



AGENDA FOR THE PLANNING SUB COMMITTEE A

Members of the Planning Sub Committee A are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD - Islington Town Hall on, **7 November 2019 at 7.30 pm.**

Enquiries to : Ola Adeoye
Tel : 020 7527 3044
E-mail : democracy@islington.gov.uk
Despatched : 30 October 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](#)

[Wards](#)

[Substitute Members](#)



Councillor Picknell (Chair) - St Mary's;
Councillor Clarke - St George's;
Councillor Convery - Caledonian;
Councillor Graham - Bunhill;
Councillor Mackmurdie - Clerkenwell;

Councillor Klute - St Peter's;
Councillor Kay - Mildmay;
Councillor Poyser - Hillrise;
Councillor Spall - Hillrise;
Councillor Woolf -
Canonbury;
Councillor Chowdhury -
Barnsbury;
Councillor Gill - St
George's;
Councillor Hamitouche -
Barnsbury;
Councillor Turan - St Mary's;
Councillor Wayne -
Canonbury;
Councillor Webbe - 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 - 4
6. Minutes of Previous Meeting 5 - 12

B. Consideration of Planning Applications **Page**

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2.	74-76 St John Street, London, EC1M 4DZ	65 - 106
3.	75 Hanley Road, London, N4 3DQ	107 - 132
4.	8 Oakley Crescent Islington, London	133 - 154
5.	Braithwaite House, Bunhill Row, Islington, London, EC1Y 8NE	155 - 176
6.	Michael Cliffe House, Skinner Street, London, EC1R OWW	177 - 194

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

D. Urgent non-exempt items (if any)

Any non-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.

E. Exclusion of press and public

To consider whether, in view of the nature of the remaining item 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 A, 14 January 2020

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 Ola Adeoye/Zoe Lewis on 020 7527 3044/3486. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk.

COMMITTEE AGENDA

1 137 - 139 Essex Road
Islington
London
N1 2NR

2 74- 76 St John Street
London
EC1M 4DZ

3 75 Hanley Road
London
N4 3DQ

4 8 Oakley Crescent
Islington
London
EC1V 1LQ

5 Braithwaite House
Bunhill Row
Islington
London
EC1Y 8NE

6 Michael Cliffe House
Skinner Street
London
EC1R 0WW

1 137 - 139 Essex Road
Islington
London
N1 2NR

Application Number: P2018/4159/FUL
Ward: St. Marys

Proposed Development: RE-CONSULTATION - Amendments made, including reduction to massing of two storey extension fronting Astey's Row, alterations to front facade, reductions to 2no. roof terraces, amendments to podium screening including landscaping and walkways and amendment to dwelling mix including removal of 2no. 1-bedroom studios and addition of 1no. 2-bedroom 4 person unit.

Main proposal:

Demolition and replacement of front and rear facades (including roofing) and additions to the roof, to include a one-storey extension fronting Essex Road, and two-storey extension fronting Astey's Row (with glass box above) to accommodate 6x (2 no. 1-bedroom studios x 3no. 2-bedroom units x 1no. 3-bedroom unit) residential units; refurbishment of existing ground and first floor and creation of part basement level Class B1 office space (166sqm) and retention of ground floor (100sqm) Class A1 retail unit fronting Essex Road .

Application Type: Full Planning Application

Case Officer: Jake Shields

Name of Applicant: See Agent

Recommendation:

2 74- 76 St John Street
London
EC1M 4DZ

Application Number: P2018/1580/FUL

Ward: Bunhill

Proposed Development: Change of use of part ground floor, basement and lower basement from Use Class B8 (storage) to flexible commercial use within Use Classes A3, A4 and D2. Replacement of ground floor facade and entrance doors, and fenestration to enclose existing ramp.

Application Type: Full Planning Application

Case Officer: Nathan Stringer

Name of Applicant: Venaglass Haymarket Limited - Mr David Rogers

Recommendation:

3 75 Hanley Road
London
N4 3DQ

Application Number: P2018/3395/FUL

Ward: Tollington

Proposed Development: Application for the external alterations and extension to the rear of the existing building at ground and first floor [REASON FOR RE-CONSULT - ADDITIONAL SUPPORTING INFORMATION AND AMENDED DRAWINGS].

Application Type: Full Planning Application

Case Officer: Ross Harvey

Name of Applicant: Crouch End PreSchool Ltd

Recommendation:

4 8 Oakley Crescent
Islington
London
EC1V 1LQ

Application Number: P2019/1292/FUL

Ward: St. Peters

Proposed Development: Erection of a roof top extension and new roof terrace to the existing flat roof. External redecoration and replacement windows to the front elevation at ground and first floor with double glazed units.

Application Type: Full Planning (Householder)

Case Officer: Ross Harvey

Name of Applicant: Ms Ferguson

Recommendation:

5 Braithwaite House
Bunhill Row
Islington
London
EC1Y 8NE

Application Number: P2018/4275/FUL
Ward: Bunhill
Proposed Development: The installation of 65 no. small antennas pole mounted on 13 no. free-standing support frames upon the roof of the building, the installation of 2 no. equipment cabinets within an existing plant room and development ancillary thereto.
Application Type: Full Planning Application
Case Officer: Ross Harvey
Name of Applicant: .
Recommendation:

6 Michael Cliffe House
Skinner Street
London
EC1R 0WW

Application Number: P2018/4282/FUL
Ward: Clerkenwell
Proposed Development: The installation of 86 no. small antennas pole mounted on 10 no. free-standing support frames upon the roof of the building, as well as one equipment cabinet.
Application Type: Full Planning Application
Case Officer: Alex McCombie
Name of Applicant: Luminet Solutions Ltd.
Recommendation:

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London Borough of Islington

Planning Sub Committee A - 3 September 2019

Minutes of the meeting of the Planning Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 3 September 2019 at 7.30 pm.

Present: **Councillors:** Picknell (Chair), Clarke and Mackmurdie

Councillor Angela Picknell in the Chair

73 INTRODUCTIONS (Item A1)

Councillor Picknell welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.

74 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillors Convery and Graham.

75 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Gill substituted for Councillor Convery.

76 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

77 ORDER OF BUSINESS (Item A5)

The order of business would be B3,B4,B1 and B2.

78 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 18 June 2019 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

79 89 CROUCH HILL LONDON, N8 9EG (Item B1)

Change of use of a hotel (Use Class C1) with accommodation for 12 Change of use of a hotel (Use Class C1) with accommodation for 12 bedrooms into 5 no. self-contained residential units (Use Class C3); with associated external works consisting of erection of a replacement larger two storey rear extension and a replacement larger two-storey side extension in place of an existing single storey side conservatory; creation of a new window opening to the existing front dormer; erection of a new rear dormer and replacement dormer and insertion of 1 no. new replacement rooflight to rear roof slope; creation of a refuse and cycle store within the existing garage, creation of terraces at ground, first and roof level with associated metal railings (balustrades); landscaping works; basement excavation and creation of front and rear lightwells.

(Planning application number: P2018/3775/FUL)

In the discussion the following points were made:

- The Planning Officer advised that no updates had been received since agenda was published, reminding members that if members are minded to grant permission, condition 6 which relates to screening to roof terraces and 9 which relates to construction monitoring would need to be amended to ensure it is very specific and robust.
- The Planning Officer informed the meeting that the proposal to change the hotel use to self-contained residential use is considered acceptable in land use terms. Members were reminded that there is no policy protection of a hotel especially if the application site is located in an area with a high level of residential accommodation .
- Members were reminded that the proposal is in line with Paragraph 49 of the NPPF which states that housing applications should be considered in the context of the presumption in favour of sustainable development unless there are strong economic reasons why such development would be inappropriate. The scheme would be delivering 5 residential units which would contribute towards the borough housing targets.
- In response to the question about the affordable housing contribution of £83,411 being offered by the applicant, members were advised that a financial viability assessment had been provided with the application which has been independently verified by the Council's Viability Officer. Members were informed by the Planning Officer that factors such as high build cost due to the extensive basement works, the land value in this area of the borough and the sales value all contribute to the reduced affordable contribution.
- On the question about monitoring the carbon emission commitment as stipulated in condition 10, the meeting was advised that this is a compliance issue which will be the responsibility of the Council's Energy Team and not a planning issue.
- Members agreed that conditions 6 and 9 be reworded to be specific in terms of the screening of the roof terrace and the structural engineers' report respectively. Members agreed that the wording of the two conditions be delegated to the Planning Officer and the Chair.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations, planning permission be granted subject to the conditions set out in Appendix 1 of the officer report and the amended condition noted above and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

CONDITION: The opaque glazed side elevation visual screen(s) to rear first floor roof terraces shown on the approved drawings numbered 1641-P02-02 Rev P4 & 1642-P03-01 Rev P3 approved shall be installed prior to the first occupation of the development and shall be maintained as such thereafter into perpetuity.

REASON: To prevent undue overlooking (oblique, backwards or otherwise) of neighbouring habitable room windows.

Revised and reworded Condition 9:

CONDITION: The Structural Engineers Report (Ref: AMA_REP_01 Rev. 01) dated June 2018 as set out will be overseen by the relevant and suitably qualified persons, shall be retained (or a replacement person holding equivalent qualifications shall be appointed and retained) for the duration of the development to monitor the safety of the construction stages and to ensure that the long term structural stability of the existing buildings and other nearby buildings are safeguarded, in line with the supporting Structural Method Statement.

At no time shall any construction work take place unless a qualified engineer is appointed and retained in accordance with this condition.

REASON: To ensure that the construction work carried out is in accordance to the submitted Structural Method Statement for the duration of the construction and maintain compliance with the Islington Basement Development SPD (2016).

officer report.

80

92 & 94 GIFFORD STREET, LONDON, N1 0DF (Item B2)

Erection of mansard roof extensions with dormers above the existing butterfly roofs at nos. 92 and 94, and associated raising of party walls and chimney stacks. Reinstatement of timber sash window to rear second floor level elevation and rear ground floor fenestration changes at no. 94 and associated alterations.

(Planning application number: P2019/1996/FUL)

In the discussion the following points were made:

- The Planning Officer advised the meeting that item is before Committee as the applicant is a ward councillor. Members were advised that no objections had been received.
- The Planning Officer advised that although the mansard roof extension is visible from the street level, it is not significantly prominent given both the minimal height of the extensions above the parapet, and the setbacks proposed.
- In terms of design, the meeting was advised that the extension is in line with the principles set out within the Urban Design Guide.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted

representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions set out in Appendix 1.

81 **CATHOLIC CHURCH OF THE SACRED HEART OF JESUS, 64 EDEN GROVE LONDON, N7 8EN (Item B3)**

Construction of a tower over the existing listed church and associated alterations. (Planning application number: P2018/1453/FUL)

In the discussion the following points were made:

- The Planning Officer informed the meeting that the application seeks to complete the tower in line with the architect's original design which was never constructed because the Parish had run out of funds and that the construction of the tower is considered to represent a heritage benefit which enhances the significance of the Grade II listed building and the St Magdalene Conservation Area.
- With regards the impact of the proposal on the amenity of surrounding residential properties, the meeting was advised that a revised sunlight/daylight and overshadowing report had been submitted after agenda was published which indicates a limited and minimal loss of daylight/sunlight and overshadowing to the habitable room windows and outside amenity spaces adjoining and facing onto the application site.
- Members were advised that although the proposed extension to the tower taking the total height of the building to 31 metres is defined as tall building' within the definition of the Islington's local plan and visible from several locations within the conservation area, it is considered to make a unique and positive contribution to the townscape.
- In response to concerns about the design of the tower, the planning officer advised that the council's design and heritage team had been consulted and no objections had been received.
- A neighbouring resident indicated that although she welcomed the proposal in principle she had concerns about overlooking from the tower into one of the bedrooms in her house and wanted some assurance on being notified if and when the church carries out maintenance work. In addition, the objector enquired if a mesh could be erected in and around the opening to distract pigeons and prevent droppings.
- In response to concerns about overlooking, the applicant advised that although maintenance of the tower would possibly be only once a year, the church will continue working with the neighbouring resident if any planned maintenance is to be carried out.
- On the question of addressing the nuisance as a result of pigeon droppings, the meeting was advised that the design and consultation team have

objected to any form of mesh being put in place to prevent pigeon nuisance or droppings and that any external mechanism would require planning permission.

- In response to a question on whether in the future the church could install a bell in the tower, the Planning Officer advised that the committee could include a condition with the permission to prevent the applicant installing a bell.
- Members agreed that the exact wording to the condition restricting the installation of a ringing bell in the tower be delegated to planning officer and the Chair.

Councillor Clarke proposed a motion to include a new condition restricting the installation of a bell in tower. This was seconded by Councillor Gill and carried.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions set out in Appendix 1 of the officer report, an additional condition restricting a bell in the tower and no objection or direction being received from the Greater London Authority (GLA) raising new issues not considered in the report.

CONDITION: Notwithstanding the hereby approved plans, no development shall commence on site until details of proposed measures to control the roosting of pigeons in the tower is submitted to and approved in writing by the Local Planning Authority.

The pigeon-proofing measures shall be installed within one week of completion of the tower and shall be retained as such thereafter into perpetuity.

REASON: To protect the amenity of neighbouring occupiers.

CONDITION: Notwithstanding the hereby approved plans, no planning permission is granted for any installation of any form of bell within the hereby approved development.

REASON: To protect the amenity of neighbouring occupiers in terms of noise and disturbances emanating from the application site.

**82 IDT HOUSE, 44 FEATHERSTONE STREET, ISLINGTON, LONDON EC1Y 8RN
(Item B4)**

Single-storey extension at sixth floor level and partial infill of lightwell to the rear of the existing building and internal and external refurbishments to provide additional B1 floorspace and new facade appearance and associated cycle parking.
(Planning application number: P2019/0183/FUL)

In the discussion the following points were made:

Planning Sub Committee A - 3 September 2019

- The Planning Officer informed members of a typographical error on page 124 of the report, that conditions 8 and 9 should be corrected as each condition is erroneously cross referenced to condition 4 instead of 5.
- Members were advised that in terms of its design it has been assessed over its quality, effect on the neighbouring conservation area and Grade I registered heritage asset and concluded that the design is of a sufficiently high quality to be permissible and represents a significant improvement over the existing situation.
- Members were advised that concerns about the scheme on neighbouring amenity are deemed to be acceptable after amendments to the massing of the previous scheme and the development is fully compliant with BRE guidance in terms of sunlight.
- The Planning officer informed the meeting that an adequate service arrangement has been agreed and the building incorporates sufficient inclusive design measures.
- In response to concerns that the black colour of the façade chosen for the scheme is not in keeping with the other buildings on the street, the Planning officer acknowledged that the advice had been sought from the council design team and no objections were received.
- With regards to Members concern that the resulting appearance and construction of the development is of high standard, it was suggested that condition 3 be reworded. The rewording of condition 3 to be delegated to planning officer and the Chair

Councillor Clarke proposed a motion to amend condition 3 as noted above. This was seconded by Councillor Gill and carried.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations, planning permission be granted subject to the conditions set out in Appendix 1 and conditional upon the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

Revised CONDITION 03: 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:

- a) final detailed drawings, samples, including colour, texture for the hereby approved front elevations alterations.**
- b) window treatment (including sections and reveals);**
- c) roofing materials;**

- d) balustrading treatment (including sections);
- e) Any other materials to be used.

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

REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.

The meeting ended at 8.45 pm

CHAIR

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB-COMMITTEE A		AGENDA ITEM NO:	B1
Date:	7 th November 2019	NON-EXEMPT	

Application number	P2018/4159/FUL
Application type	Full Planning Application
Ward	St. Mary's
Listed building	No
Conservation area	Within 50m of Conservation Area (Canonbury)
Development Plan Context	Town Centre (Angel) Secondary Retail Frontage (Angel) Article 4 Direction A1-A2 (Town Centres)
Licensing Implications	None
Site Address	137 - 139 Essex Road, N1 2NR
Proposal	Demolition and replacement of front and rear facades (including roofing) and additions to the roof, to include a one-storey extension fronting Essex Road, and two-storey extension fronting Astey's Row (with glass box above) to accommodate 5x (1 no. 1-bedroom unit [2 person] x 2no. 2-bedroom units [3 person] x 1no. 2-bedroom units [4 person] x 1no. 3-bedroom [5 person unit) residential units; refurbishment of existing ground and first floor and creation of part basement level Class B1 office space (166sqm) and retention of ground floor (100sqm) Class A1 retail unit fronting Essex Road.

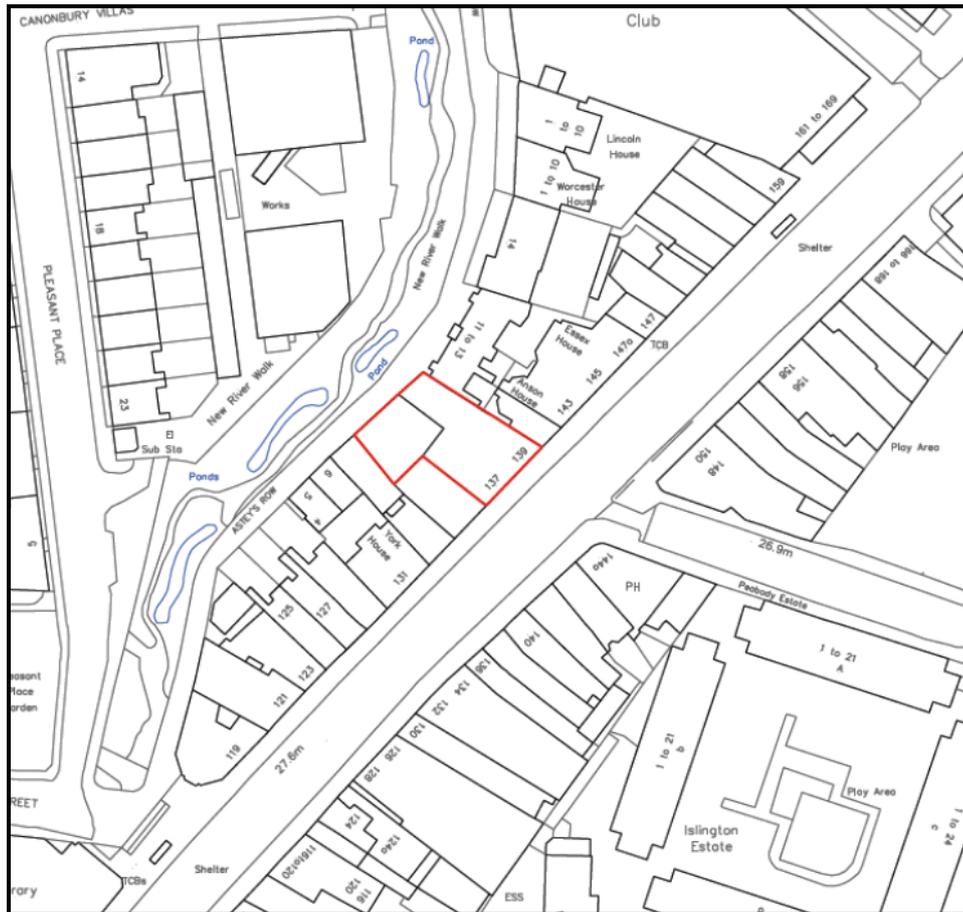
Case Officer	Mr Jake Shiels
Applicant	c/o Savills (UK) Limited
Agent	Ms Mia Scaggiante

1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the site



Image 2: View of frontage

existing Essex Road

Application site



Image 3: View of existing Astey's Row frontage



Image 4: View of existing 2nd floor flat roof of application building facing southwards towards 7 Astey's Row



Image 5: View over existing 2nd floor flat roof of application building facing northwards towards 11-13 Astey's Row.



Image 6: View over existing 2nd floor flat roof of application building facing northwards inbetween 7 Astey's Row and 131, 133 and 135 Essex Road.



Image 7: View over existing 2nd floor flat roof of application building facing northwards inbetween 11-13 Astey's Row and Anson House

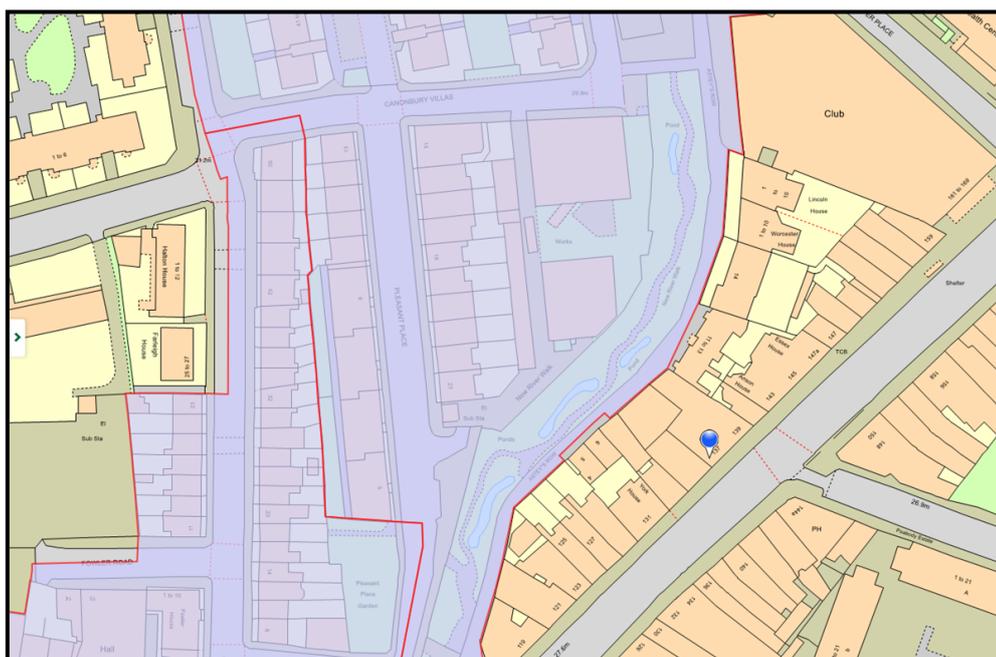
4. SUMMARY

- 4.1 The application proposes the demolition and replacement of front and rear facades (including roofing) and additions to the roof, to include a one-storey extension fronting Essex Road, and two-storey extension fronting Astey's Row to accommodate to accommodate 5x residential units; refurbishment of existing ground and first floor and creation of part basement level Class B1 office space and retention of ground floor Class A1 retail unit fronting Essex Road.
- 4.2 The site as existing is made up of ground floor (A1) retail space, accomodating an area of 322sq.m from front to rear, whilst the first and second floor (fronting Essex Road only) comprises an area of 462.5sq.m office (B1) floor space.
- 4.3 The proposed extension to the Essex Road frontage, would result in an additional storey which would house 1 x no. 2 bed (4 person) unit and 1 x no. 3 bed (5 person) unit and would include a ballustrated private terrace space for Home 5. The proposed extension to the Astey's Row frontage would result in an additional two storeys which would house 1 x no. 1 bed (2 person) unit and 2 x no. 2 bed (3 person) unit and a ballustrated private terrace space with glass box enclosure for Home 1. The residential floorspace proposed is approximately 484sq.m taking into account the amendment to the 3rd floor of the Astey's Row extension.

- 4.4 The proposal involves the retention of ground floor (100sqm) Class A1 retail fronting Essex Road that would span 8.2m across the ground floor front elevation with new step free access.
- 4.5 The proposal includes a basement excavation to create office/storage space to the rear of the site. A rear lightwell is proposed towards the rear boundary with associated hedging providing rear access to the proposed office space with internal refurbishment at ground and first floor creating an overall total of 629.30sq.m office space.
- 4.6 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.
- 4.7 The proposed extensions and newly formed terrace areas 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 (14).
- 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 north western side of Essex Road, opposite the junction with Greenman Street. The site has two frontages, one onto Essex Road comprising 3 storeys and one onto Astey’s Row comprising 2 storeys. The site falls within the Angel Town Centre and within the Angel Secondary Retail Frontage.



- 5.2 The application site is not listed and not within a Conservation Area however, it is in close proximity to the Canonbury Conservation Area (CA08) which is located to the north and west of the site. Astey's Row Rock Garden is located directly to the rear of the site and is a designated open space. The site is also located in an Archaeological Priority Area.
- 5.3 The building is post WW2 comprising brickwork to the front and rear elevation, and features a rendered ground floor frontage and metal entrance up to the first floor.
- 5.4 The site internally is made up of ground floor (A1) retail space, accommodating an area of 322sq.m from front to rear, whilst the first and second floor (fronting Essex Road only) comprises an area of 462.5sq.m office (B1) floor space.
- 5.5 This area is characterised as dense urban containing a mix of uses with commercial and retail spaces at ground floor with some office and residential units upon the upper floors to the Essex Road frontage, whilst Astey's row comprises residential properties with a range of architectural styles. To the Essex Road frontage, the site is adjoined to the east flank by Anson House a 5 storey mixed use brick built building, to the west flank is 135 Essex Road a 4 storey commercial building. To Astey's Row the building to the rear is flanked by 11-13 Astey's Row to the east, this is a 4 storey residential building with roof terrace. To the west flank is 7 Astey's Row a 4 storey residential building.

6. PROPOSAL (in Detail)

- 6.1 The application seeks permission for the demolition and replacement of front and rear facades (including roofing) and additions to the roof, to include a one-storey extension fronting Essex Road, and two-storey extension fronting Astey's Row to accommodate 5x (1 no. 1-bedroom unit [2 person] x 2no. 2-bedroom units [3 person] x 1no. 2-bedroom units [4 person] x 1no. 3-bedroom [5 person unit) residential units; refurbishment of existing ground and first floor and creation of part basement level Class B1 office space (166sqm) and retention of ground floor (100sqm) Class A1 retail unit fronting Essex Road.
- 6.2 The proposed extension to the Essex Road frontage, would result in an additional storey creating a front façade height of 15.1m. The frontage would consist of new brickwork, inward opening juliet balconies from the 1st to the 3rd floor, with dark coloured piers including stone and metal at ground floor supporting the ground floor retail frontage and office space upon the upper floors. Upon the roof of the extension is a ballustraded private terrace space of 23sq.m for Home 5 (as detailed within the submitted plans). This extension would house 1 x no. 2 bed (4 person) unit and 1 x no. 3 bed (5 person) unit.
- 6.3 The proposed extension to the Astey's Row frontage would result in an additional two storeys, resulting in an overall height of 13.8m (from ground level of new lightwell below Asteys row). The frontage would also consist of new brickwork matching the front, inward opening juliet balconies from the 1st to the 2nd floor, with single windows at ground floor above the proposed rear lightwell. Upon the roof of the extension is a ballustraded private terrace space of 21sq.m with glass box enclosure for Home 1 (as detailed within the submitted plans). This extension would house 1 x no. 1 bed (2 person) unit and 2 x no. 2 bed (3 person) unit.

- 6.4 The existing roof of the building at second floor level between the two proposed extensions would become a landscaped walkway/podium to allow for access from Essex Road and up from the associated internal staircase to Home 1, 2 and 3 on the Astey's Row frontage. A rooflight is also proposed and the area is screened by planters with railings accompanying them.
- 6.5 The proposal includes excavation to create 109sq.m of basement office/storage space to the rear of the site closest to Astey's Row. A rear lightwell is proposed extending by approximately 1m towards the rear boundary with associated hedging providing rear access to the proposed office space. There is currently no basement on site.
- 6.6 Amended plans were received, to include a reduction to the massing of the two storey extension fronting Astey's Row, alterations to front facade, reductions to 2no. roof terraces, amendments to podium screening including landscaping and walkways and amendment to dwelling mix including removal of 2no. 1-bedroom studios and addition of 1no. 2-bedroom 4 person unit.
- 6.7 The application has been referred to the planning sub-committee due to the number of objections received.

7. RELEVANT HISTORY

- 7.1 881930: Part second floor and part third floor extension to existing building for B1 purposes. Approved on 25/03/1989.
- 7.2 920978: Retention of ground floor for showroom/retail use and change of use of upper floors to residential entailing conversion to form 3 x 1-bedroom and 4 x 2-bedroom flats. **Refused** on 20/10/1992; **appeal allowed for retail use but dismissed in relation to residential use** on 17/03/93.
- 7.3 P2014/1816/PRA: Prior approval for change of use of first and second floors (B1a) to 4 residential units. **Approved with conditions** on 03/07/14.
- 7.4 P2014/1817/PRA: Change of use of rear ground floor from A1 to C3. **Prior approval not required** on 03/07/14.
- 7.5 P2015/0364/PRA: Prior Approval application for change of use of first and second floors of existing B1[a] office to four residential units Class C3 [2 X 3-bedroom units and one floor of 2 X 2-bedroom maisonettes]. **Prior approval required – refused** on 13/04/2015.

Pre-application

- 7.6 Q2018/1540/MIN: Erection of two-storey rear extension on Essex Road and two-storey extension on Astey's Row to accommodate 7 new residential dwellings (4 x 2 beds & 3 x 1 beds). Refurbishment of existing ground and first floor to provide upgraded office space for Patel Taylor Architects and a retail unit fronting Essex Road. **Completed** on 5th October 2019.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of adjoining and nearby properties on 19th December 2018, and closed on 4th February 2019, a total of 8 objections were received (including an objection from the Canonbury Society).
- 8.2 Following the submission of amended plans, additional letters were sent to occupants of adjoining and nearby properties on 19th September 2019, a total of 8 objections were received from the latest round of consultation, 5 of these are new objectors to the proposal. Therefore, at the time of the writing of this report a total of 14 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).

Access and Parking

- Heavy usage of parking in the road behind the building for existing building, further development would worsen situation
- Existing Astey's row is narrow with poor vehicle access, any further development would worsen situation
- Extension involving rear lightwell would make it impossible for two vehicles to pass
- Development is described as car free, but the development is likely to create causing parking issues
- Unclear as to how construction vehicles would access and leave the site given the constraints of the site
- Concern with Highway safety and vehicle and pedestrian access
- Disturbance from demolition and works would be high and if the council are minded to approve the application a Construction Management Plan should be created to ensure safety
- Safety issues with walking through park at night during construction if road blocked off
- Emergency access impacted
- Access blocked off during construction affecting residents movement.

(paragraphs 10.65-10.70).

Design and character

- Proposed glass box for the roof terrace would appear incongruous with the surrounding properties in particular 7 Astey's row
- Roof extension seems much higher than neighbouring dwellings and is unsympathetic to character of the area
- Design impact on Canonbury Conservation Area should be considered.
- Scheme is totally out of character with both Essex Road and Astey's row
- Design, scale and character of the building would be incongruous with the character of area
- External lightwell with storage and bicycle area would be an eyesore from flats
- Development contrasts with rest of street
- Light pollution would impact on Astey's row neighbourhood on Rock Garden and potentially the New River path area
- Revised plans show minimal change in response to visual impact on Conservation Area.

(paragraphs 10.9-10.22).

Neighbouring amenity

Loss of daylight/sunlight

- Loss of natural sunlight to flat living space
- Loss of sunlight to rear of property from Essex Road from Astey's Row extension
- Additional height above the existing structure to the Astey's Row side would harm the current flora by loss of daylight
- Overshadowing from additional height would impact public gardens, omitting the 5th floor access room would help in mitigating this loss of sunlight
- Overshadowing to nearby flat windows and terrace area
- Calculation on how BRE is derived is queried
- No access to neighbouring flat and so assessment questioned
- Depth of Astey's row extension would be on boundary with terrace and would block light
- Impact much greater than assessment shows
- 45 degree line impacted from Astey's row extension to neighbouring kitchen window conflicting with the guidance
- Revised Daylight and Sunlight Assessment report refers to a different number of windows labelled at odds with the original submission creating confusion
- 'Marginal deviations' as noted in D&S Report are clearly significant proportions of the original minimum targets.

(paragraphs 10.36-10.45)

Privacy

- Objection based on overlooking to office space on Essex Road from proposed communal area (2nd floor podium), any mitigation via screening should be ensured by a condition if application acceptable.
- Existing overlooking stated within the submitted Planning Statement as an incidental sitting area is far removed from the new intensive residential use and the statement is misleading
- Concern with numbers using second floor terrace
- Internal 'courtyard' (2nd floor podium) most likely be more intensive than described, potentially being used for sitting area/barbeques that would affect noise and overlooking
- No details on screening and planting buffer to avoid loss of privacy to nearby residential unit. A physical barrier is therefore requested to avoid overlooking
- 4th floor terrace would cause unacceptable overlooking to neighbouring flat

(paragraphs 10.24-10.28).

Noise

- Noise impact on Astey's Row neighbourhood
- A terrace of the size proposed could be used for larger gatherings, and due to its exposure would increase impact in terms of noise and disturbance
- Revised terrace still large enough to hold high numbers of persons
- Existing noise from building from music and loud noises impacting mental health
- Building as existing not sound proofed

(paragraph 10.29)

Outlook and enclosure

- Astey's row would appear obtrusive, overbearing and create a strong sense of enclosure to third floor living area of adjacent flat
- Impact on outlook from neighbouring living room area, kitchen and existing terrace would feel enclosed
- View from second floor bedroom would be blocked on one side
- Revised plans to show extension angled away this would still negatively impact outlook.

(paragraphs 10.30-10.35).

Ecology

- The building is close to areas where swifts are nesting and will potentially nest, so a request is made that a significant number of integrated swift nest boxes are installed near the highest level of brickwork. Integrated bricks for bats, would be welcome to further enhance local biodiversity. An ecology survey could identify the best location in the building for these installments (Islington Swifts Group)
- Enquiry in to whether a consultant ecologist should conduct a wildlife assessment to assess impact on local conservation area from new development.

(paragraph 10.74).

Other

- Total lack of care of existing building, including rubbish left out
- Current relationship between owner of site and neighbours not good
- Revised plans show bare minimum made, applicant therefore driven by maximumising commercial benefit regardless of detrimental impact development will have on community amenity
- Consultation between neighbours and applicant concerning.

No comments made regarding the above objections.

8.2 The Canonbury Society: Objection, based on the following:

Would neither generate more useful activity in Astey's Row, nor make Astey's Row, nor the Gardens of New River Walk, safer and more attractive (**paragraph 10.21**)
Access of residential units from Astey's Row would have provided neighbourly footfall (**paragraph 10.21**)

- Both entrances for office on Astey's Row are in same position, no improvement here. From a commercial view access from Essex Road may be better (**paragraphs 10.61-10.70**).
- Loss of sunlight and overshadowing to Astey's row would have a harmful impact on Conservation Area, omitting the 5th floor access/room would help in mitigating against loss of sunlight. (**paragraphs 10.9-10.22**).
- The basement excavation could result in the temporary closure of Astey's Row, in circumstance should the gardens be closed to the public. (**paragraphs 10.65-10.70**).

Internal Consultees

8.3 **Acoustics Officer:** No objection subject to conditions if permission is granted.

8.4 **Design and Conservation officer:** No objection, their comments read:

'The revisions to the south façade, including the vertical subdivision of the ground floor glazing, the removal of the plaster quoins between the application site and 141 Essex Road and the internal rearrangement of the third floor flat to avoid producing a partially blank window on the principle elevation, have produced an acceptable scheme. The scheme under consideration sits more successfully in the surrounding Essex Road streetscape than the initial scheme, particularly at ground floor level.

The scheme is not considered to cause harm to the setting of the neighbouring Canonbury conservation area (a designated heritage asset).'

8.5 **Planning Policy Officer:** Concern raised, their comments read:

'As discussed it retains a retail frontage. Also worth considering is the size of the retained retail space. Is it of sufficient size to be considered desirable for future occupiers and not compromise the future operation of the retail unit.

With regards the office floorspace, I note the proposal results in an uplift of 167sqm, however there is also an uplift in residential floorspace of 494sqm/6 units. In line with DM5.1 we need to be satisfied that the maximum amount of business floorspace is being provided. Whilst the planning statement identifies that the total office floorspace of 629sqm makes up more than 50% of total floorspace this is only a little over half the total floorspace. As noted in the planning statement CS5 also resists any significant introduction of residential.'

8.6 **Inclusive Design Officer:** Objection, their comments read following submission of amended plans:

- *Only 2 of the studio flats have been removed. Justification is requested about the remaining 4 studio flats.*
- *The initial suggestion of a shared entrance has not been taken on board.*
- *Winding treads are inaccessible and not considered inclusive*
- *There is no private amenity space for a majority of future occupants, which is against our policies.*
- *Limited provision of accessible cycle parking, in line with Appendix 6, Local Plan review. The cycle storage space for the office is also completely substandard in terms of circulation space.*
- *Door swings across landings – this is unacceptable (landings must be clear, 1200mm deep).*

Officers would like to comment that no studio flats are proposed as indicated on the first bullet point.

External Consultees

8.7 **Crime Prevention Officer (MPS):** No objection, but concern raised with rear lightwell space, recommended that passageway is fully enclosed to access the rear of the premises, in order to deter anti-social behaviour, crime issues or attacks to the vulnerable rear of the premises. Request made for the inclusion of a planning condition to achieve Secured by Design accreditation.

8.8 **Historic England (GLASS):** Recommend No Archaeological Requirement, which reads:

'Although within an archaeological priority area, archaeological survival within this site is likely to be poor. Additionally, the submitted archaeological assessment shows that the site falls just outside the historic settlement. Given the limited archaeological potential and the relatively small scale development it is unlikely that there would be an archaeological impact at this location. Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

No further assessment or conditions are therefore necessary'

8.9 **London Fire & Emergency Planning Authority:** Comments read:

'The Commissioner has been consulted with regard to the above-mentioned premises and makes the following observations:

Other comments: There should be fire brigade vehicle access to the perimeter of the building and sufficient hydrants and water mains in the vicinity which should comply with Approved Document – B (AD-B) and maintained at all times.

The Commissioner strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life.

The Commissioner's opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of occupier.'

8.10 **TfL (Road Network Development):** No objection, which reads:

'Having assessed the proposals, I can confirm that TfL Spatial Planning has no strategic transport comments to make on this planning application other than to emphasise the development should comply with the transport policies set out in the draft London Plan.

The footway and carriageway must not be blocked during the development. All vehicles associated with the development must only park / stop at permitted locations and within the time periods permitted by existing on-street restrictions.'

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

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

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

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:
- Land use
 - Design and assessment of any heritage impacts
 - Impact on the amenity of neighbouring residents.
 - Accessibility
 - Noise implications
 - Landscaping
 - Highways and delivery and servicing
 - Refuse facilities
 - Archaeology
 - Small sites and affordable housing
 - Quality of accommodation and residential mix
 - Other areas

Land Use

- 10.2 The site is not within an Employment Growth Area, Employment designated area or within the Central Activities Zone (CAZ). The site is however within the Angel Town Centre. Policy CS13 of the Core Strategy encourages the location of business floorspace within town centres, and there is a need for business space within the borough generally. Consequently, there is no objection to the provision of additional office space at the site and for the use of this in an open plan layout for Patel Taylor Architects, the applicant, whom are currently based within the southern part of Islington on Rawthorne Street. It should be stressed that the site has a long term plan in being a base for the Architects firm in order to accommodate their expanding operations which would contribute to the economy of the local area with the creation of jobs, whilst providing a mixed use building with retail at ground floor and residential at upper floors.

- 10.3 Policy CS5 (Part D) of the Core Strategy provides that any significant introduction of residential uses in Angel Town Centre will be resisted, but that retail-led mixed use development with an element of conventional residential use which makes a significant contribution towards meeting affordable housing objectives may be acceptable.
- 10.4 Whilst the Council notes that the scheme as proposed is not primarily 'retail-led', the proposal would be a significant improvement visually over the existing building which would have a material townscape benefit, in addition to contributing towards meeting housing needs and involves a substantial financial contribution towards affordable housing in the borough. It also offers other benefits, such as an uplift of approximately 166.8m² of office space and the creation of a high-quality building internally and externally to replace one which currently is of limited architectural merit in visual terms. It is therefore considered that, on balance, the introduction of residential use in this instance, which is an integral part of the scheme's viability is considered to be acceptable based on the existing site specifics, unusual depth and double frontage of the site onto Essex Road and Astey's Row. These site specific factors and townscape attributes are considered to weigh in favour of the application in planning terms.
- 10.5 The existing retail (A1) floor space at the site totals 322.8m², and the proposed scheme seeks to re-provide 100m² of retail space on Essex Road. The scheme would therefore result in a net loss of retail space of 222.8m². Policy DM4.5 of the Development Management Policies provides that, within secondary retail frontages, proposals to change the use of existing retail premises will not be permitted unless a number of criteria are satisfied. These are:
- i) The resulting proportion of retail units would not fall below 50% in the secondary frontage;
 - ii) The proposed change of use would not result in a break in continuity of retail frontage of more than two non-retail units;
 - iii) The premises have been vacant for two years and continuous marketing evidence for this period is provided to demonstrate that there is no realistic prospect of the unit being used for retail (A1) purposes;
 - iv) The proposed use would not have a harmful effect on the retail function and character of the town centre; and
 - v) The proposed use on the ground floor would provide an active frontage.
- 10.6 In this instance, the desktop study submitted (Pg.23 of the Planning Statement) has indicated that criteria i) is satisfied and, given that the scheme seeks to retain a retail unit across the majority of the frontage on Essex Road, criteria ii), iv) and v) are also broadly satisfied. However, the requirement to submit marketing evidence demonstrating a two-year vacancy period cannot be complied with, as the property is currently occupied by a retail business.
- 10.7 The proposal has not provided any market demand analysis provided for the reduction in retail floorspace, which would help to justify the loss of ancillary space as detailed by the Planning Policy Officer. Whilst this is acknowledged, regard is had to the active frontage and this being retained. The existing unit as shown in the image below is a narrow strip lengthways of the active frontage, beyond and walled off from the frontage is a larger area of retail that drops down to the rear of the building. The rear area is not part of the frontage nor visible, and appears very much underutilised. Officers are therefore of the view that this would not harm the retail function of the Town Centre due to the fact that the majority of the 'lost' retail space is located towards the rear of the site (Astey's Row is not a retail frontage), and a retail presence

is still being maintained on Essex Road which is the key frontage, the proposal would have very little impact on the retail character of the street or the wider town centre. Therefore, whilst a technical breach of Policy DM4.5 exists, the proposal is not considered to compromise the objectives of the Local Plan when considering the site specifics, Townscape improvement and is considered a material planning consideration that outweighs the conflict with Policy DM4.5.

- 10.8 Regard is also had to emerging Draft Local Plan, more specifically R3 (Islington's Town Centre) and R6 (Maintaining and enhancing Islington's unique retail character) in particular, the latter of which states that the provision of small shop units are generally considered to be of around 80sq.m, the re-provision of 100sq.m of active frontage is therefore acceptable, and the proposal seeks to address the emerging policies that do gather weight, and are relevant in regards to this proposal.



Image 8: Existing ground floor retail frontage

- 10.13 The proposal is broken up into 3 main visual components, that would have an impact on the character of the Conservation area and surrounding area.

Essex Road Frontage

- 10.14 The proposed extension to the Essex Road frontage would result in an additional storey creating a front façade height of 15.1m. The existing character along the Essex Road frontage includes primarily a range of 3-4 storey building heights, to the east is Anson House a 5 storey mixed use brick built building, to the west flank is 135 Essex Road a 4 storey commercial building. The proposed scale is therefore considered acceptable aligning roughly in height with 141 Essex Road (Anson House). Additionally, officers note that the extension massing follows the existing building lines to either flank and would therefore not appear prominent or out of character within the existing streetscape.
- 10.15 The frontage would consist of new red brickwork that has been formed following pre-application process and in comparison to the other brick colours and textures explored, reads well within the immediate streetscape. The façade also includes inward opening juliet balconies from the 1st to the 3rd floor, with dark coloured piers including stone and metal at ground floor supporting the ground floor retail frontage and office space upon the upper floors (as detailed in the image below). Officers consider following pre-application discussions that the fenestration, proportions and detailing of the proposed scheme were of a very high quality and officers consider the lighter red brick work would fit its context more appropriately. The proposed frontage and façade would be contemporary in appearance, at odds with the existing building, however, the existing building in appearance appears tired and does not conserve the character of the area or hold architectural merit, and the façade following the submission of amended plans is considered acceptable in line with the comments of the Conservation Officer.



Drawing 1: Proposed Essex Road elevation

- 10.16 Upon the roof of the extension is a ballustrated private terrace space of 23sq.m for Home 5 (as detailed within the submitted plans). Concern was originally raised by Officers in regards to the visibility of the terrace area and it's impact on the streetscape. Following further assessment of photo montages and visual images that were provided by the applicant, officers consider that the front terrace would have very limited visibility from Essex Road and Greenman Road to the south and would not have an adverse impact on the character of the area, and is therefore acceptable.



Image 10: Photomontage of proposed Essex Road elevation



Drawing 2: Second floor Podium level.

10.17 The site would contain a podium level upon the second floor upon what is the existing roof of the building behind the principal elevation of the building. This area would be for access to residential units on Astey's Row only, and would be characterised by planters, a central rooflight and boundary screening consisting of hedging with railings internally, which would all not be considered large scale nor significantly visible from the public realm to cause harm to the character of the area.

Astey's Row Frontage

10.18 The proposed extension to the Astey's Row frontage would result in an additional two storeys, resulting in an overall height of 13.8m which would be in close proximity to the Canonbury Conservation Area. The building to the rear is flanked by 11-13 Astey's Row to the east which is a 4 storey residential building with roof terrace. To the west flank is 7 Astey's Row a 4 storey residential building, both of which vary architecturally to each other and the application building. The two storey development would infill an area of space that as existing contains an open flat roof area and would not extend deeper than the rear elevation of both neighbouring properties. The development in scale is therefore consistent with the neighbouring residential buildings.

10.19 The frontage would also consist of red brickwork matching the Essex Road elevation featuring inward opening juliet balconies from the 1st to the 2nd floor, metallic roof extension with larger panes of glazing and single windows at ground floor above the proposed rear lightwell. As detailed within the analysis of the materials fronting Essex Road, the façade would read well with the primarily red brick of the adjacent properties at 7 and 11-13 Astey's Row and overall reflects positively to the surrounding area. 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." The 4th floor extension in this regard is therefore acceptable given the overall modernisation of the building, and updating of the appearance of this elevation as a whole in comparison with the existing elevation that currently features security grills over windows, alarms, signage, vents and fading brickwork. Officers consider the proposed extension and new façade to be an improvement to the townscape and would comply with the requirements of DM2.3.



Drawing 3: Proposed Astey's Row elevation

- 10.20 Upon the roof of the extension is a ballustrated private terrace space of 21sq.m with glass box enclosure for Home 1 (as detailed within the submitted plans). Concern was originally raised by Officers in regards to the visibility of the terrace area and it's impact on the Canonbury Conservation Area.



Image 11: Photomontage of proposed Astey's Row elevation

- 10.21 The scheme has been amended to include a reduction in the length of the amenity space, including the length of the metal balustrade housing the terrace area (3.4m reduction), this in addition to the length of the over glazed glass panel box (1.94 reduction) that would provide access up from the 3rd floor residential property to access the terrace space. Following further assessment of photo montages and visual images that were provided by the applicant, officers consider that the rear terrace would not be significantly visible in short views from Asteys' Row given the setback and the reduction would result in a reduction in the bulk to this level and would not have an adverse impact on the character of the Conservation area, and is therefore acceptable. 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.
- 10.22 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. Officers consider that the proposed development positively reflects the character of the existing building and character of the Conservation Area and would not harm the character of the Conservation Area.

Neighbouring Amenity

10.23 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

10.24 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.*'

10.25 In this instance, both proposed elevations facing Essex Road and Astey's Row respectively do not overlook neighbouring amenity to an unacceptable degree given the spacing to neighbouring properties, whilst there are no flank windows proposed that would cause issues of overlooking.

10.26 The podium level which provides access to the Astey's Row residential properties, is a communal area to the centre of the site in-between the two extensions. This element has been amended since the submission of the originally submitted plans following concerns regarding overlooking to the office space (135 Essex Road) to the south and residential space to the north (11-13 Astey's Row and 141 Essex Road) and south (7 Astey's Row). Specific concern was raised in regards to the access of the space for 4no. units and disturbance created, no screening along the perimeter, proximity of residential accesses to adjacent properties and the use of the podium area space beyond access purposes. Objections were received with concern with the podium proposed from neighbouring properties also. The following changes were proposed following further discussion between the applicant and Council:

- Home 1. Front door moved away from podium edge. Internal layout adjacent accordingly.
- Home 4. Front door moved away from podium edge. Internal layout adjacent accordingly.
- Inclusion of larger zones of defensible planting along podium edges. Increased width from 100mm to 550mm and increased height to 1700mm. Planting to consist of low maintenance hedges which are fast growing and evergreen.
- New position of planters at ends of walkways restricting access.
- Reduced length and reduced width of residential walkways. Walkways moved away from podium edges.
- Low maintenance soft landscaping on podium with ground cover, low level grasses and low level perennials to reduce opportunities to dwell and limit spaces to sit.

- 10.27 The amended layout satisfies the concerns raised in regards to overlooking and privacy, by reducing the number of units accessing the podium, screening adjacent properties from 3no. flats users on the podium by virtue of hedging with railings, restricting access on the central part of podium by creating a landscaped area, reducing the length and width of the walkways to ensure the area's primary use is access only.
- 10.28 A number of objections have been raised in regards to overlooking and disturbance by virtue of noise from the two no. roof terraces on both extensions. The proposed roof terrace to the Essex Road frontage would serve Home 5 only and given its siting above neighbouring properties would not result in direct overlooking to neighbouring windows, and the area is primarily set off from the perimeter, and set back from the north and south of the adjacent properties. The proposed roof terrace to the Astey's Row side has been reduced in lengths away from 11-13 Astey's Row, more specifically the top floor flat (No.6) whereby the proposed terrace was originally in close proximity. The reduction, is considered to overcome the concerns originally raised, again this terrace would be above the adjacent properties and away from the perimeter of the proposed extension, meaning there would be no direct overlooking of neighbouring windows with views over residential properties and towards Astey's Row park.
- 10.29 A number of objections have been raised in regards to both terraces, and access for large gatherings, creating noise and disturbance. Whilst this objection is acknowledged, terraces (Approx. 17sq.m in total) are noted at both flats at 11-13 Astey's Row upon the third floors. The proposed terraces would serve one private unit each, and given the site's dense urban location within the Angel Town Centre, the development is on balance considered acceptable, in the context of the site surroundings, and the setbacks and amendments made.

Outlook and enclosure

- 10.30 The proposed one storey extension fronting Essex Road would align with the flank wall with 141 Essex Road (Anson Road) and be higher than 135 Essex Road, officers note that the extension massing follows the existing building lines to either flank and rear, whilst there are no flank windows that would be enclosed to an unacceptable degree, additionally.
- 10.31 The Astey's row two storey extension would span the full width of the rear part of the building. It would not extend deeper beyond the rear elevation of the neighbouring building lines, there are no flank windows at 7 Astey's Row and would not impact on the residential amenity of this neighbour by virtue of its siting. To the opposing side, the extension would extend up to northern boundary with 11-13 Astey's Row, whereby there is a roof terrace area, and to the right hand side the fourth floor of the building that contains the kitchen area north east of the extension and living room due north of the development.

- 10.32 Officers acknowledge that the outlook from the terrace and kitchen area is that of Astey's Row tree line and public park to the west, whilst the flat roof 2nd floor of the application building is directly below to the south affording views in this direction unobstructed. The living room is setback from the proposed development by 4.2m, and at present would also look out over the open area of the flat roof.
- 10.33 An objection has been received in regards to the loss of outlook and adverse impacts from the enclosure of the development and its prominence in relation to the living space of the flat at this level. The applicant has since amended the plans to reduce the proximity of the extension at 4th floor to the living space at this level, resulting in an angled cutback, meaning a cutback closes to the boundary by approximately 2.7m, the extension then extends 3m south before jutting out by approximately 0.9m, with a clear 1m setback from the rear elevation. The amendment would reduce the sense of enclosure to this neighbour, however, the amenity of this property in any case would remain adequate, when considering the kitchen window (a non-habitable room) would not be obstructed in views towards the park, whilst the living room is dual aspect with bay windows overlooking the park. Therefore, whilst the view is obstructed directly south, the terrace and habitable space would still have a good level of outlook west and south west following the amendment. Officers would also acknowledge the relationship the terrace at Flat 5 (11-13 Astey's Row) has with Flat 6 in its enclosure, and the similarities the development would have, although bettered now by the amended angle of the extension. The application site does not conform with the architectural character of the surrounding area by virtue of the dip in built form given its two storey stature amongst the taller buildings. Therefore, whilst the terrace and lounge view would be partially obstructed to the south by virtue of the proposed development, on balance, the proposal would be consistent with the architectural form of the surrounding area and the affected flat would retain a good level of outlook to justify support of the application on these grounds.
- 10.34 The podium area to the centre of the proposed development would include 1m high railings and internal hedging 1.7m high around the perimeter, the adjacent office windows to the south and residential to the north and south (as shown on the proposed 2nd floor plan) would be in view of this. This development would however not be considered prominent to neighbouring properties when considering the existing layouts and outlook that properties have either facing the rear wall of the Essex Road rear elevation or the rear elevation of the Astey's row development.
- 10.35 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

10.36 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:

- 4-7 Astey's Row (south-west),
- 11-13 Astey's Row (north),
- 141-143 Essex Road: Anson House (north-east),
- 131 Essex Road (south),
- 133 Essex Road (south),
- 144 Essex Road (east),
- 144a/b Essex Road (east),
- 148-150 Essex Road (east),

10.37 **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 Contour (NSC) test where the percentage of working plane area receiving light is measured, is not reduced by greater than 20% of its original value.

10.38 The results from both the VSC test and daylight distribution show that all windows tested at all tested properties (except for 11-13 Astey's Row and 141 Essex Road - Anson House) 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 is considered to be acceptable in line with BRE Guidelines and recommended target values. Neither test is failed by any window or room other than singular cases noted at the properties in brackets.

11-13 Astey's Row (north)

10.39 The results from the VSC test show that 2 windows fail out of the 49 assessed, with the other 47 showing no noticeable change meeting BRE guideline criteria. Those failing are W3 on the first and second floor serving the flank of the 3no. bay window for one property each, indicted on the table below. The main windows of the bay serving the rooms would experience no noticeable change in daylight levels and, in addition, the mean VSC reduction across all or the windows is at or within 0.8 times the former value. The results are therefore compliant with the BRE criteria.

Daylight Assessment (VSC)	W3-L (First)	W3-L (Second)
VSC – Existing	8.7	23.7
VSC – Proposed	6.0	7.1
PR/EX	0.7	0.3
Meets BRE Guidance	NO	NO

10.40 The results of the of NSC, show that 3 windows fail out of the 22 rooms assessed (indicated on the table below), with the other 19 showing no noticeable change meeting BRE guideline criteria. Those failing are rooms identified as R3 (served by W6) on the ground floor, together with R2 (served by W4 and W5) and R3 (served by W6) on the first floor serving one residential property. These rooms back on to the rear of the Astey’s Row elevation which face the yard immediately adjacent to the lower level. As existing the outlook and daylight is constrained, and therefore the losses are assessed to be exacerbated by the existing low level of which the values start at, and fall to 0.7 its former value, below the 0.8 requirement. Whilst this is acknowledged, the decrease is marginally below 0.8 and would retain an acceptable level of compliance with the VSC assessment, to not result in such demonstrable harm to loss of daylight.

Daylight Assessment (NSC)	R3-W6 (Ground)	R2-W4 & W5 (Ground)	R3-W6 (First)
VSC – Existing	17.4	56.2	21.2
VSC – Proposed	12.7	41.7	14.3
PR/EX	0.7	0.7	0.7
Meets BRE Guidance	NO	NO	NO

141-143 Essex Road: Anson House (north-east)

10.40 The results from the VSC test show that 1 window fails out of the 28 assessed, with the other 27 showing no noticeable change meeting BRE guideline criteria. The window failing is W2 on the second floor of the building showing a marginal reduction below the BRE targets (indicated on the table below). The room is however served by an additional window to the that would remain unaffected in daylight levels. The results are therefore compliant with the BRE criteria. All windows would pass the daylight distribution test (NSC).

Daylight Assessment (VSC)	W2-L (Second)
VSC – Existing	23.9
VSC – Proposed	17.6
PR/EX	0.7
Meets BRE Guidance	NO

10.41 **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.*

10.42 All windows within 4-7 Astey’s Row (south-west), 131 Essex Road (south), 133 Essex Road (south), 144 Essex Road (east), 144a/b Essex Road (east) and 148-150 Essex Road (east) would meet the BRE guidelines.

11-13 Astey’s Row (north)

10.43 The results from Sunlight tests show that 1 of the 17 rooms assessed would not retain APSH levels in excess of the targets. The room affected is a bedroom on the second floor served by Windows W1-W3 (Bay window) that faces Astey’s Row and the public park/garden. The APSH level would go down to 21% in annual sunlight, which is below the suggested 25% target, whilst winter daylight will go down to 3% APSH in the winter months.

Sunlight Assessment	R1 W1-W3 (Second floor)
ANNUAL – Existing	39
ANNUAL – Proposed	21
PR/EX	0.5
Meets BRE Guidance	NO
WINTER – Existing	10
WINTER – Proposed	3
PR/EX	0.3
Meets BRE Guidance	NO

10.44 The affected windows W1, W2 and W3 would have a reduction in sunlight received over the whole year greater than 4% of APSH from existing to proposed APSH, although the reduction to 21% would only be marginally shorter than the 25% required figure. When considering general compliance with BRE guidance in regards to VSC and daylight distribution, and marginal deviations below the sunlight requirements within this urban location 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 property on 11-13 Astey’s Row, identified to justify refusal of permission in line with BRE Guidance. In addition to this, in line with BRE guidance, sunlight to bedrooms is less important than other habitable spaces. It is worth noting additionally, that the windows adjacent to the top floor of the amended setback extension are kitchen windows and a living room providing light from bi-fold doors, these all comply with both the daylight and sunlight tests and officers consider that this assessment indicates no adverse impacts to this neighbouring flat.

141-143 Essex Road: Anson House (north-east)

- 10.45 The results from the sunlight assessment show that five of the six rooms assessed retain sunlight in excess of the BRE targets. The remaining room (bedroom) can be identified as R2 (W2 and W3) on the second floor and with the proposal in place, the results show total sunlight levels of 21%, and winter levels of 2% which is below the BRE targets. This room within the residential property would however retain a good level of daylight, retaining adequate levels of daylight (VSC and NSC), and given the marginal reduction below 0.8 in annual sunlight to 0.6, it is not considered justifiable to refuse the application on this basis given the marginal deviations and existing site constraints.

Sunlight Assessment	R1 W1-W3
ANNUAL – Existing	34
ANNUAL – Proposed	21
PR/EX	0.6
Meets BRE Guidance	NO
WINTER – Existing	6
WINTER – Proposed	2
PR/EX	0.3
Meets BRE Guidance	NO

Basement excavation

- 10.46 Paragraph 7.1.16 of the Council's Supplementary Document – Basement Development (SPD) states that on commercial and mixed use redevelopment schemes with proposed basements, the extent of basement development should be commensurate to the site context and building design. Sites within commercial areas such as the Central Activities Zone often contain buildings built to boundary. Any basement component of the scheme should be designed to avoid adverse impacts to sensitive sites, building, trees and other structures that may be affected by the construction of the proposed development. Areas of landscaping proposed should be designed as deep soil landscaping with natural drainage and no basement or other impermeable structure underneath.
- 10.47 Paragraph 7.1.17 of the SPD states that in order to ensure consistency and safeguard against potential adverse impacts, commercial and other redevelopment sites must take into account and respond to the issues covered by this guidance and submit the appropriate documentation required in support of any planning application.
- 10.48 The application has been supported by a Structural Method Statement by Aviron, Geotechnical and Land Contamination Specialists (August 2015) highlighting minimal effects on neighboring amenity, trees and flood risk and conducting appropriate borehole and trial pits. The report is supported by an updated 2018 Structural Method Statement, which outlines the basement construction method in detail, plans of the proposed excavation and is again supported by a chartered structural engineer. There is therefore no objection to the scope of the works proposed, and a condition would be applied to adhere to the documentation submitted.

Housing considerations

Housing mix

- 10.49 Policy DM3.1 of the Islington Development Management Policies provides that all sites should provide a good mix of housing sizes. Table 3.1 sets out an indicative housing size mix required for each housing tenure. For market housing, 10% of units should be 1-bed, 75% should be 2-bed and 15% should be 3-bed. The proposal provides a compliant mix of housing units with the provision of only 1 bed unit, three 2 bed units and one 3 bed unit and is welcomed in policy terms. The quality of the units and the amenity for these will be discussed in the next section

Quality of Accommodation

- 10.50 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also be dual aspect. London Plan (2016) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.
- 10.51 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015.
- 10.52 Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) sets the context for housing standards for new development. Table 3.2, which supports this Policy and gives the minimum gross internal areas (GIA) that new residential developments would be expected to achieve.
- 10.53 Amended plans were received, to include a reduction to the massing of the two storey extension fronting Astey's Row, this resulted in the layout of Home 3 being amended to a 1 bed 2 person dwelling. During the application process further amendments to the mix included the removal of 2no. 1-bedroom studios and addition of 1no. 2-bedroom 4 person unit upon the 3rd floor.

Table 1: Minimum floor and storage space

No. Bedrooms / Expected Occupancy	Floor Space Provided	Minimum Required	Provided Storage	Required Storage
2bed/3person (H1)	75.6 sq.m	61 sq.m	2 sq.m	2 sq.m
2 bed/3person	76.5 sq.m	61 sq.m	2.2 sq.m	2 sq.m
1bed/2person	70.2 sq.m	50 sq.m	0.9 sq.m	1.5 sq.m
2bed/4person	86.6 sq.m	70 sq.m	1.9 sq.m	2.5 sq.m
3bed/5person*	103.2 sq.m	86 sq.m	0 sq.m	3 sq.m

Table 2: Minimum bedroom floorspace

Home	Bedroom	Floor Space Provided	Minimum Required Floor Space
1	Double Bedroom Single Bedroom	12sq.m 9.3sq.m	12sq.m 8sq.m
2	Double Bedroom Single Bedroom	14.4sq.m 10sq.m	12sq.m 8sq.m
3	Double Bedroom	13sq.m	12sq.m
4	Double Bedroom Double Bedroom	16.7sq.m 17.4sq.m	12sq.m 12sq.m
5	Double Bedroom Double Bedroom Single Bedroom	16sq.m 22.7sq.m 18.9sq.m	12sq.m 12sq.m 8sq.m

- 10.54 The proposed dwellings would all comply with the space standards in both the size of the units and the size of bedrooms, additionally, the living spaces including kitchen, dining and living space comply with the requirements of Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) and the London Plan (2016) Policy 3.5 providing a good level of floorspace for each unit. Units would provide a good level of storage, however no storage is proposed at Home 5, although, given the generous size of the unit well beyond the standards, space for storage should be accommodating.
- 10.55 The London Plan states that a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged. The Development Management Policies go further than this, advising that ceiling heights of at least 2.6m provide a greater sense of space and help keep rooms cool in summer months. All units on both the 2nd and 3rd floor would achieve at least 2.5m ceiling height in accordance with the London Plan, Home 1-3 would achieve the DM policies, whilst the larger Home 3-4 would be marginally short of 2.6m. Therefore, the proposed floor to ceiling heights would generally meet the minimum ceiling heights stipulated by the London Plan, whilst 2 home falling again marginally short of the Development Management Policies. The units would provide a good level of amenity for each unit, especially the larger units fronting Essex Road.
- 10.56 Dual aspect flats must be provided in all situations in accordance with policy CS9F of the Core Strategy 2011, and policy DM3.4D of the Development Management Policies 2013, unless exceptional circumstances can be demonstrated. It is considered that the dwelling would satisfy these requirements. The proposed dwellings would be afforded with an adequate level of outlook with the smaller units facing Astey's Row Park and Garden, whilst the larger units would have ample outlook over Essex Road with a good level of glazing proposed within all units. The units would look over each between the proposed podium with a separation distance of 7.8m, whilst Home 1 would be opposite the second and third floor of 135 Essex Road with a separation distance of 8.5m. Therefore, whilst there is a degree of dual aspect, the outlook would not be as

advantageous to these elevations. Whilst this is acknowledged, regard is had to the existing building line and layout of adjacent buildings, whereby the separation distances are similar, this is observed between 4-7 Astey's Row and 131 Essex Road and also 11-13 Astey's Row and Anson and Essex House (141-147a Essex Road), therefore this proximity with the site context would be acceptable.

- 10.57 The layout of the podium results in a window to window relationship between units, with Homes 1-3 to the Astey's Row side and Homes 4-5 to the Essex Road side, with 4 at 2nd floor and 5 at 3rd floor. At second floor the layout has been designed to mitigate as little direct overlooking between the units by virtue of their position, with the windows within home 1-3 providing light to only the entrance and storage areas and would serve an entrance area and storage area for Home 4 minimising direct overlooking. Upon the 3rd floor the glazing from Essex Road would consist of high level glazing to the centre, one obscurely glazed window serving the entrance area and a clear glazed Juliet balcony for the bedroom, whilst to the opposing side at Astey's Row the glazing is predominantly obscured, with clear glazing positioned in a manner to not directly overlook the bedroom of Home 4. Officers consider the revised layout and fenestration to successfully overcome overlooking between the units given the constraints and separation distances. Additionally, the amendments made result, in the podium only being accessed by Homes 1-3 to access their own unit, with little or no scope to get within close proximity of the Essex Road units given the landscaping proposed.
- 10.58 Policy DM3.4E stipulates that all living areas, kitchens and dining spaces should preferably receive direct sunlight. Given the high level of glazing in all units it is considered that adequate sunlight would be provided with good levels of outlook from Essex Road and Astey's Row.
- 10.59 Policy DM3.5 identifies that 'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'. Units on Astey's Row, including 1 bed-2 person (Home 3) and the 2 bed-3-person unit (Home 3) would not have amenity space nor the unit at 2nd floor at Essex Road (Home 4) which is 2 bed-4-person unit. Whilst the plans indicate amenity space at Home 2 and 3, officers do not agree with this assertion as it is within the internals of the property and is not included. The lack of amenity space would be of a concern for the larger unit as noted by the Inclusive Design Officer, however regard is had to the overall size of the unit well beyond the standards, additionally, Astey's Row public garden is in close proximity, whilst Canonbury Gardens is within 100m of the site with play space and landscaped areas accessible. Therefore, on balance this is considered acceptable to mitigate non-compliance with Policy DM3.5. Home 1 and Home 5 would have ample space upon the roof of the extensions, complying with the requirements and providing a good level of outlook and living space.

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

Accessibility

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

10.62 On 1st October 2015, a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, to be enforced by an Approved Inspector. Residential development containing fewer than 10 units should be designed so that all dwellings meet Category 2 of the National Housing Standards. A written statement explaining how each of the units meets the requisite standard should be provided with the application (this can be contained within the Planning Statement). Plans should indicate notional furniture layouts.

10.63 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires developments to demonstrate, *inter alia*, that they produce places and spaces that are convenient and enjoyable to use for everyone.

10.64 In respect of the non-residential parts of the proposal, the applicant should have regard to the guidance contained within Section 4 of the Inclusive Design in Islington SPD (2014). The approach to all units should be step-free and the approach to the main entrance should be level or ramped. Due to the nature of the site and units located on the upper floors, there is no step free access, whilst access to the bicycle storage within the rear lightwell would not be step free and the entrances to the building do not have level thresholds. Concern was also raised in regards to the lift and how this could not be used for the residential space above. Having assessed the internals of the building and the layout proposed that clearly splits the uses between the floors it is not possible to be fully compliant, whilst the existing building and access to this would not be compliant, therefore, on balance given the site context, it is not justifiable to refuse the application based on these grounds. A condition is therefore attached to any permission given to ensure the residential dwellings, shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards in order to secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.

Highways and Construction Noise

- 10.65 A number of objections have been received in regards to concerns with how the site could be developed and the impacts on Astey's Row to the rear which is a public highway. Astey's Row is a single access road allowing the passing of one vehicle only, the development into the rear lightwell would not jeopardise this road given the development would be within the private boundary. However, in any case, 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.
- 10.66 As per refuse and recycling, much of the deliveries and servicing will take place on Essex Road as per the existing circumstances, whilst Astey's Row can allow for a small amount of servicing with access to the new rear lightwell. The A1 and B1 uses are characteristic of the Town Centre area, whilst the site constraints dictate on street delivery for the associated uses.
- 10.67 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.

Highways continued

- 10.68 Islington policy identifies that all new development shall be car free. Policy DM8.5 stipulates that no provision for vehicle parking or waiting will be allowed for new homes, except for essential drop-off and wheelchair accessible parking. The proposal does not include the provision of off-street car parking, and the loss of the existing parking is considered to be acceptable. Car free development means no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people. This is to be secured via a s106.
- 10.69 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines' and Policy DM8.4 and Appendix 6 of the Development Management Policies 2013. In accordance with Appendix 6, 10 bicycle spaces should be provided for the 10 bedrooms proposed. The allocation proposed (11) would surpass the requirements for the residential use located at ground floor, whilst the combined commercial cycle spaces within the rear lightwell would amount to 12 spaces which would fulfil the requirements under Appendix 6. The

arrangements are acceptable in principle, however further details including plans and elevations shall be provided subject to a pre-commencement condition. The proposal is considered to accord with policy DM8.4 and Appendix 6 of the Development Management Policies 2013 and the Cycle Parking Standards – TfL Proposed Guidance

- 10.70 Paragraph 5.2 of the Islington Street Environment Services ‘Recycling and Refuse Storage Requirements’ provides advice in relation to acceptable refuse and recycling provision for new residential units. The proposed bin stores have been shown on the proposed plan as being located to the ground floor entrance area for the residential units facing Essex Road, whilst the office space at ground and first floor has extensive storage areas for refuse and recycling for the commercial area and a rear lightwell that can provide servicing from Astey’s Row. When taking into consideration that the bin stores would be located would not be visible from the street, the proposed refuse storage requirements are acceptable and would cause no harm to the character or appearance of the host building. The arrangements are acceptable in principle, however further details including plans and sections shall be provided subject to a pre-commencement condition for the approval of the Local Planning Authority prior to occupation of the development.

Sustainability and Ecology

- 10.71 Policy DM7.1 provides advice in relation to sustainable design and construction, stating ‘Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development’.
- 10.72 The Planning statement submitted states that the scheme has been designed in accordance with London Plan Policy 5.3 which seeks to address sustainable design and construction. The proposed development incorporates a green roof and green landscaping to the podium. This is considered to be an improvement over the environmental quality of the existing building and would be in line with policy DM7.1. A condition has been attached to ensure that the green roof contains a substrate base of 80-150mm, and is planted/seeded with a mix of species containing no more than a maximum of 25% sedum.
- 10.73 The applicant seeks to provide an exemplary building with an environmentally responsible design that conserves energy and enhances the environment which has been supported by a Sustainable Design & Construction Statement. This document details how the dwelling will achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement aims to not exceed water use targets of 110L/per/day. This is to ensure sustainable standards of design in the interest of addressing climate change and to secure sustainable development. In terms of drainage and surface water run-off levels at the site, details on how the scheme is designed to ensure no net increase in surface water drainage from the site post development is achieved should be conditioned to be in accordance with the standards stipulated by policy DM6.6.

- 10.74 In light of comments received from the Islington Swifts Society, it is recommended that a pre-commencement condition be included to ensure bat and bird boxes are implemented based on information on the most suitable locations in accordance with the Council's biodiversity objectives.

Landscaping and Trees

- 10.75 DM6.5 states that Developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. Developments are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits, including through the incorporation of wildlife habitats that complement surrounding habitats and support the council's Biodiversity Action Plan.
- 10.76 The proposed development and adjacent River Walk is separated by the roadway, kerb and fencing and the development into the basement and lightwell are a sufficient distance away from the root protection area of the willow tree located closest to the site. The structural impact assessments have not identified any harm to any trees and the development is acceptable in this regard.
- 10.77 The proposal would result in the greening of the roof of both extensions, by virtue of a sedum roof, this along with podium level hedging and hedging within the rear lightwell to the rear of the site which would contribute to the character of the Astey's Row, above and beyond the current building that is in situ and therefore reflects positively on the area.

Archaeology

- 10.78 The site is within the Islington Village and Manor House Archaeological Priority Area. The applicant has instructed CgMs Heritage to produce an Archaeological Desk Based Assessment (November 2018). The report has considered there to be a low to moderate potential for Saxon archaeology and moderate potential for Medieval evidence. Comments have been received from Historic England (GLASS) who recommend no Archaeological requirements as although within an archaeological priority area, archaeological survival within this site is likely to be poor. Additionally, the submitted archaeological assessment shows that the site falls just outside the historic settlement. Given the limited archaeological potential and the relatively small scale development it is unlikely that there would be an archaeological impact at this location. It is therefore concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

Small Sites Affordable Housing Contribution

- 10.79 Islington's Core Strategy Policy CS 12 - Meeting the housing challenge – states in part G that to provide affordable housing 50% of additional housing to be built in the Borough over the plan period should be affordable. All sites capable of delivering 10 or more units gross should provide affordable homes on site. Schemes below this threshold should provide a financial contribution towards affordable housing provision elsewhere in the Borough.
- 10.80 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (the SPD) supports the implementation of the Core Strategy. The SPD confirms that all minor residential developments resulting in the creation of 1 or more additional residential units(s) are required to provide a commuted sum towards the cost of affordable housing on other sites in the Borough. The requirement applies not only to new build but also conversions of existing buildings resulting in the creation of new units and the subdivision of residential properties resulting in net additional units. Based on a study of the level of financial contribution that would be viable, the required contribution is £50,000 per additional (net) unit.
- 10.81 The applicant has agreed to contribute the full sum of £250,000 to the Council's Affordable Housing Small Sites Contributions as outlined within the Supplementary Planning Document (the SPD). This has been secured through a Unilateral Undertaking.

Community Infrastructure Levy

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

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The principle of the development is considered acceptable and would provide a mixed use scheme of high quality, retaining retail space within the Angel Town Centre and Secondary Frontage, additional office floorspace and refurbishment of the existing building for local business use, and residential development at the proposed 3rd and 4th floors that have a good level of amenity for future occupiers, whilst the scale and design of the external development would not appear out of character within the streetscene, nor would the development harm the adjacent Canonbury Conservation Area and is considered conducive to the surrounding character and use which is varied in character.

- 11.2 Overall, subject to conditions, the proposal would significantly improve the host building and would not harm 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 planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service:

- Contribution of £250,000 towards affordable housing within the borough.
- Contribution of £1,500 towards carbon off-setting

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

RECOMMENDATION B

That the 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>450-PT-10-ELE-PL-1001 PL1, 450-PT-10-ELE-PL-1002 PL1, 450-PT-10-L00-PL-1001 PL1, 450-PT-10-L01-PL-1001 PL1, 450-PT-10-L02-PL-1001 PL1, 450-PT-10-SEC-PL-1001 PL1, 450-PT-10-SEC-PL-1002 PL1, 450-PT-10-SEC-PL-1003 PL1, 450-PT-20-ELE-PL-2001 PL2, 450-PT-20-ELE-PL-2002 PL2, 450-PT-20-L00-PL-2001 PL2, 450-PT-20-L02-PL-2001 PL2, 450-PT-20-L03-PL-2001 PL2, 450-PT-20-L04-PL-2001 PL2, 450-PT-20-LRF-PL-2001 PL2, 450-PT-20-SEC-PL-2001 PL2, 450-PT-20-SEC-PL-2002 PL2, 450-PT-20-SEC-PL-2003 PL2, 450-PT-20-SEC-PL-2004 PL2, 450-PT-20-SEC-PL-2005 PL2, Daylight and sunlight by eb7 (September 2019), Design addendum (September 2019), Design and Access Statement including Landscape and ecology report, Heritage statement, Noise report, Tree report (December 2018), Archaeological Desk Based Assessment by cgms Heritage (November 2018), Planning Statement (December 2018), Sustainable design and construction statement</p>

	<p>(December 2018) and Structural method statement by conisbee (December 2018) including: Suggested Basement Construction Sequence (Appendix A), associated Trial Pit Locations & Logs (Appendix B) and Geotechnical Investigation by Aviron (Appendix C).</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials (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) Final colour, type and sample panel of brickwork for the main elevations b) window and door treatment (including sections and reveals); c) terrace glazing; d) balustrading; e) All boundary treatments nad screens including podium level boundary treatments f) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter 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	Opaque Screening
	<p>CONDITION: The extent and final details regarding opaque glazing proposed within the development shall be submitted prior to commencement of development.</p> <p>REASON: To protect the amenity of neighbouring properties and future occupiers.</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)
- 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;
- 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 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.

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

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.

6	Refuse/Recycling
	<p>CONDITION: Details of refuse / recycling storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.</p> <p>The refuse / recycling storage and collection arrangements shall ensure that storage bins do not obstruct the public highway. The dedicated refuse / recycling enclosure(s) approved shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
7	Cycle parking
	<p>CYCLE PARKING PROVISION (DETAILS): Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) for the site shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the residential units approved under this consent. The storage area(s) shall be secure and provide for no less than 11 cycle spaces for the proposed residential units and 12 spaces for the commercial uses hereby approved.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
8	Acoustic Design Statement
	<p>An Acoustic Design Statement following the guidelines of PPG24 and a scheme for sound insulation and noise control measures shall be submitted to and approved in writing by; and implemented to the satisfaction of the Local Planning Authority prior to the first occupation of the rooms hereby approved. The sound insulation and noise control measures shall achieve the following internal noise targets:</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour Dining rooms (07.00 -23.00 hrs) 40 dB LAeq, 16 hour</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>The development would require mechanical ventilation and the report should pay reference to the AVO guidance on ventilation and overheating and the ProPG Planning and Noise guidance.</p>

	REASON: To protect the amenity of neighbouring properties and future occupiers.
9	Air Quality Report
	<p>CONDITION: Before commencement of the development, an air quality report shall be submitted to and agreed by the Local Planning Authority. The report shall detail:</p> <ul style="list-style-type: none"> · the area within the boundary of the site, which may exceed relevant national air quality objectives. · specify how the detailed application will address any potential to cause relevant exposure to air pollution levels exceeding the national air quality objectives. · identify areas of potential exposure. · detail how the development will reduce its impact on local air pollution. <p>Regard shall be had to the guidance from the Association of London Government "Air quality assessment for planning applications - Technical Guidance Note", the GLA's Air Quality Neutral policy and EP-UK & IAQM's "Planning For Air Quality" in the compilation of the report.</p> <p>REASON: To protect the amenity of neighbouring properties and future occupiers.</p>
10	Secured by Design accreditation
	<p>SECURED BY DESIGN: Prior to commencement of the development hereby approved, details of how the development achieves Secured by Design accreditation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of safety and security.</p>
11	Basement Development Monitoring
	<p>BASEMENT DEVELOPMENT MONITORING: The Chartered Structural Engineer (MI Struct.E) certifying the Structural Method Statement (SMS) dated December 2018 submitted to support the hereby approved development shall be retained (or a replacement person holding equivalent qualifications shall be appointed and retained) for the duration of the development to monitor the safety of the construction stages and to ensure that the long term structural stability of the existing buildings and other nearby buildings are safeguarded, in line with the supporting Structural Method Statement. At no time shall any construction work take place unless a qualified engineer is appointed and retained in accordance with this condition.</p> <p>REASON: To ensure that the construction work carried out is in accordance to the submitted Structural Method Statement for the duration of the construction and maintain compliance with the Islington Basement Development SPD (2016).</p>

12	Water efficiency requirements
	<p>CONDITION: Prior to the occupation of the hereby approved development, details shall be submitted and approved in writing, demonstrating compliance with the water efficiency requirements of Part G of Policy 7.4 of Development Management Policies (2013) and Environmental Design SPD. The approved measures shall be implemented in full and retained thereafter.</p> <p>REASON: To ensure the water efficiency of the development.</p>
13	Carbon efficiency
	<p>CONDITION: The development hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2015 and an on-site reduction in regulated CO2 emissions of at least 25% in comparison with regulated emissions from a building which complies with <i>Building Regulations Part L 2010</i> (equivalent to Code for Sustainable Homes level 4), unless such provision is not feasible.</p> <p>REASON: In the interest of securing sustainable development.</p>
14	Landscaping
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> a) a biodiversity statement detailing how the landscaping scheme maximises biodiversity; b) existing and proposed underground services and their relationship to both hard and soft landscaping; c) soft plantings: including grass and turf areas, shrub and herbaceous areas; d) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; e) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges; f) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and g) any other landscaping feature(s) forming part of the scheme. All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. <p>The landscaping and tree planting shall have a two-year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>

	REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.
15	Green Roof
	<p>CONDITION: The biodiversity green roof as indicated on Drawing No. 450-PT-20-LRF-PL-2001 PL2 shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plan number 450-PT-20-LRF-PL-2001 PL2 hereby approved; and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof shall be carried out strictly in accordance with the details specified and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
16	Ecology protection
	<p>CONDITION: Prior to the commencement of the hereby approved development details of the bat and bird boxes shall be submitted and approved. The details shall include information an investigation of the most suitable location and shall include nesting location and boxes for swifts. The approved details shall be implemented in full and retained thereafter.</p> <p>REASON: To provide suitable nesting locations in accordance with the Council's biodiversity objectives.</p>
17	Accessible Homes Standards
	<p>ACCESSIBLE HOMES STANDARDS - (COMPLIANCE): The residential dwellings, in accordance with the Access Statement and plans hereby approved, shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>

List of Informatives:

<p>1</p>	<p>Construction works</p>
	<p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
<p>2</p>	<p>Highways Requirements</p>
	<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>
	<p>SECTION 106 AGREEMENT You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>

APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE

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

1. National and Regional Guidance

The National Planning Policy Framework 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

Policy 3.3 Increasing Housing Supply
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality & Design of Housing Developments
Policy 3.8 Housing choice
Policy 3.12 Negotiating affordable housing
Policy 3.14 Existing housing
Policy 4.3 Mixed use development and offices
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.9 Overheating and cooling
Policy 6.7 Better streets and surface transport
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.1 Lifetime neighbourhoods
Policy 7.2 An inclusive environment
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.8 Heritage Assets and Archaeology

B) Islington Core Strategy 2011

Policy CS5 Angel and Upper Street
Policy CS8 Enhancing Islington's character
Policy CS9 Protecting and enhancing Islington's built and historic environment
Policy CS10 Sustainable design
Policy CS11 Waste
Policy CS12 Meeting the Housing Challenge
Policy CS13 Employment spaces
Policy CS14 Retail and services
Policy CS18 Delivery and infrastructure

C) Development Management Policies June 2013

Design and Heritage

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

Housing

- DM3.1 Mix of housing sizes
- DM3.3 Residential conversions and extensions
- DM3.4 Housing standards
- DM3.5 Private outdoor space

Shops, culture and services

- DM4.4 Promoting Islington's Town Centre
- DM4.5 Primary and Secondary Frontages

Employment

- DM5.1 New business floorspace

Health and Open Space

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

Energy and Environmental Standards

- DM7.1 Sustainable Design and Construction
- DM7.2 Energy efficiency and carbon reduction in minor schemes

Transport

- DM8.4 Walking and Cycling
- DM8.5 Vehicle Parking
- DM8.6 Delivery and servicing for new developments

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:

<u>London Plan</u>	Accessible London (2016)
	Character and Context (2014)
	Housing (2016)

Sustainable Design and Construction (2014)

Town Centres (2014)

Islington

Affordable Housing Small Sites Contributions (2012)

Conservation Area Design Guidelines (Canonbury Conservation Area; 2002)

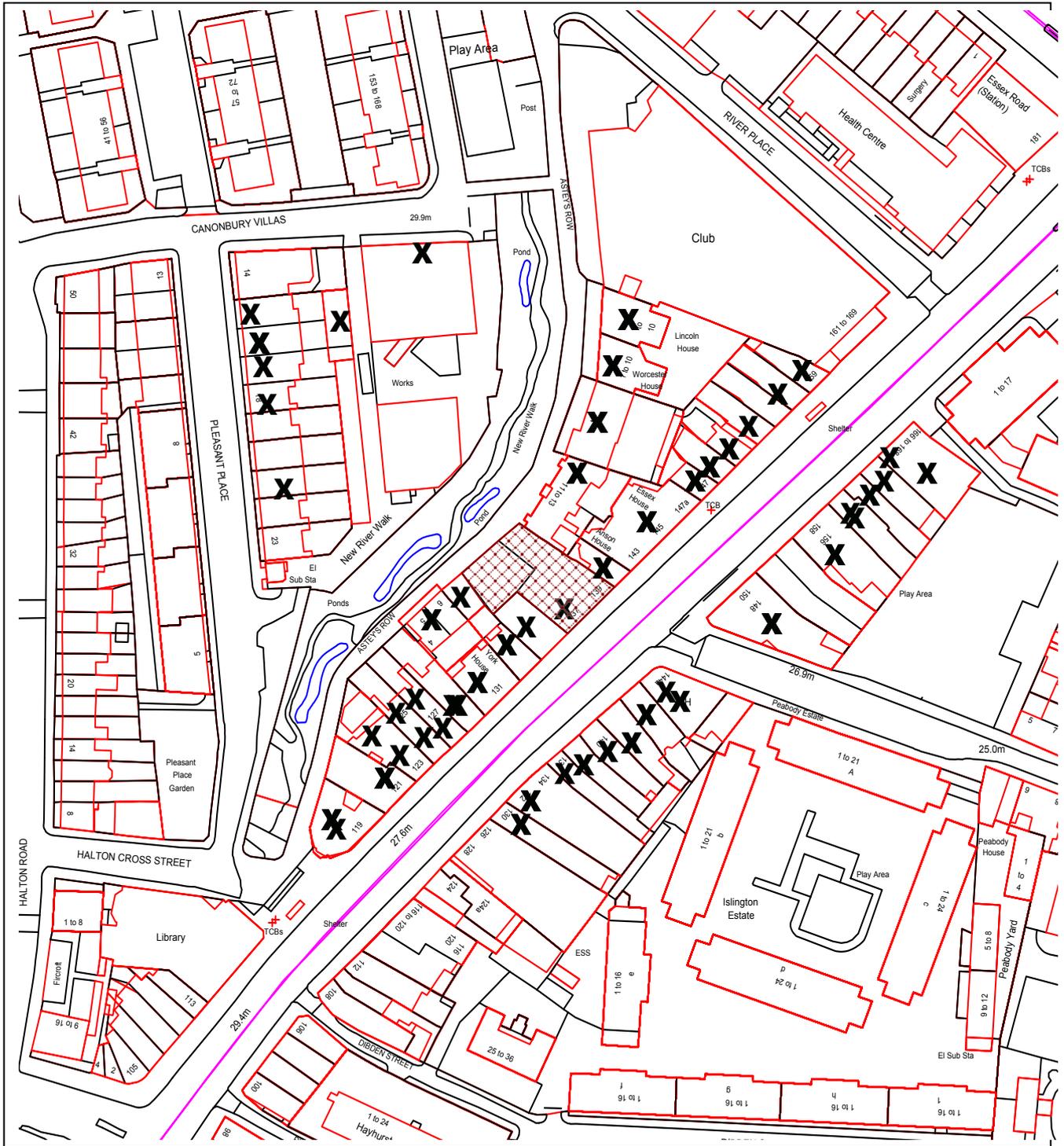
Basement Development (2016)

Environmental Design (2012)

Inclusive Design in Islington (2014)

Islington Urban Design Guide (2017)

Islington SE GIS Print Template



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P2018/4159/FUL

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB-COMMITTEE A		AGENDA ITEM :B2
Date:	07 November 2019	NON-EXEMPT

Application number	P2018/1580/FUL
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Not listed
Conservation area	Clerkenwell Green Conservation Area (and Article 4 Direction Within 50m of Charterhouse Square Conservation Area
Development Plan Context	Core Strategy Key Area – Bunhill & Clerkenwell Central Activities Zone Employment Priority Area (General) Cherkenwell Archeaological Priority Area Major Cycle Route Finsbury Local Plan Area – Bunhill & Clerkenwell Mayor’s Protected Vistas – Alexandra Palace viewing terrace to St Paul’s Cathedral Local views from St John Street Local view from Angel Local view from Archway Road Local view from Archway Bridge Article 4 Direction (A1-A2) Article 4 Direction (B1(c) to C3) Adjoining Grade II listed building – No. 72 St John Street Adjoining Grade II listed building – No. 78 St John Street Adjacent Grade I and Grade II listed buildings – Charterhouse
Licensing Implications	Bunhill Cumulative Impact Policy Area A4 Drinking Establishment A3 Restaurant and Café No licensing application details have been provided by the Applicant.
Site Address	74-76 St John Street, Islington, London, EC1M 4DZ
Proposal	Change of use of part ground floor, basement and lower basement from Use Class B8 (storage) to flexible commercial use within Use Classes A3, A4 and D2. Replacement of ground floor facade and entrance doors, and fenestration to enclose existing ramp.

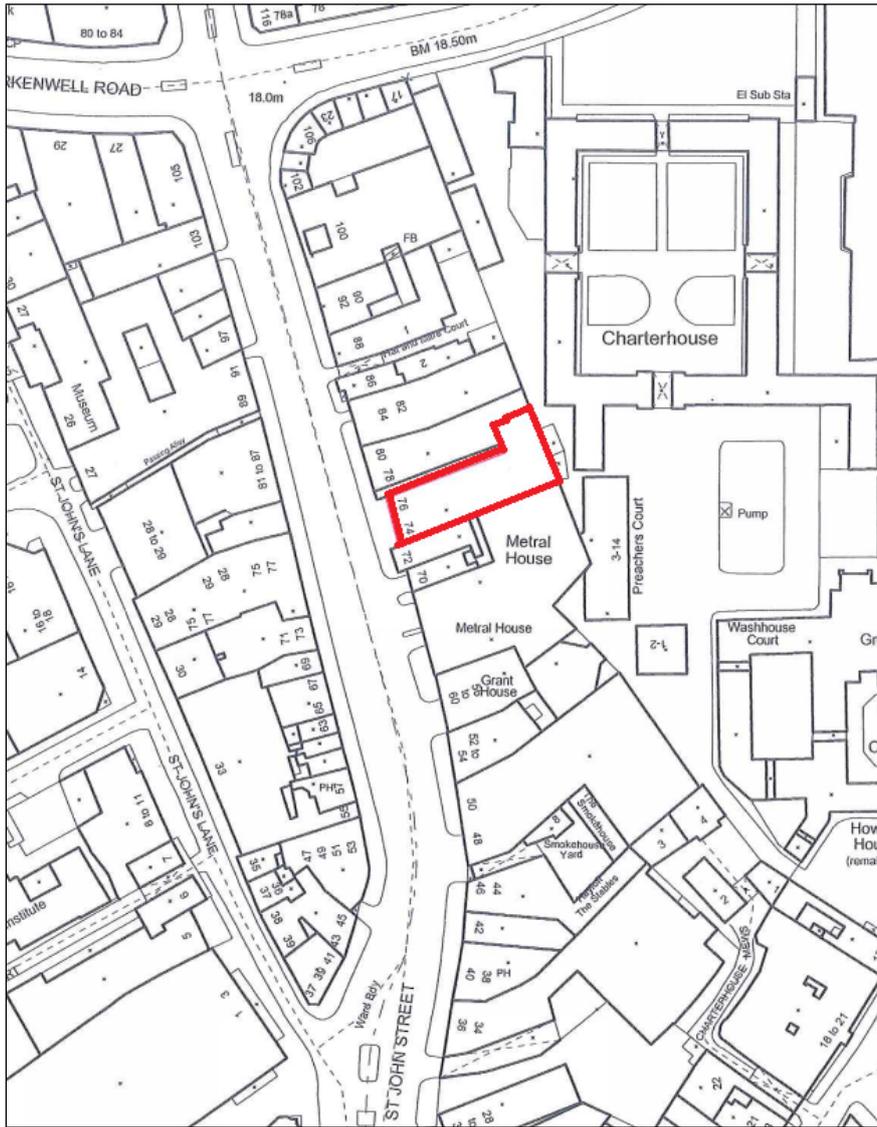
Case Officer	Nathan Stringer
Applicant	Venaglass Haymarket Limited

1. RECOMMENDATION

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

- 1.1 the conditions set out in Appendix 1; and
- 1.2 the completion of a S106 legal agreement for the provision of costs attributable to the reduction of the existing crossover on the pavement fronting St John Street.

2. SITE PLAN (SITE OUTLINED IN RED)



3. PHOTOS OF SITE/STREET

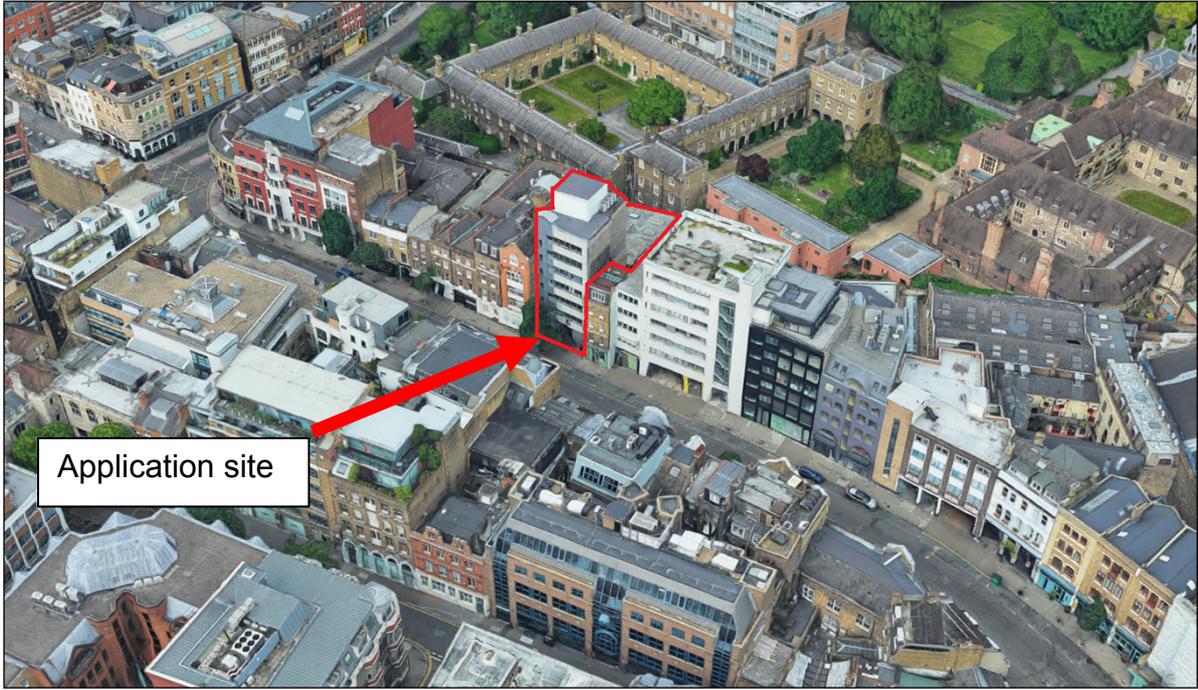


Image 1: Aerial view of the application site

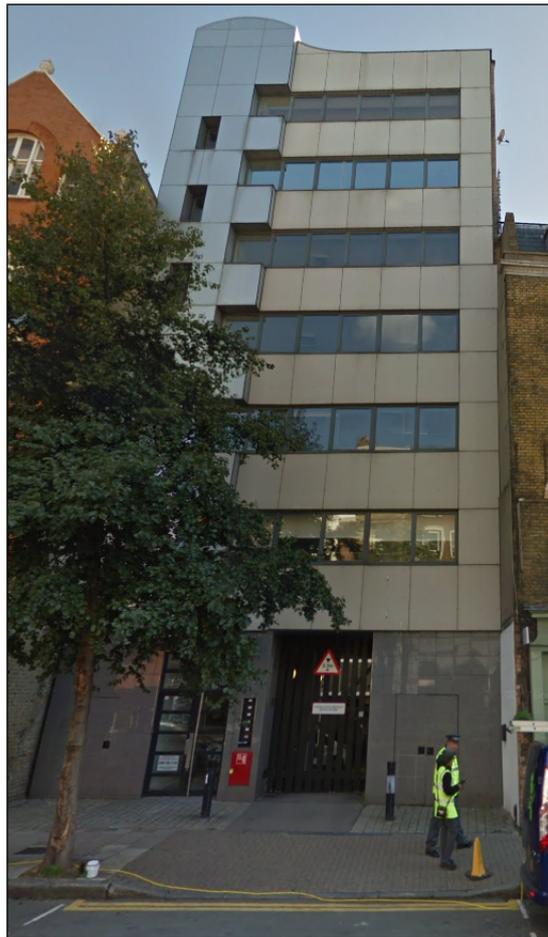


Image 2: The front elevation of the site as viewed from St John Street



Image 3: St John Street, looking north. Site is shown on the right.



Image 4: St John Street, looking south. Site is shown on the left.



Image 5: Basement interior view



Image 5: Basement ramp facing upward towards St John Street

4. SUMMARY

- 4.1 Planning permission is sought for the change of use of ground floor (part), basement and lower basement levels of the property at no. 74-76 St John Street from B8 (Storage) to flexible commercial use within Use Classes A3 (Restaurants and cafes), A4 (Drinking establishments) and D2 (Assembly and leisure). The proposal also includes the installation of a replacement ground floor front façade, and fenestration to enclose the existing ramp fronting St John Street. The key considerations in determining the application relate to the land use, including the loss of the B8 floorspace and the acceptability of the introduction of A3/A4/D2 uses at this location, the associated impact on neighbouring amenity at nos. 72 and 78-80 St John Street and the Charterhouse Buildings to the rear, and the impact of the external alterations on the appearance of the existing building and on the character and appearance of the surrounding conservation area and the setting of the adjoining and adjacent Grade I and Grade II listed buildings.
- 4.2 The proposal is brought to committee because it has received 12 objections from neighbouring residents, generating a lot of interest in the development. The main concerns from objectors include the impact of the proposed use on neighbouring amenity with regard to noise, odour, waste and safety impacts.
- 4.3 The application site comprises a seven storey (over-basement) mid-terrace building located on the eastern side of St John Street. The building also contains a two storey element at the rear. The property consists of storage (B8) use at (part) ground floor, basement and lower basement levels, and office (B1) on the upper floors. The site is excavated to basement level across the full extent of the site. This application relates to the (part) ground, basement and lower basement levels. The building is not listed; however, it is located within the Clerkenwell Green Conservation Area. Immediately to the rear of the site lies the Grade I listed London Charterhouse, and the building adjoins Grade II listed properties to the north and south at nos. 72 and 78-80 St John Street. The site is designated within the Central Activities Zone, the Bunhill & Clerkenwell Finsbury Local Plan Area, the Bunhill & Clerkenwell Core Strategy Key Area, an Employment Priority Area (General), and the Clerkenwell Archaeological Priority Area.
- 4.4 The proposed development would not result in an unjustified loss of guaranteed business floorspace at the site (including the lawful B8 use), and it is considered that the information provided is sufficient to demonstrate that a proposed A3/A4/D2 flexible use at the site would not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability of the borough's Town Centres or of the Central Activities Zone. The development therefore complies with the requirements of policy CS13 of the Core Strategy 2011, policy DM5.2 of the Development Management Policies 2013, and policy BC8 of the Finsbury Local Plan 2013.
- 4.5 The proposed flexible use, together with the proposed external alterations, are not considered to harm the character nor visual appearance of the host building, the surrounding conservation area, or the setting of the adjacent and adjoining statutorily listed buildings. Subject to conditions, the proposal is considered not to have a significant impact upon the local highway network or the amenity of neighbouring properties.

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

5. SITE AND SURROUNDING

- 5.1 The application site at no. 74-76 St John Street (known as 'Abbey House') is located on the eastern side of St John Street. Immediately at the rear of the site lies the Grade I listed London Charterhouse, and the site immediately adjoins Grade II listed buildings to the north and south. This section of St John Street is largely mixed use in character, with many commercial and residential buildings, and some ground floor retail/restaurant/bar uses.
- 5.2 The site is a seven storey (over-basement) mid-terrace building consists of storage (B8) use at (part) ground floor, basement and lower basement levels, and office (B1) on the upper floors. The site is excavated to basement level across the full extent of the site. This application relates to the (part) ground, basement and lower basement levels.
- 5.3 The property is not listed, however it is located within the Clerkenwell Green Conservation Area. The site is within the setting of Grade II listed buildings immediately adjoining the site at nos. 74 and 78-80 St John Street, and the Grade I and Grade II listed buildings to the rear at the Charterhouse site. The site is designated within the Central Activities Zone, the Bunhill & Clerkenwell Finsbury Local Plan Area, the Bunhill & Clerkenwell Core Strategy Key Area, an Employment Priority Area (General), and the Clerkenwell Archaeological Priority Area.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks permission for a change of use of 585 sqm of floorspace at ground floor (part), basement and lower basement levels of the property at no. 74-76 St John Street from B8 (Storage) to flexible commercial use within Use Classes A3 (Restaurants and cafes), A4 (Drinking establishments) and D2 (Assembly and leisure). The proposal also includes the installation of a replacement ground floor front façade, and fenestration to enclose the existing ramp fronting St John Street.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 **P2016/4605/FUL:** Change of use of part ground floor, basement and lower basement from Use Class B8 (storage) to flexible commercial use within Use Classes A1/A2/A3/A4/B1/D1/D2) use, replacement of ground floor facade and entrance doors, and fenestration to enclose existing ramp. Application refused under delegated authority dated 06/02/2017.

REASON: The proposed development would result in the loss of the lawful B8 use and insufficient evidence has been submitted with the application to indicate that there is no demand for the unit as business use. The development is as such contrary to policy CS13 of the Core Strategy (2011) and Policy BC8 of the Finsbury Local Plan (2013).

REASON: The applicant has failed to submit a Sequential Test to support the location of the proposed A uses and D2 use in an out of Town Centre location. The application has failed to demonstrate how the proposals would not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability of the borough's Town Centres. The proposal has failed to demonstrate how the proposed uses can be accommodated without adverse impact on the amenities of neighbouring residential

occupiers. The proposal is therefore contrary to paragraph 24 of the National Planning Policy Framework (2012), and policy DM4.4B of the Development Management Policies (2013).

7.2 The applicant subsequently appealed the decision under appeal reference APP/V5570/W/17/3171820. The Planning Inspectorate dismissed the appeal dated 5 July 2017. The Inspector's decision is attached at Appendix 3.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 166 adjoining and nearby properties on 22 May 2018. A site notice and press advert were also displayed. The public consultation of the application therefore expired on 14 June 2018, however it is the Council's practice to consider representations made up until the date of a decision.

8.2 At the time of the writing of this report, 12 objections had been received from the public with regard to the application. The issues can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- Loss of business floorspace within the Central Activities Zone, without sufficient marketing evidence to demonstrate exceptional circumstances (**see paragraphs 10.2-10.15**)
- Impact of the change of use on neighbouring amenity, including noise, odour, deliveries and waste (**see paragraphs 10.41-10.55**)
- Further noise impacts from the proposal should customers be permitted to drink, dine or socialise on the street (**see paragraphs 10.41-10.55**)
- Increase in traffic movements resulting from the proposal (**see paragraphs 10.56-10.58; and 10.60**)
- Over-concentration of A3/A4 uses on St John Street as a result of the proposal (**see paragraphs 10.16-10.33**)
- Concern that the unit could be used as a night club (**see paragraph 10.62**)
- Note that a similar proposal was previously refused, and that the subsequent appeal was dismissed (**see officer's note below**)

Officer's Note: the site was subject to a previously refused planning application, which was upheld at appeal. The reasons given for the refusal of that application have been addressed in this report, paying special attention as to whether the information submitted is sufficient to overcome concerns.

Internal Consultees

8.3 **Policy Officer:** advises that, given the additional information has been provided and because the proposal does not involve A1 floorspace, they no longer have concern regarding the impact of the use upon Town Centres elsewhere within the Borough. Advises that the marketing evidence provided is sufficient to demonstrate that the loss of the business floorspace is acceptable.

8.4 **Public Protection Officer:** does not object to the proposal, however notes that the proposed flexible use could allow for restaurants, pubs and gyms at the site, all of which are potentially high noise generating uses with late night operation. Notes that sufficient detail for plant and machinery has not been provided, and that these matters would need to form a further planning application. Advises that a condition is included should permission be granted, requiring a scheme of management be submitted and approved in writing by the Local Planning Authority prior to first occupation of the unit.

- 8.5 **Environmental Health:** does not object to the proposal, however requests that conditions be included requiring further details of the proposed flues / extractor systems be submitted and approved in writing by the Local Planning Authority, and requiring that the flue be fitted with fine filtration or Electrostatic Precipitation followed by carbon filtration.
- 8.6 **Refuse and recycling:** No comment.
- 8.7 **Licensing Officer:** advised that the site is located within the Clerkenwell Cumulative Impact Area, and that any licensing requests would be subject to the provision of additional information to prove that the operation of the unit would not add to the cumulative impact. Also noted that any licence issued would be subject to restriction on hours of operation.
- 8.8 **Inclusive Design:** raised concern that the proposed unit would not include a lift, and that plans detailing the provision of accessible toilets and accessible cycle storage have not been provided. Recommended that a condition is included requiring that an access strategy is submitted to and approved by the Local Planning Authority prior to the commencement of works at the site.

External Consultees

- 8.9 None.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

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

- 9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: “at the heart of the NPPF is a presumption in favour of sustainable development.”
- 9.3 At paragraph 8 the NPPF states that the planning system has three overarching objectives in achieving sustainable development, being an economic objective, a social objective and an environmental objective.
- 9.4 The NPPF seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.5 Since March 2014 Planning Practice Guidance for England has been published online. 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 Quality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

- 9.9 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 that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.10 Weight is attributable to the Draft London Plan.
- 9.11 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013:
- Clerkenwell Green Conservation Area (and Article 4 Direction)
 - Within 50m of Charterhouse Square Conservation Area
 - Core Strategy Key Area – Bunhill & Clerkenwell
 - Central Activities Zone
 - Employment Priority Area (General)
 - Clerkenwell Archeological Priority Area
 - Major Cycle Route
 - Finsbury Local Plan Area – Bunhill & Clerkenwell
 - Mayor's Protected Vistas – Alexandra Palace viewing terrace to St Paul's Cathedral
 - Local views from St John Street
 - Local view from Angel
 - Local view from Archway Road
 - Local view from Archway Bridge
 - Article 4 Direction (A1-A2)
 - Article 4 Direction (B1(c) to C3)
 - Adjoining Grade II listed building – No. 72 St John Street
 - Adjoining Grade II listed building – No. 78 St John Street
 - Adjoining Grade I and Grade II listed buildings – Charterhouse

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
- Delivery and Servicing
- Refuse
- Cycle Parking
- Accessibility
- Other Matters

Land Use

Loss of B8 floorspace

- 10.2 The application site is a seven storey plus two level basement building located on the eastern side of St John Street. The application pertains to (part) ground, basement and lower basement levels of the building. The proposed flexible use would result in the loss of guaranteed 353 square metres of B8 (storage) business floorspace on the site. The site also includes a car park of 262 square metres, however the application was presented in the initially submitted application as B8 storage. The supporting Planning Statement advises that the established use is B8 (storage) totalling 585 square metres. This was accepted as part of the assessment of the previously refused application ref: P2016/4605/FUL, and was also accepted by the Planning Inspectorate in their assessment of the subsequent appeal.
- 10.3 The site is within an Employment Priority Area (General) and includes 585 square metres of B8 (storage) floorspace. Therefore, Policy CS13 of the Core Strategy 2011, Policy DM5.2 of the Development Management Policies 2013 and Policy BC8A of the Finsbury Local Plan 2013 applies.
- 10.4 Policies CS13 of the Core Strategy and DM5.2 of the Development Management Policies 2013 seek to safeguard existing business floorspace throughout the Borough.
- 10.5 Policy BC8, Part A of the Finsbury Local Plan 2013 states:
- 'A. Within the Employment Priority Areas (General and Offices) designated on the Policies Map shown on Figure 16:*
- i. No net loss in business floorspace will be permitted, either through change of use or redevelopment, unless exceptional circumstances can be demonstrated, including through the submission of clear and robust marketing evidence which shows that there is no demand for the floorspace. This evidence must demonstrate that the floorspace has been vacant and continuous marketed for a period of at least two years. In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable. In addition, the loss of business floorspace will only be permitted where:*
 - a. The proposal would not have a detrimental individual or cumulative impact on the area's primary business role and would not compromise economic function/growth, or*
 - b. It can be demonstrated to the council's satisfaction that the site is no longer suitable for the provision of similar uses.*
 - ii. Proposals should incorporate the maximum amount of business floorspace reasonable possible on the site.'*
- 10.6 Where policies require marketing evidence to be submitted, Appendix 11 of the Development Management Policies 2013 sets out the details required in order to assess the acceptability, or otherwise, of the information submitted.

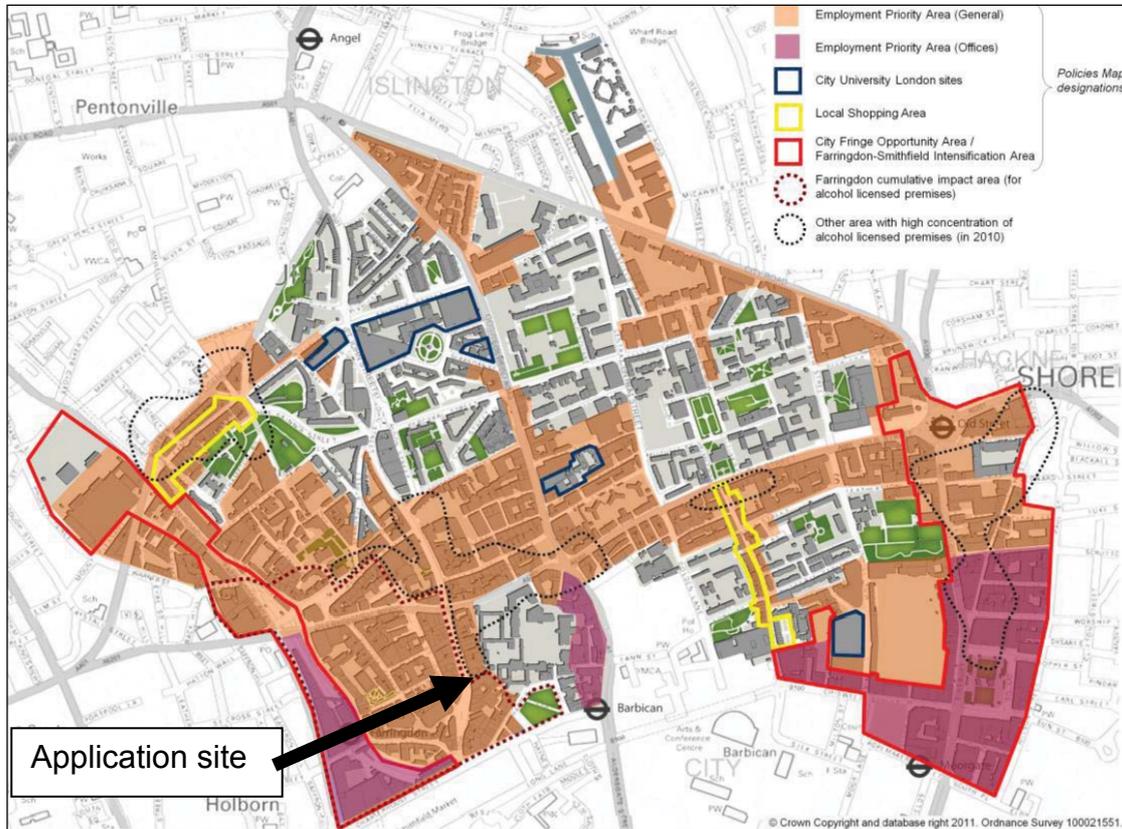
- 10.7 As set out in criteria (i) of the policy, no net loss of business floorspace is permitted unless exceptional circumstances can be demonstrated, including that the floorspace has been vacant and continuously marketed for a period of at least two years. The Applicant has provided evidence to demonstrate that the site was subject to active continuous marketing from June 2014 until June 2016. Marketing information states that offers were invited in excess of £130,000, a price verified by three independent opinions. The site was marketed on the basis of all commercial use classes, and attracted 37 viewings, only one of which was for business floorspace. During the period, five outcomes were unable to agree terms, as the offers provided were considered to be unacceptable.
- 10.8 The Council's policy officer has advised that the asking price advertised as part of the marketing exercise for the unit is considered to be reasonable, when considering comparables in the vicinity and noting that this has been supported by independent verification. The submitted evidence demonstrates that marketing particulars had been provided during the two-year process, including property details and contact information. Whilst the officer notes that no additional commentary has been submitted by the applicant with regard to the current and likely future demand for floorspace within the market area, the information provided is sufficient to satisfy the marketing requirements outlined in Appendix 11 of the Development Management Policies 2013.
- 10.9 As set out in criteria (ii) of the above policy, proposals should incorporate the maximum amount of business floorspace reasonable possible on the site. The existing B8 floorspace was previously used to support the operations of the B1 (office) floorspace on the upper levels of the building. The information provided demonstrates that the site was marketed for a range of business uses, including B1 business floorspace. Officers note that technological advancements have resulted in a reduced demand for business storage capacity, and therefore the loss of the B8 storage space is considered to be acceptable in this instance. Further, the Applicant has also demonstrated that there is no demand for the use of the unit (which has been vacant since at least June 2014) as B1 office floorspace. Given the above, overall it is considered that the proposal has considered the impact of the proposed loss of business floorspace on the area's primary business role, as required by part (a) of policy BC8 of the Finsbury Local Plan 2013. Therefore, the loss of the business floorspace is considered to be acceptable in this instance.
- 10.10 Policy BC8, Part B of the Finsbury Local Plan 2013 states:
- 'B. Within the Employment Priority Area (General) designated on the Policies Map and shown on Figure 16, the employment floorspace component of a development or change of use proposal should not be unfettered commercial (B1(a)) uses, but, where appropriate, must also include retail or leisure uses at ground floor, alongside:*
- i. A proportion of non-B1(a) business of business-related floorspace (e.g. light industrial workshops, galleries and exhibition space), and/or*
 - ii. Office (B1(a)) or retail (A1) floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management, and/or*
 - iii. Affordable workspace, to be managed for the benefit of occupants whose needs are not met by the market. [...]*
- 10.11 The proposed flexible use for the site does not incorporate any business floorspace. However, officers note that the upper levels of the building, including (part) ground floor and one to six, are used solely for B1 purposes. The application does not include the change of use of these levels, and therefore parts (i), (ii) and (iii) of the policy do not apply in this instance.

- 10.12 The development would include the change of use of (part) ground floor, basement and lower basement levels to a flexible A3/A4/D2 use. Each of these uses is considered to constitute a 'leisure' use, and would provide opportunity for non B1(a) floorspace to be provided at the site, in accordance with Part B of policy BC8.
- 10.13 The Council's intention is to deliver a diversity of uses at ground floor level in order to support the core B1(a) office function. Whilst the proposed flexible A3/A4/D2 use would be in the basement levels, it would be accessed through the ground floor street frontage.
- 10.14 As discussed above, it is considered that the applicant has considered the impact of the proposed loss of business floorspace at the site on the areas primary business role, and it has been demonstrated that there is no demand for the use of the basement floor levels (as well as the ground floor access to these levels) as business floorspace. The proposed uses would provide an opportunity to accommodate leisure uses at the ground and level floor levels at the site. The information submitted as part of this application is therefore considered to overcome the first reason given for the refusal of the previous planning application ref: P2016/4605/FUL.
- 10.15 Overall, it is considered that on balance the proposed development would not result in an unjustified loss of guaranteed business floorspace at the site (including the lawful B8 use). The development therefore complies with the requirements of policy CS13 of the Core Strategy 2011, policy DM5.2 of the Development Management Policies 2013, and policy BC8 of the Finsbury Local Plan 2013.

Proposed Flexible A3/A4/D2 Use

- 10.16 The application proposes the change of use to flexible A3/A4/D2 use. It is noted that the application does not involve a proposed mixed A3/A4/D2 use, and therefore the officer assessment must take into consideration that the entirety of the planning unit would be used as either A3, A4 or D2 (rather than a mix of the three). Consideration of the proposed uses is undertaken below.
- 10.17 Policy DM4.2 states that '*entertainment and night-time activities are generally inappropriate outside Town Centres.*' However, the policy notes that an exception applies to the area covered by the Finsbury Local Plan (Area Action Plan for Bunhill and Clerkenwell). Part G of policy BC8 of the Finsbury Local Plan, which applies to the site, stipulates that '*new entertainment uses will only be allowed within the designated Employment Priority Areas.*' Therefore, the principle of an A3 or A4 use may be acceptable, subject to details.
- 10.18 The proposed flexible use, should it result in either an A3 or A4 unit, would constitute an 'entertainment use' under the Finsbury Local Plan (Glossary). Whilst the site is not within a designated Town Centre, it is located within an Employment Priority Area (Finsbury Local Plan) and therefore the restrictions on entertainment and night-time activities noted within policy DM4.2 do not apply. Policy BC8, Part G of the plan notes that Employment Priority Areas may be suitable for new entertainment uses. Development Management Policies will be used to assess applications for new entertainment uses, in order to avoid an unacceptable concentration of such uses.
- 10.19 Paragraph 12.1.7 of the Finsbury Local Plan advises that, within the Central Activities Zone, in order to support and retain the area's nighttime economy whilst safeguarding residential amenity, policy BC8 restricts entertainment uses (i.e. A3, A4 and A5 uses, as well as nightclubs) to Employment Priority Areas. However, as a significant number of people live in these areas, applications for entertainment uses must meet the criteria set out in the relevant Development Management Policies. In its Licensing Policy (2011 to

2014), the council has identified an area around Farringdon that is subject to significant concentration of late-licensed premises. Figure 16 of the Finsbury Local Plan (shown below, Figure 1) identifies this area and other locations which have a high concentration of alcohol licensed premises, and which are therefore particularly prone to adverse impacts from night-time uses (e.g. pubs, bars, clubs and off-licenses). The application site at no. 74-76 St John Street is identified within Figure 16 as forming part of this area.



- 10.20 Policy DM4.3 assesses the location and concentration of uses in the borough and considers whether they would result in an unacceptable concentration of such uses in one area or would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area. This policy considers types of use, size of premises, hours of opening, operation and servicing and odour and noise issues and cumulative impacts within 500m radius of the site
- 10.21 Given that it is not located within a Town Centre or a Local Shopping Area, detailed land use surveys of this part of St John Street have not been undertaken. However, as part of the assessment of the application, planning officers have undertaken a land use survey of the ground floor units of the buildings fronting St Johns Street between Clerkenwell Road in the north and St Johns Lane in the south (the relevant section of which the application site forms a part). The frontage stretches 80m to the north, and 110m to the south of the application site.
- 10.22 The survey demonstrates that there are 39 ground floor units fronting St John Street in this vicinity. Of these, 1no. ground floor unit operates exclusively within the A4 use class (approximately 2.5% of units). An additional 6no. units operated within the A3 use class (approximately 15.3% of units). The remainder of the units are within the A1, A2 or B1 use classes. In accordance with policies DM4.3 of the Development Management Policies and paragraph 12.1.7 of the Finsbury Local Plan, it is therefore not considered that there is an

over-concentration of either A3 restaurant/café, or A4 drinking establishments within this section of St John Street.

- 10.23 The proposed flexible A3/A4/D2 unit would have a floorspace of approximately 585 square metres. Whilst it is noted that there are some A3 and A4 units fronting this section of St John Street (approximately 17.8% of units in total), it is not considered that this would represent an over-concentration and it is considered that the proposed use would complement the existing mix of uses within the vicinity, subject to appropriate management.
- 10.24 The applicant has submitted an Outline Operational Management Plan, which outlines the principles for the good management of the premises for each of the proposed uses, having regard to the amenity of existing and future neighbours. As the final end-use or users of the unit is yet to be determined, the plan is designed to act as a framework to outline how the future operational details of the unit would be addressed, including the future provision of details with regard to licensing, noise, ventilation and extraction, hours of operation, servicing and delivery, capacity and door policy, management of external area (including smoking areas), close-down and dispersal policies, and measure to ensure public safety is not jeopardised.
- 10.25 Officers note that the Outline Operational Management Plan submitted does not provide a great level of detail. It relies heavily on the provision of further information following a grant of permission, to be required as per recommended conditions. Whilst officers consider that it would be beneficial for the proposal were this information to be provided upfront, it is accepted that the specific future management of each of the uses would only be confirmed once a tenant was selected. Officers are however confident that such measures are feasible.
- 10.26 Application for planning permission ref P2016/4605/FUL was refused under delegation on 06/02/2017. The application, which also included the change of use of the basement levels to a flexible use that incorporates A3, A4 and D2 uses, provided no detail as to how the impact of the proposed uses upon neighbouring amenity would be managed during operation. The Reason for Refusal 2 states that *'the proposal has failed to demonstrate how the proposed uses can be accommodated without adverse impact on the amenities of neighbouring residential occupiers.'* The application was subsequently upheld at appeal (appeal ref: APP/V5570/W/17/3171820 dated 5 July 2017). However, whilst the Inspector upheld the Council's decision to refuse the application, with regard to the impact of the proposed A3/A4/D2 uses on neighbouring amenity, she concluded that these could be addressed via condition (if the proposal were otherwise acceptable).
- 10.27 The Appeal Decision states:

'The nature of the proposed uses, in particular the A3 (restaurants and cafes), A4 (drinking establishments) and D2 (assembly and leisure) use classes, have the potential to adversely affect the living conditions of nearby residents by virtue of noise arising from congregations of customers, music and any extraction equipment. Odour caused by cooking inside the premises may also be an issue. There may also be noise and general disturbance caused by customers and delivery vehicles coming and going outside the premises. Such effects can be particularly intrusive when they take place late into the evening when other background noise levels generally diminish. Proposed uses falling within D1 use class may also have the potential for traffic generation, although I note that highway safety is not included as a reason for refusal.'

Paragraph 4.21 of the DMP states that in assessing the likely impacts of a proposal, regard will be had to the type of use, proposed hours of opening, size of premises, operation and servicing and measures to mitigate odour and noise from the premises. I have regard to the conditions proposed by the appellant and also the Council. I consider that conditions relating to opening hours, submission and approval of extract and ventilation equipment, noise arising from music, customers or ventilation and extraction equipment, the timing of deliveries etc, potentially tailored to each specific use could have been imposed to address concerns had I decided to allow the appeal.

For the reasons stated above, I, therefore, conclude that with the suggested conditions, the proposal would not have a harmful effect on the living conditions of neighbouring occupiers. The proposal would not, therefore, be contrary to Criterion ii of Part B of Policy DM4.4 of the DMP or Policy DM4.3 of the DMP.'

- 10.28 The survey undertaken demonstrates that the location of the site within an area that does not contain any discernible clusters of A3 units. Given the nature of the Central Activities Zone and the suitability of night time economy uses, overconcentration on a purely quantitative basis is considered unlikely. Whilst officers believe that the provision of operational management details upfront would allow for a greater level of assessment and scrutiny of the application, given the conclusion of the Planning Inspector with regard to the previously refused application, overall it is considered that subject to conditions, the proposal would not have a harmful effect on the living conditions of neighbouring occupiers. As such, conditions have been attached to ensure that the information is provided to and approved by the Local Planning Authority prior to the commencement of relevant operations at the site.
- 10.29 Officers also note that the second reason for the refusal of the previous planning application ref: P2016/4605/FUL stipulated that the applicant had failed to provide a Sequential Test to support the location of the proposed A uses and D2 use in an out of Town Centre location. Therefore, the proposal was considered to have failed to demonstrate that it would not individually, or cumulatively with other developments, have a detrimental impact on the vitality and viability of the Borough's Town Centres. As part of this application, the applicant has provided additional information regarding the Town Centre impact of the proposal (noting that Angel is the closest Town Centre, which states that:
- the previous concern regarding A uses at the site was largely based upon the potential for an A1 unit, which would be large enough to accommodate a supermarket. A1 use has been removed from the current application.
 - an analysis of the Angel Town Centre suggests that food-led bar and restaurant businesses within the Town Centre made an average total of £18,000 in weekly sales, and that expenditure on eating and drinking out will grow by £89.6m by 2021 (from 2016) and almost £200m by 2026. Should permission be granted for an A3/A4 use at the application site, the forecast turnover would be only 1.1% of the growth expected between 2016 and 2021 in the Angel Town Centre. This would be below that which could be considered a "significant adverse impact".
 - should the site be used as a D2 use, this would likely be a gym. 3no. gyms currently operate within the Angel Town Centre, all of which rely on a subscription model. It is not considered that another gym, approximately 1.3km south of the Town Centre, would cause such a drop in membership to these gyms that they would harm the future operations of the Angel Town Centre.
 - It is noted that 'gym' uses are not mentioned in the 2017 Retail and Leisure Study, and are not a primary function of the Town Centre.

- 10.30 The Council's Planning Policy officer has reviewed the information provided with regard to the impact of the proposal on the Angel Town Centre, and has advised that whilst the proposal is for a significant quantum of floorspace, a large proportion of this is basement floor and most significantly the proposal does not include the A1 retail use class. Therefore, the use will not be an 'anchor' retail unit which would draw significant expenditure and footfall away from a Town Centre.
- 10.31 Further, the Policy officer notes that there is a cluster of food, drink and entertainment uses around the Smithfield Market, which is 5 minutes' walk away from the application site. The proposed unit would be accessible to this cluster and may strengthen the offer of the cluster. Given that population growth in central London will also drive increased demand for food, drink, entertainment, and leisure uses within the Central Activities Zone, it is considered that there is demand for additional premises within these use classes. Overall, officers are satisfied that the proposed uses are likely to complement this central London mix of uses and contribute to the vitality and viability of the Central Activities Zone.
- 10.32 Overall, it is considered that the information provided it is sufficient to demonstrate that a proposed A3/A4/D2 flexible use at the site would not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability of the borough's Town Centres or of the Central Activities Zone.
- 10.33 Therefore, officers consider that the flexible A3/A4/D2 uses would be acceptable in principle, subject to conditions. Further detail regarding the assessment of the proposal with regard to neighbouring amenity is provided in paragraphs 10.39-10.53.

Design and Conservation

- 10.34 Policy CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.35 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.
- 10.36 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas within their area. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses.
- 10.37 The application proposes the replacement of the existing ramp and doors to stairwell at the ground floor street elevation with a glazed aluminium framed shopfront with bi-folding doors and a fixed glazed entrance door. The building's street frontage is set back further from the pavement than the adjoining Grade II listed buildings on either side, and therefore is not prevalent within the streetscene. Officers note that the existing frontage is largely blank and does not make a positive contribution to the streetscene, and its removal is considered to be acceptable in principle.

- 10.38 Whilst traditional materials are generally required to be used for developments within conservation areas, given the nature of the existing building it is not considered that a traditional shopfront would be appropriate in this instance. The proposed glazed aluminium elevation is considered to be acceptable in this instance, and it is considered that it would result in a more active and positive street frontage. Further, officers note that there are a number of glazed frontages to modern buildings along this section of St John Street, including (but not limited to) buildings at nos. 70 and 52. Overall, it is considered that the proposed ground floor elevation changes are acceptable. The alterations would not harm the character or appearance or the wider conservation area, nor would they cause harm to the setting of the adjoining Grade II listed buildings.
- 10.39 The application also proposes the installation of a glazed roof above the access ramp, within an open-roofed courtyard area at the rear of the primary seven storey frontage building and the two storey rear podium element; and the installation of louvres along the northern flank elevation of the site where it fronts an enclosed fire escape area, where AC condenser units and bin stores would be located. These would be minor alterations to allow for the full enclosure of the basement levels and the enclosure of servicing equipment, and would not be visible from public sightlines nor prominent in private views. No further alterations to the rear of the site have been proposed as part of this application. Whilst it is noted that a condition (Condition 9) has been recommended requiring the lodgement of separate planning applications should extractor units be required at the rear of the site, these details have not been provided as part of this application. Therefore, the proposal under consideration would not harm the setting of the Grade I and Grade II listed Charterhouse buildings at the rear of the site, nor the Grade II listed buildings immediately adjoining at nos. 72 and 78-80 St John Street.
- 10.40 In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the Clerkenwell Green Conservation Area. Further, in accordance with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been given to the desirability of preserving the adjacent listed buildings, their setting and any of their features of special architectural or historic interest. It is considered that the proposal accords with policies CS8 and CS9 of the Core Strategy 2011, policies DM2.1 and DM2.3 of the Development Management Policies 2013, the Islington Urban Design Guide 2017 and the Conservation Area Design Guideline.

Neighbouring Amenity

- 10.41 Policy 7.6 of the London Plan 2016 requires buildings and structures not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing, in particular. Policy DM2.1 of the Development Management Policies 2013 states that development should not have an adverse impact on neighbouring amenity in terms of noise, overshadowing, overlooking, privacy, sunlight and day light receipt, over-dominance, sense of enclosure and outlook.
- 10.42 Policy DM6.1G of the Development Management Policies 2013 states that noise generating uses should, where possible, be sited away from noise sensitive uses.
- 10.43 Paragraph 6.19 of the Development Management Policies advises that the Council will expect noise generating uses and sources to be adequately separated from established residential areas and other noise sensitive uses (such as care homes, schools and hospitals). However, given the borough's density and character it is acknowledged that

noise generating uses cannot always be sited away from residential areas. Where potentially noisy developments (such as entertainment venues) are proposed within residential areas, the council will expect the use not to give rise to noise nuisance.

- 10.44 The proposed flexible A3/A4/D2 flexible use unit would cover the (part) ground floor, and basement and lower basement levels. Given the large size of the unit at approximately 585 square metres and the objections received by neighbouring residents, consideration must be given to the impact of the proposed uses on neighbouring amenity. The amenity impacts relating to A3 and A4 uses primarily relate to noise and potential anti-social behaviour late at night. The amenity impacts relating to D2 use primarily relate to noise.
- 10.45 The Council previously raised concerns that the proposal did not provide any details on how the higher sound levels generated within a typical restaurant and bar with longer operating hours would be mitigated for neighbouring residents, along with the noise of patrons coming and going and deliveries. Whilst no detailed plans have been provided regarding a suitable extract system for a A3/A4 use, the site currently hosts an existing extractor system from basement level, which is located within the (currently) open rear internal courtyard between the primary seven storey building and the rear two storey element of the site. The applicant has indicated that any future kitchen extractor unit could be accommodated within this existing extractor route. The outline details provided as part of the application advise that the system would be complete with commercial fine filtration followed by activated carbon filters (grade 20) to provide odour reduction in accordance with Defra guidance, with pre-filtration of grade M5 to EN779 to be included prior to activated carbon filters. The system would utilise ultra violet (uv-c) lamps and cartridges to reduce airborne grease particles and odour; these would break down the long chain hydro carbon molecules in the extract airstream by photolysis. Rigid pack filters would also be installed for the removal of any smoke.
- 10.46 The submitted information demonstrates that a system could be accommodated at the site without causing harm to neighbouring amenity, however officers do note that the information is limited with regard to detail. Whilst officers consider that the it would be beneficial for the proposal were this information to be provided upfront, it is accepted that the specific future management of each of the uses would only be confirmed once a tenant was selected, and therefore the provision of detailed extractor details at this stage is not possible in this instance. The presence of an existing extractor unit further demonstrates that the site can accommodate such a system. Significant material weight is also given to the Planning Inspectorate decision dated 5 July 2017, which concluded that neighbouring amenity concerns with regard to potential A3/A4/D2 uses at the site could be addressed via condition. Officers are therefore confident that such equipment can be feasibly accommodated at the site.
- 10.47 Further, the Council's Environmental Health officer advises that, should an extractor system be required, full details of the system must be submitted to and approved by the Local Planning Authority prior to its installation as there is a potential for odour impact on the offices above. She has recommended that any grant of permission should be subject to a condition requiring the submission of details of the plant and extract equipment to be installed, including details to ensure that the system meets stipulated minimum requirements including height of discharge and the provision of a filtration system. Whilst such equipment would generally be expected to terminate 1m above the eaves of the building (to avoid impact upon the offices above), officers note the presence of the existing extractor system at lower floor levels, and therefore considers that this sets a precedent for a replacement system to be installed at this location in this instance.

- 10.48 Therefore, the proposed extractor location is considered to be acceptable, subject to a condition (Condition 9) requiring the submission and approval of details of any kitchen and/or bathroom flues/extraction systems required, prior to the first occupation of the A3/A4/D2 uses hereby approved.
- 10.49 The Council's Public Protection Team does not object to the application, however notes that the proposed flexible use could allow for restaurants, pubs and gyms at the site, all of which are potentially high noise generating uses with late night operation. Officers note that the Outline Operational Management Plan submitted does not provide a great level of detail. It relies heavily on the provision of further information following a grant of permission, to be required as per recommended condition (Condition 8). Whilst officers consider that the provision of more detailed information would be beneficial for the assessment of the proposal, as discussed in paragraphs 10.25-10.28, the previous planning history at the site must be taken into consideration.
- 10.50 The applicant has also demonstrated that there would be sufficient space for the provision of AC condenser units at lower ground floor level, where these would open onto the escape route along the northern boundary of the site. These would be set behind louvres. No further information has been submitted, however officers are satisfied that the plans demonstrate that condenser units could be accommodated at the site. In order to ensure that the proposal would not result in harmful impacts to neighbouring amenity with regard to noise, conditions 6 and 7 have been included to ensure that the applicant submit for the approval of the LPA a report noting compliance with noise limits for all mechanical plant equipment required.
- 10.51 Overall, given that the Planning Inspectorate in its decision dated 5 July 2017, concluded that neighbouring amenity concerns with regard to potential A3/A4/D2 uses at the site could be addressed via condition, officers consider that the proposal would be acceptable subject to the inclusion of such detailed conditions (Conditions 3, 4, 5, 6, 7, 8 and 9).
- 10.52 The Council's Licensing Officer advises that, as the application site lies within the Clerkenwell Cumulative Impact area, the applicant would have to prove that they would not add to the cumulative impact. Any licence would limit the hours of operation to 8AM to 11PM Sunday to Thursday, and 8AM to 11PM Fridays and Saturdays.
- 10.53 Appendix 10, table 10.2 of the Development Management Policies 2013 provides guidance and standards for reducing impacts of noise generating entertainment uses, including façade treatments and the location of likely noise sources.
- 10.54 In order to ensure that the proposed development does not have an adverse impact on neighbouring residential amenity, including cumulative impacts given the location of the site within a high concentration of night-time uses, a condition (Condition 8) requiring the submission and approval of a Scheme of Management prior to the first occupation of the flexible A3/A4/D2 unit has also been recommended. This plan would include details of mitigation measures in order to protect residential amenity with regard to noise, waste and anti-social behaviour, notably:

For A3/A4 uses

- sound insulation measures
- a full dispersal policy and procedure;
- a door policy;
- signs to request patrons to leave in a quiet manner and not loiter in the surrounding streets;
- servicing and delivery times/arrangements;
- bottling out and waste management noise and times;
- control and levels of noise from amplified music;
- control of any noise from any designated smoking area;
- close down policy with amplified music shut-off and increased lighting;
- security, including any additional proposed CCTV;
- any additional external or security lighting;
- capacity (of each use); and
- private hire facilities/functions.

For D2 uses

- sound insulation measures;
- control and levels of noise from any amplified music within the unit;
- treatment of structureborne noise & vibration transmission from impact noise, i.e. free weights, kettlebells, weights machines, treadmills etc.; and
- servicing and delivery times/arrangements.

- 10.55 Further, a condition (Condition 3) has been recommended limiting the hours of operation of flexible A3/A4/D2 unit to between 07:00 and 23:00 Monday to Thursday, 07:00 and Midnight Friday to Saturday (in accordance with licensing requirements), and 8:00 and 22:00 on Sundays and Bank Holidays.
- 10.56 Overall, subject to conditions, the change of use of the (part) ground floor, basement and lower basement level unit to flexible A3/A4/D2 use class is not considered to likely result in unacceptable material amenity impacts to neighbouring occupiers. The proposal therefore complies with policies DM2.1, DM4.3 and DM6.1G of the Development Management Policies 2013.

Servicing and Delivery

- 10.57 Policy DM8.6 of the Development Management Policies states that delivery and servicing should be provided off-street, particularly for commercial developments over 200m² gross floor area, that details of the delivery and servicing needs for new developments should be submitted, and that delivery and servicing bays should be strictly controlled. Owing to the constraints of the site on St John Street, an Islington controlled road that is part of a Major Cycle Route, an appropriate off street location for deliveries is not available.
- 10.58 Due to the indicative nature of the needs associated with the end-users of the site, limited information has been provided with regard to the future delivery and servicing requirements of the proposed uses. Officers previously raised concern that the potential servicing requirements may cause harm to the efficient function of St John Street. The applicant has therefore provided further information prepared by a qualified transport planning professional, which advises that there will likely be a low number of servicing movements associated with the development (likely to be smaller vehicles rather than large HGVs). The existing access to the car park (which is kept clear to allow vehicles to enter and exit the site) will no longer be required following the implementation of the scheme, and the double lines directly outside the site could therefore be used by a van for loading/unloading purposes. It is noted that servicing for a number of the existing units along this section of St John Street takes place in a similar manner, i.e. on the yellow line waiting restrictions.

- 10.59 The Council's Highways officer has reviewed the additional submitted information, and considers that the servicing and delivery of the site could be accommodated in the manner proposed (parking on the yellow lines); no concerns were raised with regard to the impact of the proposal upon the safe and efficient operation of the highway. The officer does however note that the existing vehicle crossover will be made redundant following the implementation of the development, and that a smaller crossover will be required in order to allow for the on-street refuse collection. The costs of these works are to be borne by the applicant; therefore, the applicant has agreed to enter into a Section 106 agreement in order to provide the funds for such works, prior to the implementation of the permission. This negotiation and preparation of the agreement is currently being undertaken by the Council's Legal Team and the Applicant's legal representation; therefore, it is recommended that this application is approved subject to conditions and the completion of the legal agreement.
- 10.60 With regard to specific servicing and delivery arrangements, it is important to ensure that deliveries do not conflict with servicing arrangements of neighbouring users and to ensure that the process is effectively managed to ensure safe manoeuvres. Therefore, a condition (Condition 4) has been recommended requiring that details of delivery and servicing to be approved by the Local Planning Authority prior to the first occupation of the flexible A3/A4/D2 unit at the site. A condition (Condition 5) limiting deliveries, collections unloading and loading between the hours of 08:00-20:00 Monday to Saturday, and not at all on Sundays, is also recommended.

Refuse

- 10.61 The proposed plans include a details of a dedicated refuse and recycling store, which would be located at lower ground floor level along the emergency escape route from the rear of the building. Access to the store from the pavement at St John Street would be provided via the escape route. Islington's Recycling and Refuse Storage Requirements require the provision of 1.5 cubic metres of commercial waste storage per 20 dining spaces. The store would provide space for 4no. 240L bins, however as the final use of the unit is not confirmed (i.e. no dining space figures provided), it is difficult to determine whether this would be sufficient. Further, no comments have been received from the Council's waste and recycling team. It is however considered that the storage would be sufficient for a D2 gym use. However, given the scale of the unit, it is considered that there is scope for the appropriate management of refuse for an A3 or A4 unit to be accommodated. Therefore, a condition (Condition 11) has been recommended requiring details of proposed refuse and recycling to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the unit should it be used for either A3 or A4 purposes.

Cycle Parking

- 10.62 In accordance with policy DM8.4 and Appendix 6 of the Development Management Policies 2013, the proposed development should provide 1 cycle parking space per each 60 sqm of A3/A4 floorspace; and 1 space per each 275 sqm of 'Leisure and sports' floorspace (i.e. a gym). In this instance, 10no. cycle parking spaces should be provided for an A3 or A4 unit, and either 3no. or 12no. for a D2 unit (depending on the final end use). Although no cycle parking is proposed, the property is significant in size and therefore it is considered that there is sufficient space to securely store that number of cycles. Therefore, a condition (Condition 10) has been included requiring details of cycle storage for the appropriate number of bicycles (depending on the final end use) to be submitted and approved in writing by the LPA prior to the first occupation of the flexible A3/A4/D2 unit.

Accessibility

- 10.63 Policy DM2.2 DM2.2 seeks to ensure all developments demonstrate that they provide ease of and versatility in use, and deliver safe, legible and logical environments. In this instance, it is acknowledged that the proposal would be positioned over three floors. It is acknowledged that the only access to the lower floor levels would likely be via a staircase, and therefore would not comply with the Council's Inclusive Design requirements. However, the lack of compliance is not considered to warrant refusal given the application relates to an existing building and its resulting restricted layout. However, a condition (Condition 12) has been included requiring an access strategy to be submitted to and approved in writing the LPA prior to the commencement of works.

Other matters

- 10.64 Concern has been raised by neighbouring residents that the proposal would result in the use of the site as a nightclub, noting the disturbance caused by other existing nightclubs within the Farringdon area. Officers note that the application proposes the flexible use of the site as A3/A4/D2, neither of which allow for the operation of a nightclub which falls under the 'Sui Generis' use class. Whilst officers are satisfied that the proposal would not result in the use of the unit as a nightclub, specific restrictions on use within D2 are secured by condition. This would ensure that the proposed use would only be a gym, so as to avoid the additional potential issues of more noise and disturbance to residents through large gatherings of people resulting from other D2 uses.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed change of use of the (part) ground floor, basement and lower basement levels from an existing B8 (storage) use to a self-contained flexible A3/A4/D2 use unit is considered acceptable, on balance, in land use terms given the supporting documentation provided, and the inclusion of conditions for the management of operations, servicing and delivery, extract and plant equipment, and neighbouring amenity impacts (such as noise). The proposed loss of the B8 use and the proposed flexible use is considered to be acceptable and would not result in an overconcentration of drinking establishments/licensed premises.
- 11.2 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Further, in accordance with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been given to the desirability of preserving the adjacent listed buildings, their setting and any of their features of special architectural or historic interest. Overall, the external alterations are not considered to materially harm the character or appearance of the host building, the wider conservation area, or the setting of the adjoining and adjacent statutorily listed buildings.

- 11.3 Subject to conditions, the proposed flexible A3/A4/D2 unit is not considered to result unacceptable significant harm to the amenity of occupiers of neighbouring properties.
- 11.4 As such, the proposed development is considered to accord with the policies of the National Planning Policy Framework 2012, the London Plan 2016, the Islington Core Strategy 2011, the Development Management Policies 2013, the Finsbury Local Plan 2013, and Supplementary Planning Documents and as such is recommended for approval subject to appropriate conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION

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

List of Conditions:

1	<p>Commencement</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list</p> <p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Change of Use Design Statement dated 28 January 2019; Email from Kamran Haider dated 02 July 2019; Covering letter dated 9 May 2018; Demand Analysis prepared by Richard Susskind and Company dated October 2017; Richard Susskind and Company – Marketing Particulars; Assessment of Marketing letter from Pater Johnson Merriman dated 1 November 2017; Letter from Howell Brooks and Partners LLP dated 20 July 2017; Letter from Jarvis Keller Stephens dated 20 September 2017; Letter from Imogen Blanning dated 20 July 2018 regarding quality of marketing evidence and Town Centre impact; Letter from Stephen Rose dated 12 February 2019; and Drawing Numbers: Location Plan, GA 01/F, GA 02/E, GA 03/C, GA 04/A, GA 05, GA 06, M-4761-XX-(57)-001 Rev P4, M-4761-XX-(57)-002 Rev P0, and M-4761-XX-(57)-003 Rev P4.</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	<p>Hours of Operation</p> <p>CONDITION: The A3, A4 or D2 unit hereby approved shall not operate outside the hours of:</p> <p>Monday to Thursday - 07.00am to 11.00pm. Friday to Saturday - 07.00am to Midnight Sunday and Bank Holidays – 08.00am to 10.00pm</p> <p>REASON: To ensure that the proposed development does not have an unacceptable adverse impact on neighbouring residential amenity.</p>
4	<p>Delivery and Servicing</p> <p>CONDITION: Details of delivery and servicing of the A3, A4 or D2 unit hereby approved shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the units.</p> <p>The servicing arrangements shall be operated strictly in accordance with the details</p>

	<p>hereby approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
5	Hours of delivery and servicing
	<p>HOURS OF DELIVERY AND SERVICING: Deliveries, collections, unloading, loading for the A3, A4 or D2 unit hereby approved shall only be carried out between the following hours:</p> <ul style="list-style-type: none"> - Monday to Saturday - (08:00 - 20:00) - Sundays/Bank Holidays - not at all. <p>REASON: To minimise the impact of deliveries and servicing on neighbour amenity.</p>
6	Noise
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To control plant noise from kitchen extract, toilet extract and air conditioning units.</p>
7	Mechanical Plant Compliance Report
	<p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from required mechanical plant to demonstrate full compliance with condition 6. The report shall include measurement of the new plant following installation. The report shall be submitted to and approved in writing by the Local Planning Authority within 10 weeks of the commencement of the relevant use hereby permitted, and maintained as such thereafter.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
8	Scheme of Management
	<p>CONDITION: A scheme for the management of the A3, A4 or D2 unit hereby approved hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the units hereby approved. The Scheme of Management shall include:</p> <p><u>A3/A4 uses</u></p> <ul style="list-style-type: none"> a) sound insulation measures b) a full dispersal policy and procedure; c) a door policy; d) signs to request patrons to leave in a quiet manner and not to loiter in the surrounding streets; e) servicing and delivery times/arrangements; f) bottling out and waste management noise and times; g) control and levels of noise from any amplified music within the unit; h) control of any noise from any designated smoking areas; i) close down policy with amplified music shut-off and increased lighting;

	<p>j) security, including any additional proposed CCTV;</p> <p>k) any additional external or security lighting;</p> <p>l) capacity (of each use);</p> <p>m) private hire facilities/functions;</p> <p><u>D2 use</u></p> <p>n) sound insulation measures;</p> <p>o) control and levels of noise from any amplified music within the unit;</p> <p>p) treatment of structureborne noise & vibration transmission from impact noise i.e. free weights, kettlebells, weights machines, treadmills etc;</p> <p>q) servicing and delivery times/arrangements</p> <p>The operation of the unit shall at all times be carried out in accordance with the approved Scheme of Management.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity, including cumulative impacts given the location of the site within a 'high concentration of alcohol licensed premises (2010)'.</p>
9	Flues/Extraction Systems (Details)
	<p>CONDITION: Details of any proposed kitchen and/or bathroom flues/extraction systems for the A3/A4/D2 unit hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the use to which they relate.</p> <p>The filter systems of the approved flue/extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible.</p> <p>The flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the use to which they relate and maintained as such thereafter.</p> <p>REASON: In the interest of protecting future residential amenity and the appearance of the resulting building(s).</p>
10	Details of cycle storage
	<p>CONDITION: Prior to the first occupation of the A3, A4 or D2 unit hereby approved details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter into perpetuity. The proposed cycle storage must accommodate:</p> <p>(a) 10no. cycle parking spaces in the case of A3/A4 use; or</p> <p>(b) 3no. cycle parking spaces in the case of D2 use.</p> <p>REASON: To provide adequate cycle storage.</p>
11	Details of refuse and recycling
	<p>CONDITION: Should the hereby approved unit be occupied for a use under the A3 or A4 use class, details of how the proposed refuse and recycling storage provision would meet the minimum requirements of 1.5 cubic metres per 20 dining spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To ensure the proposal benefits from adequate refuse and recycling</p>

	facilities.
12	Inclusive Design
	<p>CONDITION: An access strategy detailing the means of access and egress for people with disabilities and older people to all parts of the A3, A4 or D2 unit hereby approved shall be to submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.</p> <p>REASON: To ensure that adequate access is provided to the development for people of all abilities, in line with policies 4.6, 7.1 and 7.2 of the London Plan 2016, policy CS7 of the Core Strategy 2011, and policies DM2.1, DM2.2, DM4.12 and DM8.2 of the Development Management Policies 2013.</p>
13	D2 Use
	<p>CONDITION: Notwithstanding the use class order, the flexible A3/A4/D2 unit hereby approved shall not be occupied by any other uses within the D2 use class order (assembly and leisure) other than as a gym.</p> <p>REASON: To avoid the additional potential issues of more noise and disturbance to adjoining residents through large gatherings of people resulting from other more intensive D2 uses.</p>

List of Informatives:

1	Community infrastructure Levy (CIL)
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>
2	Other Legislation
	<p>You are advised that the planning permission hereby approved would be subject to fully complying with other legislation outside the realms of the planning regulations including licensing, environmental acts, building control and fire safety regulations.</p>
3	D2 Gym Use
	<p>No permission is granted for the use of the flexible unit for any other purposes which fall within the D2 use class other than a gym. Should you wish to use the unit for any other D2 purposes other than a gym, separate planning permission must be sought.</p>

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

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

2. Development Plan

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

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

Chapter 4: London's Economy

Policy 4.1 Developing London's economy

Policy 4.4 Promoting Town Centres

Policy 4.3 Mixed use development and offices

b. Islington Core Strategy 2011

Policy CS 7 – Bunhill and Clerkenwell

Policy CS 13 – Employment Spaces

Policy CS 14 – Retail and services

c. Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.3 – Heritage
- Policy DM4.2 – Entertainment and the night-time economy
- Policy DM4.3 – Location and concentration of uses
- Policy DM5.2 – Loss of existing business floorspace
- Policy DM6.1 – Healthy development
- Policy DM8.2 – Managing transport impacts
- Policy DM8.4 – Walking and cycling
- Policy DM8.6 - Delivery and servicing for new developments
- Appendix 6 – Cycling

d. Finsbury Local Plan 2013

- Policy BC8 – Achieving a balanced mix of uses

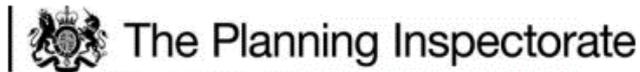
3. Designations

- Clerkenwell Green Conservation Area (and Article 4 Direction)
- Within 50m of Charterhouse Square Conservation Area
- Core Strategy Key Area – Bunhill & Clerkenwell
- Central Activities Zone
- Employment Priority Area (General)
- Clerkenwell Archeological Priority Area
- Major Cycle Route
- Finsbury Local Plan Area – Bunhill & Clerkenwell
- Mayor's Protected Vistas – Alexandra Palace viewing terrace to St Paul's Cathedral
- Local views from St John Street

- Local view from Angel
- Local view from Archway Road
- Local view from Archway Bridge
- Article 4 Direction (A1-A2)
- Article 4 Direction (B1(c) to C3)
- Adjoining Grade II listed building – No. 72 St John Street
- Adjoining Grade II listed building – No. 78 St John Street

4. SPD/SPGS

- Urban Design Guide 2017
- Conservation Area Design Guidelines



Appeal Decision

Site visit made on 5 June 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 5 July 2017

Appeal Ref: APP/V5570/W/17/3171820
74-76 St John Street, Islington, London EC1M 4DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Rogers, Venaglass Haymarket Limited against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/4605/FUL, dated 22 November 2016, was refused by notice dated 6 February 2017.
 - The development proposed is change of use of part ground floor, basement and lower basement from Use Class B8 (storage) to flexible commercial use within Use Classes A1/A2/A3/A4/B1/D1/D2) Use, replacement of ground floor façade and entrance doors and fenestration to enclose existing ramp.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr David Rogers, Venaglass Haymarket Limited against the Council of the London Borough of Islington. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this case are:
 - Whether the loss of the business floor space is justified;
 - Whether the proposal would harm the vitality and viability of neighbouring town centres; and
 - The effect of the proposal on the living conditions of existing occupiers.

Reasons

Loss of Class B8 (Storage or Distribution)

4. The appeal site comprises two levels at lower ground floor and basement level within a seven-storey office on St John Street. The site is situated within an Employment Priority Area (General). The ground floor is used for access, the first basement level for car parking and the lower basement level is currently vacant, but previously used for storage. The surrounding area is characterised by a mix of 3-7 storey buildings in a range of uses, typically with ground floor retail, café and showroom uses and office and residential uses on the upper floors.
-

5. Criterion B of Policy CS13 of the Council's Core Strategy 2011 seeks to safeguard existing business spaces throughout the Borough by protecting against change of use to non-business uses, particularly in the Central Activities Zone (CAZ). The supporting text explains that there is continuing pressure on employment floor space from other uses.
6. Criterion A i of Policy BC8 of the Finsbury Local Plan (FLP)–Area Action Plan for Bunhill and Clerkenwell 2013 states that within the Employment Priority Areas (General and Offices) no net loss in business floor space will be permitted, either through change of use or redevelopment, unless exceptional circumstances can be demonstrated, including through the submission of clear and robust evidence which shows that there is no demand for the floor space. This evidence must demonstrate that the floor space has been vacant and continuously marketed for a period of at least two years.
7. In addition, the loss of business floor space will only be permitted where the proposal would not have a detrimental individual or cumulative impact on the area's primary business role and would not compromise economic function/growth, or it can be demonstrated that the site is no longer suitable for the provision of similar uses. Appendix 11 of the Council's Development Management Policies sets out the evidence which is required to adequately demonstrate marketing and market demand.
8. The approach set out in Policy CS13 of the Core Strategy and Criterion A i of Policy BC8 of the FLP is consistent with paragraphs 18 and 19 of the National Planning Policy Framework (the Framework) which seeks to support sustainable economic growth. Furthermore, the approach provides the flexibility required by paragraph 22 of the Framework which seeks to avoid long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose, subject to the submission of evidence. I can, therefore, attach significant weight to those policies in my Decision.
9. The site includes a car park at 262m²; however, the application form indicates the established use is B8 (storage) of some 585m². The appellant indicates that the basement levels have been under-used for many years and that the owners have marketed the premises without success. An email from the commercial agent stating that the premises has been marketed from June 2014 and that during the marketing campaign there were numerous viewings, mainly from the gym sector. A handful of offers from Gym users were received but they did not materialise.
10. The marketing particulars are also included which shows that the premises were marketed for all uses at a rent in excess of £130,000 per annum exclusive. In addition, it is stated that details were initially sent to those parties with a suitable requirement and then to all active London agents. The property was on the agent's website and periodically sent to all London agents. A 'sample' of parties that viewed the property is also included.
11. Additional information has been submitted which includes details of completed deals between 1 June 2014 and 30 June 2016. This shows that the majority of lettings (45 of 50) secured higher rental incomes than £34 per sq ft per annum. Rents ranged from approximately £20 per sq ft to £67.50 per sq ft. The average (median) rental income secured in these lettings was £48.23/sq ft. Thus the rent sought for the appeal property was at the lower end of the rates expected in this location. Further information relating to current 'market comparables' has also been submitted which shows that the rental rate of £34 per sq ft per annum would

be below the rates asked in the EC1M postcode. However, this information does not amount to a professional valuation from at least three agents to confirm that the asking price is reasonable. Furthermore, the submitted information does not include any basement offices or any B8 spaces as there were none available for comparison. Consequently, I cannot be certain that the property was marketed at a reasonable price which takes account of the basement location and the nature of the premises.

12. Furthermore, the value of offers, the reasons why any offers fell through, why it was not possible to agree terms and why offers were refused are not included. Also no details are included as to why the property is 'not of interest'. Consequently, the evidence falls short of that required by Appendix 11 of the DMP. Due to the limited evidence before me, I cannot, therefore, be certain that the property has been marketed on appropriate terms at a reasonable asking price which reflects the nature of the property.
13. I have had regard to the fact that the property is currently vacant and as such there would not be the loss of an actual B8 or business use. However, there would be the loss of business floor space which Policy BC8 of the FLP seeks to protect.
14. The appellant draws attention to paragraph 11.1.3 of the FLP and suggests that the term business use is widely defined and covers all of the uses proposed. However, whilst Policy BC8 seeks to achieve a balanced mix of uses, including a wider range of employment generating uses, Criterion A i specifically refers to business floor space. Business floor space/buildings/development/uses are defined in the glossary as activities or uses that fall within the B-Use Class (i.e. offices, industry, or warehousing). Furthermore, there is insufficient evidence before me to conclude that there would be no demand for B8 or other business uses either now or in the future.
15. The appellant also suggests that the proposal is consistent with the underlying purpose of policy which is to promote employment growth and jobs. However, paragraph 3.47 of the Core Strategy states that the principle will be to continue to protect a variety of spaces and to achieve this, the Core Strategy protects specific types of business floor space where appropriate (B-use classes) within the more general definition of employment floor space. Criterion A i of Policy BC8 seeks to protect business floor space as part of a balanced mix of uses.
16. Attention is also drawn to Criterion B which states that within the Employment Priority Area (general) the employment floor space component of a development or change of use proposal should not be unfettered commercial (B1a) uses, but where appropriate must also include retail or leisure uses at ground floor alongside. Nonetheless, given the flexible nature of the proposal it may be implemented within a single use class resulting in the loss of all the business floor space which would be contrary to Criterion A i of the Policy.
17. For the reasons stated, there is insufficient evidence before me to conclude that the loss of business floor space is justified. The proposal is, therefore, contrary to Policy CS13 of the Core Strategy and Policy BC8 of the FLP.

Vitality and Viability of Town Centres

18. Policy DM4.4 of the DMP seeks to maintain and enhance the retail and service function of Islington's four town centres. Part B states that applications proposing more than 80m² of floor space for uses within the A Use Classes, D2 Use Class and for Sui Generis main town centre uses within the Central Activities Zone, must

demonstrate that the development would not individually or cumulatively with other development have a detrimental impact on the vitality and viability of Town Centres within Islington or in adjacent boroughs, or prejudice the prospect for further investment needed to safeguard their vitality and viability; the proposed uses can be accommodated without adverse effect on amenity; and the proposal would support and complement existing clusters of similar uses within or adjacent to the Central Activities Zone, particularly important retail frontages.

19. Criterion B of Policy CS7 of the Core Strategy relating to Bunhill and Clerkenwell states that there are a number of local centres within the area which are a foci for shops, facilities and/or the evening economy, including amongst others, St. John Street. It goes on to say that these centres will be protected and enhanced in a manner that ensures their vitality and vibrancy, whilst safeguarding the amenity of residential uses. However, the appeal site is not situated within a designated town centre or a defined local centre allocated for retail purposes as defined in appendix 3 of the DMP. Criterion c of Policy 2.11 of the London Plan 2016 states that retail capacity will be focused on the CAZ frontages. However, St John Street is not allocated as a Central Activity Zone frontage as defined in Annex 2 of the London Plan.
20. The proposed A1 retail element and the D2 Assembly and Leisure element are classed as main town centre uses by the Framework. The proposal could accommodate 615m² of A1 retail floor space which would be equivalent to a large 'express/local' supermarket and could, therefore, have an impact on neighbouring town centres, in particular Angel Town Centre.
21. At the time the application was determined retail impact and sequential assessment had not been undertaken. Consequently, the Council considered that insufficient evidence had been submitted to demonstrate that the proposal would not have an impact either individually or cumulatively on nearby Town Centres, in particular Angel Town Centre.
22. A brief Retail Impact Assessment (RIA) has been submitted in support of the appeal. The RIA includes an assessment of Angel Town Centre which draws heavily on the Islington's Town Centres: Review and Health Check (Health Check) (2012) which found that Angel Town Centre was performing very strongly overall due to a combination of a high number of A1 units, alongside complementary vibrant cultural and entertainment uses. The Health Check also found a diversity of uses and a low vacancy rate. On the basis of my site visit, I have no reason to disagree with this assessment.
23. The RIA suggests that the appeal site is relatively small, equating to approximately 1% of the total floor space of 51,496m² of total retail, leisure, financial and business services floor space within Angel Town Centre and concludes that no significant impact is likely as a result of the proposal. Attention is also drawn to the forecast retail sales (2021) set out in the Islington Retail Study Update 2008 which shows the combined turnover of both convenience and comparison goods of £401.6m.
24. It is acknowledged that the proposed retail or D2 floor space would be a small percentage of the total commercial floor space within Angel town centre. However, the proposed floor space of 615m² is significantly above the Council's threshold of 80m² and whilst a brief qualitative analysis has been undertaken, there is no quantitative analysis. In the absence of such analysis, including information such as the turnover of the proposed use, surplus expenditure in Angel

Town Centre and the extent of any trade draw, it is not possible to determine whether the proposal would harm the viability of Angel Town Centre or prejudice the prospect for further investment needed to safeguard its viability.

25. Attention is drawn to paragraph 4.27 of the DMP which states that proposals for retail, services, entertainment, assembly and leisure uses within the CAZ may be appropriate where these would not detrimentally affect the vitality and viability of town centres. It goes on to say that proposals involving these uses (especially those of a small scale) are unlikely to result in detrimental impacts and that the Policy, therefore, takes a flexible, judgement based approach as to whether a full impact assessment is required should be applied. However, in setting a threshold of 80m², the Council clearly considers that proposals above this threshold may have the potential to impact on other centres. The proposal would be larger than the majority of retail units in the street and would be significantly above the threshold set out in Policy DM4.4. Given the scale of the proposal, I consider that in this case a quantitative assessment should be required.
26. Attention is drawn to an appeal decision¹ in which the inspector commented that it is difficult to see how the vitality and viability of Nags Head could be threatened given that it provides a much greater variety of outlets of greater size and as the Sainsbury's Local outlets are planned with a 500m catchment in mind. This case was not in the CAZ and thus engaged Part A of Policy DM4.4 of the DMP. Nevertheless, the floor space threshold set out in part A of the Policy is the same. I note that this case is significantly smaller than the appeal proposal and that the inspector concluded that an impact test would be required. Furthermore, the proposal in this case was for convenience retailing which would be likely to have a local catchment. The flexible nature of the appeal proposal could result in 615m² of comparison retailing which would likely have a wider catchment and could, therefore, have an impact on the viability of Angel Town Centre. This case is not, therefore, directly comparable to the appeal proposal which limits the weight which I can attach to it in my Decision.
27. There is dispute between the parties as to whether a sequential assessment would be required to support the proposal. However, even were a sequential assessment required, in the absence of a quantitative retail assessment, I am unable to determine whether the proposal would have a detrimental impact on the viability of Angel Town Centre.
28. For the reasons stated, I conclude that there is insufficient evidence to determine whether the proposal would harm the vitality and viability of Angel Town Centre. The proposal is, therefore, contrary to Policy DM4.4B of the DMP. This conflict weighs against the scheme.

Living conditions of existing residents

29. The range of flexible uses proposed would permit occupiers such as a café, restaurant, drinking establishment, concert hall, dance hall, gymnasium and indoor sports or recreation. Such a range of uses could lead to potential noise, disturbance or odour for the occupiers of surrounding residential uses.
30. There is an existing void at the rear of the main building which sits adjacent to the rear of the residential properties at 66 St John Street. Indeed a number of objections have been received from occupiers of those units in terms of potential

¹ Appeal reference: APP/V5570/A/13/2210830

noise and disturbance. There are also residential properties above commercial units along St John Street.

31. Criterion ii of Part B of Policy DM4.4 of the DMP requires that proposed uses can be accommodated without adverse impact on amenity. Policy DM4.3 of the DMP states that proposals for cafes, restaurants, drinking establishments, off-licences, hot food takeaways and other such uses will be resisted where they would result in negative cumulative impacts due to an unacceptable concentration of such uses in one area; would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area.
32. The Council considers that on the basis of an A3 use survey, the evidence suggests that there are no discernible clusters of A3 units in the area. Given the nature of the Central Activities Zone and the suitability of night time economy uses, overconcentration on a purely quantitative basis is considered unlikely. I noted on my site visit that A3 and A4 uses were well distributed along the street interspersed with office and commercial uses at ground floor level. However, this does not preclude the need to assess any potential effects arising from the proposal itself.
33. The nature of the proposed uses, in particular the A3 (restaurants and cafes), A4 (drinking establishments) and D2 (assembly and leisure) use classes, have the potential to adversely affect the living conditions of nearby residents by virtue of noise arising from congregations of customers, music and any extraction equipment. Odour caused by cooking inside the premises may also be an issue. There may also be noise and general disturbance caused by customers and delivery vehicles coming and going outside the premises. Such effects can be particularly intrusive when they take place late into the evening when other background noise levels generally diminish. Proposed uses falling within D1 use class may also have the potential for traffic generation, although I note that highway safety is not included as a reason for refusal.
34. Paragraph 4.21 of the DMP states that in assessing the likely impacts of a proposal, regard will be had to the type of use, proposed hours of opening, size of premises, operation and servicing and measures to mitigate odour and noise from the premises. I have regard to the conditions proposed by the appellant and also the Council. I consider that conditions relating to opening hours, submission and approval of extract and ventilation equipment, noise arising from music, customers or ventilation and extraction equipment, the timing of deliveries etc, potentially tailored to each specific use could have been imposed to address concerns had I decided to allow the appeal.
35. For the reasons stated above, I, therefore, conclude that with the suggested conditions, the proposal would not have a harmful effect on the living conditions of neighbouring occupiers. The proposal would not, therefore, be contrary to Criterion ii of Part B of Policy DM4.4 of the DMP or Policy DM4.3 of the DMP.

Other matters

36. The proposal is situated within the Clerkenwell Green Conservation Area and adjacent to Nos 72, 78 and 80 St John Street, which are grade II listed buildings. The existing frontage of the appeal property is largely blank and does not make a positive contribution to the street scene. The proposal would involve the creation of a new facade, entrance and aluminium framed window which would result in a more active and positive frontage. The proposal would not, therefore, harm the

character or appearance of the Conservation Area or the setting of neighbouring listed buildings. The Charterhouse Almhouse lies to the rear of the site and is a grade II listed building. No alterations are proposed to the rear and consequently, the proposal would not harm the setting of this listed building.

Planning Balance

37. I have identified that with conditions, the proposal would not have a harmful effect on the living conditions of neighbouring residents. Furthermore, the proposal would have some benefits in terms of improving the frontage of the site, bringing a vacant, underused unit back into use, promoting a car-free development and contributing to the local economy. However, these benefits could be achieved by other means. I have identified that the proposal would result in the loss of business floor space and have the potential to harm the vitality and viability of Angel Town Centre. I consider that the totality of this harm would outweigh the benefits of the proposal.

Conclusion

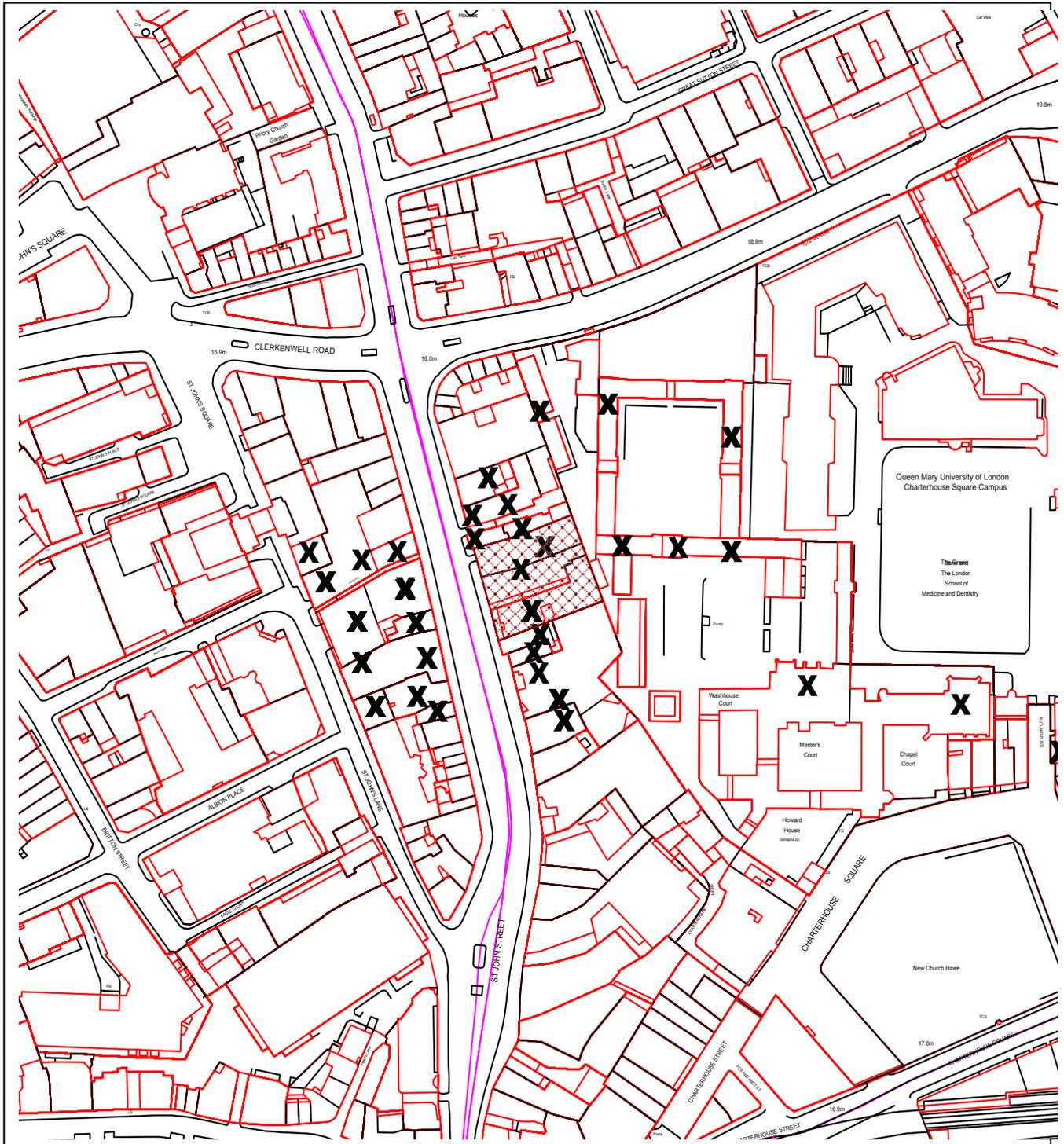
38. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector

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Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB COMMITTEE A		AGENDA ITEM:	B3
Date:	Thursday, 7 November 2019	NON-EXEMPT	

Application number	P2018/3395/FUL
Application type	Full Planning
Ward	Tollington
Listed building	Not Listed
Conservation area	N/A
Development Plan Context	Local Cycle Route Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	None
Site Address	75 Hanley Road, London, N4 3DQ
Proposal	Erection of a ground and first floor extensions to the rear of the existing D1 building and associated external alterations including perimeter timber fencing and canopy to rear play area and associated alterations.

Case Officer	Ross Harvey
Applicant	Crouch End PreSchool Ltd
Agent	Ms Ghazala Hussain - DRK PLANNING LTD

1. RECOMMENDATION

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

1. The conditions set out in Appendix 1;

2. SITE PLAN

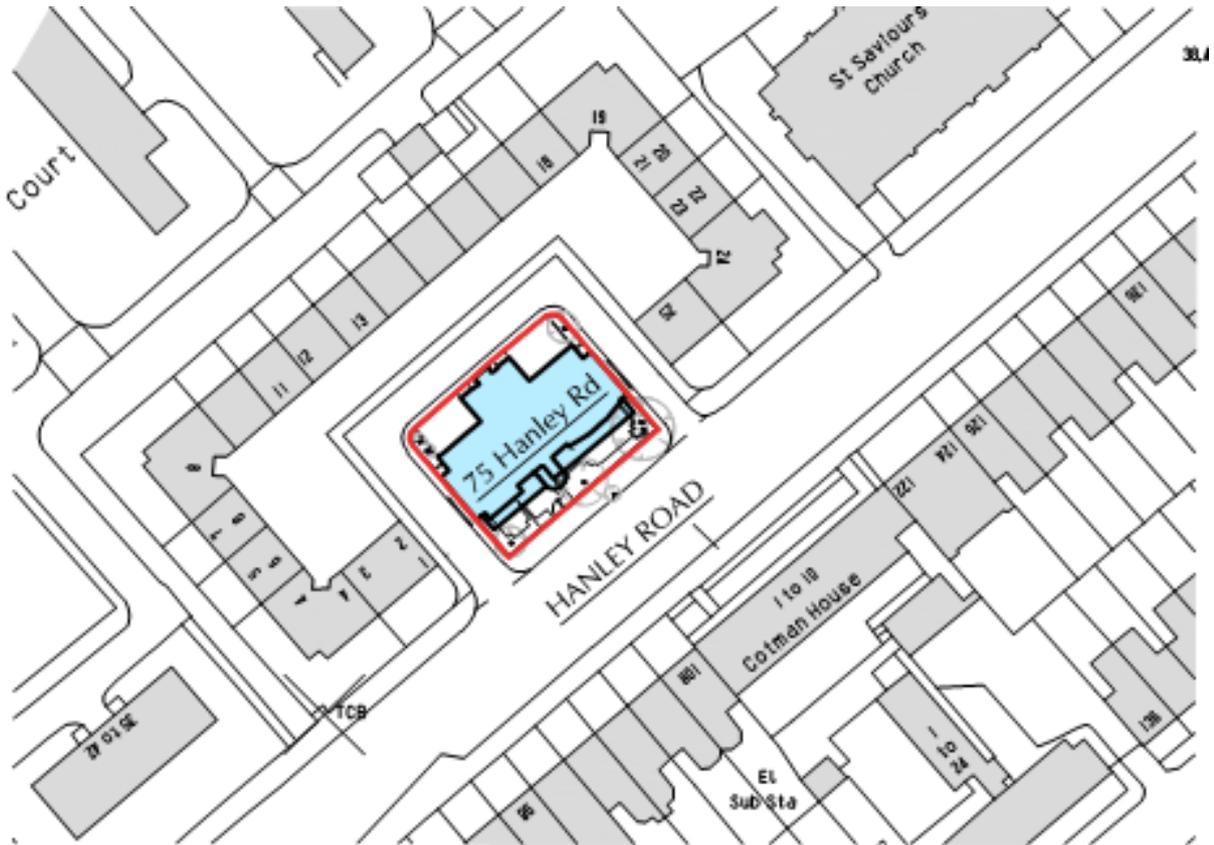


Image 1: Site Location Plan (outlined in black)

3. PHOTOS OF SITE/STREET



Image 2: Aerial view of front elevation



Image 3: Aerial view of rear elevation



Image 4: View to the front of the application site



Image 5: View to the rear of the application site looking north



Image 6: View to the rear of the application site looking south

4. SUMMARY

- 4.1 Planning permission is sought for the erection of ground and first floor rear extension to the existing D1 building and associated external alterations including perimeter timber fencing and canopy to rear play area for a new children's nursery at ground and first floor level (D1 Use Class).
- 4.2 The main considerations in this assessment include the impact of the proposals on the character and appearance of the host building and wider streetscene as well as safeguarding the amenity levels of the adjacent and nearby residential properties.
- 4.3 The extensions facilitate an additional 57m² of D1 floor space, previously used as an NHS mental health day care centre. The applicant has advised that the site has been vacant since March 2016. Although the new occupier is for a children's day nursery, the proposals do not constitute a change of use as, in planning terms, this falls within the same use class. The provision of additional D1 floorspace is generally supported within the Councils Development Management Policies, provided that it is served well by public transport, is of appropriate and inclusive design, is complementary

to the character of the surrounding area and does not result in adverse impacts to neighbouring residential properties. In this instance, the D1 use is already established and therefore considered acceptable in principle. The proposed additional D1 floorspace is considered appropriate in scale and would remain subservient to the host property.

- 4.4 The proposed extensions have been designed to match the existing appearance of the property. Overall they would be considered appropriate in scale, and would read as obvious additions to the property, whilst remaining subservient to the original building. The use of matching brickwork would be considered appropriate.
- 4.5 Whilst concerns have been raised regarding impact on neighbour's amenity, officers consider that the development would not appear unduly overbearing from surrounding properties, nor would they result in any loss of daylight/sunlight to any residential buildings. The first floor rear elevation will replace existing full height fenestration with high level windows, ensuring no overlooking occurs to the residential properties within Hanley Gardens to the rear of the application site. Concerns have been raised regarding potential noise issues. The Council's Acoustic Officer has not objected to the proposals, subject to further details of perimeter fencing to the side and rear and a canopy to the rear play areas being submitted and approved, as well as outdoor play areas being limited to the hours of 0900 and 1700 Monday to Friday.
- 4.6 Issues relating to parking have also been raised. The proposals do not include any parking within Hanley Gardens. Drop-off and pick-up arrangements are to be limited to being from Hanley Road. Waste collection will be undertaken on a weekly basis, with the refuse vehicles utilising the Hanley Road as a stopping point. Similarly, site servicing and deliveries are proposed to occur 3-5 times a week and would utilise parking bays along Hanley Road as a stopping point for unloading.
- 4.7 For the above reasons the recommendation to committee is to resolve to grant permission subject to planning conditions.

5. SITE AND SURROUNDING

- 5.1 The application site is situated on the north-western side of Hanley Road and comprises a three storey mixed use building with 3no. residential units on the second floor level. The ground and first floors have been described as being previously used as a mental care-day centre but have been vacant since March 2016. The application site forms part of a group of buildings of similar architectural character within the Hanley Gardens Estate. The application relates to the ground floor and first floor only.
- 5.2 The property is not situated within a conservation area, nor does it contain any locally or statutorily listed buildings. The surrounding area consists predominantly of residential uses within a mixture of modern and late 19th century terrace properties. St Saviour's Church is situated immediately to the north east of Hanley Gardens. In terms of public transport availability, Crouch Hill Station is located approximately 480m (walking distance) east of the application site and is serviced by London Overground. Bus routes are also available along Hanley Road, which provide regular services to the National Rail and London Underground via Finsbury Park Station.

6. PROPOSAL (in detail)

- 6.1 Planning permission is sought for two rear extensions to the property at ground and first floor level to facilitate the creation of additional D1 floorspace associated with a new child care facility (day nursery). The ground and first floor levels have been vacant since March 2016, however the existing lawful use remains as D1 (Non-residential institutions). The new children's day care nursery would therefore not comprise a change of use of the host property.
- 6.2 The new day care nursery would accommodate up to 98 children between the ages of 0-4 years old. A total of no.25 staff will also be accommodated on site. Within the building, a range of alterations would occur, with the nursery and toddler accommodation being situated at ground floor level and early years, visual and performing arts at first floor level. The plans indicate that the building will be fully accessible, with the existing lift being upgraded to be suitable for fire evacuation. 3no. external play areas are proposed, with two being to the front of the building and

the third located at the rear to the east of the stair shaft. The rear external play area (play area 3) will be enclosed by perimeter fencing and a canopy. Similarly, boundary treatments are proposed to the front external play areas. The existing boundary wall will remain at the front of the property, but the steel railings will be replaced by timber screens along the side boundaries. At the front, the steel railings will be retained but improved by the proposals. The proposed operating hours of the new nursery would be limited to between 07:30am and 18:30pm Monday to Friday.

- 6.3 Primary entrance to the children's nursery would be via the front of the building. Immediately adjacent to the primary entrance is a storage area with capacity for 32no. buggies. Secondary access would be available from the rear of the property, similar to the existing arrangement.
- 6.4 The proposals would result in the loss of 6no. existing car parking spaces to the rear of the property which are accessed via the Hanley Gardens roadway. These parking spaces were associated with the ground and first floor D1 unit. The parking spaces would be displaced by extensions to the property, an outdoor playspace and external storage/waste enclosures. It is not proposed to replace the car parking spaces being lost by the proposed development. There is no in principle objection to the loss of these car parking spaces to create more functional and useable play spaces for use by the nursery. The application site is well serviced by public transport in the form of nearby tubes, overground and local bus services to facilitate access to the site.
- 6.5 Proposals also include the installation of 4no. cycle stands within the front of the property immediately adjacent to the entrance gate, and 4no. cycle stands to the rear of the building. Whilst external to the building, all cycle stands are shown within the boundary of the site and would be in the form of uncovered sheffield stands.
- 6.6 Waste storage is shown to the rear of the property within a secure timber enclosure. Waste collection will be undertaken on a weekly basis, with the refuse vehicles utilising the Hanley Road as a stopping point. Similarly, site servicing and deliveries are proposed to occur 3-5 times a week and would utilise parking bays along Hanley Road as a stopping point for unloading.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

- 6.7 P2018/1819/FUL - Application for the external alterations and extension to the rear of the existing building at ground and first floor. Withdrawn by applicant 03/09/2018

ENFORCEMENT

- 7.6 None.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to 58 occupants of adjoining and nearby properties at Hanley Road and Hanley Gardens. The public consultation exercise expired on 25 November 2018. A site notice and press advert in the Islington Gazette were also displayed.
- 8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. During the initial round of public consultation, a total of 14 no. objections, 1 no. support and 1 no. general comment had been received from the public. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Hanley Gardens contains a private road that should be for the use of residents only (**para 10.36-10.45**)
- Increased noise disturbance, particularly outdoor play area 3. (**para 10.30-10.34**)
- Additional parking stress within Hanley Gardens and surrounding streets (**para 10.36-10.45**)
- Nursery not an appropriate use (**para 10.2-10.8**)
- Overdevelopment (**para 10.9-10.20**)
- Overlooking/loss of privacy (**para 10.27-10.29**)
- Impacts to green landscaped spaces (**para 10.55**)

8.3 The general comment raised concerns in relation to the inclusion of nesting boxes/bricks for swifts. A condition is attached to securing the installation of bird boxes.

8.4 The applicant was made aware of the substantial objections received from neighbouring properties, and provided additional information in order to overcome these concerns. The application was therefore subject to a second round of consultation, which expired on 12 June 2019. During this additional round of consultation, one objection was received from an individual that objected during the initial consultation. No additional concerns were raised.

Internal Consultees

8.5 **Design and Conservation Officer:** No objections

8.6 **Children, Employment and Skills Services:** Invited to comment but no specific objections raised in response to the current application.

8.7 **Crime Prevention Officer:** No objections raised. This should be the primary entry and exit to the building allows for a natural path directly to the reception area. Normally the main gates to a nursery is supervised by a member of staff during the drop off and pick up period which I would encourage as a management strategy. Outside of these periods I would recommend a video/audio control system direct to reception for visitors and an encrypted FOB access control for staff members. A minimum of two magnetic locks on the primary gate situated two thirds from the top and bottom of the frame to be fitted with a pull weight each of 1200lbs. Self-locking and self-closing mechanism to be fitted. Any 'push to release' button to exit this gate should be protected in a way to prevent a child from activating and far enough away from the gate to prevent a person reaching through the railings to allow access. If this gate is being replaced, then I would recommend a security rating of LPS1175 SR2. Consideration must be given to the potential risk of climbing over it or crawling under it. Being the same height of the current boundary treatment would be beneficial as it is approximately 1.8 meters tall. No issues with current boundary treatment in height and protection but would advise that a tidying up of the current wisteria that is present and pruning of the internal hedges will be required.

8.8 The boundary fences within the main path which have the gates present to allows access into the front play areas are not ideal due to them being so close to the main exit gate. If these are required for escape from these areas, then they will need protecting in a way that an adult can open them but a child cannot.

8.9 Main front door to be security rated to LPS 1175 SR2. With access control for the reception to allow movement into the building. This will also work well with any 'lock down' procedures that are in place during an emergency.

8.10 Any ground floor window which are openable or ones that can be reached by climbing should be security rated to PAS24:2016. Any ground floor door should be security rated to PAS24:2016. Fire escapes on either side of the building in Hanley Gardens are not ideal due to the fact they create a blind corner for people to loiter in and also gives them cover to attack a vulnerable door. If a security rated product could be fitted here, then I would advise that this is utilised if not then any glazing on the door should be reinforced with P2A laminate protection.

- 8.11 The bin stores have been made a separate part of the building and access from the public realms and as a result of this they should have a 'robust and fit for purpose' door which is self-locking and a self-closing.
- 8.12 **Acoustic Officer:** The unit had been operating by the NHS for Islington Recovery & Rehabilitation Services. There is a complaint listed where squatters had gained access to the empty building and rough sleeping but otherwise no complaints listed.
- 8.13 The application includes 3 external play areas for nursery children. Two are on the Hanley Road façade and one is on the rear to Hanley Gardens. The proposed rear play area is currently used for parking spaces and is to be converted for children aged 2 and under. A fence is marked and it is advised that the fence is solid with an absorptive inner face to reduce reflection. As they have assumed the noise reduction provided by a fence in the report but not provided any details it is advised that an AOD condition is included requiring details to be submitted and agreed. They also propose a partial canopy over the play area to acoustically screen the resi flats on the 2nd floor.
- 8.14 The play areas on the Hanley Road façade are behind a fence and hedge. Again this detail should be included in any condition. This could be worded:
"Prior to the commencement of the use hereby permitted details of fencing and canopy to the external play areas shall be submitted to and approved in writing by the Local Planning Authority. The fencing and canopy shall thereafter be installed and operated in accordance with the details approved unless the Local Planning Authority agrees in writing to any variation."
- 8.15 To minimise the impact for nearby residents the following hours of use condition is advised for the external play areas:
"The external play areas hereby approved shall not operate outside the hours of 0900 and 1700 hours Monday to Friday."
- 8.16 **Inclusive Design Officer:** No objections to updated drawings, in accessibility terms. Suggested the inclusion of a disabled parking bay to be created outside the application site in accordance with current standards.
- 8.17 **Highways Officer:** No objections to securing disabled parking bay outside the site as requested by Inclusive Design. Contests that lowering the kerb is required if space is secured at the end of the parking bay. No comments regarding lack of designated pick/up drop/off for vehicles.

External Consultees

- 8.18 None.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

- 9.1 Islington Council (Planning Sub-Committee A), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
 - As the development affects the setting of listed buildings, Islington Council (Planning Sub Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;

- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
- 9.2 National Planning Policy Framework (NPPF) (2019): 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 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.

Development Plan

- 9.9 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.

- 9.10 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:
- Article 4 Direction A1-A2 (Rest of Borough)
 - Local Cycle Route

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
- Neighbouring Amenity including sunlight/daylight and noise pollution
- Transport including servicing and deliveries
- Other issues

Land Use

- 10.2 The current lawful use of the property is D1 at ground and first floors (formerly occupied by a mental care day centre) and 3no. self-contained residential units at second floor. The proposals are limited to ground and first floor, with access to the residential units remaining unchanged. The proposals involve extensions to the rear of the property at ground and first floor and associated alterations. These extensions are to facilitate additional D1 floorspace to allow for the use of the site as a children's day nursery for a total of 98 children between the ages of 0-4 years old and 25 members of staff. The proposed children's day nursery would operate Monday to Friday between the hours of 07:30am and 18:30pm, with outdoor play areas limited to between 09:00am and 17:00pm. These operation hours would be secured by condition on any permission being granted.
- 10.3 Section 55 of the Town and Country Planning Act 1990 (as amended) identified the types of development and or building operations which require planning permission. Under subsection the operations or uses of land not to be taken for the purposes of the Act (planning permission not required) have been described. Part (f) states '*in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class*'. With this in mind, the conversion of the property from a mental health day care centre (D1) to a children's nursery (D1) is not classified as a change of use and therefore can be implemented without planning permission.
- 10.4 In addition, in reviewing the history of the application site it is evident that a condition has not been imposed on any previous planning permissions limiting the D1 use to a particular operation or applicant. Planning permission is therefore only required for the physical extensions to the property and associated alterations including boundary treatment works, waste, cycle and buggy storage. The proposals therefore require assessment in terms of their design and potential impacts on neighbouring residential amenities.
- 10.5 Development Management Policy DM 4.12 is very supportive of new social and community infrastructure provision, which the proposed expanded day nursery would represent. Policy DM4.12C sets out criteria for new social infrastructure, which must:
- i. be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport;
 - ii. provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;
 - iii. be sited to maximise shared use of the facility, particularly for recreational and community uses; and

- iv. complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.

- 10.6 Policy 3.18 of the London Plan 2016 supports the expansion of education facilities and the enhancement of facilities for educational purposes. The provision of additional school facilities and space is classified as provision of new social infrastructure which is supported by policy DM4.12 of the Development Management Policies 2013. Paragraph 4.69 associated with this policy states '*development/redevelopment of social and strategic infrastructure should be designed to meet the needs of their intended occupants, taking into account any appropriate regulations and national design and space standards*'.
- 10.7 The proposed increased floorspace is considered marginal in the context of the building itself, representing an uplift of 57m² within a building that has an existing floorspace area of 464m² at ground and first floor levels. Notwithstanding the increased floorspace proposed, the extensions and associated works are considered minor within the context of the host building and therefore unlikely to result in significant harm beyond the existing situation in land use terms. It is also noted that the existing building could accommodate up to 98 children (36 under two's and 62 over two years old) in accordance with Ofsted requirements, and that the proposed physical alterations and their associated uplift in floorspace are for the purpose of improving the quality of accommodation provided rather than an intensification of the use. Whilst it cannot be controlled, the proposed layout would be considered suitable for future occupiers on the basis that the Council's Children, Employment and Skills Services Department were consulted and raised no objections to the proposals and the new facilities overall compliance with Ofsted requirements.
- 10.8 In light of the above, it is considered that the proposed extensions and associated works to the property and increase in D1 floorspace is acceptable in land use terms.

Design

Site and Policy Context

- 10.9 Core Strategy Policy CS9 states that 'high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive'.
- 10.10 Islington's Planning Policies and Guidance encourage high quality design which complements the character of an area. In particular, policy DM2.1 of Islington's adopted Development Management Policies requires all forms of development to be high quality, incorporating inclusive design principles while making a positive contribution to the local character and distinctiveness of an area based upon an understanding and evaluation of its defining characteristics.
- 10.11 The UDG provides guidance on how urban design principles should be applied to ensure that new development successfully contributes to making the borough a better place. It is applicable to all new developments, including alterations and extensions to existing buildings.
- 10.12 Whilst it is acknowledged that the guidance within paragraphs 5.131 to 5.134 relate to residential extensions and alterations, it is considered that there are elements which are relevant in the assessment of this application and are considered to be consistent with the above policy objectives. The guidance states that extensions 'should take into account bulk, height, massing, materials and proportion and how they relate to adjacent heritage assets, uses, building alignment and general treatment of setting. Where the proposal is within a Conservation Area, applicants should have reference to the guidance within the applicable Conservation Area Statement' and 'the depth of extensions must also be carefully considered, having regard to both the impact on the amenity of neighbouring properties and the host building'.

10.13 In terms of the visual appearance the guidance advises that ‘there may be circumstances when extending a building in a way which is a continuation of the existing form, using matching materials and details, is important. In other cases, high quality contemporary contextual design, such as utilising contrasting high quality materials or a lightweight glazed form, may be more appropriate’.

Scale and Massing

10.14 The application site is not situated within a conservation area. However, the buildings fronting Hanley Gardens are relatable to each other in terms of their overall scale and architectural detailing, as it is understood that they were constructed as part of a wider scheme in the 1980’s, which appear to have only been subject to minor alterations over time. It would be considered that buildings within Hanley Gardens are relatively uniform in terms of their overall character and architectural detailing. With this in mind, it is acknowledged that the building at the application site appears to contain a number of architectural features which do somewhat distinguish it from the other buildings within Hanley Gardens. Of particular note is the concrete circulation core to the rear.



Image 8: Existing Rear Elevation



Image 9: Proposed Rear Elevation



Image 10: Existing West Elevation

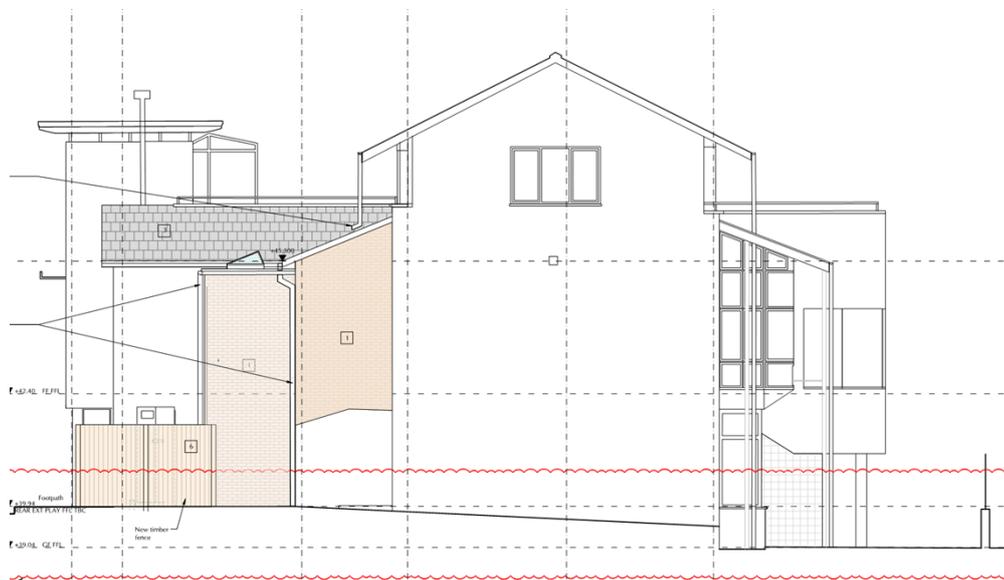


Image 11: Proposed West Elevation

- 10.15 The proposed extensions are limited to the rear of the building to a depth of approximately 1.9m at both ground and first floor level. In terms of their width, the extensions would be sited either side of the buildings circulation core, each at a width of approximately 6.8m, which equates to roughly 63% of the entire rear elevation. The first floor rear extension retains the pitched roof of the existing lightweight rear projection and would be constructed to a height that is slightly below the existing eaves level.
- 10.16 Whilst the proposals include additional bulk at the ground and first floor level rear, it would be considered that they are at a scale that are sympathetic to the overall appearance of the property and would represent a subservient addition to the host property. It is also considered that the extensions would remain sympathetic to the overall character of Hanley Gardens and would not compromise any relationship between the host property and its surrounds.
- 10.17 The host building sits adjacent to the Hanley Gardens private access road, resulting in large gaps between it and surrounding residential properties when viewed from Hanley Road. The pitched roof of the existing first floor rear projections is visible for short periods when approaching the site from a north or southerly direction. It is therefore likely that the proposed extensions may be partly visible from the Hanley Road streetscene. Notwithstanding this, given the overall form of the extensions are sympathetic to the host building and that the site is not within a conservation area, any visibility from the street would not be considered harmful in this instance.

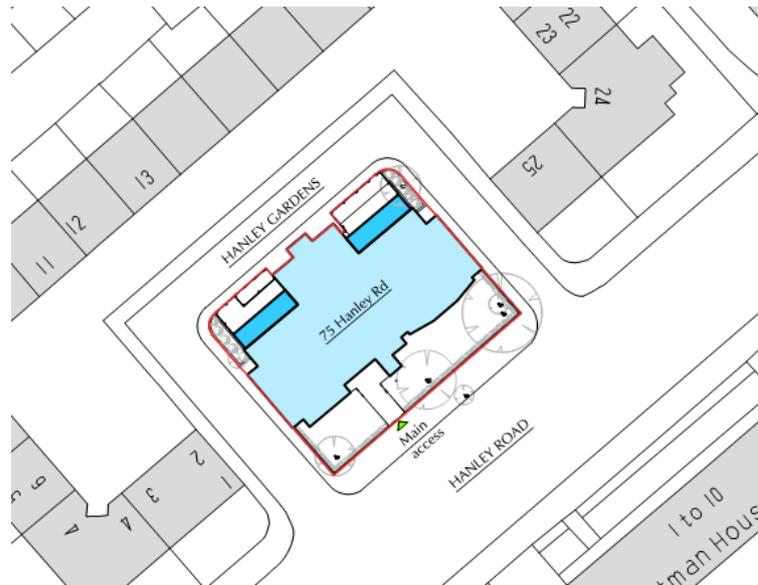


Image 12: Proposed site plan showing extensions in dark blue

Detail Design/Materials

- 10.18 In terms of the general arrangement and fenestration patterns and the brickwork present at the existing building, have been predominantly replicated within the proposed extensions. Although the fenestration pattern at the first floor rear has been replaced with brickwork to match existing, it is acknowledged that this has other benefits, including protection of neighbouring properties from adverse outlook. The reduction in fenestration would therefore be considered acceptable in this instance.
- 10.19 At ground level rear the proposals include the erection timber fencing at a height of 1.8m. The fencing area will provide screening for the external play area, waste storage and external storage enclosure. In addition, timber fencing is proposed to be installed above the side of the external play areas to the front of the property. The existing steel rails to the front boundary will be retained but re-painted. Whilst timber fencing is not typical to the area, and would normally be resisted particularly to the front of a property, it is acknowledged that it is a more effective material in providing screening. Given the sensitive nature of the use of the site, it is considered that any harm caused by the proposed timber fencing, particularly at the front of the property, is outweighed by the benefits of preserving privacy to external play areas. Details of the timber fencing as well as the proposed hedge screening will be secured by condition to ensure the proposals do not cause harm to the host property or surrounding streetscape.
- 10.20 Proposals also include the installation of a canopy above the outdoor play area no.3 to the rear of the property. The canopy would be constructed to a similar, but slightly taller, height as the boundary fence. Whilst details of the canopy have not been provided, it is considered that the appropriate detailing can be secured by condition.
- 10.21 The waste storage area is to be situated to the rear of the site. Whilst it is shown as being retained within the external storage area, details would be secured by condition to ensure the waste storage is practical and would not appear unsightly to neighbouring residents.

Neighbouring Amenity

- 10.22 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.

- 10.23 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.
- 10.24 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. Paragraph 2.13 states that the design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing. This supporting text goes on to specifically reference relevant guidance prepared by the Building Research Establishment (BRE).

Daylight / Sunlight

- 10.25 The proposed extensions would be situated to the rear of the existing building fronting Hanley Road, oriented to the north of the property. The nearest residential properties are separated from the application site by the Hanley Gardens private access road, approximately 8.8m to the north east (no.25 Hanley Gardens) and 9m to the south west (no's. 1 and 2 Hanley Gardens). Given the level of separation afforded by the Hanley Gardens Private Road and its associated parking, it would not be considered that the proposed extensions would result in the loss of daylight/sunlight to habitable rooms of residential properties within Hanley Gardens. In addition, it is noted that the proposed extensions would be limited to ground and first floor level, and would therefore be significantly lower than the existing building which is three storeys.
- 10.26 In terms of their depth, the proposed extensions would not extend beyond the existing external stair score to the flats above, maintaining a separation of approximately 16m to the residential properties at the rear of the site. Whilst the proposed extensions would be oriented to the south east of properties no's.11- 16 Hanley Gardens, the level of separation provided is considered sufficient to ensure the proposals do not facilitate harmful levels of loss of daylight/sunlight.

Outlook/Sense of Enclosure/ Overlooking

- 10.27 As mentioned above, the proposed extension are limited to the rear of the host property, which is separated from surrounding residential properties by the Hanley Gardens private road. Given the level of separation provided, it would not be considered likely that the proposals would result in the loss of outlook or increased sense of enclosure to neighbouring properties within Hanley Gardens.
- 10.28 With regards to the residential units within second floor level of the application site, it is noted that the first floor extensions would be situated below the existing eaves. This height is well below window level of the second floor level and therefore no objections would be raised regarding potential loss of outlook to the residential units within the host building.
- 10.29 With regards to overlooking, it is noted that 75 Hanley Gardens currently contains large areas of fenestration at its rear elevation. The proposals would remove this fenestration within the rear elevation and the application is showing only high level obscured glazed windows. Whilst not shown on submitted drawings, a condition will be attached to ensure that these high level windows are also fixed shut. These are not for providing outlook and therefore, levels of overlooking to neighbouring properties would be reduced by the proposed development. The fencing installed at the rear would ensure no overlooking occurs from the ground floor of the property.

Noise

- 10.30 The Council's Acoustic Officer was consulted with during the assessment of the application. They noted that the unit had been operating by the NHS for Islington Recovery & Rehabilitation Services. There is a complaint listed where squatters had gained access to the empty building and rough sleeping but otherwise no other complaints have been listed.
- 10.31 The Acoustic Officer did not object to the proposals. As the proposals do not involve the change of use of the application site, conditions have only been recommended to control noise emissions from the extensions and external changes.
- 10.32 The application includes 3 external play areas for nursery children. Two are on the Hanley Road façade and one is on the rear to Hanley Gardens. The proposed rear play area is currently used for parking spaces and is to be converted for children aged 2 and under. A fence is marked and it is advised that the fence is solid with an absorptive inner face to reduce reflection. Details of the fencing and canopy to have also been suggested, to ensure these are of a type and material that would mitigate potential noise issues:
- 10.33 A third condition is recommended limiting the use of the external play areas to the hours of 0900 and 1700 hours Monday to Friday. These hours are considered appropriate given the proposed operation of the property as a children's day nursery.
- 10.34 The proposals also include the installation of 4no. heat recovery units internally fitted with ducting to external and with one condenser externally mounted. As the current noise report does not provide any information with regards to these units, it has been suggested by the Council's Acoustic Officer that a technical note be submitted providing predictions of the noise from mechanical plant i.e. any externally mounted plant along with any noise from grilles/vents from internally mounted fans or HRUs, hours of and any mitigation to confirm compliance with Islington's noise criteria. This will be secured by condition.

Lighting

- 10.35 The applicant is proposing additional low-level lighting to allow night access to the rear external store and rear play area. It has been advised that this lighting will be similar to existing, however little information has been provided. The nursery is proposed to be used between 0730 and 1830 hours and will therefore be predominantly daytime only. Any additional low-level lighting for the rear store area is likely to be used for security purposes only or in some periods of winter. Further information ensuring that unreasonable levels of light spill to neighbouring residents do not occur will be secured by condition.

Highways and Transportation

- 10.36 The proposals result in the loss of 6no. car parking spaces to the rear of the site. Given that access into Hanley Gardens is controlled, it would be considered that the spaces lost would relate to staff parking, rather than pick-up / drop-off associated with the D1 use.
- 10.37 Core Strategy Policy CS10 encourages sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use, and requiring that all new developments are car-free. The proposed development does not include any vehicular parking and is within close proximity to regular bus services along Rosebery Avenue. It is therefore consistent with this strategy.
- 10.38 Policy DM8.1 seeks to ensure that *the design of developments, including building design and internal layout, site layout, public realm and the provision of transport infrastructure, is required to prioritise the transport needs of pedestrians, public transport users and cyclists above those of motor vehicles.*

- 10.39 In addition, this is supported by Part B of Policy DM8.5 which seeks to ensure *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 (e.g. car hire, Use Class B8 storage and distribution uses). In such cases, parking will only be permitted where an essential need has been demonstrated to the satisfaction of the council and where the provision of parking would not conflict with other council policies. Normal staff parking will not be considered essential and will not be permitted.*
- 10.40 Given the above policy guidance, the loss of 6 no. parking spaces for is considered acceptable. It is noted that the application site has a PTAL rating of 3. However, the applicant has undertaken a parking survey to accompany the application, which concludes that sufficient car parking is available within the local area to accommodate the proposals bearing in mind the scale and intensity of the proposed nursery use in this case. There are bays on Hanley Road close to the site which allow for pay by phone as well as permit holders. Parking surveys submitted by the applicant indicate that there are 34 bays with at least 13 of those bays available. It is also noted that the CPZ only comes into operation from 08:30am, therefore the majority of morning drop off activity can lawfully take place from any of the parking bays on Hanley Road.
- 10.41 Whilst the Parking Survey does not plot each individual parking bay surveyed within the same area, it does contain spreadsheets which clearly outline the results of the survey. Given that Transport Statements and Parking Surveys would not generally be required for proposals of this type and scale, the Council is satisfied that the level of detail provided is sufficient to demonstrate that the proposed extensions would not facilitate unreasonable levels of parking stress or traffic volumes within the local area.
- 10.42 Objections raised by the public raise concerns relating to parking within Hanley Gardens, which is a private road. Whilst Hanley Gardens does appear to contain controlled access by way of a secure gate, it is not known whether this is currently utilised by residents. Notwithstanding this, whilst this cannot be controlled by Planning Officers, the use of the existing gate would work as a suitable deterrent for parking within Hanley Gardens. In addition, public access to the application site is shown as being from Hanley Road. The exit shown within play area 3 at the rear is for emergency escape only. It would therefore be considered that the for convenience, parents would likely pick-up and drop-off to the front of the property.
- 10.43 No objections are raised with regards to the additional 8no. cycle stands proposed, which would further encourage active travel to the site.
- 10.44 Waste collection will occur from Hanley Road, whereby refuse/recycling bins will be transported from the enclosure at the rear of the site to the public highway. This will occur prior to morning peak hours three times a week. Such an arrangement would be considered appropriate for the incoming occupier and would not be considered to have a significant impact in terms of pedestrian and highway safety.
- 10.45 In terms of deliveries, The Service and Delivery Management Plan states that a total of 2no. deliveries will take place on Mondays and Wednesday once the facility is operating at its full capacity. It also notes that there will be exceptional circumstances where a third delivery will occur on a Friday. Whilst the hours of deliveries have not been specified, it is noted that they will be via a 'dot com' type vehicle from major supermarkets using 6m vehicles. Delivery vehicles will stop outside the site, utilising available parking bays within Hanley Road rather than via a specified loading bay. Given the scale of development proposed, this arrangement would be considered acceptable and, as it will utilise existing highways arrangements, would not be considered to cause harm to pedestrian and highway safety. It is also noted that the Site Servicing and Delivery Management Plan states that all refuse collection locations and cycle storage areas will be in accordance with relevant British Standards further ensuring acceptability in terms of pedestrian and highway safety.

Waste Management

- 10.46 Waste storage facilities are required to be provided in order to fit current and future collection practices and targets. Facilities must be accessible to all in accordance with Islington's Core Strategy policy CS11. Development Management Policy DM8.6 states that, where on-street servicing is proposed details must be submitted to demonstrate the need for on-street provision and that off-street provision is not practical, and to show that arrangements will be safe and will not cause a traffic obstruction or nuisance.
- 10.47 It is noted that the proposals do not facilitate a change of use and therefore waste storage and collection is likely to remain similar to existing arrangements. Waste enclosures are shown as being located to the rear of the property, similar to the existing situation. The submitted Site Servicing and Delivery Plan indicates that waste collection will occur three times a week once the day nursery is at full capacity. Refuse will be collected before the morning peak hour (prior to 08:00am). Refuse/recycling bins will be wheeled from the rear of the site to the front where they can be collected along Hanley Road.
- 10.48 Notwithstanding this, and given the internal reconfiguration and uplift in D1 floorspace, details of waste storage and collection will be secured by condition.

Inclusive Design

- 10.49 Policy DM2.2 and the Inclusive Design SPD, seeks to ensure developments provide for ease of and versatility in use and deliver safe, legible and logical environments. In this regard the Design and Planning Statement confirms that the proposal would conform to the requirements of Part M of the Building Regulations and to DDA (Disability Discrimination Act) requirements, and in terms of the refurbishment of the existing building as much as is practical.
- 10.50 The Council's Inclusive Design Officer raised a number of issues with the proposal in respect of accessibility and providing an inclusive environment for future users of the building. As such, the applicant provided additional information to address these concerns.
- 10.51 The Inclusive Design Officer has confirmed that the additional information has broadly addressed the concerns and that the facility would be broadly consistent with the Council's objectives relating to accessibility. The applicant has confirmed that the existing lift has the capacity to be upgraded for fire evacuation by way of a survey. This is welcomed. The applicants fire evacuation strategy is also considered appropriate.
- 10.52 The Inclusive Design Officer recommended that a disabled parking bay be secured on street outside the application site along Hanley Road. Whilst the applicant agreed to this recommendation, as it would be located off-site it would not be possible to secure by way of planning condition. Given that no disabled parking bays currently exist on the application site, and given the overall scale and scope of works proposed it would not be considered reasonable nor proportionate in this case to secure the creation of a disabled parking bay outside the red line of the application site, which would require highway re-instatement works, by way of a Section 106 agreement. It is considered that the proposal would be acceptable in regard to the Council's objectives in relation to Inclusive Design.

Sustainability

- 10.53 Policy DM7.1 seeks to ensure development proposals integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development.

10.54 The proposals will comprise the use of sustainable materials such as brickwork to match existing, aluminium for replacement windows and timber fencing. As the extensions do not facilitate the creation of new dwellings or a change of use, a Sustainable Design and Construction Statement is not required to support the application

Other Issues

10.55 Concerns were raised by local residents with regards to potential impacts to landscaped areas to the rear of 75 Hanley Road. All planting areas observed on-site by officers are shown to be retained on the proposed drawings. The ongoing maintenance of the planting areas will be a civil matter for the freeholder of the site.

10.56 The Crime Prevention Officer from the Metropolitan Police was consulted with during the assessment of the application. They confirmed that they had not objections with the current scheme from a crime prevention perspective.

11. SUMMARY AND CONCLUSION

Summary

10.57 A summary of the proposal and its impacts and acceptability is set out at paragraphs 4.1 to 4.5 of this report.

10.58 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and material considerations being the National Planning Policy Framework and as such is recommended for approval subject to conditions.

Conclusion

10.59 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	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>DWG.2513(02)001 Rev B; DWG.2513(02)002 Rev A; DWG.2513(02)003 Rev A; DWG.2513(02)004 Rev A; DWG.2513(02)005 Rev A; DWG.2513(02)006 Rev A; DWG.2513(02)007; DWG.2513(20)002 (Rev C);DWG.2513(20)003 Rev L; DWG.2513(20)004 Rev J; DWG.2513(20)005 Rev C; DWG.2513(21)001 Rev D; DWG.2513(21)002 Rev F; DWG.2513(21)003 Rev G; DWG.2513(21)004 Rev E; DWG.2513(21)005 Rev C; Dwg 18/2467/M/100 Rev T3; Dwg 18/2467/M/101 Rev T3; Dwg 2513(04)004 Rev C; Dwg 2513(04)003 Rev C; Design and Access Statement Rev H; Transport Planning Associated Technical Note March 2019; Statement of Community Involvement April 2019; Crouch End Pre School Community Newsletter; Noise Impact Assessment Rev E; Schedule of Accommodation January 2019; Planning Statement October 2018; Transport Planning Associated Transport Statement September 2018</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials Compliance
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter 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.</p>
4	Refuse & Recycling (Details)
	<p>CONDITION: Details of refuse/recycling store(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The refuse/recycling store (s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure adequate refuse/recycling is provided and easily accessible.</p>

5	(BIRD/BAT BOXES COMPLIANCE)
	<p>CONDITION: For the hereby approved, a minimum of 3 no. nesting boxes / bricks shall be installed prior to the first occupation of the building to which they form, 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>
6	Details of Fencing and Canopy
	<p>CONDITION: Prior to the commencement of the use hereby permitted details of fencing and canopy to the external play area 3 shall be submitted to and approved in writing by the Local Planning Authority. The fencing and canopy shall thereafter be installed and operated in accordance with the details approved unless the Local Planning Authority agrees in writing to any variation</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
7	HOURS OF OPERATION (COMPLIANCE)
	<p>CONDITION: The childrens day nursery hereby approved shall not operate outside the hours of:</p> <p>07:30am and 18:30pm Monday to Fridays only.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
8	HOURS OF OPERATION OF EXTERNAL PLAY AREAS (COMPLIANCE)
	<p>CONDITION: The hereby approved rear outdoor play spaces/areas shall not operate outside the hours of:</p> <p>09:00am and 17:00pm Monday to Fridays only.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
9	SERVICING AND DELIVERY PLAN (COMPLIANCE)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the hereby approved Transport Planning Associated Technical Note March 2019 & Transport Planning Associated Transport Statement September 2018. The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
10	WINDOWS OBSCURE GLAZED AND FIXED SHUT
	<p>CONDITION: All windows shown on the plans hereby approved at the first floor rear elevation shown as being obscurely glazed shall be provided as such prior to the first occupation of the development.</p> <p>All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p>

	<p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
11	HOURS OF OUTSIDE LIGHTING (COMPLIANCE)
	<p>CONDITION: Lighting associated with external play and waste/cycle storage to the rear of the property hereby approved shall not operate outside the hours of:</p> <p>07:30am and 18:30pm Monday to Fridays only.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
12	Air Conditioning and Heating Units
	<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: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
13	Details of prams/pushchairs storage
	<p>CONDITION: Prior to the first use of the hereby approved crèche facilities, details of the storage of prams/pushchairs shall be submitted and approved in writing to the Local Planning Authority. The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To ensure the proposal benefits from adequate storage facilities.</p>
14	Cycle Parking Provision
	<p>CONDITION: The bicycle storage area(s) hereby approved, shall be provided strictly in accordance with the details shown Dwg2513(20)003 Rev L prior to the first occupation of the development hereby approved and maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

The National Planning Policy Framework 2019 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

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

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

Policy 4.1 Developing London's Economy
Policy 3.16 Protection and enhancement of social infrastructure
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Policy CS 8 – Enhancing Islington's character
Policy CS 9 - Protecting and enhancing Islington's built and historic environment
Policy CS 10 – Sustainable Design
Policy CS 11 – Waste
Policy CS 18 – Delivery and Infrastructure

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM4.12 – Social and Strategic infrastructure and cultural facilities
- Policy DM8.5 – Vehicle Parking

3. Designations

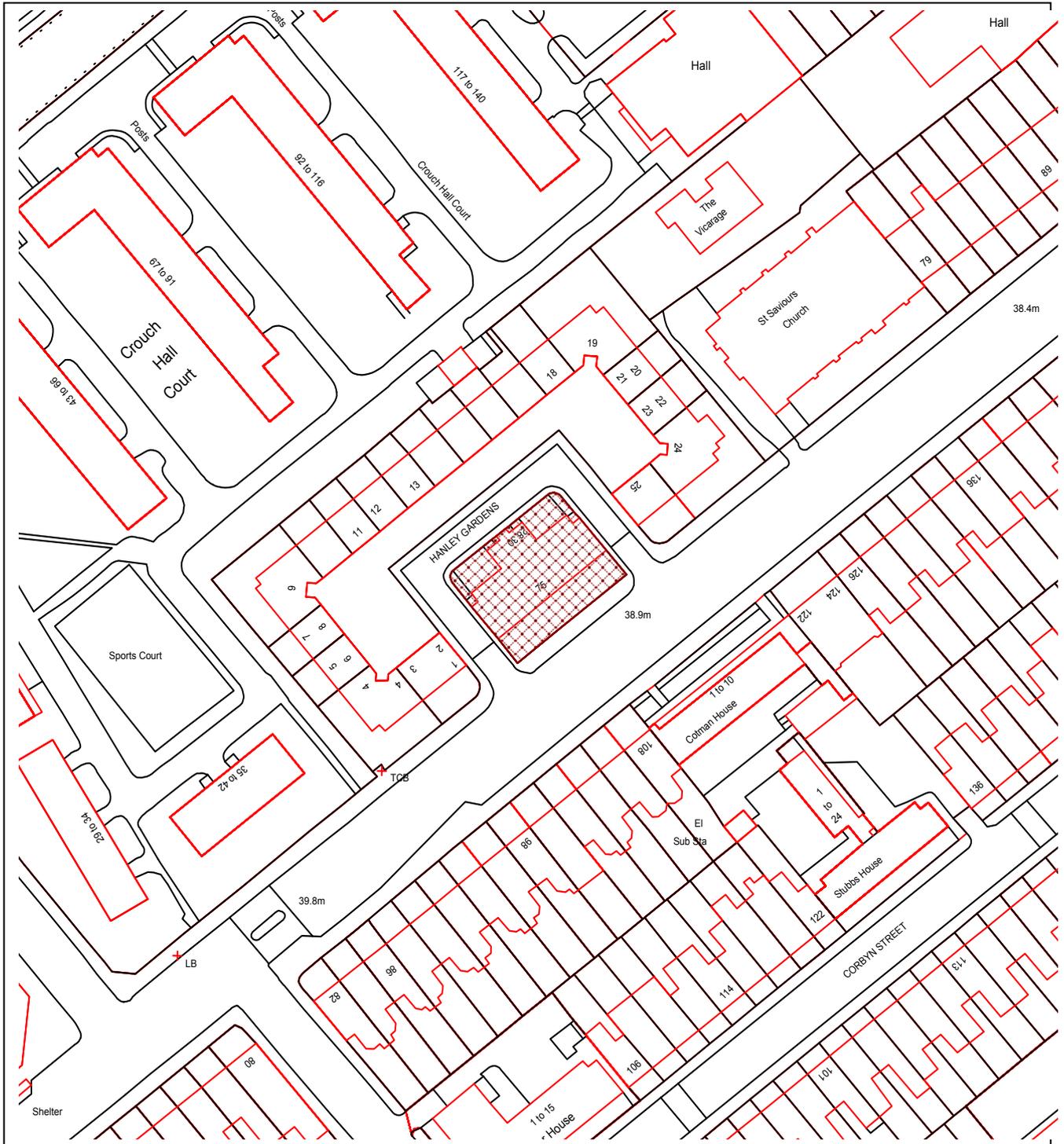
- Local Cycle Route
- Article 4 Direction A1-A2 (Rest of Borough)

4. SPD/SPGS

Urban Design Guidelines

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Islington SE GIS Print Template



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P2018/3395/FUL

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB COMMITTEE A		AGENDA ITEM NO:	B4
Date:	Thursday, 7 November 2018	NON-EXEMPT	

Application number	P2019/1292/FUL
Application type	Full Planning (Householder)
Ward	St. Peters
Listed building	Not Listed
Conservation area	Duncan Terrace/Cokebrook Row
Development Plan Context	Duncan Terrace/Colebrook Row Conservation Area Conservation Area Article 4 (2) Direction – Duncan Terrace/Colebrook Row Within 100m of a TLRN Road Article 4 Direction A1 to A2
Licensing Implications	None
Site Address	8 Oakley Crescent, London, EC1V 1LQ
Proposal	Erection of a roof top extension and new roof terrace to the existing flat roof including associated obscure glazed screening to the rear and metal railings to the front elevation. External redecoration and replacement windows to the front elevation at ground and first floor with double glazed units.

Case Officer	Ross Harvey
Applicant	Ms Ferguson
Agent	Ms Carol Norton - Norton Ellis Architects Ltd

1. RECOMMENDATION

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

1. The conditions set out in Appendix 1;

2. SITE PLAN

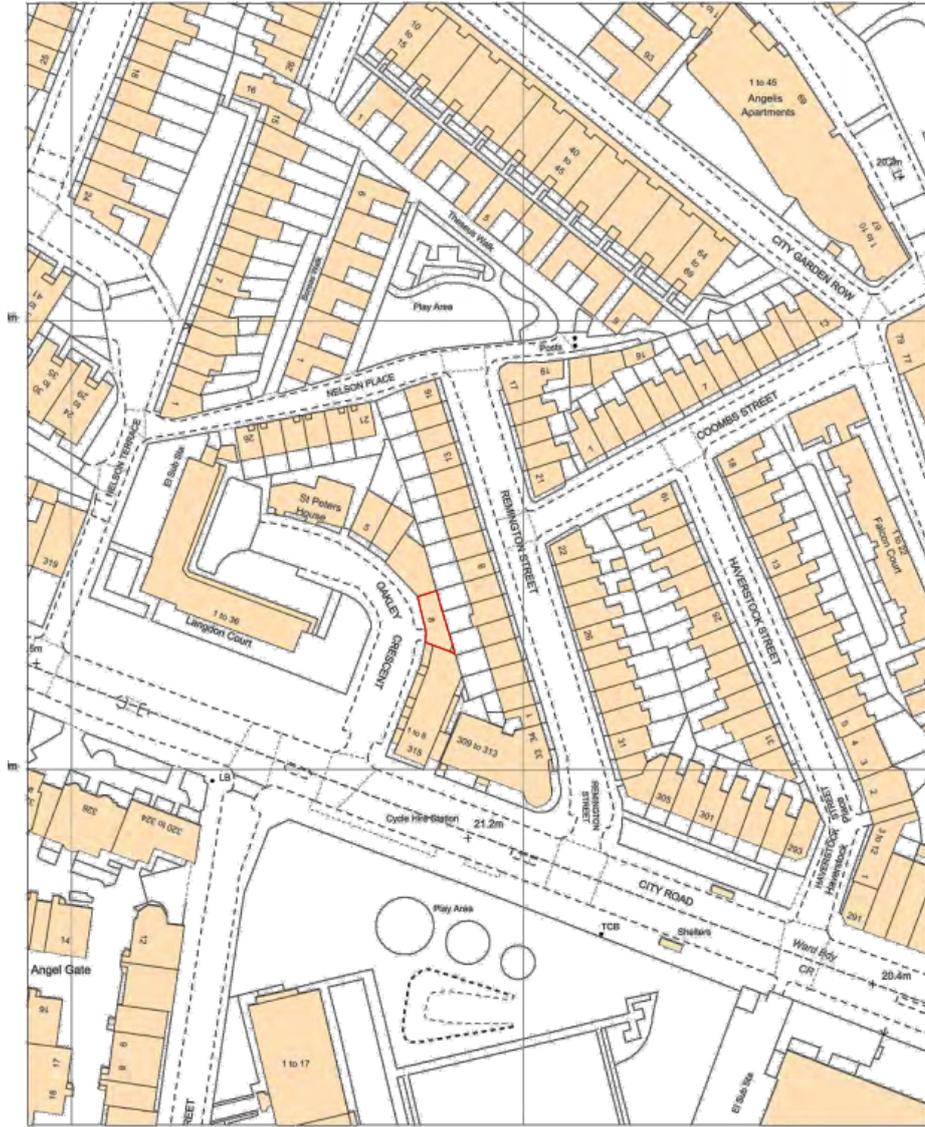


Image 1: Site Location Plan (outlined in red)

3. PHOTOS OF SITE/STREET



Image 2: Aerial view in northerly direction



Image 3: Aerial view in westerly direction



Image 4: View towards existing front of the application site



Image 5: View of the front of the application site, and 5-7 Oakely Crescent



Image 6: View towards 315 City Road, immediately adjacent to application site

4. SUMMARY

- 4.1 Planning permission is sought for the erection of a roof top extension and new roof terrace to the existing flat roof. External redecoration and replacement windows to the front elevation at ground and first floor with double glazed units UPVC framed to match existing. The terrace will include a 1.8m high obscure glazed screen at the rear and the installation of metal railings to the front elevation.
- 4.2 The main considerations in this assessment include the impact of the proposals on the character and appearance of the host building and the Duncan Terrace/Colebrook Row Conservation Area as well as safeguarding the amenity levels of the adjoining and nearby residential properties.
- 4.3 The Design and Conservation Officer initially objected to the proposals on the basis of the amount of the size and visual prominence of the proposed roof extension. Amendments have been received which reduce the overall bulk of the proposed roof extension and incorporate more sympathetic detailing. The amendments have been considered as acceptable by the Design and Conservation Officer. Objections were submitted from neighbouring properties on the basis that the proposals would cause harm to the conservation area. Notwithstanding this, it is considered that the proposals would not cause significant harm to the character of the rear of the property, due to existing context within the immediate locality, and the contemporary nature of the host property and its immediate neighbours.
- 4.4 Whilst concerns have been raised regarding impact on neighbour's amenity, officers consider that the development would not lead to material additional overlooking than presently exists. There would also be little material loss of daylight, sunlight or sense of enclosure from the development.
- 4.5 For the above reasons the recommendation to committee is to resolve to grant permission subject to planning conditions.

5. SITE AND SURROUNDING

- 5.1 The application site consists of a modern two storey terrace property located at the east of Oakley Crescent. The application site is used as a dwelling house. The site is within the Duncan Terrace/Colebrook Row Conservation Area and it is not a listed building. The terrace row to the rear of the application site is Grade II Listed.
- 5.2 The streetscene generally comprises residential properties within varying building typologies. Oakley Crescent comprises examples of historic buildings (19th century) as well as mid to late 20th century properties. Remington Street, to the rear of the site, benefits from Grade II Listed terrace houses which add historic value to the locality. City Road is located within close proximity to the application site, which is an important commuter thoroughfare to Central London and is host to a number of large scale modern development as well as historic buildings. City Road is well serviced by regular bus routes and is within close proximity to Angel Tube Station.

6. PROPOSAL (in detail)

- 6.1 Planning permission is sought for the erection of a roof top extension and new roof terrace to the existing flat roof. External redecoration and replacement windows to the front elevation at ground and first floor with double glazed units.
- 6.2 The proposed roof extension would be setback from the rear parapet by 1m and cover the southern section of the existing roofspace. It has been designed to vary in scale, with a maximum height of approximately 0.7m when measured 1m from the rear parapet and an overall height of 2m.
- 6.3 The proposed walls will be constructed use dark grey render, which would achieve a similar appearance to existing and to that at the adjoining no.7.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 P2018/2443/FUL - Roof extension with canopy at second floor level, formation of roof terrace with metal balustrade, replacement of windows with double glazed windows at front elevation, new porch with downlight above front door, painted render at front elevation. Refused 26/11/2018.

REASON: The proposed roof extension and associated ballustrades by reason of their inappropriate detailed design, scale, massing, bulk and inadequate front and rear setbacks would form a dominant and discordant feature when seen from the surrounding public and private realm. The proposal would fail to respect the setting of the adjacent listed buildings along Remington Street and would also fail to preserve or enhance the character and appearance of the host property, wider terrace setting nor the Duncan Terrace/Colebrooke Row Conservation Area. The proposed development is therefore considered to be contrary to policies CS8 and CS9 of the Core Strategy 2011, policies DM2.1 and DM2.3 of Islington's Development Management Policies Document 2013, Duncan Terrace /Colebrooke Row Design Guidance note, Islington's Urban Design Guide 2017 and the Updated NPPF 2018.

REASON: The proposed development would create unacceptable sense of enclosure and material loss of outlook to the rear elevations of adjoining properties at 4 to 8 Remington Street. The proposal is therefore considered to be an unneighbourly and obtrusive form of development and is considered contrary to policy DM2.1 of the Development Management Policies Document 2013 and the NPPF 2018

- 7.2 850659 - Construction of a roof extension in the form of a sky light. Approve with conditions 11/07/1985

7 Oakley Crescent

- 7.3 P2013/0651/FUL - Roof extension, creation of roof terrace and conversion of garage to habitable accommodation. Approve with conditions 04/07/2013
- 7.4 P2014/0835/FUL - Replacement of windows in front elevation with double glazed black framed windows and insertion of first floor rear window. Approve with conditions 12/06/2014

PRE-APPLICATIONS

- 7.4 Q2018/1737/HH - Erection of a roof extension utilising part of the existing roof terrace; Replacement windows with double glazed units with dark grey frames, to match the windows to the new roof top extension; A new porch canopy will be added above the front door with a small down light; The existing white render panels to the front elevation will be replaced with dark grey self-coloured render:

Changes to the proposal will need to be made before the application would be considered acceptable by the Council. The following (non-exhaustive) list of changes are recommended:

- *Additional evidence illustrating that the lack of setbacks from the front elevation does not harm the character of the streetscene*
- *Additional details with regards to the porch, including detailed elevations..*

ENFORCEMENT

- 7.5 None.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to 72 occupants of adjoining and nearby properties at Oakley Crescent, City Road and Remington Street on 21 May 2019. The public consultation exercise expired on 16 June 2019.
- 8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. 5 objections had been received from the public relating to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- The proposal will have significant impact on daylight and sunlight, outlook and sense of closure of the neighbouring properties at the east, in particular to gardens and habitable rooms (**paras 10.18-10.27**);
 - The proposal will harm the character of the host property and surrounding area (**paras 10.2-10.17**);
 - There are inaccuracies in the Herrington Daylight and Sunlight Assessment (**paras 10.2-10.17**).

Internal Consultees

- 8.3 **Conservation and Urban Design:** The proposed roof extension is not acceptable with regards to design. It needs to be set back from parapets further and visual impact should be reduced. It would be harmful to the setting of the listed terrace to the rear of the site.
- 8.4 Amended drawings which result in a reduced overall size of the roof extension and allow for increased setback from the rear parapet address prior objections.

External Consultees

- 8.4 None.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

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

- 9.2 National Planning Policy Framework (NPPF) (2019): 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 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.

Development Plan

- 9.11 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.12 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Duncan Terrace/Colebrook Row Conservation Area
 - Conservation Area Article 4 (2) Direction – Duncan Terrace/Colebrook Row
 - Within 100m of a TLRN Road
 - Article 4 Direction A1 to A2 (Rest of Borough)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

- Design and Conservation
- Neighbouring Amenity including sunlight/daylight and noise pollution

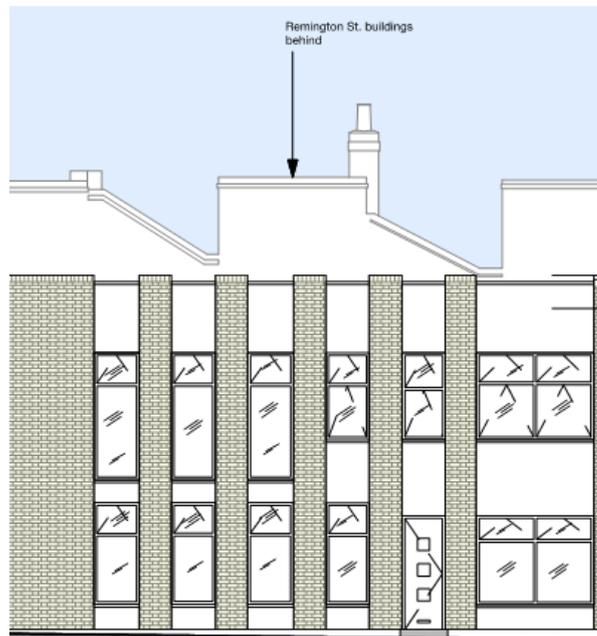
Design and Conservation

- 10.2 Section 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area.
- 10.3 Islington's Planning Policies and Guidance encourage high quality design which complements the character of an area. In particular, policy DM2.1 of Islington's adopted Development Management Policies requires all forms of development to be high quality, incorporating inclusive design principles while making a positive contribution to the local character and distinctiveness of an area based upon an understanding and evaluation of its defining characteristics.
- 10.4 The application site is located in the Duncan Terrace/Colebrook Row Conservation Area. Therefore, careful regard needs to be given to ensure the proposal contributes positively to, and continues to preserve and enhance the character and appearance of the Conservation Area in accordance with Development Management Policy DM2.3. In addition, an Article 4.2 notice on this land ensures that all works to the front of the building require planning permission.
- 10.5 Council's Urban Design Guide (2017), paragraphs 5.145 to 5.148 provide advice in relation to roof extensions generally, stating that 'the roofline is an important factor contributing to the rhythm and uniformity of a residential terrace or street' and 'when considering the scope for roof extensions it is necessary to consider the particular terrace within which the host building sits as well as the local context'.
- 10.6 Paragraph 5.150 of the Urban Design Guide states - Within conservation areas, the roofline is often an important feature contributing to the character of an area and therefore proposals for roof extensions anywhere along an unaltered roofline within a conservation area will not generally be acceptable. Where the roofline is broken, the scope for roof extensions will normally be dependent on the following criteria:

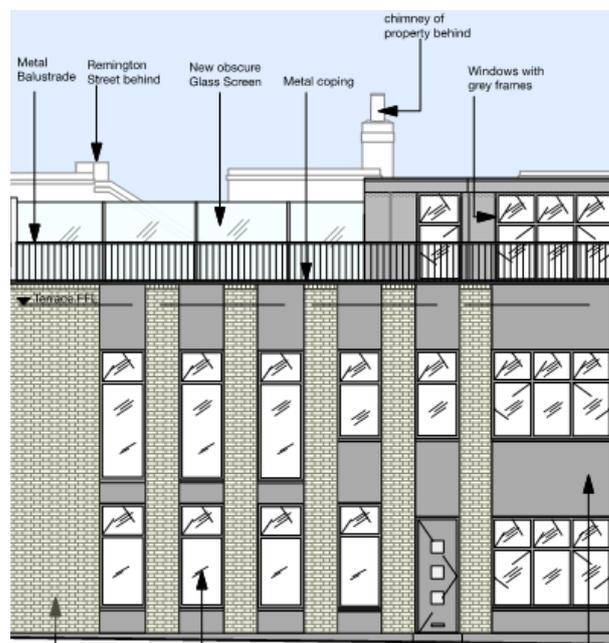
- The number of existing roof extensions, and the extent to which the unity and consistency of the roofline has already been compromised.
- The length of the terrace. A short terrace with existing roof extensions may have the opportunity of its unity being reconciled through allowing additional roof extensions to fill the gaps. On a long terrace with houses in separate ownership, this is less likely to occur.
- Listed buildings and terraces within conservation areas will also be respectively subject to the detailed individual consideration of listed building issues and Conservation Area Design Guidelines

10.7 The following parts of the Duncan Terrace/Colebrook Row Conservation Design Guidelines are relevant to the proposal:

Paragraph 3.14 ii) for all properties not listed in Schedule 3.2, no roof extensions, rooflights or associated party wall alterations, will be permitted which are visible from the street or public area, including long views from side streets, open spaces or the canal and its towpath

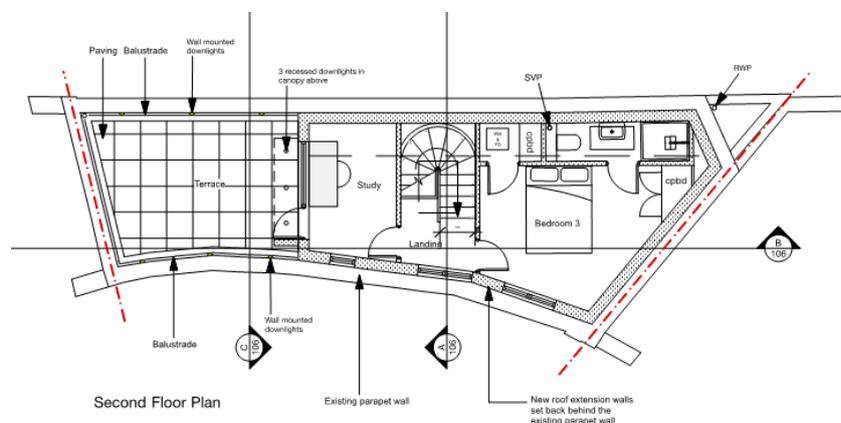


Drawing 1 – Front Elevation Existing

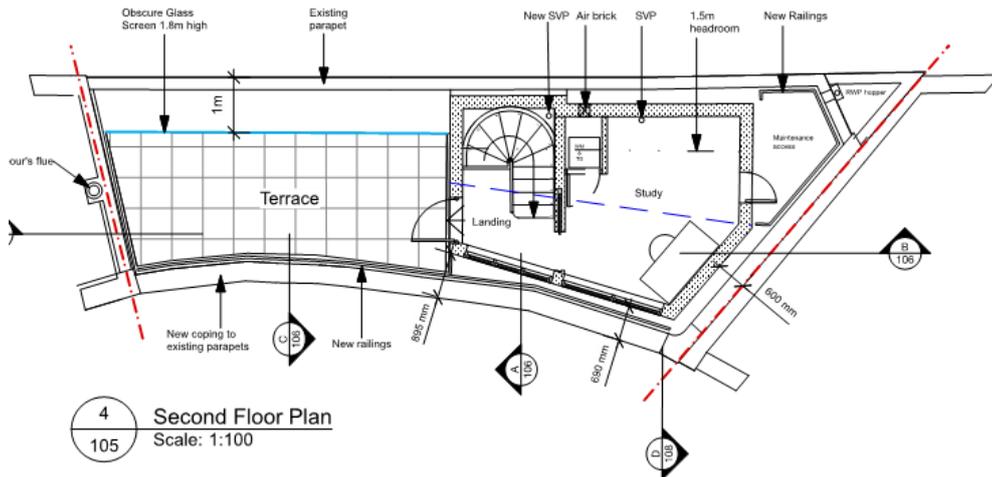


Drawing 2 – Page 142 Front Elevation Proposed

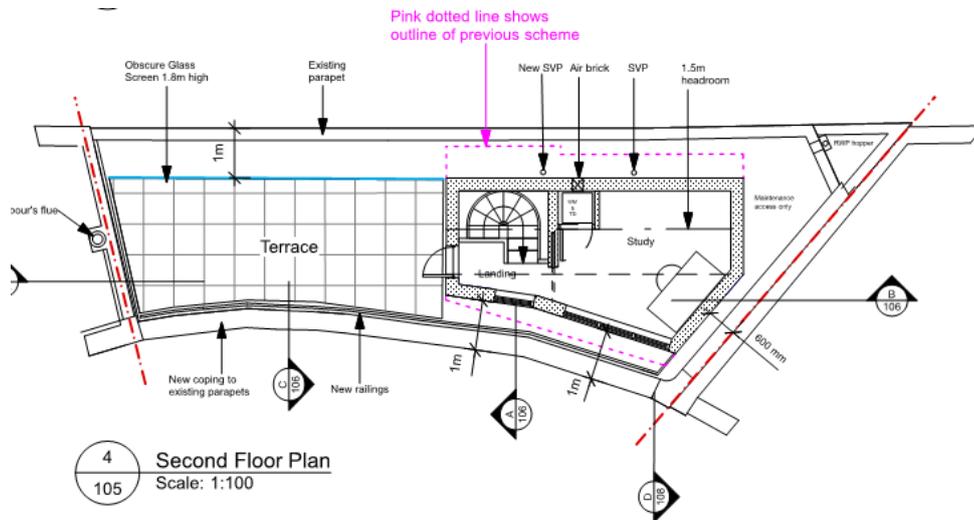
- 10.8 Oakley Crescent is characterised by residential uses within varying typologies and architectural styles. The application site and its terrace row are not listed within The Duncan Terrace/Colebrook Row Conservation Area Guidelines as properties where the Council may permit traditional roof extensions. The Conservation Area Guidelines would require that any roof extension at no.8 that is visible from any street level or public area not be granted permission.
- 10.9 The Council's Design and Conservation Officers were consulted during the assessment period of the current application. Concerns were raised regarding the site of the roof extension and its visibility from surrounding public views.
- 10.10 It is noted that the roofspace of no.315 City Road and no.7 Oakley Crescent are of a more modern architectural character and comprise existing roof extensions. The existing roof extension at no.7 Oakley Crescent was granted by Council in 2013 under P2013/0651/FUL. It is further noted that no's.5 and 6 Oskley Crescent appear to comprise non original mansard roof extensions. Whilst the architectural style and character varies within the streetscene, it is noted that the majority of dwellings comprise existing roof extensions that are visible from public view. Therefore, despite objectives of the Duncan Terrace/Colebrook Row Conservation Area Design Guidelines, it would not be considered reasonable to object to the principle of a roof extension at no.8 given the existing mitigating circumstances within the streetscene.
- 10.11 The existing roof extensions at no's.7 Oakley Crescent and 315 City Road whilst also contemporary in design, incorporate substantial setbacks from the front of the property. These properties also benefit from deeper roof areas and therefore greater flexibility with regards to the erection of roof extensions. Therefore, roof extensions at no's.7 Oakley Crescent and 315 City Road were considered to be acceptable overall in visual amenity from surrounding residential properties and the wider conservation area. The current proposal seeks to erect a roof extension at no.8, which is subject to a far more constrained and narrow roof form than its immediate neighbours. An application for a roof extension was refused in 2018 due to its detailed design, bulk and massing and unacceptable visual impact from surrounding streets.
- 10.12 The current proposals were initially considered to be unacceptable, despite incorporating a reduced width, terrace balustrades setback 1m from the rear parapet, and a shallower roof pitch to the rear and a part flat roof to the south eastern corner of the site. The roof extension remained constructed to the rear parapet, which was not considered acceptable in design terms given its visibility from the rear.



Drawing 3: Refused Floor Plan (P2018/2443/FUL)

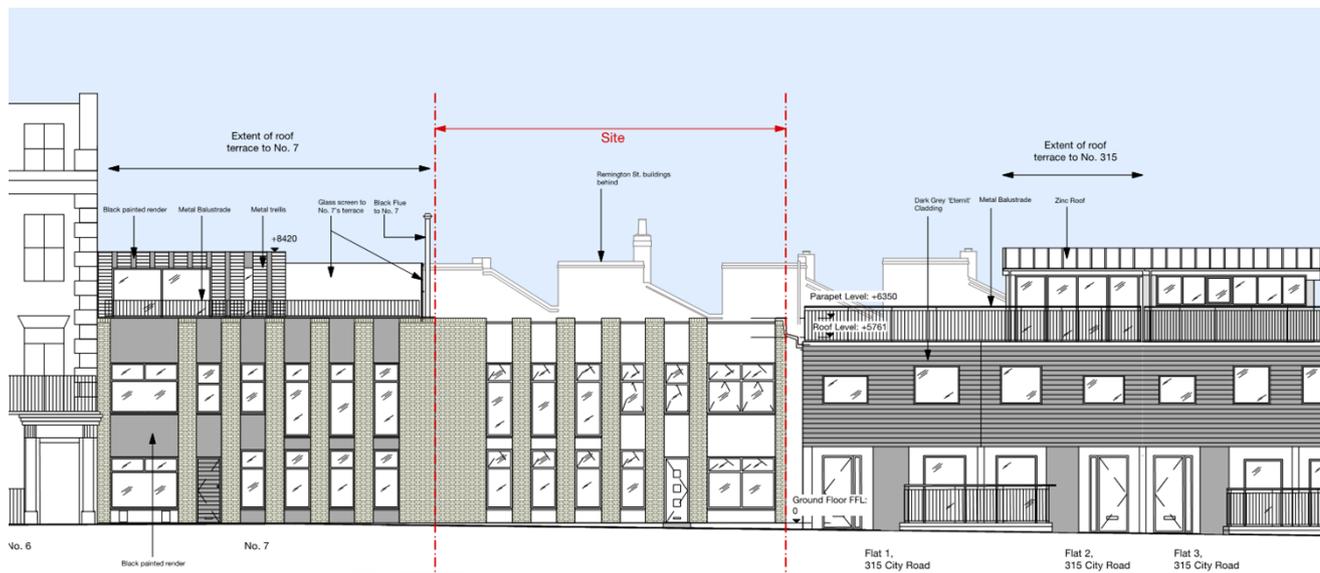


Drawing 4: Floor Plan as initially submitted

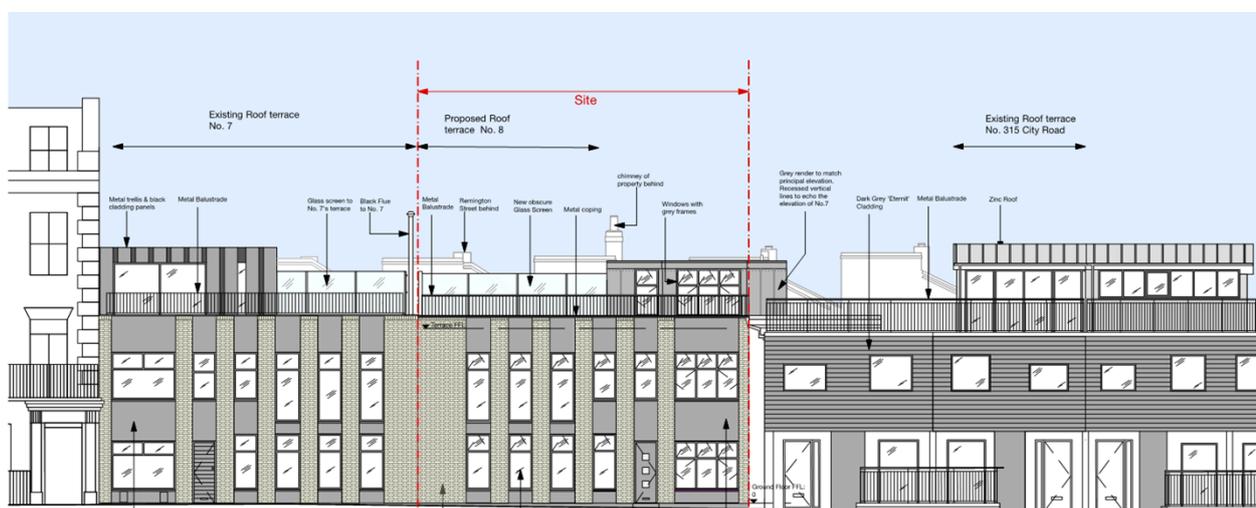


Drawing 5: Floor Plan as amended and recommended for approval

10.13 Amended drawings have now been provided showing a 1m setback from the rear parapet for both the proposed extension and its associated screening. The amendments have been subject to further consultation with the Council's Design and Conservation Officer who considers the drawings to be acceptable in design and conservation terms. It is considered that the proposed setback from the rear parapet by 1m, as well as the overall reduction in floorspace would be considered sufficient to overcome previous concerns and the reason for refusal on design terms previously.



Drawing 6: Existing Front Elevation and immediate context



Drawing 7: Proposed Front Elevation and immediate context

10.14 Given the location, and narrow plot depth, it is acknowledged that any extension at roof level is likely to be visible from surrounding public views. Officers would not generally support the erection of any roof extension which would be visible from the street due to its likely impact on the character and appearance of the Conservation Area. It is worth noting that the elevations above in Drawings 1 to 4 provide an illustration of the proposals within their immediate context. These do not reflect the perspective that would be experienced from ground level along Oakley Crescent. In addition, No.7, which is a similar architectural character to the application building, contains an existing roof extension that is larger than that proposed as part of this application. The adjoining no.315 City Road also benefits from an extension at roof level. Both neighbouring properties contain roof extensions which are larger in terms of height, width and depth that proposed at the application site. Whilst no.8 has a more constrained plot than its immediate neighbouring, the proposed roof extension is considered to be appropriately sized and of a scale that is characteristic of other similar extensions within the immediate context.

10.15 The proposed extensions, given the scale of surrounding development, would not be visible from public views within Remington Street and would therefore not impact the historic setting of the nearby Grade II Listed terrace houses. Any views from Nelson Place would be in passing and from a long distance. It is noted that the existing roof extension is visible from Nelson Road via the gap behind no.16 Remington Street. It would not be anticipated that any visibility from this location would cause further harm to the character and appearance of the conservation area or the setting of the listed terrace houses along Remington Street.

- 10.16 In terms of design, the proposed roof would include proposed dark grey render, which would achieve a similar appearance to existing and to that at the adjoining no.7. The proposed windows would be of a design and size that is sympathetic to those on the levels below. The submission does not include sections of the proposed double glazed units at roof level or replacement at the front elevation. A condition will be recommended securing details to be submitted to and approved by the LPA to ensure the double glazed units are acceptable in design and conservation terms. Whilst it is unfortunate the replacement windows will be UPVC, these will replace existing UPVC units. It is also noted that P2014/0835/FUL granted permission for replacement UPVC windows at no.7 Oakley Crescent, similar to those proposed as part of the current application. Therefore, whilst regrettable, the retention of UPVC would not form a reason to refuse the application Overall the detailing would be considered appropriate and adequately respond to their immediate context in accordance with the Islington Urban Design Guide, and Conservation Area Design Guidelines.
- 10.17 In light of the above, despite initial objections raised by the Council's Design and Conservation Officer, it is considered that the presence of significant extensions immediately adjacent to the site and highly visible from surrounding public views within the conservation area form a material consideration. It would therefore be considered that, on the basis that proposals are not considered to cause harm to the residential amenity of neighbouring properties, the slight deviations from the Islington Urban Design Guide and Duncan Terrace/Colebrook Row Conservation Area Guidelines have been sufficiently justified. Bearing in mind the context, it is considered the Council could not demonstrate material visual harm in this instance to justify refusal.
- 10.18 Overall, it is therefore considered that the proposals do not detract from the character of the Duncan Terrace/Colebrook Row Conservation area, resulting in a natural impact overall to the appearance of the host property and broader streetscene. The application is therefore consistent with policies 7.4, 7.6 and 7.8 of the London Plan, policies CS8 and CS9 of the Core Strategy 2011 and policies DM2.1 and DM2.3 of the Development Management Policies 2013. It also broadly consistent with the guidance within the Duncan Terrace/Colebrook Row Conservation Area Design Guidelines and the Urban Design Guide 2017. Whilst the proposals do not accord with the guidance, the context of adjoining developments are considered to present material considerations to depart from that guidance.

Neighbouring Amenity including Sunlight and Daylight

- 10.19 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.
- 10.20 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.
- 10.21 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. Paragraph 2.13 states that the design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing. This supporting text goes on to specifically reference relevant guidance prepared by the Building Research Establishment (BRE).

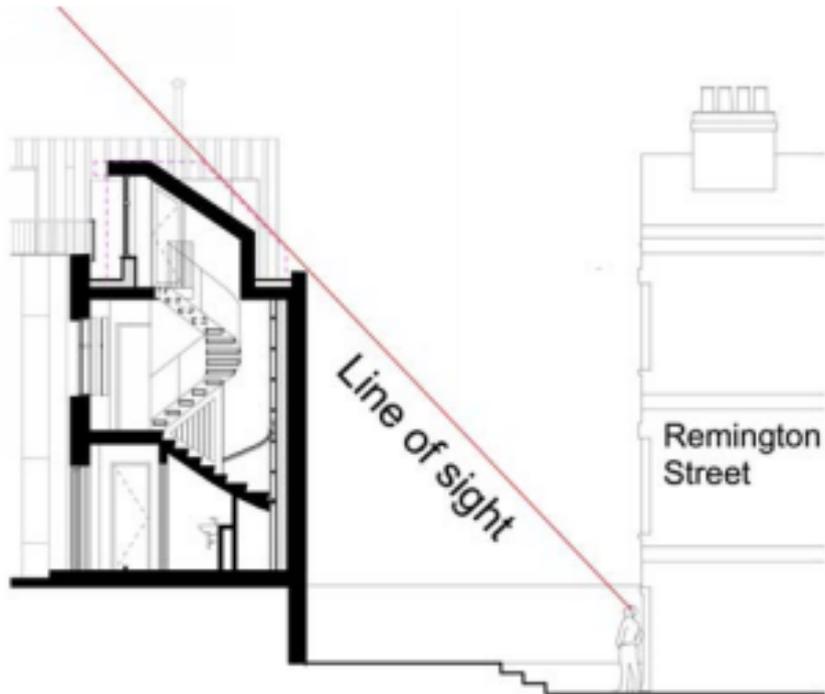
- 10.22 The previous application was refused for the following reasons, “*The proposed development would create unacceptable sense of enclosure and material loss of outlook to the rear elevations of adjoining properties at 4 to 8 Remington Street. The proposal is therefore considered to be an unneighbourly and obtrusive form of development and is considered contrary to policy DM2.1 of the Development Management Policies Document 2013 and the NPPF 2018.*”.
- 10.23 With regards to impact on properties to east of the application site, site visits were carried out at nos.5, 6 and 7 Remington Street at basement, ground floor and first floor levels during the previous and current planning applications. It was noted from site visits that most of the rear habitable windows of no.5, 6 and 7 already have limited views to the sky (see images below). A lot of these windows are sole windows serving bedrooms or living rooms/kitchen. Therefore, any proposed increased bulk at the application site may cause harm to neighbouring properties along Remington Street if not suitably designed. Previous schemes have been designed without a setback to the rear parapet. This arrangement has been considered to result in harmful levels of loss of outlook and increased sense of enclosure to properties at the rear. Amended drawings accommodate a 1m setback for the roof extension and its associated privacy screening from the rear parapet. This setback would be considered to allow for some visual relief for neighbouring properties along Remington Street and would weigh in favour of the current application. In addition, the proposals incorporate a pitched roof form, with the rearmost part of the roof extension measuring approximately 0.7m in height. The tallest part of the roof extension would be constructed to a height of 2m with a distance of approximately 2.3m from the rear parapet. The proposed privacy screen would also be setback 1m from the rear parapet to a height of 1.8m. The amended scheme would be considered to overcome concerns raised relating to increased sense of enclosure experienced by no’s. 5-7 Remington Street. It would therefore be considered that the proposals would retain an acceptable level of outlook from neighbouring properties.



Image 7: View from upper ground floor rear of no.6 Remington Street



Image 8: View from first floor rear of no.7 Remington Street



Drawing 8: Line of sight from properties to the rear

- 10.24 With regards to the impact on privacy, the proposals incorporate a 1.8m tall obscure glass balustrade which is to be set-in 1m from the rear parapet. This arrangement would be considered sufficient to ensure the proposal does not result in significant levels of overlooking from the proposed terrace to the rear of properties along Remington Street.
- 10.25 With regards to the impact on sunlight and daylight, it is important to note that the previous larger perfused proposal was not refused on the basis of a material loss of daylight/sunlight to the rear elevations of neighbouring properties, a previous Daylight and Sunlight Assessment for the refused scheme indicated that the proposed roof extension passes 25 degree BRE test when measured from the rear first floor windows at nos. 5, 6, and 7 Remington Street. Whilst the windows at basement and ground floor levels fail this test, it is noted that they fail under the current/existing circumstances. The daylight/sunlight assessment confirmed that whilst there will be some loss of daylight/sunlight access experienced by some rear facing windows within 4-8 Remington Street, the reduction is within the limits prescribed by the BRE Guidelines as being acceptable. Bearing in mind the reductions in the massing and increased setbacks of the current proposal over the refused scheme it is considered that the council would not be able to justify refusal of the application on the basis of any material loss of sunlight/daylight to the rear elevation windows of adjoining properties in this case.
- 10.26 As part of the previous application the officer noted that there would be no impact on properties to the south and north of the application site. The amenity impact is therefore considered to be acceptable and in accordance with policy DM 2.1.

11. SUMMARY AND CONCLUSION

Summary

- 10.27 A summary of the proposal and its impacts and acceptability is set out at paragraphs 4.1 to 4.5 of this report.
- 10.28 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

- 10.29 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>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list</p> <p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>DWG 293 - 004B; 013B; DWG 293 - 000; DWG 293 - 015C; DWG 293 - 017; DWG 293 - 016B; DWG 293 – 102G; DWG 293 – 105H; DWG 293 – 107F; DWG 293 – 104G; DWG 293 – 109F; DWG 293 – 106F; DWG 293 – 114C; DWG 293 – 114C; DWG 293 – 106F; DWG 293 - 3D SK1 Rev A; DWG 293 - 3D SK2 Rev A; Daylight Sunlight Assessment May 2018; Heritage, Design and Access Statement April 2019; Site Photographs May 2018</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials (Compliance)</p> <p>CONDITION: The hereby approved development, apart from the north elevation facing City Road, which shall use natural slates, shall be constructed in accordance with the schedule of materials noted on the approved plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
5	<p>Window Glazing Details</p> <p>CONDITION: Details of all new windows shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The details shall include materials, profile, reveal depth and detailing. Double glazing units with unsympathetic/inappropriate proportions and UPVC windows will not be considered acceptable.</p> <p>The development shall be carried out in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>

6	Privacy Screens (Compliance)
	<p>CONDITION: The visual screen(s) to roof terrace(s) shown on the drawings hereby approved shall be installed prior to the first occupation of the development and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To prevent undue overlooking (oblique, backwards or otherwise) of neighbouring habitable room windows</p>

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

The National Planning Policy Framework 2019 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

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

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

Policy 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

Strategic Policies

Policy CS 8 – Enhancing Islington’s character
Policy CS 9 - Protecting and enhancing Islington’s built and historic environment

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.3 – Heritage

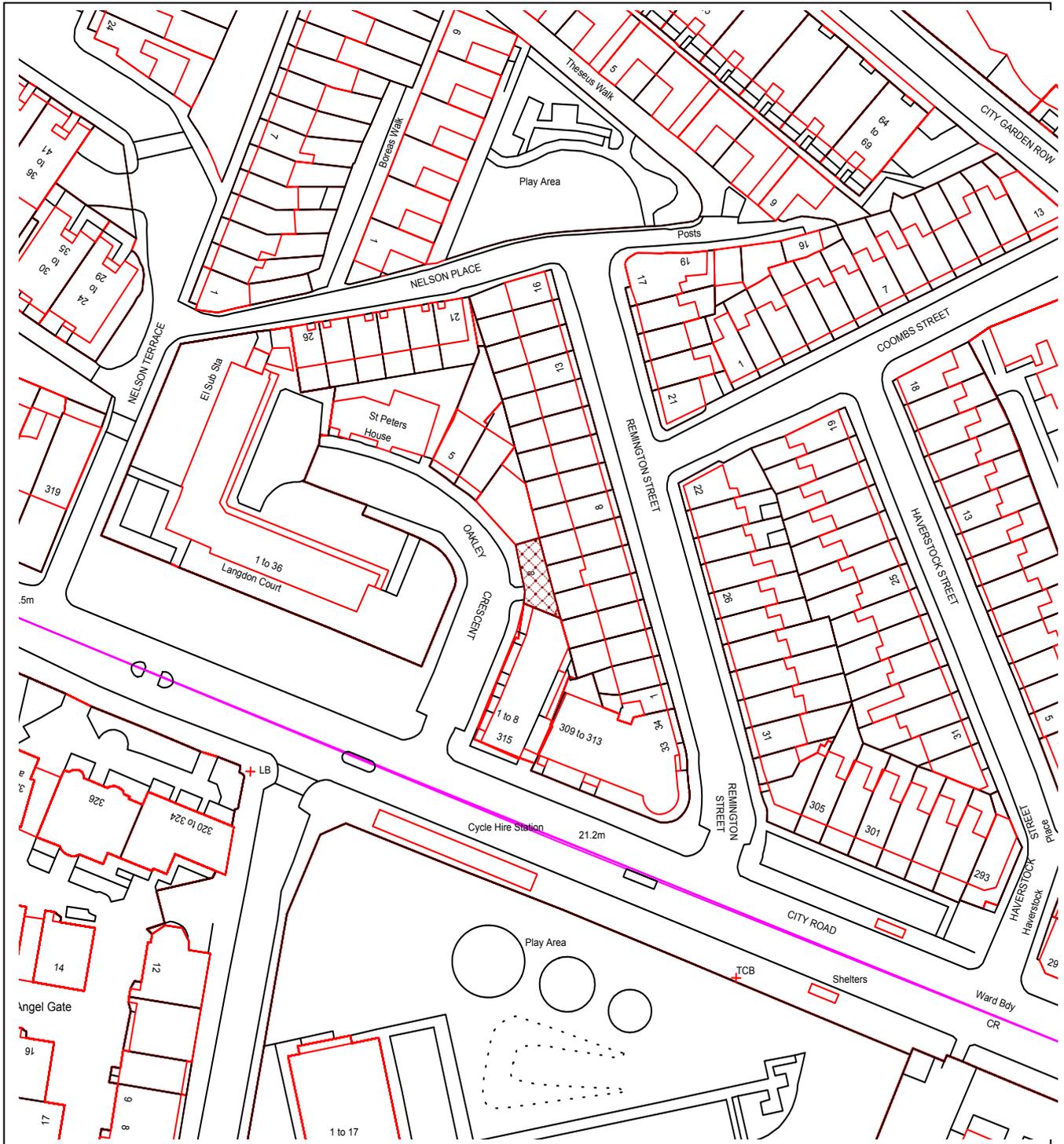
3. Designations

- Duncan Terrace/Colebrook Row Conservation Area
- Local View from Archway Road
- Article 4 (2) Direction Duncan Terrace/Colebrook Row
- Article 4 Direction A1-A2 (Rest of Borough)

4. SPD/SPGS

Urban Design Guidelines
Duncan Terrace/Colebrook Row Conservation Area Design Guidelines

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 A		AGENDA ITEM NO:	B5
Date:	Thursday, 7 November 2019	NON-EXEMPT	

Application number	P2018/4275/FUL
Application type	Full Planning
Ward	Bunhill
Listed building	N/A
Conservation area	N/A
Development Plan Context	Moorfields Archeological Priority Area Bunhill & Clerkenwell Core Strategy Key Area Central Activities Zone Cycle Routes (Local & Major) Bunhill & Clerkenwell Local Plan Area Within 50m of St Luke's Conservation Area Within 50m of Bunhill Fields and Finsbury Square Conservation Area Article 4 Direction A1 to A2 (Rest of Borough) Article 4 Direction B1(c) to C3 Heathrow Safeguarding Area
Licensing Implications	None
Site Address	Braithwaite House, Bunhill Row, Islington, London, EC1Y 8NE
Proposal	The installation of 65 no. small antennas pole mounted on 13 no. free-standing support frames upon the roof of the building, the installation of 2 no. equipment cabinets within an existing plant room and development ancillary thereto.
Case Officer	Ross Harvey
Applicant	N/A
Agent	Mr Chris Andrews – Waldon Telecom Ltd

1. RECOMMENDATION

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

1. The conditions set out in Appendix 1;

2. SITE PLAN

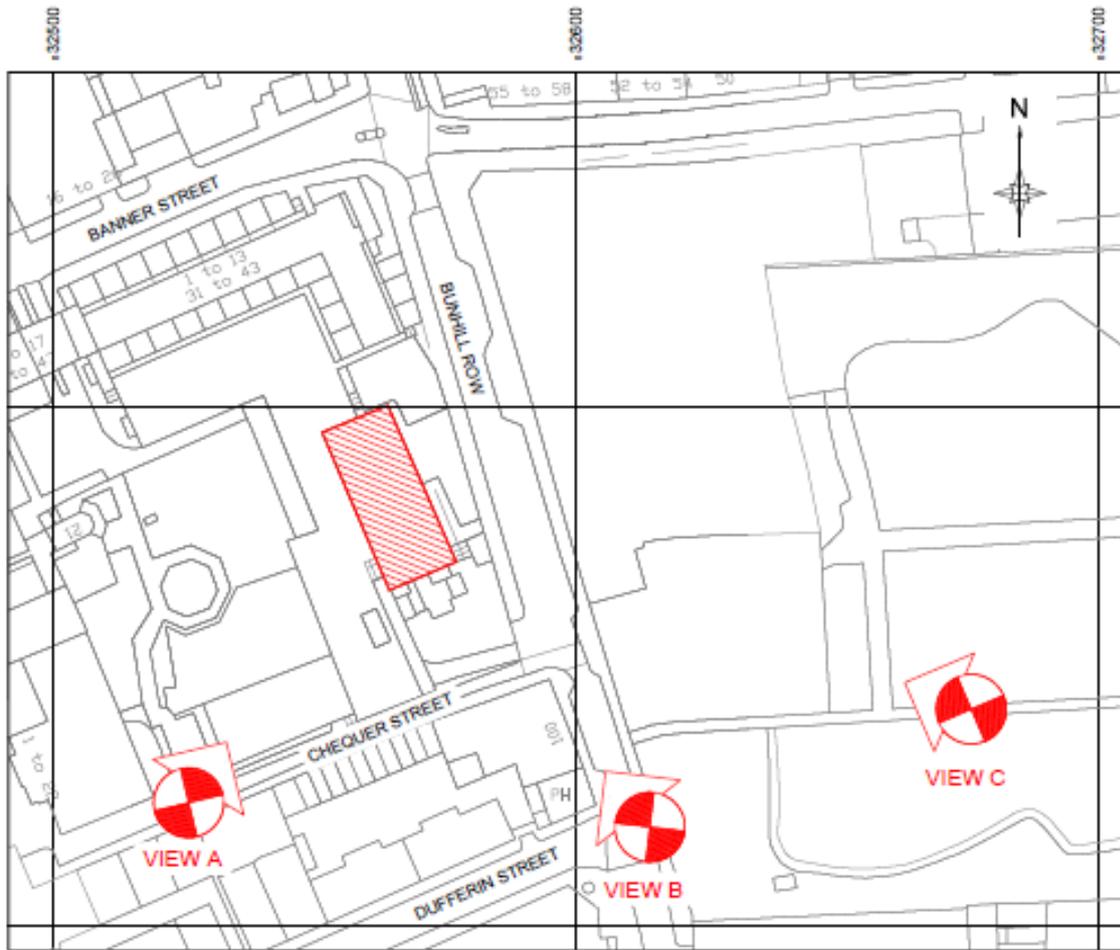


Image 1: Site Location Plan (outlined in red)

3. PHOTOS OF SITE/STREET



Image 2: Aerial view in northerly direction



Image 3: Aerial view in southerly direction



Image 4: View towards Braithwaite House from Old Street (outside Conservation Area)



Image 5: View from Grade I Listed Bunhill Fields Burial Ground



Image 6: View from Chequer Court (St Lukes Conservation Area)

4. SUMMARY

- 4.1 Planning permission is sought for the installation of 65 no. small antennas pole mounted on 13 no. free-standing support frames upon the roof of the building, the installation of 2 no. equipment cabinets within an existing plant room and development ancillary thereto.
- 4.2 The application building is known as Braithwaite House - a 19 storey (57m) mid-twentieth century building in an area which exhibits a wide variety of building sizes and typologies. The site is not situated within a conservation area but is immediately adjacent to the St Luke's and Bunhill Fields and Finsbury Square Conservation Areas. Adjacent to the site is also the Grade I Listed Bunhill Fields Burial Ground, with the Grade II* Armoury House being approximately 150m to the south east.
- 4.3 The application is being brought to committee due to the nature of development on the roof of a tall building with historically sensitive building and spaces adjacent.
- 4.4 The main considerations in this assessment include the impact of the proposals on the historic setting of the adjacent Grade I Listed Bunhill Fields Burial Ground and the character and appearance of the Conservation Area, as well as considering the potential neighbor amenity impacts and public benefits of the proposals.
- 4.5 The Design and Conservation Team consider that the proposals would impact on views from the public realm is considered to cause some limited harm the character and appearance of the area and the setting of the listed buildings, and visual amenity generally.
- 4.6 The proposals would provide a significant public benefit in improving electronic communication according with the intentions of Paragraph 7 of the NPPF to ensure the purpose of the planning system to contribute to the achievement of sustainable development and the presumption in favour of sustainable development in paragraph 10 of the NPPF. More specifically, the proposals would also support paragraph 112 of the Framework which states that '*Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning Policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections*'.
- 4.7 Paragraph 196 of the NPPF 2019 states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. In accordance with the NPPF, public benefits are looked at. In this situation, there is considerable public benefit from the overall objective to improve electronic communication and the resulting fast and ubiquitous access to the internet from mobile and fixed devices is considered to outweigh the less than substantial harm caused to the nearby heritage assets. Appropriate weight in accordance with the statutory duties (S66 and S72) have been applied to "preserve" the heritage assets. In addition, the proposals would not be considered to cause harm to the amenities of neighbouring properties.
- 4.8 For the above reasons the recommendation to committee is to resolve to grant permission subject to planning conditions.

5. SITE AND SURROUNDING

- 5.1 The application site refers to the roof of a 19 storey residential building situated on the western side of Bunhill Row.
- 5.2 The site is not situated within a conservation area, nor does it contain any statutory listed buildings. The immediate surrounding area is predominantly characterised by multi-unit housing. However, the broader area is comprised of a range of commercial and mixed uses. The site is designated within the Central Activities Zone and the Bunhill and Clerkenwell Core Strategy Key Area.
- 5.3 To the east of the site is the Grade I listed Bunhill Fields Burial Ground, which is an open space directly opposite the application site. The Burial Ground also contains a large number of Grade II Listed monuments which relate to burial grounds of high importance. Further east is the Grade II* listed Armoury House and Nos. 20-29 Bunhill Row (Grade II listed), both to the south. In addition, whilst the application site is not within a conservation area, it is immediately adjacent to St Luke's and Bunhill Fields & Finsbury Square Conservation Areas.

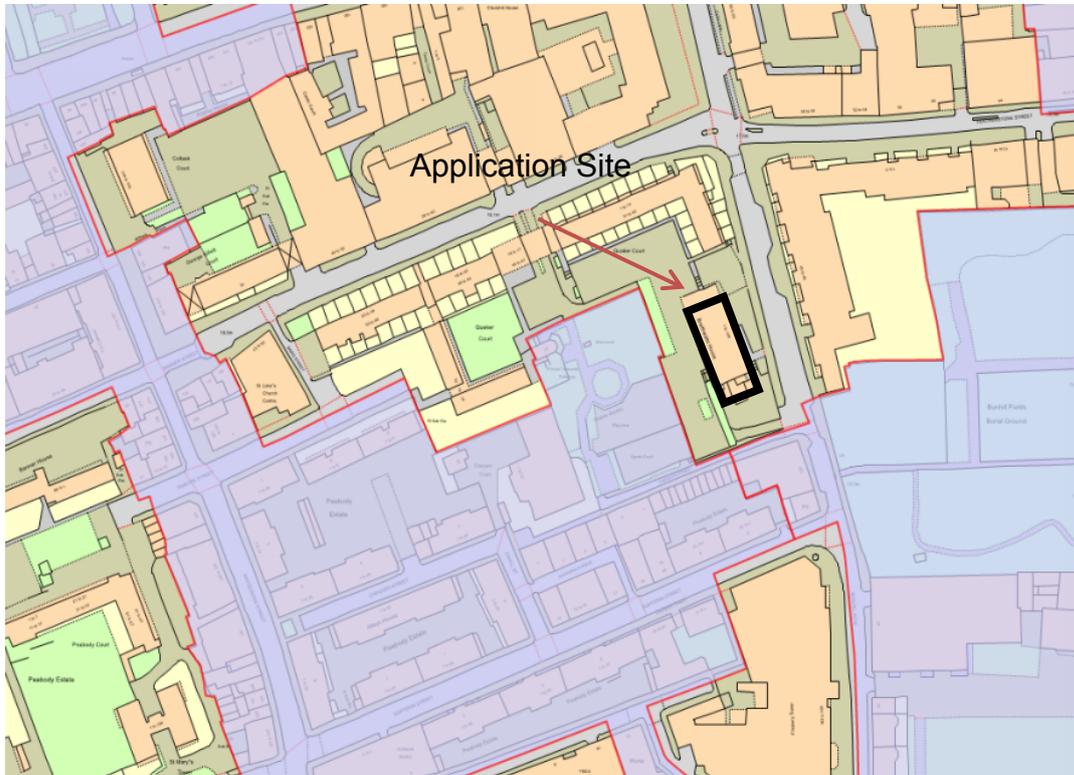


Image 7: Nearby Conservation Area Boundaries (site outlined in black)

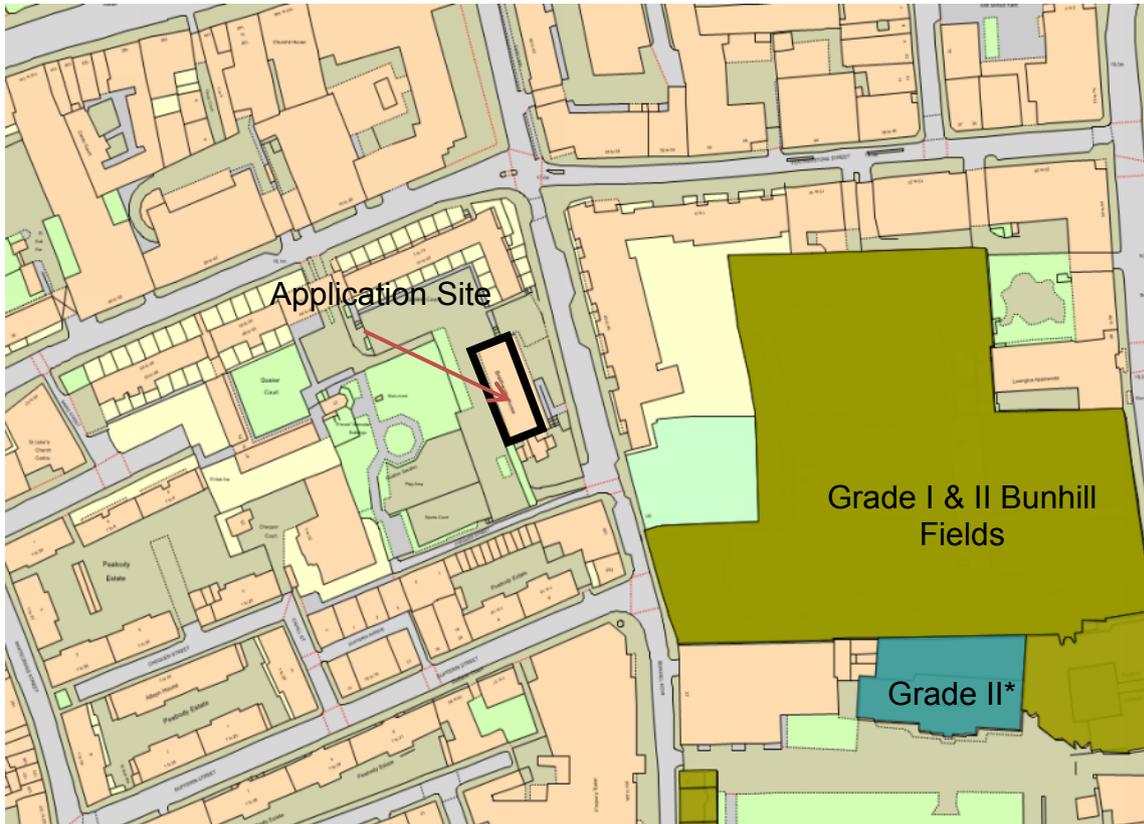


Image 8: Nearby Statutory Listings

6. PROPOSAL (in detail)

- 6.1 Planning permission is sought for the installation of 65 no. small antennas pole mounted on 13 no. free-standing support frames upon the roof of the building, the installation of 2 no. equipment cabinets within an existing plant room and development ancillary thereto.
- 6.2 The drawings show the proposed infrastructure arranged along the outer edge of the roof, generally along the eastern and western parapets. In terms of their overall height, the proposed 13no. free standing support frames would measure approximately 3.1m above the existing roof level and approximately 1m above the existing parapet wall, when measured from their highest point being the top antenna. The 2no. equipment cabinets would measure approximately 2.5m above roof level and approximately 0.4m above the existing parapet wall.
- 6.3 The proposed infrastructure is in addition to permission granted for the installation of 10no. 3.5m long support poles each supporting 4no. 300mm diameter transmission dishes at roof level, along with 1no. Optimity comms cabinet, 6no. self-closing safety gates which were granted in March 2019, but not yet implemented. The approved support poles measured approximately 2.4m above the existing parapet wall and will be operated by Optimity, rather than Luminet. It is understood that the intention is for both applications to be implemented upon approval.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

Braithwaite House

- 7.1 P2018/3215/FUL - Installation of wireless internet services infrastructure comprising 10no. 3.5m long support poles each supporting 4no. 300mm diameter transmission dishes at roof level, along with 1no. Optimity comms cabinet, 6no. self-closing safety gates to be installed in existing safety hand railing and development ancillary thereto. Approved with conditions 15/03/2019

- 7.2 P101335 - Change of use of self-contained flat to tenant management office. Approve with conditions 28/09/2019
- 7.3 P100865 - Erection of full-height riser on north side of building plus works associated with the creation of a plant room enclosure at ground floor level. Approve with conditions 12/08/2010
- 7.4 P090863(MA01) - Enlargement of powder coated steel lettering as a minor amendment to advertisement consent reference P090863 (dated 25/06/2009) for display of name sign and relocation of existing sign to the front elevation of Braithwaite House, fronting Bunhill Row. Non-material amendment agreed 20/07/2009
- 7.5 P090863 - Display of name sign and relocation of existing sign to the front elevation of Braithwaite House, fronting Bunhill Row. Approve with conditions 25/06/2009

Finsbury Tower - 103 - 105 Bunhill Row

- 7.10 P2016/3939/FUL - Erection of a 12 storey extension to the existing 16 storey building and a 3 to 6 storey extension to the existing podium block up to 7 storeys to provide additional office (Use Class B1a) floorspace; re-cladding of the existing building to match the materials of the extensions; change of use of part of the ground floor accommodation to flexible Class A1 (retail) and A3 (restaurant/cafe) uses; demolition of single storey structures and the erection of 6 storey block adjacent to the western elevation to provide 25 affordable dwellings; alterations to the public realm, including landscaping and highways improvements and other associated works. Approved with conditions 24/08/2017

ENFORCEMENT

- 7.5 None.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to 218 occupants of adjoining and nearby properties at Banner Street, Bunhill Row, Chequer Street, and Dufferin Avenue on 18 February 2019. A Site Notice and Press Advert were also displayed. The public consultation exercise therefore expired on 17 March 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 a total of 1 no. objections had been received from the public. The issues raised relate to environment and health impacts associated with the proposed antenna installation. The objector requested a report to address these concerns. **(See paragraphs 10.33 to 10.36)**

Internal Consultees

- 8.3 **Design and Conservation Officer:** *Braithwaite House is a tower block in close proximity to the Grade I listed Bunhill Fields, which is an open space directly opposite. It is also in the setting of the Grade II* listed Armoury House and Nos. 20-29 Bunhill Row (Grade II listed), both to the south. In addition, it is visible from within two neighbouring Conservation Areas – St Luke's and Bunhill Fields & Finsbury Square.*
- 8.4 *In addition to the policies set out within the development plan, section 72(1) of the Planning (Listed Building & Conservation Areas) Act 1990 requires local authorities, in the exercise of their planning functions with respect to any buildings or land, to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. Section 66(1) of The Act requires that local authorities have special regard to preserving or enhancing listed buildings and their settings in considering whether or not to grant permission for development which affects a listed building or its setting. Additionally, paragraph 190 of the NPPF 2019 requires local authorities to assess the significance of any heritage assets that may be affected by a proposal (including development affecting the setting of a heritage asset), and paragraph 192 directs local*

authorities to take account of the desirability of preserving and enhancing that significance in determining applications.

8.5 *The proposed installation of tall, contemporary telecommunications equipment on the roof of the tallest and most incongruous building in the area would draw the eye away from those buildings of special interest and adds visual clutter to the roofline of an already dominant building. The resulting impact on views from the public realm is considered to harm the character and appearance of the area and the setting of the listed buildings, and visual amenity generally.*

8.6 *Alternative sites should be explored, or the impact reduced by locating the telecommunications in the centre of the roof, set back from the edges as much as possible.*

External Consultees

8.7 None

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

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

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

9.4 At paragraph 8 the NPPF (2019) states: "that sustainable development has an economic, social and environmental role".

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

9.7 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.

- 9.8 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.
- 9.9 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.10 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

- 9.12 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.
- 9.13 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013:
- Moorfields Archeological Priority Area
 - Bunhill & Clerkenwell Core Strategy Key Area
 - Central Activities Zone
 - Cycle Routes (Local & Major)
 - Bunhill & Clerkenwell Local Plan Area
 - Within 50m of St Luke's Conservation Area
 - Within 50m of Bunhill Fields and Finsbury Square Conservation Area
 - Article 4 Direction A1 to A2 (Rest of Borough)
 - Article 4 Direction B1(c) to C3
 - Heathrow Safeguarding Area

Supplementary Planning Guidance (SPG) / Document (SPD)

9.14 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 harm to the conservation area, the statutory listed building and nearby statutory listed buildings
- Neighbours Amenity
- Public Benefit

Design and Conservation

Policy context

10.2 Section 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

10.3 Under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority has a duty in considering whether to grant planning permission for development which affects a listed building or its setting 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. This is also the wording of the duty the local planning authority has when considering applications for listed building consent

10.4 Paragraph 112 of the NPPF 2019 states that Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

10.5 Paragraph 113 of the NPPF 2019 states that Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

10.6 Paragraph 114 of the NPPF 2019 states that local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:

- a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
- b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.

10.7 Paragraph 192 of National Planning Policy Framework (2019) states in determining applications, local planning authorities should take account of

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution

- 10.8 Paragraphs 194-196 of the NPPF (2018) deals specifically with harm to the significance of a designated heritage asset and whether this harm is substantial or less than substantial. In cases where the harm is less than substantial harm, this should be weighed against the public benefits of the proposal.
- 10.9 Policy CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.10 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. It also states that the council will require that alterations to existing buildings in conservation areas conserve or enhance their significance.
- 10.11 Development Management Policy DM2.7 states that telecommunications and utilities equipment will only be permitted where they are sited and designed to minimise their visual impact, do not have a detrimental effect upon the character or appearance of the building or area, innovative design and technological solutions have been explored to minimise visual impact, and there is no reasonable possibility of sharing facilities.
- 10.12 According to the Urban Design Guide (paragraph 5.189) telecommunication aerials and equipment often contribute to physical clutter. It states that every opportunity should be made to rationalise and reduce their impact within the public realm.
- 10.13 Paragraph 190 of the Islington Urban Design Guide SPD states that particular care needs to be taken with mobile phone/telecommunication masts to ensure their size, height and positioning does not dominate the surrounding public realm. Where it will not have a detrimental impact on performance, they should be located where they are largely obscured from the surrounding public realm and do not impact adversely upon the skyline from longer views
- 10.14 The application site is not within a conservation area but is within close proximity to the St Lukes Conservation Area and the Bunhill Fields and Finsbury Square Conservation Area. Whilst limited it is acknowledged that the proposed infrastructure would be visible from long views within the surrounding conservation areas. The Bunhill Fields and Finsbury Square Conservation Area Design Guidelines are relatively quiet with regards to plant or roof equipment in areas away from City Road and Tabernacle Street. It states at paragraph 22.23 that Bunhill Fields, which is a quiet retreat from the busy streets, has a very special character. Its seclusion and tranquillity must not be threatened by any increase in scale of buildings on City Road, Bunhill Row and Featherstone Street which back onto the Fields.
- 10.15 The St Lukes Conservation Area Design Guidelines at paragraph 16.15 states the Council is opposed to the erection of plant rooms, air conditioning units and other services including water tanks and radio satellite or telecommunications equipment at roof level where this can be seen from street level or public space, including long views from side streets.

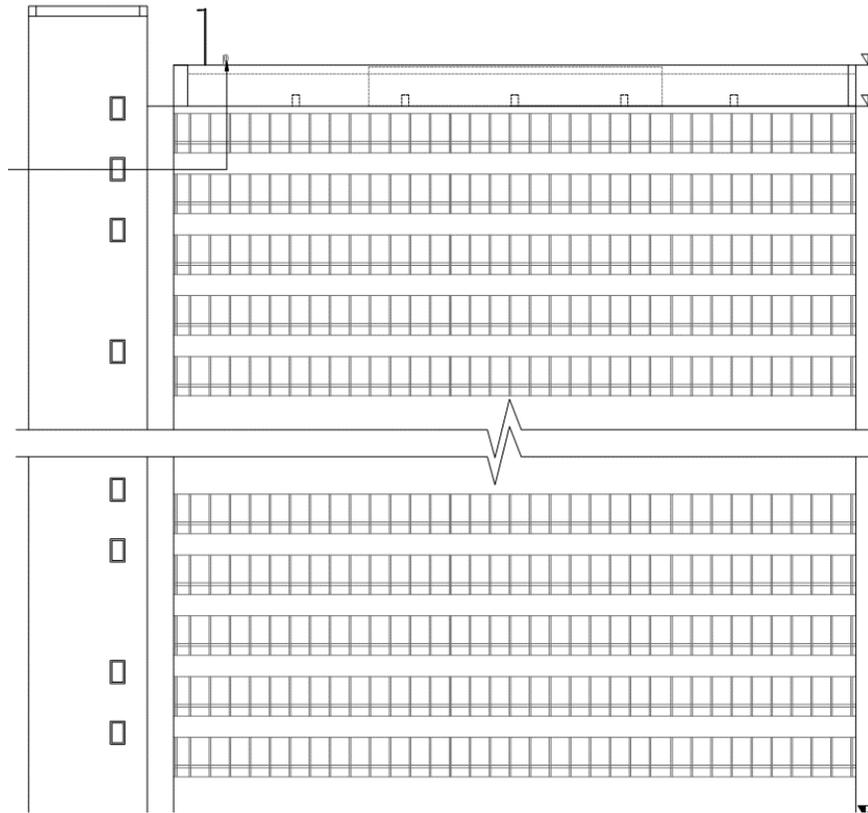


Image 9: Existing East Elevation

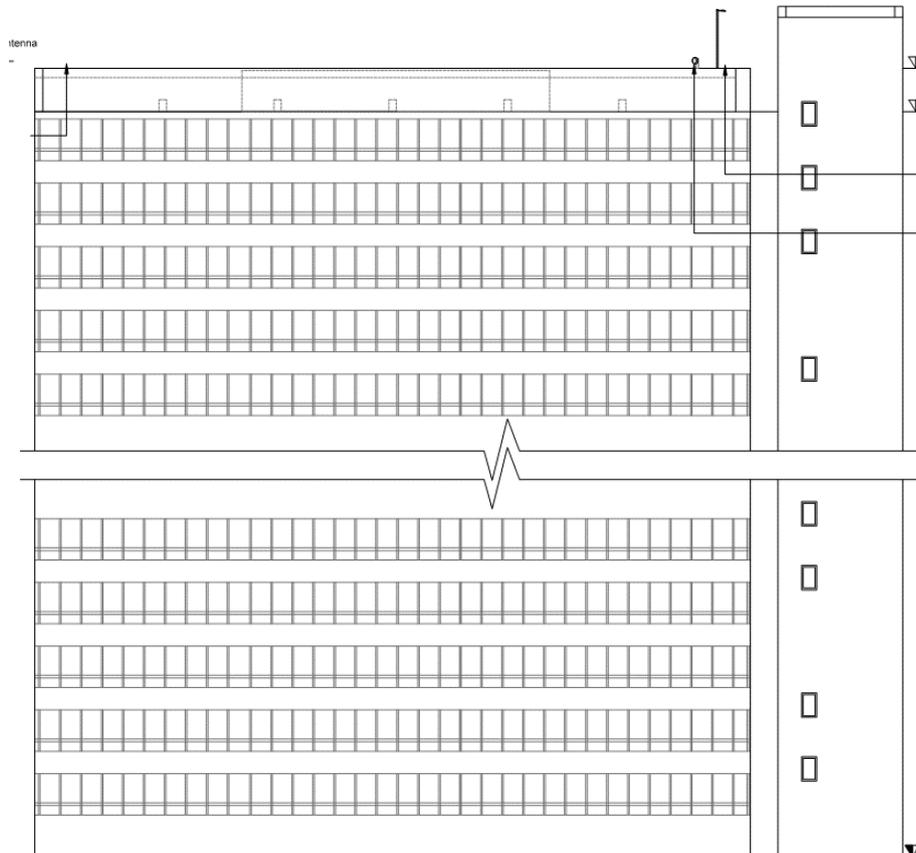


Image 10: Existing West Elevation

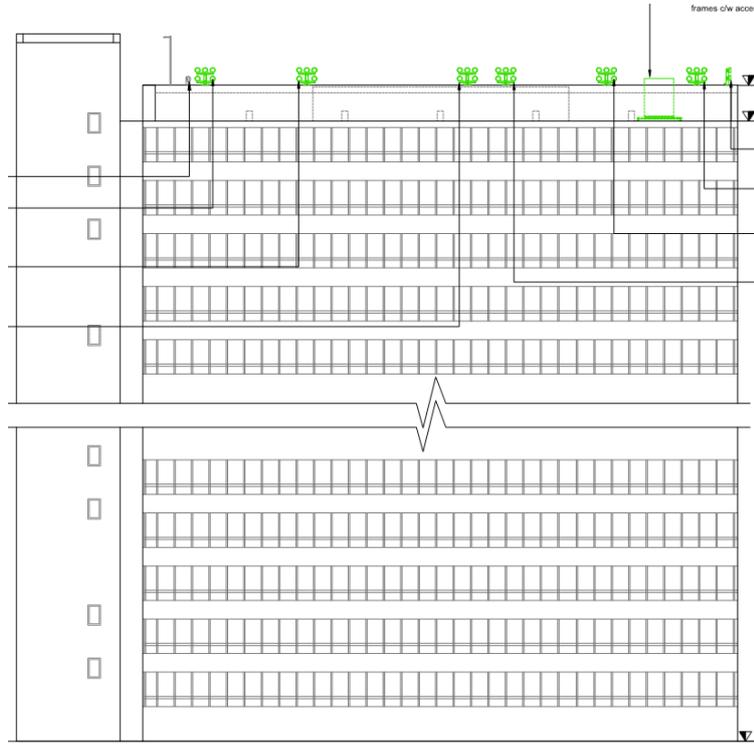


Image 11: Proposed East Elevation

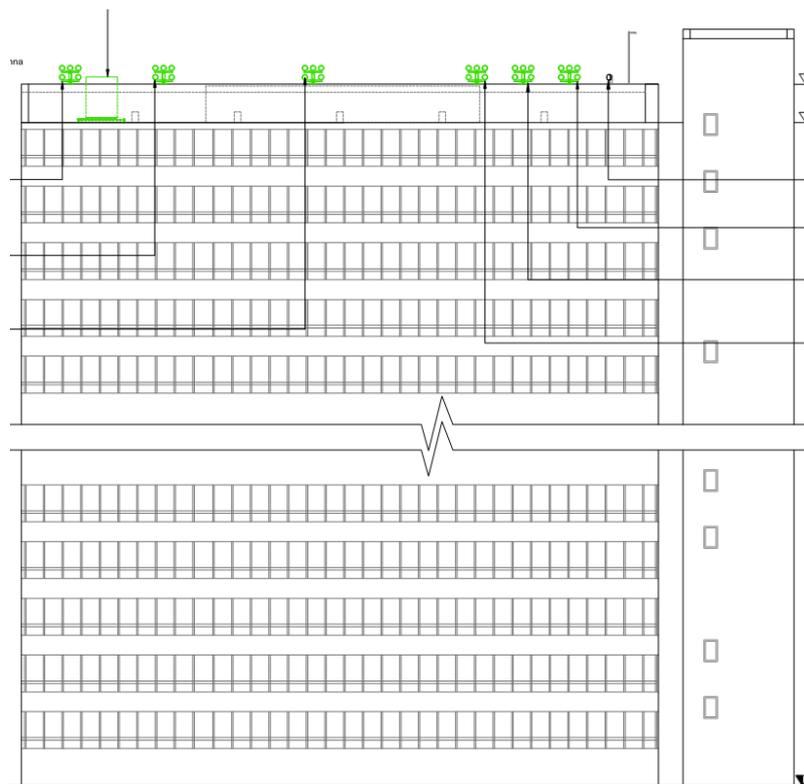


Image12: Proposed West elevation

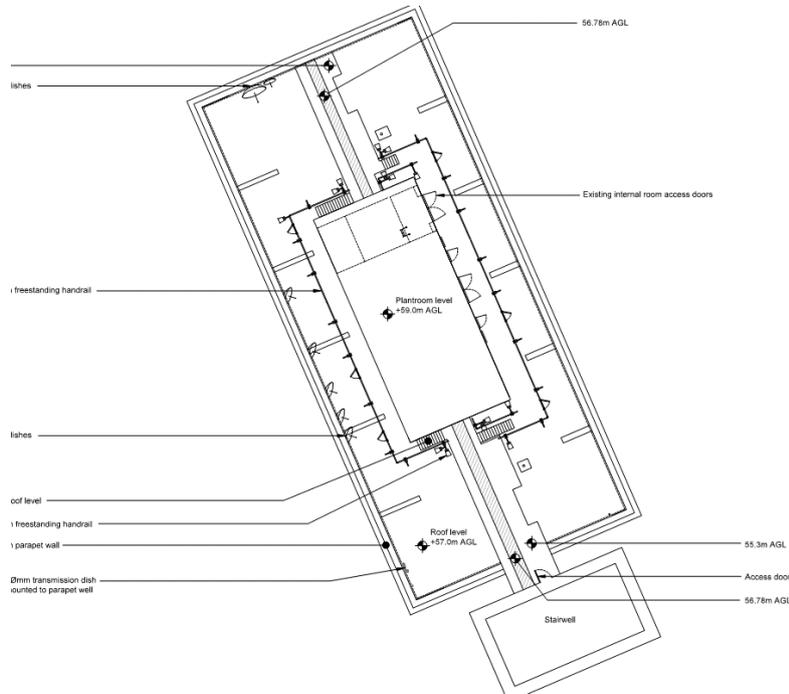


Image 13: Existing Site Plan

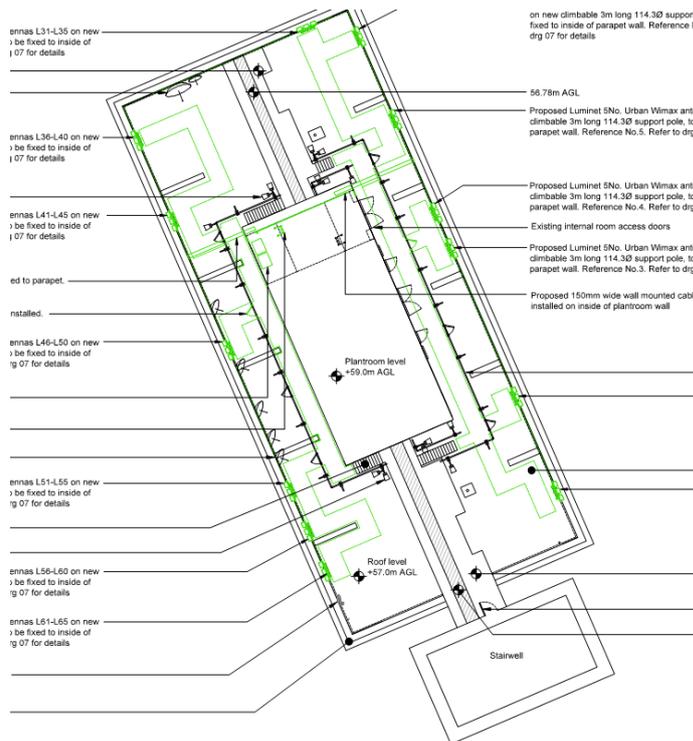


Image 14: Proposed Site Plan

Assessment of Proposals

10.16 Braithwaite House is a mid-twentieth century building in an area which exhibits a wide variety of building sizes and typologies. Whilst the St Luke’s Conservation Area is to the immediate south and west of the application site, the majority of nearby properties are of mid to late 20th century construction, at heights much lower than Braithwaite House. The more traditional Peabody Estate and Chequer Court are located approximately 20m and 55m from Braithwaite House.

- 10.17 The application property is 19 storey building in residential use, located near a busy main road in a mixed use area. It is located in the Central Activities Zone and within the Bunhill and Clerkenwell Core Strategy Key Area. The proposal would lead to the installation of pole mounted dishes on the roof of the property in addition to existing equipment. The purpose of these would be to provide improved wireless internet services.
- 10.18 The proposed development would lead to the placing of the equipment on all sides of the roof of the building, largely hidden by the high parapet and the sheer height of the building. It is understood that in order to receive sufficient signal, the proposed equipment is required to be sited towards the edge of the roof. In this instance the siting of the proposed equipment is considered to be placed appropriately to reduce its prominence from the public realm. This is on the basis that the height of the building ensures that views are heavily obscured from nearby views, and the equipment not large enough to be noticeably visible from longer views. It is acknowledged these would be visible from some longer views from the St Lukes Conservation Area and the Bunhill Fields and Finsbury Square Conservation Area resulting in some limited harm in design and conservation terms. Similarly, whilst the application site is within close proximity to the Grade I Listed Bunhill Fields Burial Ground. Whilst it is acknowledged that the proposals would result in some limited harm to the character and appearance of the surrounding conservation areas and the setting of the Grade I Listed burial grounds, it would be less than substantial. This is due to their lack of obvious visibility, even during winter months from within the Burial Ground and wider public views within the conservation areas.
- 10.19 In addition, it is important to note that the surrounding area has been subject to large scale alterations over time. Most recently is the 12 storey extension to the existing 16 storey Finsbury Tower at 103 -105 Bunhill Row, which is currently under construction and within close proximity to the application site. The increased massing involved in such developments would be considered to be of significantly greater visual prominence than the installation of infrastructure at roof level of Braithwaite House, which would be predominantly screened by the existing parapet wall.
- 10.20 Overall, the proposed development would cause limited harm to the character and appearance of the surrounding St Lukes and Bunhill Fields and Finsbury Square Conservation Areas. It complies with the Framework and to Core Strategy policy CS9, which together amongst other things, seek to protect local character, Policy DM2.1, Policy DM2.3 and Policy DM2.7 of the Development Management Policies.
- 10.21 Also recognised is the importance the Government attaches to a high quality communications infrastructure, and the related benefits this brings, in this case, the public benefits of allowing the proposal would not contravene the statutory requirement to pay special regard to the conservation area, a designated heritage asset
- 10.22 The paragraphs above outline the impact of the proposals on the special architectural and historic interest of the Grade I Listed Bunhill Field Burial Ground and Grade II* Listed Armoury House and well as the character or appearance of nearby conservation areas, as well as the Council's Design and Conservation Team's rationale for objecting to the application. The Design and Conservation Team consider that the proposals would cause less than substantial harm to significance of the designated heritage assets, due to the visibility of the infrastructure from the Grade I Listed burial grounds and proximity to the Grade II* Armoury House. In accordance with the NPPF, public benefits are looked at. In this situation, there is clear public benefit from the improved wireless mobile internet network.
- 10.23 According to the National Planning Policy Framework section 16 and paragraph 196 which states the following "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use". The weighing of public benefits against harm is carried out at Paragraphs 10.27 to 10.30 below.

Public Benefits

- 10.24 Paragraph 112 of the NPPF states that *“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections”*.
- 10.25 Paragraph 113 of the NPPF 2019 states that *“Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate”*.
- 10.26 Paragraph 114 of the NPPF 2019 states that *local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:*
- a) *they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and*
 - b) *they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services*
- 10.27 As demonstrated above, the proposals would cause less than substantial harm to the character and appearance of the surrounding conservation areas. The setting of the adjacent Grade I Listed Bunhill Fields and Burial Ground will not be harmed by the proposals. It is considered that the public benefit of the next generation mobile technology (5G) brought by the proposals outweigh the less than substantial harm caused to the character and appearance of the conservation area. In accordance with Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been paid (and great weight given to “doing no harm”) to the desirability of preserving or enhancing the character or appearance of the nearby Grade I Listed Building and surrounding conservation areas. In this instance there are several mitigating factors to consider, including the height and scale of the existing building, limiting public views to infrastructure at roof level, as well as the strong government support within the updated NPPF (2019) for increased provision of 5G infrastructure across London.
- 10.28 The benefits of the proposal, including efforts to improve wireless internet infrastructure and the resulting fast and ubiquitous access to the internet from mobile and fixed devices is considered to outweigh the less than substantial harm caused to the nearby heritage assets. The proposals would be either not visible or of glimpsed visibility from Bunhill Fields and Burial Ground, Whitecross Street, and Chequer Street. Whilst visible from some public views within the Conservation Area, the design of the proposals and their siting are for the purpose of achieving maximum efficiency.
- 10.29 The benefits of improved mobile infrastructure form the basis of public benefits that tips the planning balance to outweigh the visual harm, in a manner that gives great weight to “preserving” or doing no harm on nearby heritage assets.

Impacts to Neighbour Amenity

- 10.30 Policy 7.6 of the London Plan and Development Management Policy DM2.1 requires that development should have regard to the form and layout of existing and adjacent buildings; 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.

- 10.31 Paragraph 116 of the Framework states that the need for the telecommunication system should not be questioned, nor should health safeguards be determined if the proposal meets International Commission guidelines for public exposure.
- 10.32 That would be the case here, within the application having submitted an appropriate Declaration of Conformity by way of the ICNIRP evidence provided by the applicant.

Health Risks

- 10.33 Paragraph 116 of the National Planning Policy Framework states that Local authorities must determine applications on planning grounds only. They should not question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.
- 10.34 Luminet regulates the operation of mobile networks in relation to their use of radio frequencies and whilst it does not have any duties related to the recommendations for exposure to Electromagnetic radiation emissions, it does set out the need for certificates of International Commission on Non-Ionizing Radiation Protection (ICNIRP) compliance to be provided with planning applications and for operators to continue to ensure all sites remain compliant.
- 10.35 An ICNIRP Declaration from the manufacturer (Siklu Communication Ltd) was submitted with the application confirming that the proposed antennas would not generate Electromagnetic radiation above thresholds that would pose a risk to the general public or workers responsible for maintaining the equipment.
- 10.36 With telecommunications equipment the recent view from Public Health is that risks from EMF are low. Overall, it is considered that the electromagnetic radiation emitted by the proposed antennas would be minimal and would conform with ICNIRP Guidelines. As a result, it is considered that the proposed installation of antennas atop the roof of the building would not pose a risk to Public Health.

11. SUMMARY AND CONCLUSION

Summary

- 10.37 A summary of the proposal and its impacts and acceptability is set out at paragraphs 4.1 to 4.5 of this report. Great weight has been afforded to the desirability to “preserve” the character and appearance of the Conservation area (Section 72) and the special architectural interest of the adjacent statutory listed Bunhill Fields and Burial Ground (Section 66). Whilst the proposed antennas will be visible from some public views within the Conservation Area and Grade II Listed burial ground, given the size of the proposed building and the surrounding large scale surrounding development, the harm caused is considered to be less than substantial.
- 10.38 The public benefits of improved telecommunications infrastructure form the basis of public benefits that tips the balance to outweigh harm, in a manner that gives great weight to “preserving” or doing no harm. Significant weight has been given to National Policy relating to 5G telecommunication infrastructure.
- 10.39 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

- 10.40 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	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>DWG LUM0006-03 Rev C; DWG LUM0006-05 Rev C; DWG LUM0006-07 Rev C; Declaration of Conformity for RF Exposure; Luminet Background Information July 2017; LUM0006-PM01 Rev A; LUM0006-PM02 Rev A; LUM0006-PM03 Rev A; LUM0006-PM04 Rev A; Supporting Planning Statement; Cover Letter by Waldon dated 21 December 2018</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials (Compliance)
	<p>CONDITION: The hereby approved development shall be constructed in accordance with the schedule of materials noted on the approved plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter 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.</p>

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

The National Planning Policy Framework 2019 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

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

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

Policy 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

Strategic Policies

Policy CS 8 – Enhancing Islington’s character
Policy CS 9 - Protecting and enhancing Islington’s built and historic environment

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.3 – Heritage
- Policy DM2.7 – Telecommunications and utilities

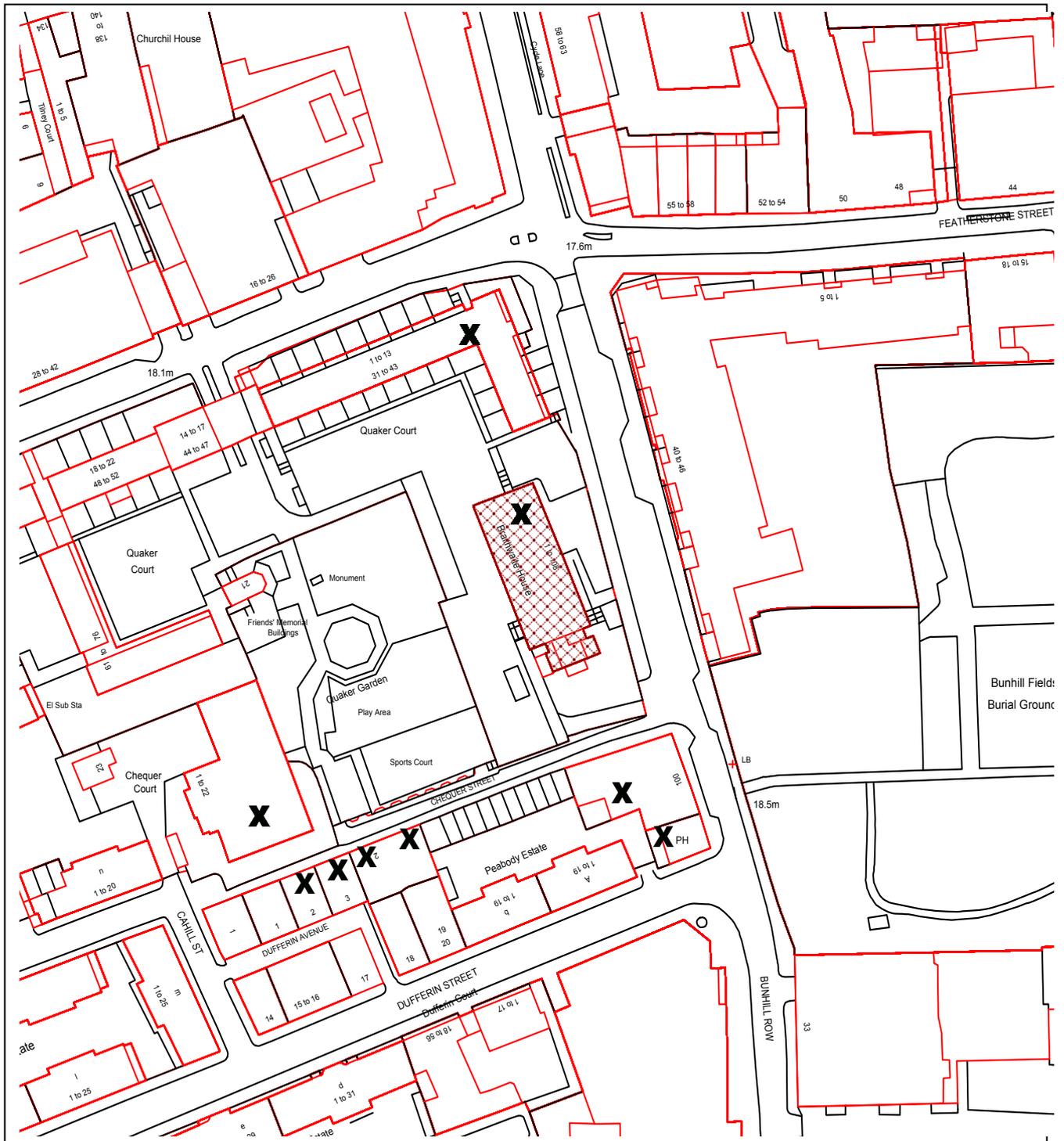
3. Designations

- Moorfields Archeological Priority Area
- Bunhill & Clerkenwell Core Strategy Key Area
- Central Activities Zone
- Cycle Routes (Local & Major)
- Bunhill & Clerkenwell Local Plan Area
- Within 50m of St Luke’s Conservation Area
- Within 50m of Bunhill Fields and Finsbury Square Conservation Area
- Article 4 Direction A1 to A2 (Rest of Borough)
- Article 4 Direction B1(c) to C3
- Heathrow Safeguarding Area

4. SPD/SPGS

Urban Design Guidelines

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 A		AGENDA ITEM NO:	B6
Date:	Thursday, 7 November 2019	NON-EXEMPT	

Application number	P2018/4282/FUL
Application type	Full Planning
Ward	Bunhill
Listed building	N/A
Conservation area	N/A
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Central Activities Zone Cycle Routes (Major) Bunhill & Clerkenwell Local Plan Area Article 4 Direction A1 to A2 (Rest of Borough) Article 4 Direction B1(c) to C3 Heathrow Safeguarding Area
Licensing Implications	None
Site Address	Michael Cliffe House Skinner Street London EC1R 0WW
Proposal	The installation of 86 no. small antennas pole mounted on 10 no. free-standing support frames upon the roof of the building, as well as one equipment cabinet.

Case Officer	Alexander McCombie
Applicant	N/A
Agent	Mr Chris Andrews – Waldon Telecom Ltd

1. RECOMMENDATION

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

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

3. PHOTOS OF SITE/STREET



Image 2: Aerial view of site (from the south)



Image 3: Aerial view of site (from the north)



EXISTING VIEW A



PROPOSED VIEW A

Image 4: View from junction of Tysoe Street and Roseberry Avenue to the west of the site (Roseberry Avenue Conservation area)



EXISTING VIEW B



PROPOSED VIEW B

Image 5: View of proposals from Junction of St John, Percival and Skinner Street to the east of the site (Clerkenwell Green Conservation Area).

4. SUMMARY

- 4.1 The application proposes the installation of 86 x small antennas pole mounted on 10 x free standing support frames upon the roof of the building, the installation of 2 x equipment cabinets within the existing plant room and associated works. The installation of this equipment is sort in connection with the improvement of the mobile phone network in order to improve wireless internet services, including 5G.
- 4.2 The proposed antennas would sit inside an existing 1.1-metre-high handrail inset from the edge of the roof upon which existing telecommunications antenna is already fixed. The antennas are necessitated to be positioned close to the edge of the roof on all side of the building in order to ensure sufficient signal.
- 4.3 Matters of design and scale have been considered during the course of the application. In this instance it is considered that the siting of the proposed equipment, when considered against the high level location of the proposals, are placed appropriately to reduce its prominence from the public realm. This is on the basis that the height of the building ensures that views are heavily obscured from nearby views, and that the equipment is not large enough to be noticeably visible from longer views. It is acknowledged these would be visible from some longer views from the surrounding conservation areas, however the positioning, relative small scale of the dishes and high level position of the antennas would not lead to harm to the surrounding conservation areas.
- 4.4 The proposals are thus considered to be acceptable in visual amenity terms, would in light of their limited scale have no impact on the amenities of neighbouring properties according with the Council's Development Plan.
- 4.5 Further, the proposals would provide a significant public benefit in improving wireless internet according with the intentions of Paragraph 7 of the NPPF to ensure the purpose of the planning system to contribute to the achievement of sustainable development and the presumption in favour of sustainable development in paragraph 10 of the NPPF. More specifically, the proposals would also support paragraph 112 of the Framework which states that '*Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning Policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections*'.
- 4.6 Paragraph 196 of the NPPF 2019 states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. In accordance with the NPPF, public benefits are looked at. In this situation, there is considerable public benefit from the overall objective to improve electronic communication and the resulting fast and ubiquitous access to the internet from mobile and fixed devices is considered to outweigh the less than substantial harm caused to the nearby heritage assets. Appropriate weight in accordance with the statutory duties (S66 and S72) have been applied to "preserve" the heritage assets. In addition, the proposals would not be considered to cause harm to the amenities of neighbouring properties. For the reasons above the recommendation to committee is to resolve to grant planning permission subject to planning conditions.

5. SITE AND SURROUNDING

- 5.1 The application site refers to the roof of a 24 storey residential building situated on the north of Skinner Street in the Bunhill and Clerkenwell area of the borough.
- 5.2 The site is not situated within a conservation area, nor does it contain any statutory listed or locally listed buildings. The site is located in proximity to a number of conservation areas including the New River CA to the north, the Northampton Square CA to the east, the Clerkenwell Green CA to the south and Roseberry Avenue CA to the west. The location of the conservation areas in relation to the application site is shown below:

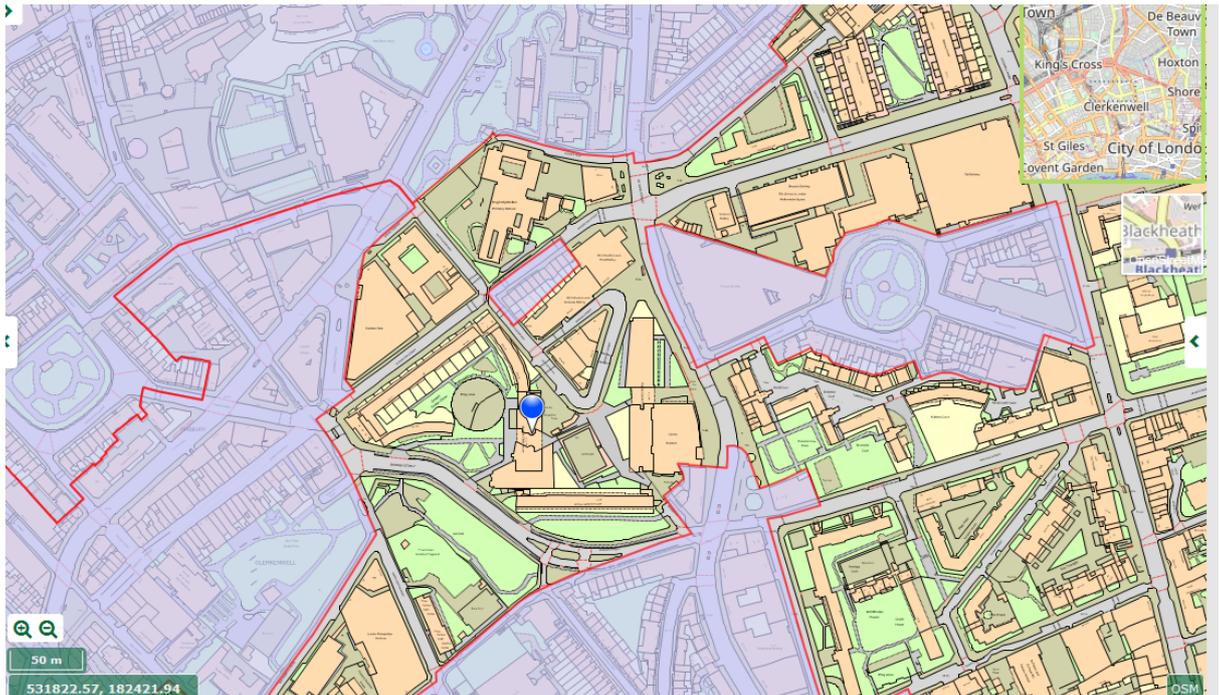


Image 7: Nearby Conservation Area Boundaries

- 5.3 The immediate surrounding area is predominantly characterised by multi-unit housing. However, the broader area is comprised of a range of commercial and mixed uses. The site is designated within the Central Activities Zone and the Bunhill and Clerkenwell Core Strategy Key Area.

6. PROPOSAL (IN DETAIL)

- 6.1 The proposals include the installation of 86 small antennas pole mounted on 10 free-standing support frames upon the roof of the building, the installation of 2 x equipment cabinets at roof level and associated works.

7. RELEVANT HISTORY:

- 7.1 **P2017/4482/FUL** - Installation of eight poles, each supporting four antennas on the rooftop plus associated equipment. **Approved 9th January 2019.**

- 7.2 **P062129** - Re-siting of existing equipment cabinet at roof top level and provision of a second cabinet. **Approved 21st July 2007**

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 316 adjoining and nearby properties at Skinner Street, Myddelton Street and Gloucester Way on 20 February 2019. A site notice was also displayed on 28 February 2019. The public consultation of the application therefore expired on 24 March 2019, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report a total of two responses have been received from the public with regard to the application. The issues raised can be summarised as follows
- 8.3 Concern raised in relation to the impact of the proposed antennas on human health (see paragraphs 13.1 to 13.4)

External Consultees

- 8.4 None.

Internal Consultees

- 8.5 Public Protection Noise- No response received.
- 8.6 Commercial Environmental Health- No response received.
- 8.7 Planning Policy- No response received.
- 8.8 Conservation and design team: *In addition to the policies set out within the development plan, section 72(1) of the Planning (Listed Building & Conservation Areas) Act 1990 requires local authorities, in the exercise of their planning functions with respect to any buildings or land, to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. Section 66(1) of The Act requires that local authorities have special regard to preserving or enhancing listed buildings and their settings in considering whether or not to grant permission for development which affects a listed building or its setting. Additionally, paragraph 190 of the NPPF 2019 requires local authorities to assess the significance of any heritage assets that may be affected by a proposal (including development affecting the setting of a heritage asset), and paragraph 192 directs local authorities to take account of the desirability of preserving and enhancing that significance in determining applications.*
- 8.9 *The proposed installation of tall, contemporary telecommunications equipment on the application site with resulting impact on views from the public realm is considered to harm the character and appearance of the area and the setting of the listed buildings, and visual amenity generally.*

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

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

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

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

Development Plan

- 9.11 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 are considered relevant to this application and are listed at Appendix 2 to this report.
- 9.12 Some weight is attributable to the Draft London Plan

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

- Design and character
- Impact on the amenity of neighbouring resident's amenity
- Public health
- Public benefits

Design and Character

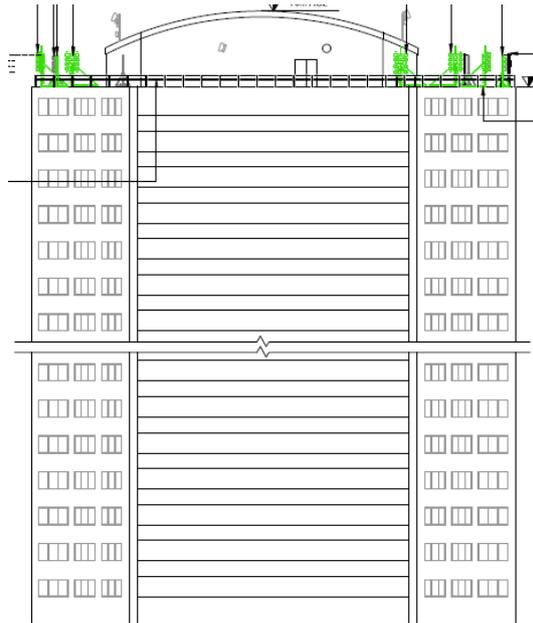
- 10.2 The National Planning Policy Framework (NPPF) has been considered in the assessment of this application. Policy DM2.1 states that all forms of development should be of a high quality and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics.

- 10.3 Development Management 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. In this instance, whilst the application site is not within a Conservation Area, it is within close proximity to four different conservation areas. To the north is New River CA, to the east is Northampton Square CA, to the south is Clerkenwell Green CA and to the west is Roseberry Avenue. The closest of which is New River that is approximately 60m to the north for the site.
- 10.4 Development Management Policy DM2.7 states that telecommunications and utilities equipment will only be permitted where they are sited and designed to minimise their visual impact, do not have a detrimental effect upon the character or appearance of the building or area, innovative design and technological solutions have been explored to minimise visual impact, and there is no reasonable possibility of sharing facilities.
- 10.5 Paragraph 112 of the NPPF 2019 states that Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.
- 10.6 Paragraph 113 of the NPPF 2019 states that Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.
- 10.7 Paragraph 114 of the NPPF 2019 states that local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development.
- 10.8 Paragraph 192 of National Planning Policy Framework (2019) states in determining applications, local planning authorities should take account of
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution
- 10.9 Paragraphs 194-196 of the NPPF (2018) deals specifically with harm to the significance of a designated heritage asset and whether this harm is substantial or less than substantial. In cases where the harm is less than substantial harm, this should be weighed against the public benefits of the proposal.
- 10.10 Michael Cliffe House is a mid-twentieth century building in an area which exhibits a wide variety of building sizes and typologies. Whilst the building is surrounded by Conservation Areas, the majority of nearby properties in the immediate area are of mid to late 20th century construction, at heights much lower than Michael Cliff House.

10.11 The application property is 24 storey building in residential use, situated to the west of St Johns Street and to the north of Skinner street, and forms the main building of a residential estate known as Finsbury Estate. It is located in the Central Activities Zone and within the Bunhill and Clerkenwell Core Strategy Key Area.

10.12 The proposal would lead to the installation of pole mounted dishes on the roof of the property in addition to existing equipment. The purpose of these would be to provide improved wireless internet services

Proposed Western Elevation



Proposed Eastern Elevation



- 10.13 The proposed development would lead to the placing of the equipment on all sides of the roof of the building. It is understood that in order to receive sufficient signal, the proposed equipment is required to be sited towards the edge of the roof. The existing roof includes a 1.1m hand rail that borders the roof, inset from the buildings edge and there are various pieces of telecommunications equipment already installed at roof level. At the northern end of the roof three frames will be installed capable of holding 10 antennas each and one smaller frame capable of holding 3 antennas. To the southern end of the roof a further five 10 antenna frames will be installed and a single three antenna frame installed. In total 10 frames will be installed capable of holding 86 antennas.
- 10.14 In this instance the siting of the proposed equipment, when considered against the high level location of the proposals, are placed appropriately to reduce its prominence from the public realm. This is on the basis that the height of the building ensures that views are heavily obscured from nearby views, and the equipment not large enough to be noticeably visible from longer views. It is acknowledged these would be visible from some longer views from the surrounding conservation areas, however the positioning, relative small scale of the dishes and high level position of the antennas would lead to some limited visual to harm to the surrounding conservation areas.
- 10.15 It is also proposed to install an equipment cabinet at roof level where previously this was proposed to be installed within an existing plant room. The cabinet is 2.5m high and positioned in the central location of the roof space and will therefore not be visible from the surrounding streetscene. Overall, the proposed development would cause some limited harm to the character and appearance of the surrounding Conservation Areas.
- 10.16 According to the National Planning Policy Framework section 16 and paragraph 196 which states the following “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”. The weighing of public benefits against harm is carried out at Paragraphs 10.27 to 10.30 below.

11. PUBLIC BENEFIT

- 11.1 Paragraph 112 of the NPPF states that “*Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections*”.
- 11.2 Paragraph 113 of the NPPF 2019 states that “*Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate*”.
- 11.3 Paragraph 114 of the NPPF 2019 states that *local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:*

- a) *they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and*
 - b) *they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services*
- 11.4 As demonstrated above, the proposals would cause less than substantial harm to the character and appearance of the surrounding conservation areas. It is considered that the public benefit of the next generation mobile technology (5G) brought by the proposals outweigh the less than substantial harm caused to the character and appearance of the conservation area. In accordance with Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been paid (and great weight given to “doing no harm”) to the desirability of preserving or enhancing the character or appearance of the nearby Grade I Listed Building and surrounding conservation areas. In this instance there are several mitigating factors to consider, including the height and scale of the existing building, limiting public views to infrastructure at roof level, as well as the strong government support within the updated NPPF (2019) for increased provision of 5G infrastructure across London.
- 11.5 The benefits of the proposal, including efforts to improve wireless internet infrastructure and the resulting fast and ubiquitous access to the internet from mobile and fixed devices is considered to outweigh the less than substantial harm caused to the nearby heritage assets. The proposals would be either not visible or of glimpsed visibility from adjoining public viewpoints from within and outside the adjoining conservation areas.
- 11.6 The benefits of improved mobile infrastructure form the basis of public benefits that tips the planning balance to outweigh the visual harm, in a manner that gives great weight to “preserving” or doing no harm on nearby heritage assets. Also recognised is the importance the Government attaches to a high quality communications infrastructure, and the related benefits this brings, in this case, the public benefits of allowing the proposal would not contravene the statutory requirement to pay special regard to the conservation areas, designated heritage assets.

12. NEIGHBOURING AMENITY

- 12.1 The proposals comprising the installation of 86 x dish antennas to short antenna poles mounted on 10 x freestanding support frames upon the roof of the building and the installation of 2 x equipment cabinets is not considered to raise any concerns in relation to sunlight, daylight and outlook from neighbouring properties. Further, the proposals would not raise any concerns in relation to privacy conforming with Policy DM2.1 of the DMP (2013).

13. HEALTH RISKS

- 13.1 Paragraph 116 of the National Planning Policy Framework states that Local authorities must determine applications on planning grounds only. They should not question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

- 13.2 Luminet regulates the operation of mobile networks in relation to their use of radio frequencies and whilst it does not have any duties related to the recommendations for exposure to Electromagnetic radiation emissions, it does set out the need for certificates of International Commission on Non-Ionizing Radiation Protection (ICNIRP) compliance to be provided with planning applications and for operators to continue to ensure all sites remain compliant.
- 13.3 An ICNIRP Declaration from the manufacturer was submitted with the application confirming that the proposed antennas would not generate Electromagnetic radiation above thresholds that would pose a risk to the general public or workers responsible for maintaining the equipment.
- 13.4 With telecommunications equipment the recent view from Public Health is that risks from EMF are low. Overall, it is considered that the electromagnetic radiation emitted by the proposed antennas would be minimal and would conform with ICNIRP Guidelines. As a result, it is considered that the proposed installation of antennas atop the roof of the building would not pose a risk to Public Health.

14. SUMMARY AND CONCLUSION

- 14.1 A summary of the proposal and its impacts and acceptability is set out at paragraphs 4.1 to 4.6 of this report.
- 14.2 The public benefits of improved telecommunications infrastructure form the basis of public benefits that tips the balance to outweigh harm, in a manner that gives great weight to “preserving” or doing no harm. Significant weight has been given to National Policy relating to 5G telecommunication infrastructure.
- 14.3 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>NDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Silku Declaration of RF Exposure ICNIRP Document, LUM 0002-PM 01 Rev A, LUM 0002-PM 02 Rev A, LUM 0002-PM 03 Rev A, LUM 0002-PM 04 Rev A, LUM0002-04-Issue F, LUM0002-05 Issue F, LUM0002-03 Issue F & planning statement.</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 (Compliance)
	<p>CONDITION: The hereby approved development shall be constructed in accordance with the schedule of materials noted on the approved plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter 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.</p>

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

The National Planning Policy Framework 2019 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

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

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

Policy 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

Strategic Policies

Policy CS 8 – Enhancing Islington’s character
Policy CS 9 - Protecting and enhancing Islington’s built and historic environment

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.3 – Heritage
- Policy DM2.7 – Telecommunications and utilities

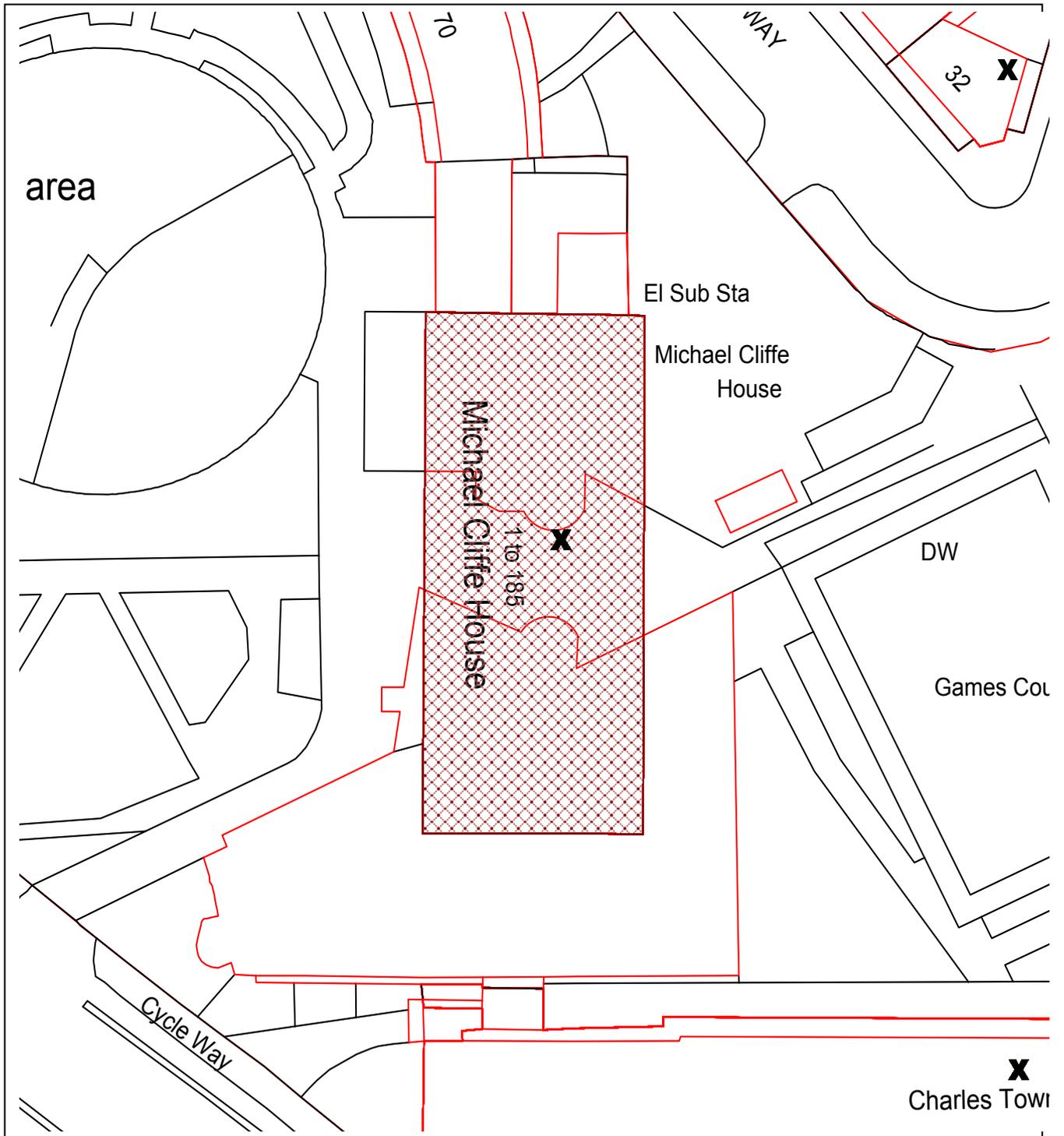
3. Designations

- Bunhill & Clerkenwell Core Strategy Key Area
- Central Activities Zone
- Cycle Routes (Major)
- Bunhill & Clerkenwell Local Plan Area
- Article 4 Direction A1 to A2 (Rest of Borough)
- Article 4 Direction B1(c) to C3
- Heathrow Safeguarding Area

4. SPD/SPGS

Urban Design Guidelines

Islington SE GIS Print Template



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