross Street to the south and St Johns Street situated to the north east.
- 10.3 Policy 4.8 of the London Plan deals specifically with providing a diverse retail sector and related facilities and services. Under part B (e) of this policy, it supports a range of London's markets, including street, farmers and strategic markets which enhance their offer and contribute to the vitality of town centres. The supporting text recognises that street and farmers' markets make valuable and distinctive contribution to meeting Londoners varied dietary requirements and extending competitive choice and access to a range of goods, as well as contributing to the vitality and wider offer of town centres.
- 10.4 The Council local policies are also supportive of markets that continue to provide additional retail/service function to a town centre. Street markets add to the character of local areas. Development Management Policy DM4.9 is specific to markets and specialists shopping areas. It states that the council will seek to maintain existing traditional street markets. It highlights markets as popular with shoppers and visitors due to their vibrancy and range of goods to offer. This is also supported by policies CS7 (Bunhill and Clerkenwell) of the Core Strategy which encourages tourist related development that promotes visitor economy. CS14 (Retail and services) also states that Islington will continue to have strong cultural and community provision with a healthy retail and service economy providing a good range of goods and services for the people who live, work and study in the borough.
- 10.5 The Finsbury Local Plan BC7 (Historic Clerkenwell) places a strong emphasis on heritage-led development that reinforces its uniqueness, integrity and socio-cultural value. It focuses on individual spaces which present opportunities for creating additional public space by transferring underused roads and parking areas into pedestrian use. Such improvements must aim to maximise the use and vitality of the space in a manner that reinforces the character and economy of the local area. This may incorporate spaces suitable for entertainment and events, markets, outdoor seating area.
- 10.6 The subject space is privately owned and situated in an area of Clerkenwell that has historic links to market activity. Currently the space is enjoyed by both local residents who live in the buildings nearby including City Pavillion, 8-10 Eagle Court and Zinc House (19-25 Cowcross Street) and office workers who work locally. The space remains an important private open space centrally to those who reside and work in the area. This can continue to be retained as an amenity space to those residing in the area and at the same time provide a commercial activity for a limited period within the week. The layout of the stalls ensures the central plaza remains uninterrupted and this space would remain available as an amenity area. The proposed market would operate a maximum of 3 days a week between the hours 9am and 4pm. This is considered acceptable in terms of days and hours of operation given its location within the Central Activity Zone and within an Employment Priority Area. It must also

be noted that the market would not operate at the weekends and the space will function entirely as a private open space to local residents and visitors to the area.

- 10.7 The market as proposed generally complies with both London Plan (2016) and local plan policies. As noted, the Finsbury Local Plan seeks to ensure heritage led development is reinforced and focuses on presenting opportunities in underused areas with an aim of maximising the use and vitality whilst reinforcing the character of the local area. The proposal does provide an opportunity to improve pedestrian use by local residents, workers, tourists and the wider population. It would add secondary commercial function in a safe and secure area which provides a wider choice of food to visitors and people who live, work and study in the borough. This site is in a historic part of London with a significant number of tourists passing through the area daily and the market would complement rather than compete with the existing local shops and restaurants that already operate thereby contributing further to the local economy.
- 10.8 The site is also situated to the rear of Cowcross Street. Historically, Cowcross Street evolved as a market area over the centuries. It is noted in the British History Online (BHO) that as well as Smithfield Market which was in existence by 1123, there was a separate cow market with its market cross which Cowcross Street is named after. Whilst this application relates to a food market to the rear of Cowcross Street, Officers do note the links to activities that took place and helped create the sense of place in the area. It would correlate with the guidance in policy BC7 of Finsbury Local Plan which aims to have heritage led development. Creating spaces and markets which have some connections to the historic past and also enable to support the retail and tourist function in the area
- 10.9 It has been noted by the objectors that there are other markets in proximity to the area (Leather Lane). Officers would note the policies listed above which support market functions in the London Plan and Local Plan. The proximity of the site to where a historic market had previously taken place is also a reason to support this. The sites unique location within private plaza connected by several historic lanes represents an opportunity to provide an additional commercial function that contributes to providing a range of goods and services for the people who live, work and study in the borough as set out in CS14 of the Core Strategy. It represents an ideal secure location for a market given these historic laneways which allows pedestrian traffic to flow. The strategic layout along the periphery of the plaza also ensure that the space can be maintained as an area of relaxation and ensure that pedestrian traffic is unaffected.
- 10.10 The market would seek to operate on set days with limited hours for cooking and operation. It would operate on 3 days of the week (Tuesday, Wednesday and Thursday's) with the space returned to a plaza on the other days. On the basis of the council's local policies, the principle of the use is considered acceptable subject to a temporary consent.

Design and Conservation

- 10.11 The site is situated within Clerkenwell Green Conservation Area and as such the proposal is required to pay special regard to the statutory duty (s72(1)) for the preservation or enhancement of these heritage assets. There is also a Grade II Listed Building in the immediate area (Nos 9-13, 14-16 and 27-27 Cowcross Street) and as such the LPA has a statutory duty to consider the development in the context of a listed building or its setting and to have special regard to preserving or enhancing its visual appearance and its historic character.

- 10.12 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 (2011) policy CS9, and the guidance found within the Urban Design Guide (UDG) 2017, and the associated Conservation Area Design Guidelines.
- 10.13 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'. 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'.
- 10.14 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'.
- 10.15 As noted the site is situated within Clerkenwell Green Conservation Area which has a special character and appearance which stems from its mix of uses, its architecture and its history. The fabric of the area derives from incremental development from Norman times. The Clerkenwell Green Guidance identifies Clerkenwell/Smithfield as a special area which merits a special level of protection.
- 10.16 Paragraph 1.6 of the conservation area guidance highlights specialist craft and light industrial workshops are traditional to Clerkenwell. Other uses synonymous with the area historically include retail, showroom, eating and drinking, residential, educational, community and museum uses which all contribute to the areas variety and vitality. The inclusion of a food market would therefore correlate with the range of historic uses in the area. As already noted, markets have historically been present within this area as far back as the 12th Century.
- 10.17 The Ordnance Survey map below taken from British Historic Online shows the intersection of Turnmill Street and Cowcross Street and describes this area as a *cherished thoroughfare which owes its charm to its gently course and close-knit scale, and its liveliness to the proximity of Farringdon Station*. (British History Online). The historic paper further discusses how Cowcross Street and Turnmill Street historically formed a single important route north from the City and became a narrow and thoroughfare largely due to market or commercial activity that took place on its route. As discussed in para 10.8, a cow market operated at the junction of St John Street, Cowcross Street. Both Cowcross and Turnmill Streets were used for droving animals in connection with this market. The surrounding laneways and streets would have contributed to the markets functioning as it evolved.

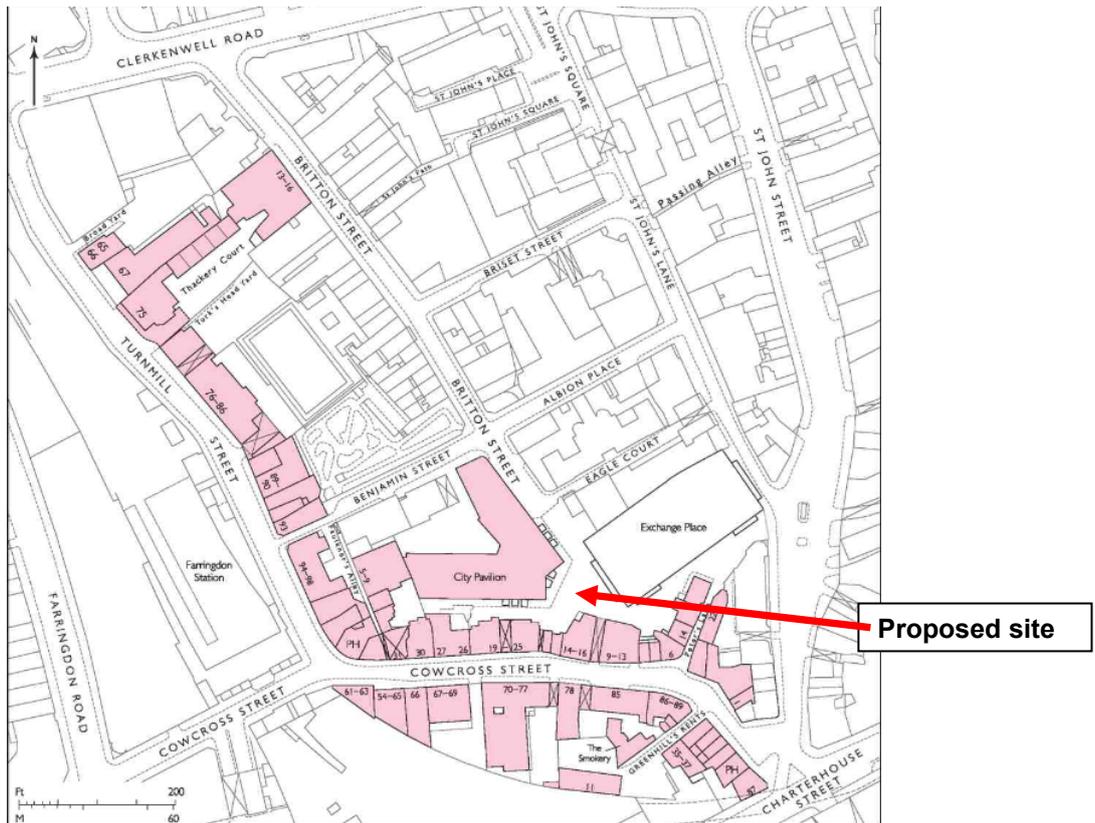


Image 4 Cowcross Street/St Johns Street and Turnmill Street historically an important route north from the City and location of cow market as far back as 12th Century taken from British History Online <https://www.british-history.ac.uk/survey-london/vol46/pp182-202>

10.18 From the map above, it shows the proximity of the proposed site to the junctions of Cowcross/St John and Turnmill Street where a cow market and droving of animals were once a fundamental part of the fabric. Although the current application relates to a pop up food market, given that markets have been engrained in the fabric of this area, the proposal is welcomed as it provides a historic link to the activities that once dominated the area.

10.19 The market would comprise 13 stalls each measuring 3m by 3m and would be situated along the perimeter of the plaza thereby reducing the impact on other pedestrians using the space. The Design and Conservation Officer has been consulted and has raised no objections to the proposal given the historic ties within the area to market activity and the temporary nature of the structures.

10.20 The Design and Conservation Officer commented that the site was originally an enclosed court of buildings. Although it has been redeveloped as a more open space it still retains a courtyard appearance and a commercial atmosphere, for which a modest market use does not seem inappropriate in terms of heritage and design. There would be no permanent alteration to the urban fabric of the site under this application. The Design and Conservation Officer also highlighted that the only physical element of the application relates to temporary tents for the temporary market stalls. Given the historic usage of the area for commercial activity and markets, it would not harm the character of the conservation area. The temporary of the structures would also not impact on the setting of the nearby listed buildings (9-13, 14-16 and 27-27 Cowcross Street).

10.21 In conclusion, the proposal is considered to preserve the visual appearance and historic character of the area whilst also re-establishing historic ties to the areas past as a market place. It would contribute to the special character and appearance which stems from its mix of uses and as such preserves the associated heritage assets, including the wider Clerkenwell Green Conservation Area and the setting of the Grade II Listed Building, complying with the design advice within the Urban Design Guide (2017) and Clerkenwell Green Conservation Area Design Guidelines. It is therefore considered acceptable in design terms, and compliant with the design policies within the Development Plan.

Operational Management and Transportation Issues

Operating and cooking times

10.22 The market would operate from 09.00am and finish at 4.00pm. In order to limit the impact on the surrounding residents, offices and other commercial buildings, the hours in which food would be cooked would remain between 11.00am and 2.30pm. The applicant does seek to alter the times in which food is served (outside cooking times) to allow customers to use the market earlier and later in the day without having the impact of cooking smells. The Council's Environmental Health Team have been consulted and has raised no objections to the proposal subject to the provision to a fixed supply of hot and/or cold potable water supply. The water supply must be of drinking water quality and the water supply must be adequately maintained by appropriate persons to ensure the principles of water supply hygiene are adhered to. These details have been included within condition 8 (Operational Management Plan).

10.23 The cooking times proposed would coincide with standard lunch time hours (12-2pm). The serving of food outside the cooking times is considered reasonable alteration from previous submission, once the cooking of food remains within the previously agreed timeframes (11am to 2.30pm). A revised condition is recommended to ensure that the cooking remains within these timeframes. Whilst Officer's note some businesses concerns of smells from cooking, hours of operation etc., given that this would largely take place between the normal lunch hours, it is considered insufficient reasoning to warrant a refusal in this instance. The area is within central part of London which has a historic association with a mixture of uses including eating and drinking as highlighted in the Clerkenwell Green Conservation Area guidance. The smells associated with the cooking of food within a limited time period (3 ½ hours) is considered acceptable given its location.

10.24 Outside of these hours (9am-11am & 2.30pm-4pm), the market stalls would require preparation, serving of food and cleaning/removal of equipment periods. This timeframe is considered acceptable and would have limited impact on the surrounding properties than what would be expected in such a central urban area (from day to day deliveries).

Site set up/transport issues

10.25 In terms of site set up, the applicant has confirmed that there would be a Site Supervisor on-site at all times to supervise activity. The stalls are positioned along the perimeter of the plaza which ensures that limited disruption would be caused to passing pedestrians during peak hours of movement in the morning and evening times. The setting up process would take approximately 20 minutes per trader with each stall holder carrying their equipment on a trolley.

10.26 The applicant has provided a Transport Statement which examines the traffic and transportation impacts associated with the proposals. Within the statement, it highlights that the site has good pedestrian links and an established network of footways that provide access to nearby facilities including Farringdon Station. The aerial photograph below (image 5) identifies the pedestrian access routes available from Cowcross Street, Horse Lane Alley, Britton Street and from St Johns Lane/Peter's Lane.



Image 5: Existing pedestrian access points serving the plaza

10.27 The number of access points serving the plaza ensures that the market would not cause significant congestion to commuters/passers-by and that pedestrian traffic would continue to flow steadily between the main public transport stations and the surrounding streets.

10.28 The plaza is privately managed and not part of the adopted highway network. The market stall traders would not have vehicle access to the site and would be required to unload their vehicles from either the Britton Street, Peter's Lane or Cowcross Street entrances. The Transport Statement highlights that the previously consented arrangements for unloading and site set up would remain in operation

- No more than four vehicles unloading at a time from 9am
- Market manager in attendance at all times
- Pedestrian through routes to be maintained at all times
- Trader vehicles to park at Smithfield Market between setup and break-down
- All waste to be removed by individual stall holders and final sweep by the market manager
- Break-down activity generally from 2.30pm with all market activity ceased and cleared by 4pm.

- 10.29 Cowcross Street has the largest capacity for delivery activities, with a combination of permit bays and double yellow lines. Further double yellow line near the junction of St. John's Lane and St John Street provides alternative loading opportunity for the traders. The double yellow lines in the streets that surround the site restrict use between 8.00am and 8.30am which is outside the operating times proposed and therefore would not impact on the vehicle unloading. Both single and double lines allow loading for up to 40 minutes. As the average set up time for the market stall is approximately 20 minutes, this would be sufficient to ensure that each market trader has time to set up and move their vehicle on.
- 10.30 The transport statement also includes a kerbside survey that was originally carried out to see what the impacts would be on other businesses in the areas. Appendix A of the Transport Statement showed very low levels of use of the double yellow lines on Cowcross Street throughout the survey period. The busiest time period was between 10:00am-10:30am (three light good vehicles using unloading area). However extra capacity on Britton Street and St. John Street allowed for any spill over of vehicles. The survey concluded that there is sufficient spare capacity for on-street unloading opportunities to accommodate the market and it would not have a detrimental impact on the local highway system.
- 10.31 Both Transport for London and the Council's Highways Officers have been consulted on this application and have raised no objections to the market given its location on a private street. Notwithstanding this, Officers consider a condition restricting loading and unloading before 9am and after 4.30pm necessary given its inner city location. This will allow sufficient time in the mornings and evenings for all stall operators to install/remove their equipment with limited impact on the highway network and the local population (both residential and commercial).
- 10.32 Concerns have been raised by a commercial office regarding the setting up arrangements which have occasionally obstructed a fire exit serving a neighbouring building. The applicant has confirmed that a market manager will be in attendance at all times with pedestrian routes being maintained at all times. This will include fire exit routes and access into adjacent buildings. The market manager will ensure that servicing activity does not block access or egress from any of the buildings surrounding the market. The applicant is currently in talks with a new market operator who uses market managers at all times as standard and is committed to operating the market as stated. Details of the market manager/supervisor including their responsibilities shall be submitted as part of the Operational Management Plan. This is highlighted within condition 8.

Waste Management

- 10.33 With regard the management of waste from the stalls, the applicant has confirmed a private commercial agreement with DOC Cleaning and also have an ongoing contract agreement with Pulse Environmental Ltd who deal specifically with waste management of the plaza.
- 10.34 Objectors have raised concerns in regard litter and waste management which has led to rodent issues in the area. Officers would comment that these objections received appear to highlight the commercial premises in general within the area, as a factor contributing to potential rodent problem and not the proposed site entirely. Whilst the potential for rodents is a serious concern for residents and entire community as a whole, there is a collective responsibility to all commercial premises, individuals and the council to keep the streets clean and improve waste management locally. Notwithstanding this, Officers do recognise the potential for additional litter and waste

from a market in the area and the requirement to have a market supervisor/manager on site during operation times is necessary to ensure issues such as site set up and waste management are continuously monitored and improved. The planning statement indicates that refuse is collected from the site every day Monday to Friday. In addition, the market stall operators would be responsible for cleaning up after themselves on days of operation.

10.35 The applicant has also provided further information on a waste strategy for the Cowcross Yard going forward. The initial plan would include

- Daily cleaning of Cowcross Yards (DOC is the appointed cleaning contractor)
- Daily emptying of public bins in Cowcross Yards (Pulse Environmental Ltd is the appointed waste subcontractor)
- Introduction of weekend cleaning and bin emptying on Cowcross Yards,
- Additional waste storage on site,
- Clear communication plan with street vendors and market sellers about waste disposal particularly for food vendors
- Clear waste signage for vendors and public Increased number of accessible bins (potentially have vendors provide access to their bins for public use (always a hassle when purchasing something and there are no accessible bins even from the person bought from)

10.36 The longer target would seek to promote a reduction in plastic use, promote waste reduction and encourage refuse recycling or segregation of waste. The information submitted provides additional comfort going forward that further measures are introduced to tackle waste within the plaza and improve the appearance of the public realm thereby mitigating against potential rodent problems in the future. Further details on the waste management strategy of the site would be required within condition 8 (Operational Management Plan).

10.37 It is illegal to drop litter and whilst there would be a responsibility of control of litter by the management of market, there is an onus on customers to comply by the law and not litter. Islington's Authorised Officers can issue fixed penalty notices to any person that drops litter intentionally. The Street Environment Services Enforcement Strategy (March 2011) states that *it is the responsibility of every business and individual to comply with the law and it is recognised that most want to do so... we reserve the right to take enforcement action without education and advice on any occasion where offences such as littering are committed.* (Para 3.6 & 3.7 Street Environment Services Enforcement Strategy)

10.38 On the basis of the information provided and following Planning Officer's inspection on the day of market, there was no significant litter concern to warrant a refusal. Continuing to improve waste management from commercial premises and consumers remains a collective responsibility.

Seating

10.39 Whilst the market does not provide seating, this would be typical of a market of this type where people consume while on the move. There is some seating available centrally within the plaza which can accommodate up to 15/20 people who may need

seating arrangements. Many of those who chose to use the stalls would be passing through trade, tourists or workers on their lunch break. Concerns have been raised by many of the residents and offices in the vicinity of customers using steps as a seating area. This however would be a civil matter and it would not be justified to refuse the application for this reason.

10.40 Overall, based on the information provided in terms of loading, hours of operation, waste management and supervisor, it is considered that the proposed market can continue to operate successfully with limited impact on the surrounding residents and commercial properties. To ensure that the standards of operation are maintained going forward, a condition is recommended that a full Operation Management Plan detailing Market Manager (and responsibilities), refuse plans and collection arrangements, litter control measures, unloading and loading timing and further litter control measures shall be submitted and approved within 2 months of implementation. It is considered acceptable subject to conditions discussed above.

Neighbours Amenity

10.41 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.

10.42 The main concerns raised by residents surrounding the market include the following

- Noise and disturbance
- Smells from food
- Area should be kept as open space

Noise and disturbance

10.43 Concerns have been raised by noise generated from the site. The Pollution Control team have been consulted and raised no objections to the market. The hours of operation would not be early morning (before 7am) or late at night (after 11pm). These times are considered the most vulnerable times for residential occupants who may be at sleep. The operating times are 9am to 4pm, for three days a week during working hours. The remaining hours and days, the plaza would have no additional activity. Given the hours and percentage time of operation, it is not considered to have an adverse impact on residential properties. Whilst concerns have also been raised by offices in the vicinity, the noise generated from site set up and customers of the market would not be sufficient to warrant a refusal given its central location. There is an expected level of noise within central locations from businesses and people coming and goings during the working day.

10.44 Furthermore, the Acoustic Officer has highlighted that no complaints have been received from the existing market which has operated over the last 2 years. The Planning Officer has also inspected the existing market during the lunchtime period and did not experience significant increases in noise levels. Given the site's locations and time of operation, it would not cause significant noise concerns in this instance.

Smells from food

10.45 The market is located in an area where there is a high volume of restaurants currently operating. This however is a central London location where there is a significant demand for eateries and wide variety of food choice. Whilst Officers acknowledge that the cooking of food will generate some smells that at the time of cooking, a condition has been attached to limit the cooking time between the hours of 11am and 2.30pm. This would coincide with lunchtime period and the cooking of food within a limited time period (3 ½ hours) for a period of 3 days per week is considered acceptable given its central location.

Area kept as private open space

10.46 One of the objections received highlighted that the plaza remains one of the only areas of private open space centrally that residents can enjoy some tranquillity. Officers acknowledge these concerns raised and the conditions of operation ensure that the space is only used as a market for a limited period during the day and week. The market is conditioned to operate a maximum of 3 days a week within a specific time (9am-4pm). Outside the days and times proposed, the space would be free of commercial activity. It must be noted during evenings and weekends, there would be no market activity within the plaza. These reflect the times when the most residents are likely to seek amenity space to relax and unwind.

10.47 On this basis, it is considered that the proposed market would not detrimentally impact upon the amenity of the neighbouring occupiers. The proposal is therefore considered to accord with policy DM2.1 which requires development to provide good level of amenity.

Other matters

10.48 Officers are satisfied with the principle of the market operating and the initial details submitted within the Transport Statement and Waste Management Strategy. Notwithstanding the information submitted, a detailed Operational Management Plan shall be submitted prior to commencement of the development. These details shall include of the Market Operator, details of the site supervisor controls and responsibilities, measures to ensure fire exits and right of ways maintained, fixed water supply, further detailed waste management strategy and litter control measures. These details shall be provided prior to commencement of the use.

10.49 Officers would also highlight the fall-back position which allows street markets to operate under permitted development for a period of 14 days per year (allowed under permitted development rights Part 4, Class B of the Town & Country Order 2015).

10.50 Officers consider a temporary consent as a more suitable mechanism to monitor issues of noise and anti-social issues including litter/rodent and delivery complaints. For the market to remain viable, the applicant requires a minimum of 36-month consent to ensure commitment from market vendors and the necessary financing. Officers have reviewed this request and given that there have been no significant concerns raised from both internal and external consultees during the previous two-year monitoring period, it is considered acceptable to extend the permission for a 36-month period.

10.51 This would give the Council a longer period of time to monitor the conditions and formal complaints on the site. It is therefore recommended that temporary consent be granted for a period 36 months.

11. SUMMARY AND CONCLUSION

Summary

11.1 A summary of these proposals is set out within paragraphs 4.1 to 4.6 of this report.

Conclusion

11.2 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	Temporary Consent (36 Months)
	<p>CONDITION: The hereby approved market is granted only for a limited period, being 36 months from the issue of this permission. After that date, no further markets shall run unless further consent has been obtained from the Local Planning Authority.</p> <p>Reason: The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that abut the site.</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>Site Location Plan, 001, 8269- PL-GA-103, Planning, Design & Access Statement dated June 2019, Cowcross Estate Transport Statement by DPZ Investors Ltd dated June 2019</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	Hours of operation
	<p>CONDITION: The market shall operate between the hours 9.00am and 4.00pm on Tuesdays, Wednesdays and Thursdays only.</p> <p>The cooking of food shall only take place between 11.00am and 2.30pm only.</p> <p>Reason: In the interest of protecting adjoining residents and offices amenity from noise, smells and disturbance.</p>
4	Site set up construction restrictions
	<p>CONDITION: The site set up and removal shall take place between the hours of 9.00am and 4.00pm. No more than 4 stalls shall set up at the same time.</p> <p>REASON: To mitigate against noisy activities that may lead to noise transfer and ensure that the proposed development does not have an adverse impact on neighbouring amenity</p>
5	Number of stalls (restriction)
	<p>CONDITION: The stalls shall be laid out in accordance to drawing reference 8269-PL-GA-103</p>

	<p>No more than 13 stalls shall operate or be allowed on site at any one time.</p> <p>Reason: In order to maintain the pedestrian access way (congestion) and maintain the primary function of the private space as area of open space and to protect the amenity of adjoining neighbouring properties.</p>
6	Market Supervisor/Manager
	<p>CONDITION: A market supervisor or manager shall be present during market operation times (9.00am-4.00pm) on each day the market is operated,</p> <p>Reason: To ensure the operational management of the market complies with the site set up arrangements, waste disposal and to liase with the adjoining residents on any issues of concern.</p>
7	Servicing, unloading and deliveries
	<p>CONDITION: Servicing, unloading, loading and deliveries to the hereby approved market stall development shall only occur between the hours of 9.00am and 4.30pm on the approved market days being Tuesdays, Wednesdays and Thursdays.</p> <p>REASON: In the interests of highway's safety and congestion and neighbourhood amenity.</p>
8	Market Operational Management Plan
	<p>CONDITION: Prior to commencement of the hereby approved use, a Market Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The operational management plan should detail how the development will be managed and controlled to address the following related activities:</p> <ol style="list-style-type: none"> 1 Unloading and loading timings, locations and parking arrangements related to the development. 2 Details of site supervisor/supervision of the market stalls and controls and responsibilities 3 Measures to ensure fire exits and right ways maintained) 4. Details of a fixed supply of hot and/or cold potable water supply. 5. Refuse plans, facilities locations and collection arrangements. 6. Litter control measures. 7. Any necessary noise control measures <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. No change there from shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity and highways safety and congestion in the surrounding area.</p>

List of Informatives

1	Other legislation
	You are reminded of the need to comply with legislation outside the realms of the planning legislation including Building Regulations, Environmental Regulations (including noise and litter), Inclusive Design etc.
2	Licensing: You are reminded that a license would be required if any of the stalls wish to sell alcohol. If that is the case, the land owner would have to apply for a full Premises License.
3	Private property: You are advised to remind customers of the market not to sit on steps or entrances into private residential and office buildings. Whilst it is not a planning issue, it is a third party civil matter between the owner of the property and the individual.

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 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

2. Development Plan

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

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

<p>1 Context and strategy Policy 1.1 Delivering the strategic vision and objectives for London</p> <p>2 London's places Policy 2.10 Central Activities Zone – strategic priorities Policy 2.12 Central Activities Zone – predominantly local activities Policy 2.18 Green infrastructure: the network of open and green spaces</p> <p>3. Policy 3.19 Sports facilities</p>	<p>5 London's response to climate change Policy 5.3 Sustainable design and construction Policy 5.13 Sustainable drainage Policy 5.17 Waste capacity</p> <p>6 London's transport Policy 6.2 Providing public transport capacity and safeguarding land for transport Policy 6.3 Assessing effects of development on transport capacity Policy 6.9 Cycling Policy 6.10 Walking Policy 6.11 Smoothing traffic flow and tackling congestion</p> <p>7 London's living places and spaces</p>
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4 London's economy
Policy 4.1 Developing London's economy
Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision
Policy 4.8 Supporting a successful and diverse retail sector and related facilities and services

Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Spatial Strategy

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

Policy CS15 (Open Space and Green Infrastructure)
Policy CS11 (Waste)

Strategic Policies

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

C) Development Management Policies June 2013

Design and Heritage

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

Health and open space

DM6.3 Protecting open space
DM6.5 Landscaping, trees and biodiversity

Shops, culture and services

DM4.9 Markets and specialist shopping areas

Transport

DM8.1 Movement hierarchy
DM8.2 Managing transport impacts
DM8.3 Public transport
DM8.4 Walking and cycling

D) Finsbury Local Plan June 2013

BC7 Historic Clerkenwell
BC8 Achieving a balanced mix of uses

5. Designations

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

- Finsbury Local Plan Area
- Conservation Area
- Local views

- Open Space
- Archaeological Priority Area
- Core Strategy Key Area
- Conservation Area
- Central Activities Zone

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

The following SPGs and/or SPDs are relevant:

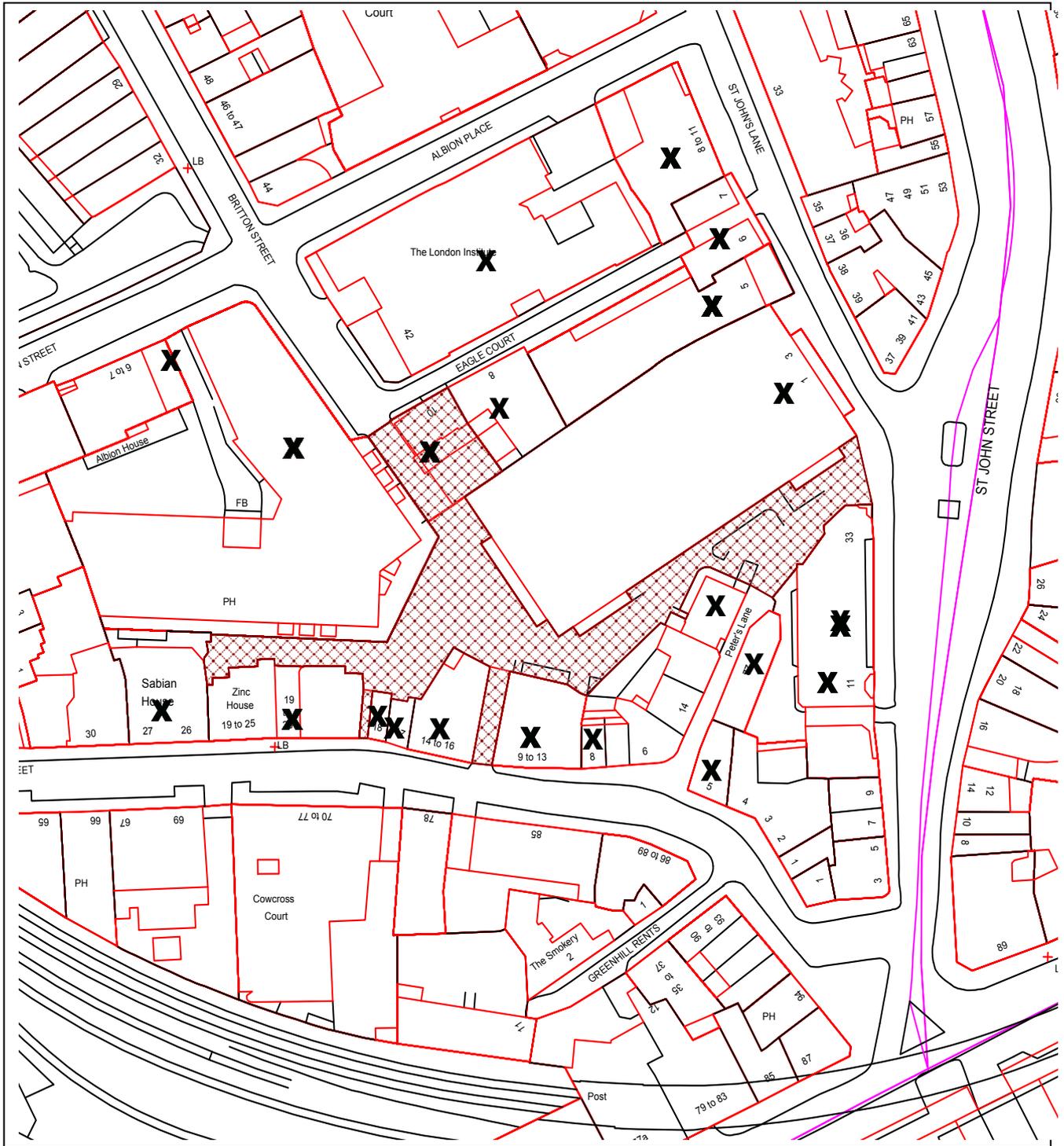
Islington Local Development Plan

London Plan

- Conservation Area Design Guidelines
- Urban Design Guide
- Accessible London: Achieving and
- Sustainable Design & Construction
- Planning for Equality and Diversity in London

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