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## **AGENDA FOR THE PLANNING SUB COMMITTEE A**

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Members of the Planning Sub Committee A are summoned to a meeting, which will be held via Zoom on **7 September 2020 at 7.30 pm.**

The link to the Zoom meeting is below. If you prefer to join the meeting by phone please dial 0330 088 5830. Enter meeting ID 947 0517 4932 when prompted.

Link to the meeting: <https://weareislington.zoom.us/j/94705174932>

Enquiries to : Zoe Lewis  
Tel : 020 7527 3486  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 27 August 2020

### **Welcome:**

Members of the public are welcome to attend this meeting.

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

#### Committee Membership

Councillor Picknell (Chair)  
Councillor Clarke  
Councillor Convery  
Councillor Graham  
Councillor Mackmurdie

#### Wards

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

#### Substitute Members

Councillor Klute  
Councillor Kay  
Councillor Poyser  
Councillor Spall  
Councillor Woolf  
Councillor Chowdhury  
Councillor Hamitouche  
Councillor Turan  
Councillor Wayne  
Councillor Webbe

- St Peter's;  
- Mildmay;  
- Hillrise;  
- Hillrise;  
- Canonbury;  
- Barnsbury;  
- Barnsbury;  
- St Mary's;  
- Canonbury;  
- Bunhill;

Quorum: 3 councillors



**A. Formal Matters**

**Page**

1. Introductions
2. Apologies for Absence
3. Declarations of Substitute Members
4. Declarations of Interest

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

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

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

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

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

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

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

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

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

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

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

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

5. Order of Business
6. Minutes of Previous Meeting

<b>B.</b>	<b>Consideration of Planning Applications</b>	<b>Page</b>
1.	9-11 Northburgh Street, Islington, London, EC1V 0AH	11 - 34
2.	9-11 Northburgh Street, Islington, London, EC1V 0AH	35 - 70
3.	Braithwaite House, Bunhill Row, Islington, London, EC1Y 8NE	71 - 96
4.	Michael Cliffe House, Skinner Street, London, EC1R 0WW	97 - 122
5.	New River Green Children's Centre, 23 Ramsey Walk, Islington, London, N1 2SX	123 - 140
6.	Salcot, 25-29 Tollington Park, London, N4 3RE	141 - 186

**C. Consideration of other planning matters**

**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**

**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, 10 November 2020

**Please note all committee agendas, reports and minutes are available on the council's website: [www.democracy.islington.gov.uk](http://www.democracy.islington.gov.uk)**

## **PROCEDURES FOR PLANNING SUB-COMMITTEES**

### **Planning Sub-Committee Membership**

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

### **Order of Agenda**

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

### **Consideration of the Application**

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

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

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

### **What Are Relevant Planning Objections?**

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

**For further information on how the Planning Sub-Committee operates and how to put your views to the Planning Sub-Committee please call 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](mailto:enquiriesplanning@islington.gov.uk).**



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London Borough of Islington

## **Planning Sub Committee A - 16 June 2020**

Minutes of the Virtual meeting of the Planning Sub Committee A held on 16 June 2020 at 7.30 pm.

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

### **Councillor Angela Picknell in the Chair**

**119**      **INTRODUCTIONS (Item A1)**

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

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

There were no apologies for absence.

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

There were no declarations of substitute members.

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

There were no declarations of interest.

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

The order of business would be as per the agenda.

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

**RESOLVED:**

That the minutes of the meeting held on 27 April 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**125**      **25B AND 29 CORSICA STREET, LONDON, N5 1JT (Item B1)**

Demolition of existing single storey storage unit (B1) and replacement with 1no. x 3 no. bedroom single storey dwelling (C3), addition of mezzanine space (B1) above current studio space, roof extension above 1st floor of 29 Corsica Street to create 1no. x 1no. bedroom (C3) unit, change of use from ancillary non-self contained live/work unit (B1) on 1st floor to new self contained residential unit (C3), plus first floor rear terrace and internal refurbishment and reconfiguration of existing ground floor studio space and associated alterations.

(Planning application number: P2018/4250/FUL)

In the discussion the following points were made:

- Meeting was informed of two updates since the agenda was published. The Planning Officer informed members that information received in the last week confirms that the commercial B1 unit within 25b has continued to be marketed by the agent and unable to agree a let for a time period of two years and 3 months. In addition members were advised that if members are minded to grant planning permission, condition 4 in the report relating to terrace screening details would need to be amended the wording to include 'prior to occupation of the 2<sup>nd</sup> floor residential unit and permanently maintained thereafter in perpetuity'.
- Members were advised that the proposed demolition of the existing storage unit (B1) would result in an L shaped unit which would extend over the footprint of the existing building with a length of 18 metres before extending northward for a length of 8 metres. In addition the extension to the frontage would consist of sliding glass panels with access to a front terrace.
- The Planning Officer informed meeting that applicants had made amendments to the scheme which addresses concerns raised by the Design and Conservation Officers, for example the overhang on the roof extension had now been cut back by approximately 0.8metres; the colouration of the brick work and front façade will now show an existing London stock brickwork with a white render band above and white render at ground floor. In addition members were advised that amended drawings submitted now show a reduction in height of the roofs by 0.7 metres and 0.5 metres respectively.
- With regard to design concerns, the Planning Officer advised that the scale and mass of the proposed development is appropriate for the site and responds sensitively to the adjacent homes and gardens. It was noted that the development will add to the amenity and character of the area.
- On the loss of the B1 space, meeting was advised that this change of use is supported by a Marketing report which acknowledges no realistic prospect of the site being reused as B1 space. In addition members were reminded that on balance in planning terms the loss within two isolated parts of the site and the introduction of residential use in this instance is considered acceptable based on the constraints of the site.
- The Planning Officer acknowledged that the proposal would result in a significant improvement visually over the existing site and will have a material townscape benefit. In addition members were informed of the financial contribution towards affordable housing in the borough which was

to be welcomed.

- In response to a question on the differences between the previous and the proposed scheme, the meeting was informed that when application was initially assessed, the decision was based on only 8 months of marketing evidence submitted as part of the application, however the revised proposal represents an improvement in terms of the amendments to the scheme, 2 years of marketing evidence and the numerous planning benefits, this was viewed considered in a positive light.
- In response to a suggestion on why the scheme had not provided more sustainable measures, the Planning Officer advised that the applicant has sought to provide a sustainable building with an environmentally responsible design that conserves energy and enhances the environment which has the potential for Thermodynamic hot water on roof, Mechanical Ventilation and Heat Recovery (MVHR), Ground Source Heat Pumps, Green Roofs and Water Recycling. In addition the scheme offers financial contribution towards carbon offsetting which is to be welcomed.
- A resident objector who lives directly opposite the site was concerned about the additional floor as it would impact her amenity in that it would reduce the amount of light into her property . The objector was concerned that the idea of a balcony will result in overlooking and privacy concerns into her property and reduce amount of light. In addition, the meeting was informed that the scheme will result in a sense of enclosure and is oppressive and the design was not in keeping with the character of the area.
- In response to concerns regarding loss of light, the sense of enclosure and privacy, the Planning Officer reminded Members that there are no issues identified, that there is a larger building located at no 31 within the vicinity, that the roof extension of the proposed building will be set back from this unit. In addition members were advised of the reduction in canopy that was initially proposed and equally that the scale of the building is comparable to no 25 which lies across the street. Members were reminded that the design officers had closely looked at the objections raised in terms of scale and it was agreed it is in keeping with that stretch of the street .
- With regard to concerns about overlooking and loss of privacy, meeting was advised that this is not an issue as the proposal is separated by the highway and therefore considered acceptable and meets policy.
- The applicant's agent informed the meeting that the scheme aims to improve the site for the applicant having lived on the site for over 10 yrs. Meeting was informed that previous schemes considered have been complicated, however this revised scheme had been simplified in terms of both land use and form. The agent advised that the commercial space on the ground floor would need to be refurbished and the proposed flat above would assist in funding

the proposed works to be carried out on the ground floor.

- In addition agent informed members of the dilapidated storage unit at the rear of the site which is to be replaced with a dwelling that will house the workers, an opportunity to provide a live and work place for the locally employed workers. On the loss of B1 space, members were reminded that looking at the proposal in its entirety there is no loss especially as the dilapidated storage unit could not be regarded as a B1 use.
- The applicant highlighted the benefit of the proposal, having been in the textile business for over 10years from the same location and supporting notable businesses and charities. Applicant also reiterated her passion for creative and craft business and especially her work with local colleges and students.
- In response to a question on whether more could be done to address the loss of light concerns raised by the neighbour, the Planning Officer reiterated the highway separation between the scheme and the neighbour and it being policy compliant.
- During deliberation, members acknowledged the site constraints noting that the proposed additional floor was in line with neighbouring properties in terms of height. Members welcomed the scheme as it provides a mixed use scheme of high quality, retains suitable B1 space and would result in an improvement visually to the existing site. Members acknowledged that the site specific factors and townscape attributes weigh in favour of the application in planning terms and that the scheme is policy compliant.
- Members agreed that the wording relating to condition 4 be delegated to the Planning Officer and the Chair to ensure it is enforceable.

Councillor Picknell proposed a motion to grant planning permission. This was seconded by Councillor Convery 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 and informatives set out in Appendix 1.

The meeting ended at 8.15 pm

**CHAIR**

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## Schedule of Planning Applications

PLANNING COMMITTEE - Monday 7 September, 2020

### COMMITTEE AGENDA

1 9-11 Northburgh Street  
Islington  
London  
EC1V 0AH

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2 9-11 Northburgh Street  
London  
EC1V 0AH

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3 Braithwaite House  
Bunhill Row  
Islington  
London  
EC1Y 8NE

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4 Michael Cliffe House  
Skinner Street  
London  
EC1R 0WW

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5 New River Green Childrens Centre  
23 Ramsey Walk  
Islington  
London  
N1 2SX

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6 Salcot  
25 - 29 Tollington Park  
London  
N4 3RE

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1 9-11 Northburgh Street  
Islington  
London  
EC1V 0AH

**Application Number:** P2020/1542/FUL

**Ward:** Bunhill

**Proposed Development:** Erection of a fifth floor infill extension to link a separately proposed roof extension [P2020/15/15/FUL] and adjoining roof extension at No. 50-56 Great Sutton Street.

**Application Type:** Full Planning Application

**Case Officer:** Samir Benmbarek

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Name of Applicant: Chergil House

Recommendation:

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**2 9-11 Northburgh Street**  
**London**  
**EC1V 0AH**

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**Application Number:** P2020/1515/FUL

**Ward:** Bunhill

**Proposed Development:** Erection of single-storey roof extension to provide 350sqm of additional office floorspace; alterations to elevations to include re-cladding, window replacement; removal of vehicle access and new ground floor shopfront; installation of mechanical plant at lower ground and fifth floor level; and the removal and replacement of the existing ramp together and associated alterations to building.

**Application Type:** Full Planning Application

**Case Officer:** Samir Benmbarek

**Name of Applicant:** c/o agent

**Recommendation:**

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**3 Braithwaite House**  
**Bunhill Row**  
**Islington**  
**London**  
**EC1Y 8NE**

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**Application Number:** P2018/4275/FUL

**Ward:** Bunhill

**Proposed Development:** The installation of 65 number 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.

RECONSULTATION: Amended Statement provided detailing the type of technology and communication equipment proposed, confirming that the equipment will not be used to deliver 5G services and confirming the safety of the proposed equipment].

**Application Type:** Full Planning Application

**Case Officer:** Ross Harvey

**Name of Applicant:** .

**Recommendation:**

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**4 Michael Cliffe House**  
**Skinner Street**  
**London**  
**EC1R 0WW**

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**Application Number:** P2018/4282/FUL

**Ward:** Clerkenwell

**Proposed Development:** The installation of 86 antennas pole mounted on 10 no. free-standing support frames upon the roof of the building, as well as one equipment cabinet in association with the provision of mobile phone services.

RECONSULTATION Amended Statement provided detailing the type of technology and communication equipment proposed, confirming that the equipment will not be used to deliver 5G services and confirming the safety of the proposed equipment.

**Application Type:** Full Planning Application

**Case Officer:** Alex McCombie

**Name of Applicant:** Luminet Solutions Ltd.

**Recommendation:**

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**5 New River Green Childrens Centre**  
**23 Ramsey Walk**  
**Islington**  
**London**  
**N1 2SX**

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**Application Number:** P2020/1178/FUL  
**Ward:** Canonbury  
**Proposed Development:** Erection of a ground floor side extension to Block A (North East elevation), with associated access ramp.  
**Application Type:** Full Planning Application  
**Case Officer:** Samir Benmbarek  
**Name of Applicant:** Sachin Desai  
**Recommendation:**

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**6 Salcot**  
**25 - 29 Tollington Park**  
**London**  
**N4 3RE**

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**Application Number:** P2019/3405/FUL  
**Ward:** Tollington  
**Proposed Development:** Erection of a two storey building for 3 no. self-contained residential units (1no. 3 bedroom and 2 no. 2 bedroom), new refuse/cycle storage and associated works (following demolition of existing 16 no. single storey garages)  
  
**RECONSULTION REASON:**  
Amended drawings and Design and Access Statement  
**Application Type:** Full Planning Application  
**Case Officer:** Daniel Jeffries  
**Name of Applicant:** Mr Stuart Pearson  
**Recommendation:**

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### PLANNING COMMITTEE REPORT



<b>PLANNING SUB-COMMITTEE A</b>		
<b>Date:</b>	07 September 2020	<b>NON-EXEMPT</b>

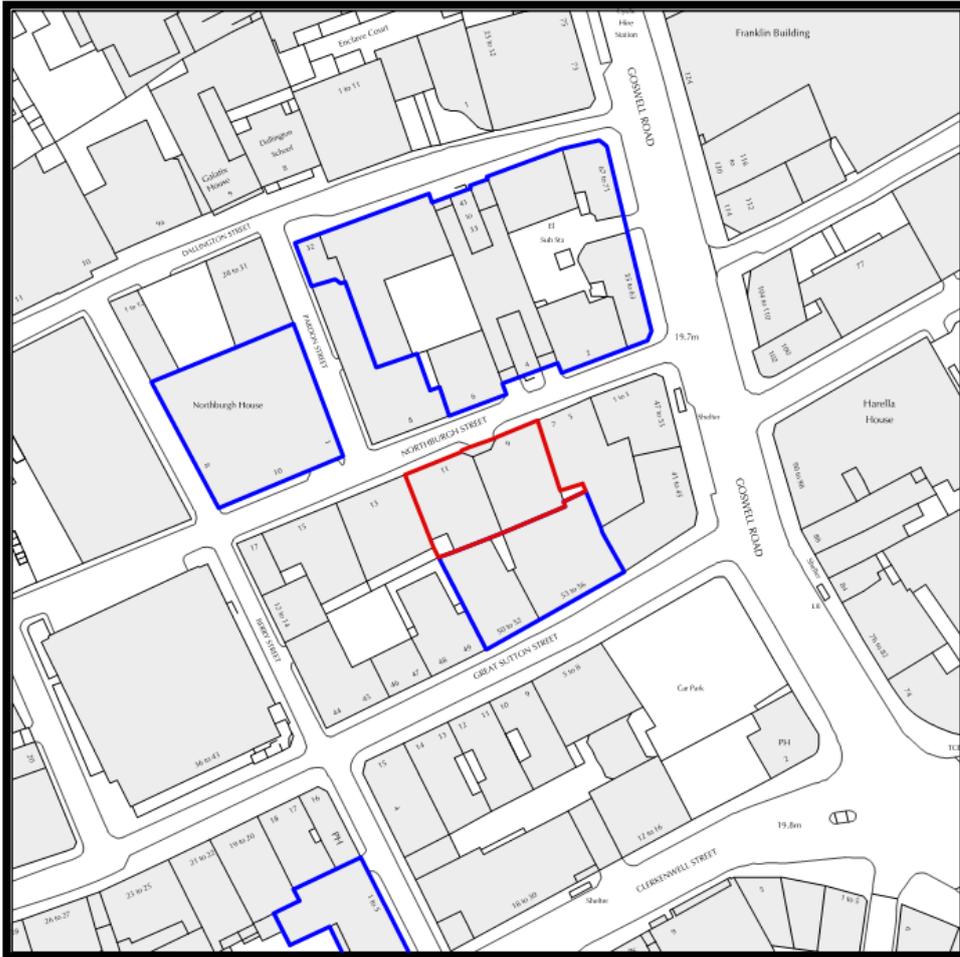
Application number	P2020/1542/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	No
Conservation area	Hat & Feathers
Development Plan Context	Central Activities Zone (CAZ) Bunhill & Clerkenwell Core Strategy Key Area Finsbury Local Plan Area Employment Priority Area (General) Article 4 Direction A1-A2 (Rest of the borough) Article 4 Direction B1c to C3
Licensing Implications	None
Site Address	9-11 Northburgh Street, London, EC1V 0AH
Proposal	Erection of a fifth floor infill extension to link a separately proposed roof extension [P2020/15/15/FUL] and adjoining roof extension at No. 50-56 Great Sutton Street.

Case Officer	Samir Benmbarek
Applicant	C/O Agent
Agent	Georgia Barrett- Maddox and Associates Ltd.

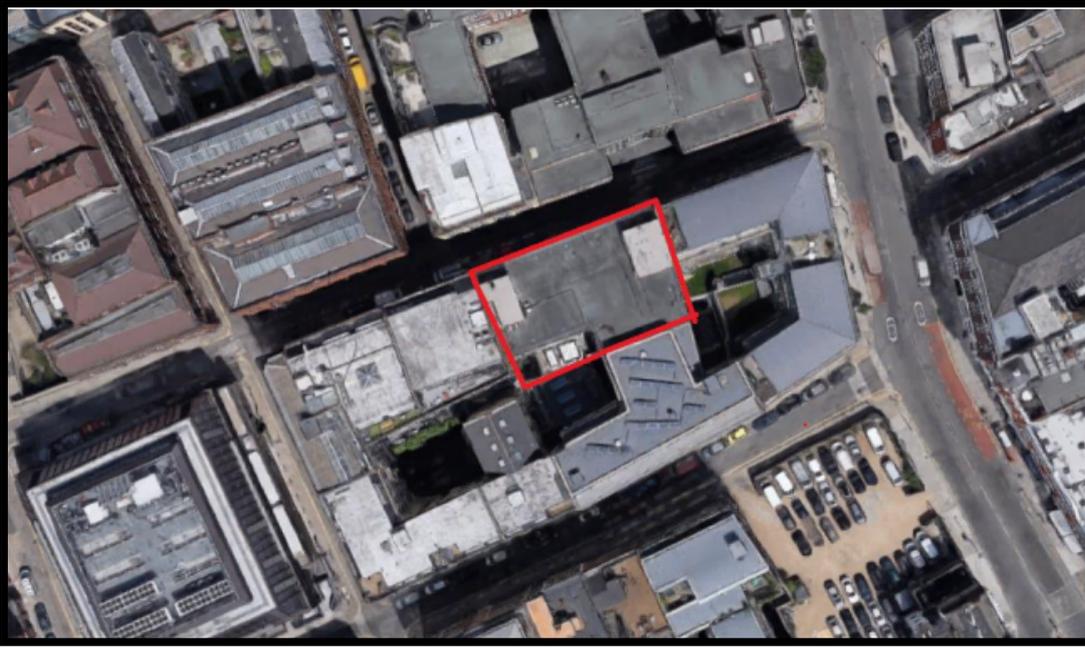
#### 1. RECOMMENDATION

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

2. SITE PLAN (site outlined in red and properties in blue also in applicant's ownership)



**3. PHOTOS OF SITE/STREET**



**Image 1:** Aerial view of site (looking north)



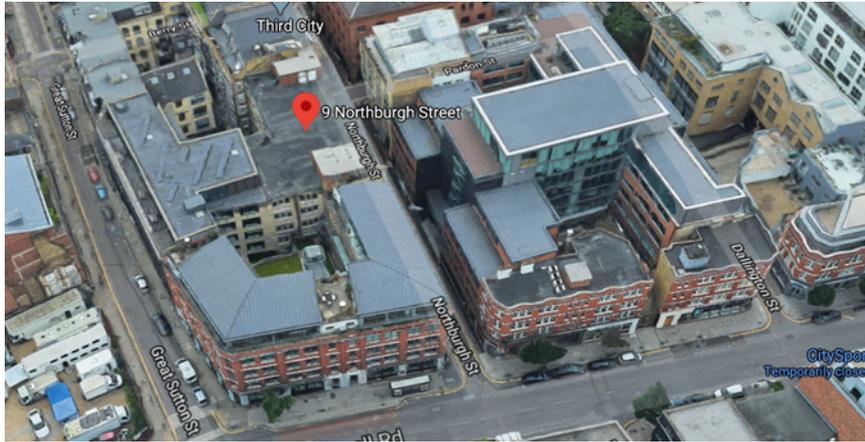
**Image 2:** Aerial view of site (looking south)



**Image 3:** View towards No. 41- 53 Goswell Road.



**Image 4:** View towards No. 41-53 Goswell Road.



**Image 5:** Aerial view showing existing area of the link extension in context.

#### **4. SUMMARY**

- 4.1 The application proposes the erection of a single storey roof extension to create an additional 46sqm square metres of office floor space (Class E) which would connect the proposed extension at the subject building (to be determined under P2020/1515/FUL) and the extension at No. 50-56 Great Sutton Street.
- 4.2 The extension would be constructed in metal cladding and opaque glazing matching the appearance of the extension at No. 50-56 Great Sutton Street.
- 4.3 The proposed development of this application is identical to that of extant planning permission P2017/5021/FUL granted on 06/03/2018.
- 4.4 The application is brought to committee because of the number of objections received (8).
- 4.5 The issues arising from the application are the impact on the character and appearance of the host building, surrounding conservation area, and the impact on the neighbouring amenity of the adjoining and surrounding residential and commercial properties.
- 4.6 The principle of the creation of minor additional office floor space is considered to be acceptable.
- 4.7 The design of the proposal is considered to be acceptable and would not detract from the character and appearance of the host building and surrounding conservation area. The proposal would not detrimentally impact on the amenity of the neighbouring properties. As such, the proposal complies with policies DM2.1 and DM2.3 of the Islington Development Management Policies 2013.
- 4.8 The proposed infill extension is considered to be of an appropriate scale, and the proposal is considered to not unduly impact the residential amenity of neighbouring properties in terms of loss of daylight and sunlight, overshadowing, reduction in outlook and increased sense of enclosure, loss of privacy and overlooking. The proposal therefore accords with policy DM2.1 of the Islington Development Management Policies 2013.
- 4.9 The proposal is therefore considered to be acceptable and it is recommended that the application be approved subject to conditions.

## 5. SITE AND SURROUNDINGS

- 5.1 The application site is located on the southern side of Northburgh Street towards its eastern junction with Goswell Road. The building has one principal frontage along Northburgh Street.
- 5.2 The site is not statutorily or locally listed; however, it is located within the Hat & Feathers Conservation Area. The site is located within: The Central Activities Zone (CAZ); the Bunhill & Clerkenwell Core Strategy Key Area; the Finsbury Local Plan Area; and is an Employment Priority Area (General).
- 5.3 The existing site comprises a five storey modern office building in a row of similar commercial buildings. The existing building has two entrances at ground floor level. The existing front façade comprises concrete rendered spandrel panels with concrete ledges centred around brick cladding on end bays. The existing windows are white metal framed.
- 5.4 The existing building comprises a flat roof with two single storey brick lift overruns. The property adjoins the rear 50-56 Great Sutton Street which has a modern single storey roof extension originally granted consent in 2005 ref: P050688 then amended through consent granted in 2010 ref: P100761.
- 5.5 The predominant building height in the street scene is six storeys. Northburgh Street is mixed in its use although the predominant use within that mix is commercial, more specifically office. Residential properties are present on the upper floors at no. 8 Northburgh Street and at the upper floors of the adjacent buildings along Goswell Road
- 5.6 The wider locality features a mix of commercial (retail office, light industry, eating and drinking as some observed examples) as well as residential typically within the upper floors of buildings. The site is located near main roads within the area such as Goswell Road, Clerkenwell Road and Old Street and is located close to Farringdon and Barbican stations.

## 6. PROPOSAL (IN DETAIL)

- 6.1 The application proposes the erection of a single storey roof extension to create a link between the proposed extension at No. 9-11 Northburgh Street and No. 50-56 Great Sutton Street, providing a minor uplift in office floorspace by 46sqm. Both of these buildings are within the same ownership.
- 6.2 This would increase the height of the building at the rear to six-storeys in line with the extant and proposed developments at the site and No. 50-56 Great Sutton Street. The facing materials of the extension would be metal cladding and opaque glazing in the same finish as the extension at No. 50-56 Great Sutton Street.
- 6.3 This application is a resubmission of planning permission ref: P2017/5021/FUL dated 06/03/2018. The previous proposal sought to link the extension at No. 50-56 Great Sutton Street with an extant (and soon to expire) planning permission ref: P2016/3455/FUL.

## 7. RELEVANT HISTORY:

### Application Site

- 7.1 P2016/3455/FUL- Erection of a single storey roof extension to create additional 350 square metres of office floorspace (B1), and over-cladding of the building facades. Associated external alterations to the building's facade; and the removal and replacement of the existing ramp together with the installation of plant equipment at lower ground and fifth floor level. Removal of existing two cores, replacing with a more compact and efficient single core. Removal of car access way and installation of new ground floor glazed shopfront. **Approved with conditions 13/09/2017.**

- 7.2 P2017/5021/FUL- Erection of a fifth floor extension between existing roof extension on 50-56 Great Sutton Street and consented extension on 9-11 Northburgh Street. **Approved with conditions 06/03/2018.**
- 7.3 P2020/1515/FUL- Erection of single-storey roof extension to provide 350sqm of additional office floorspace (B1); alterations to elevations to include re-cladding, window replacement; removal of vehicle access and new ground floor shopfront; installation of mechanical plant at lower ground and fifth floor level; and the removal and replacement of the existing ramp together and associated alterations to building. **Under determination.**

No. 50-56 Great Sutton Street:

- 7.4 P050688- Roof extension to existing office building at 5th floor level to provide additional office space. Approved with conditions 17/10/2006.
- 7.5 P100761- Upgrading of windows and finishes to existing elevation, new street access also including a previously consented roof top extension (application ref P050688). Approved with conditions 29/06/2010

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 136 adjoining and nearby properties at Northburgh Street, Great Sutton Street, Berry Street and Goswell Road on 25/06/2020.
- 8.2 A site notice and press advert were displayed on 25/06/2020. The public consultation of the application therefore expired on 06/08/2020; however, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.3 At the time of the writing of this report a total of **8** responses had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

#### ***Land Use***

- Proposed development is not needed;
- No requirement for further office space due to Covid-19;

**(Paragraphs 10.2- 10.10)**

#### ***Design and Character***

- Objection to raising the height of the building;
- Poor quality design as glass fronted offices don't work in residential areas;

**(Paragraphs 10.11-10.29)**

#### ***Neighbouring Amenity***

- Loss of privacy as a result of the development; residential properties are located in very close proximity;
- Concerns of loss of light and overshadowing; the daylight/sunlight report only deals with light to windows;
- Overbearing development;
- No light management policies; and

**(Paragraph 10.30-10.47)**

### ***Other Matters***

- Concerns with the freeholder/management of application and neighbouring buildings;  
**(Paragraph 10.48)**

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

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

### **National Guidance**

- 9.1 Islington Council (Planning Sub-Committee A), in determining the planning application has the main following 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 72(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 and the Islington Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

- 9.11 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Central Activities Zone (CAZ)
  - Bunhill & Clerkenwell Core Strategy Key Area
  - Finsbury Local Plan Area
  - Employment Priority Area (General)
  - Article 4 Direction A1-A2 (Rest of the borough)
  - Article 4 Direction B1c to C3

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

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

## **Emerging Policies**

### Draft London Plan (Intend to Publish Version), December 2019

9.13 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State has appointed a Panel to conduct an examination in public ('EIP') which opened on 15 January 2018 and continued until May 2019. The Panel of Inspectors made several recommendations to the Mayor on 8<sup>th</sup> October 2019 and the Mayor responded on the 9<sup>th</sup> December 2019 with a version which is intended to be published by March 2020. The Secretary of State has now considered the 'Intend to Publish' version and the proposed changes and has made several recommendations, which are referenced in the main body of the Inspector's report. Whilst the draft London Plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration. The emerging London Plan policies have been taken into account.

Relevant policies in the emerging London Plan are set out below:

- Policy D1- London's form, character and capacity for growth
- Policy D4- Delivering good design
- Policy D5- Inclusive design
- Policy E1- Offices
- Policy HC1- Heritage conservation and growth

9.14 It should be noted that the Secretary of State has written to the Mayor of London setting out various directions to alter aspects of the emerging London Plan. It is not known at this state what response the Mayor will make to the directions. In any event, given what is proposed in the application, the direction does not alter the assessment in this case.

### 9.15 Draft Islington Local Plan 2019

9.16 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process in progress.

9.17 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

9.18 Emerging policies relevant to this application are set out below:

- Policy DH1- Fostering innovation and conserving and enhancing the historic environment
- Policy DH2- Heritage assets

## 10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design, Conservation and Heritage
- Neighbouring Amenity
- Other Matters

### LAND USE

- 10.2 The site is located within the CAZ, the Bunhill and Clerkenwell Core Strategy Key Area and is located within an Employment Priority Area (General). The proposed development would involve an uplift of 46sqm of office floorspace to the building at roof level.
- 10.3 Policy CS13 (A) of the Islington Core Strategy specifies that new employment space development should be encouraged to be located within the CAZ or town centres; be flexible and meet changing business needs and to require different types and sizes including those that can accommodate SMEs. In conjunction, policy CS7 of the Core Strategy requires “Employment development within Bunhill and Clerkenwell will contribute to a diverse local economy which supports and complements the central London economy. Employment-led development will be largely concentrated south of Old Street and Clerkenwell Road...”
- 10.4 Part F of policy DM5.1 of the Islington Development Management Policies requires that new business floorspace must be designed to allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses.
- 10.5 Policy BC8 of the Finsbury Local Plan 2013 prevents any loss of business floorspace within the area and the maximisation of such floorspace.
- 10.6 In land use terms, the proposed uplift of office floorspace is considered acceptable in principle given that it is located within designated areas where the development, growth and maximisation of business floorspace is encouraged.
- 10.7 Given the scale of the uplift proposed, in isolation it would be unreasonable for it to meet the requirements of Part F of policy DM5.1; however, in conjunction with both the existing and proposed floorspace at the subject building, as well as the office floorspace at No. 50-56 Great Sutton Street, it would meet such aims. The link between these two buildings would also contribute to the maximisation of office floorspace as required under policy BC8 of the Finsbury Local Plan.
- 10.8 As a result, the provision of additional office floorspace and its design is considered to meet the requirements of policy CS13 of the Core Strategy, policy DM5.1 of the Development Management Policies, and the needs of micro and small enterprises as required by policy BC8 of the Finsbury Local Plan, and is acceptable in this regard.
- 10.9 Some of the comments within the received representations referred to empty offices in this area and as a result, noted that the proposed development should not be permitted, as well as the perceived need for offices as a result on new working practices from the Covid-19 pandemic. However, given the site’s location within the designated Central Activities Zone and Employment Priority Areas (General), the Council’s land use policies seek to support the City of London’s financial and business services sectors which extend across the Islington borough boundary through incorporating the maximum amount of business floorspace reasonably possible on the site. As a result, the proposed addition of 46sqm of office floorspace to an existing office building is considered to accord with the aims of the council’s land use policies.

10.10 The Town and Country Planning (Use Classes) Regulations were amended on 1st September 2020. The amended Use Class regulations omit the former Use Class B1 and introduces a new Use Class E, which encompasses office use, together with many other town centre uses. The application proposes the introduction of additional office floorspace, with no other uses proposed. The assessment of the proposal is based on the applicant's submission for office use and an assessment of other uses within Class E, both in terms of the applicant's submission and the Local Planning Authority's assessment is based solely on office use. As such, a condition is recommended restricting the use of the development to only office use and no other use within Class E of the Use Class Order 2020. Should any other use be proposed this would require the submission of an application and appropriate supporting documentation.

## **DESIGN, CONSERVATION AND HERITAGE**

10.11 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should contribute positively to making places better for people.

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

10.13 Policy CS8 of the Islington Core Strategy sets out the general principles to be followed by new development in the borough. Policy CS9 of the Core Strategy and policy DM2.1 of the Islington 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

10.14 Policy DM2.3 of the Development Management Policies will ensure that the borough's heritage assets are conserved and enhanced in an appropriate manner whilst development that makes a positive contribution to Islington's local character and distinctiveness will be encouraged. The site is located within the Newington Green Conservation Area.

10.15 As the site is located within a conservation area, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal, special regard must be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.

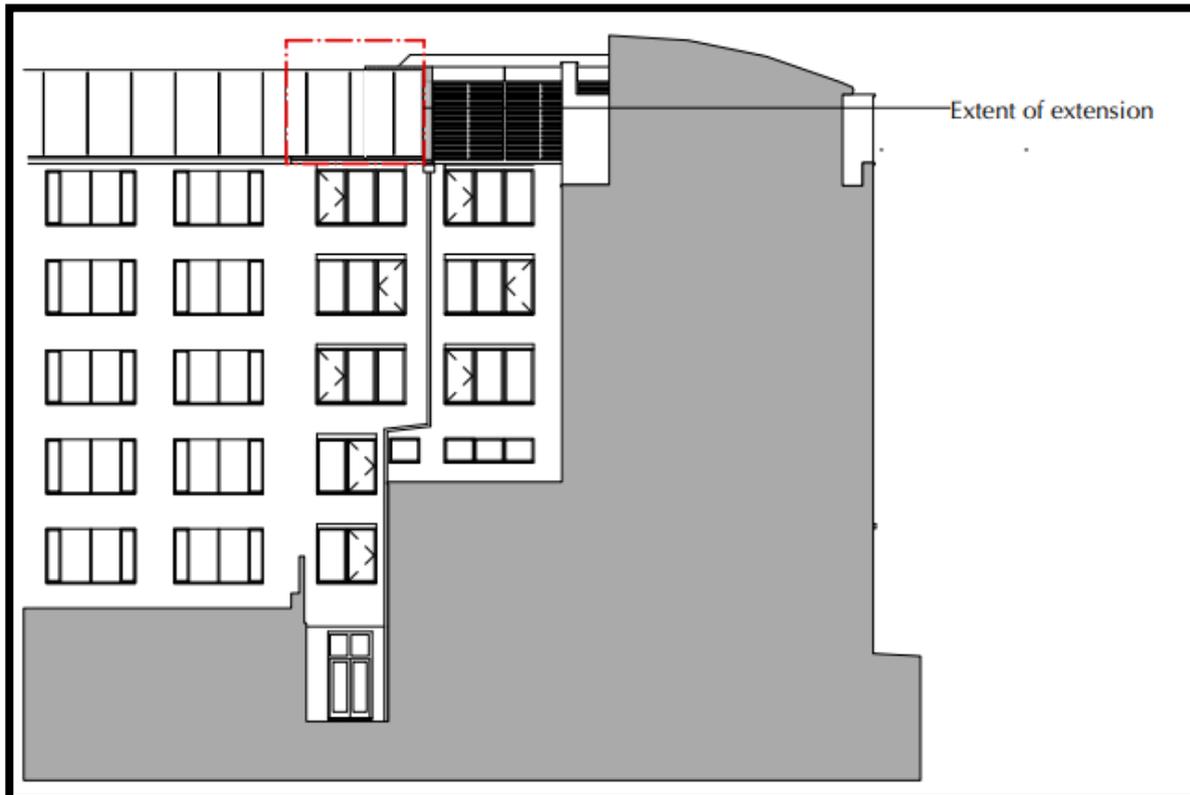
10.16 Paragraph 190 of the NPPF states that the Local Planning Authority should identify and assess the particular significance of any heritage asset that may be affected by a proposal. Paragraphs 193-194 state that great weight should be given to an asset's conservation (and the more important the asset, the greater the weight should be).

10.17 Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

10.18 Supplementary to local planning policy is the Islington Urban Design Guide (IUDG) which provides guidance on roof extensions. As a basis, the roofline is an important factor contributing to the rhythm of a street and therefore a well-defined roofline throughout gives terraces their inherent rhythm and unity (para 5.145). Specifically, in conservation areas, the IUDG reiterates the importance of the roofline to the character and that in principle, roof extensions are not acceptable where there is a consistent roofline; however, where there may be scope, it is important to understand the context of This is especially important along the front roofline (paras 5.150-5.152).

- 10.19 Paragraph 5.150 reads “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.” These criteria are the number of existing roof extensions and the length of the terrace within the context of this application.
- 10.20 Paragraph 1.20 and 1.22 of the Hat and Feathers Conservation Area Design Guidelines specify that new buildings and roof extensions should conform to the height of the existing development in the immediate area and that roof extensions visible from the street or a public open space will not be granted where this is harmful to the character and appearance of the building.
- 10.21 The roof area concerned as part of this application would comprise the remaining portion of the roof left undeveloped. Due to its location, whether developed or not it would not be noticeable within public views as the roof space is at such a high level and is considerably set back from the front building line. There is an extant planning permission (and a further application for another roof addition) to develop a roof extension at the front along the building’s core which would obstruct views of this proposed extension from the front.
- 10.22 The overall context of the block is of five storey buildings that have had additional storeys developed or recent five storey buildings that give the appearance of such. The existing configuration of the application site and No. 56 Great Sutton Street are that the two buildings are interlinked.
- 10.23 Given the above policy and site context, the provision of a roof extension is considered acceptable. The proposed extension would not be visible from the street or any public spaces and therefore it would not impact upon the rhythm and consistency of the roofline around the perimeter of the block. This is considering the proposed development in isolation or in the case of the extant permission/ current application for planning permission for the roof extension at the front of the building being implemented. The proposed extension would conform to the height of both the roof extension at No. 56 Great Sutton Street and the roof extension under the extant planning permission (as well as the proposed front extension).
- 10.24 The proposed extension would be of the same materiality and appearance as the extension at No. 50- 56 Great Sutton Street which is welcomed given it would be visible in some private views. As such, it is considered that the proposed minor extension relates to overall context of the vicinity in terms of its design and height
- 10.25 Representations have been received which comment that the design of the extension is not suited for a residential area. Whilst the upper floors of some of the neighbouring buildings contain residential uses, the area is not residential but is mixed with a majority of commercial uses. These commercial uses and their identity are reflected in the character of the general Clerkenwell area and typical for an inner-city London location. Therefore, it is considered that the proposed roof extension suits the existing context of the area.
- 10.26 The proposed development will provide a suitably high standard of design within the Hat & Feathers Conservation Area using suitable materials in a contemporary design. The proposal is considered to add to the character of this part of conservation area and is therefore supported. It is also noted that the extant permission (P2017/5021/FUL) which is of the same design remains extant until April 2021 and therefore gives significant weight.
- 10.27 In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Hat & Feathers Conservation Area. Given the above, the proposal is not considered to cause harm to the character or appearance of the host building, or the wider conservation area. The proposed development is considered to be of a high quality design that is sensitive to its context. It would enhance and not detract from the character and appearance of the Hat & Feathers Conservation Area as seen within public and private views.

- 10.28 Therefore, the proposed development complies with the National Planning Policy Framework 2019, policies 7.4, 7.6 and 7.8 of the London Plan 2016, policies CS8 and CS9 of the Islington Core Strategy 2011 and policies DM2.1 and DM2.3 of the Development Management Policies 2013. The development also adheres to the guidance in the Islington Urban Design Guide 2017 and the Hat & Feathers Conservation Area Design Guidelines 2014.
- 10.29 Consideration has also been taken into policies DH1 (Fostering innovation and conserving and enhancing the historic environment) and DH2 (Heritage assets) of the Draft Islington Local Plan. The proposed development is considered a high quality which would contribute to the character of this part of the Hat & Feathers Conservation Area. It is noted that the aims of policy DH2 of the Draft Local Plan does not diverge significantly from that of policy DM2.3 of the Development Management Policies in respect to heritage assets.



**Image 6:** Proposed extension within context of No 9-11 Northburgh Street and No. 50-56 Great Sutton Street

### NEIGHBOURING AMENITY

- 10.30 The Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing.
- 10.31 Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 10.32 The eastern elevation of the building where the extension would be developed faces towards the courtyard at the rear of the residential properties on the upper floors of 41 to 45 Goswell Road. These residential properties are accessed via an external access deck on three sides of a courtyard. The southern elevation of the building overlooks the rear boundaries of the commercial properties at 50-56 Great Sutton Street where the extension links to. There are no residential properties located facing the western elevation where the extension would be sited.

- 10.33 As such, the closest residential properties identified that have the potential to have amenity impacted as a result of the development are No. 41-45 Goswell Road. The residential uses are on the upper floors.

#### Daylight, Sunlight and Overshadowing

- 10.34 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 10.35 BRE Guidelines paragraph 1.1 states: *“People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by”*. Paragraph 1.6 states: *“The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design...In special circumstances the developer or local planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings”*.
- 10.36 The BRE Guidelines provide numerical guidelines, the document though emphasises that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.
- 10.37 The applicant has submitted a daylight/sunlight assessment to demonstrate that the proposed extension would not unacceptably impact upon the levels of daylight and sunlight received at neighbouring properties. The report assessed the windows at Nos. 41-53 Goswell Road.

#### *Daylight*

- 10.38 In respect to daylight, the BRE Guidelines stipulate that... *“the diffuse daylighting of the existing building may be adversely affected if either: the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value or the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.” (No Sky Line / Daylight Distribution).*”
- 10.39 At paragraph 2.2.7 of the BRE Guidelines it states: *“If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.”*

#### *Sunlight*

- 10.40 The BRE Guidelines state at paragraph 3.16 in relation to orientation: *“A south-facing window will, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit.*”

10.41 As such, habitable windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. Paragraph 3.2.11 of the BRE guidelines state that for those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:

- *Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 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 The submitted assessment uses the BRE guidelines within its methodology to assess the impacts on the windows neighbouring properties as listed in paragraph 27. Whilst some of the windows at No. 41-53 Goswell Road would experience reductions in VSC that are less than 0.8 times its former value, the resulting reductions are considered tolerable and would not significantly reduce levels of light. Therefore, it is demonstrated that the proposed development would not adversely impact upon daylight and sunlight towards adjoining residential occupiers. The BRE guidelines are guidance with some consideration of the dense location of the site.

10.43 No assessment was provided for on-ground levels of light located behind No. 41-53 Goswell Road; however, it is considered it would not experience a harmful reduction of daylight or sunlight in line taking into account the acceptable results for the neighbouring windows.

#### Outlook

10.44 By virtue of its position upon the roof where it would be set back and would infill a minor amount of space, it is considered that the proposed extension would not adversely impact upon neighbouring outlook, nor would it cause an overbearing impact or increased sense of enclosure. Given the dense context of the block in which the majority of buildings have been developed at roof level, the outlook from residential habitable windows would largely remain the same given its views are of neighbouring buildings.

#### Privacy

10.45 It is considered that the proposed extension would not give rise to adverse overlooking given that the areas that the extension would afford views into are already overlooked and would not provide direct overlooking into residential windows.

#### Light Pollution

10.46 Representations have been received in respect to perceived light pollution from the proposed extension. Given its scale, it is considered that the proposed development would not cause adverse levels of such. However, it would be expected in terms of good neighbourliness that the applicant would ensure that the building is not unnecessarily lit at the upper floor levels during night-time hours.

10.47 Overall, the proposed development is considered to be acceptable on balance in respect to neighbouring amenity and therefore complies with policy 7.6 of the London Plan and policy DM2.1 of the Islington Development Management Policies 2013. It is also noted that the previous proposal is the of the same design as P2017/5021/FUL which was also concluded to be acceptable in regards to neighbouring amenity.

## **OTHER MATTERS**

### Management of the building/neighbouring buildings

- 10.48 A numbers of objections refer to the management of the building (along with neighbouring buildings within the same ownership ,as seen in the site plan at the start of this report). This is not a material planning consideration..

### Associated developments

- 10.49 Given the proposal links to the development proposed under planning application P2020/1515/FUL, it is considered reasonable to impose a condition to ensure that the commencement of this permission can only begin at the same time or after the commencement of permission P2020/1515/FUL (should it be approved) and that all the outstanding conditions under this have been satisfactorily discharged . Such a condition was attached to the P2017/5021/FUL in respect to its relationship with P2016/3455/FUL

## **11. SUMMARY AND CONCLUSION**

### Summary

- 11.1 The principle of the proposed development is considered acceptable and would provide an additional 46sqm of office floorspace. The scale and design of the development would not appear out of character within the streetscene, nor would the development harm the Hat & Feathers Conservation Area.
- 11.2 Overall, subject to conditions, the proposal would improve the appearance of the site and would not harm the surrounding area. The proposal accords with policies CS8 and CS9 of the Islington Core Strategy 2011, policies DM2.1 and DM2.3 of the Islington Development Management Policies 2013, the Urban Design Guide 2017 and the Conservation Area Design Guidelines 2002.
- 11.3 It is also considered that the development would not result in unacceptable loss of daylight or sunlight to the occupiers of adjoining residential properties. The proposal would not cause an unacceptable increase in enclosure levels, loss of outlook nor direct overlooking and would not 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 be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That the grant of planning permission be subject to **conditions** to secure the following, and that there is delegated to each of the following: the Head of Development Management, Team Leader Major Applications and the Team Leader Planning Applications to make minor changes ( additions removals or amendments ) to the conditions:

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved Plans List</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>3070-DR-0001 A; 0002 A; 0003 A; 0004 A; 0005 A; 0006 A; Design and Access Statement by Cove Burgess dated December 2017 (3070_CB_A_DAS); Daylight and Sunlight Report by Lumina Ltd dated 21/12/2017.</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>
<b>3</b>	<b>Materials (Compliance)</b>
	<p>CONDITION: The 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>
<b>4</b>	<b>Obscure Glazing (Compliance)</b>
	<p>CONDITION: As detailed within page 17 of the Design and Access Statement, the obscure glazing panels to the eastern and western elevations shall be maintained for the lifetime of the development.</p> <p>REASON: To protect neighbouring amenity.</p>
<b>5</b>	<b>Commencement of Development (Compliance)</b>
	<p>CONDITION: Notwithstanding Condition 1 listed on this decision notice, the development hereby approved shall not begin until either planning permission P2016/3455/FUL or P2020/1515/FUL is commenced and all the relevant conditions are discharged.</p> <p>REASON: The permission hereby approved is associated to the approved development P2020/1515/FUL and therefore, planning consent cannot commence until permission P2020/1515/FUL is commenced and all the conditions have been complied with.</p>

<b>6</b>	<b>Class E- Office Use Only</b>
	<p>CONDITION: The development hereby approved shall only be used as an office and for no other use within Use Class E of the Town and Country Planning (Use Classes) Regulations 2020, as amended for duration that this is in force.</p> <p>REASON: To ensure that office floorspace within the Central Activities Zone is not reduced in the future.</p>

**List of Informatives:**

<b>1</b>	<b>Construction Works</b>
	<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 <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a>) 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>
<b>2</b>	<b>Highway Requirements</b>
	<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 <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. All agreements relating to the above need to be in place prior to works commencing. Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Section 50 license must be agreed prior to any works commencing. Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. 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 <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. 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 <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a>.</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 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.

- National Planning Policy Framework 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 7.4 Local Character
- Policy 7.6 Architecture
- Policy 7.8 Heritage Assets and Archaeology

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

- Policy CS8 Enhancing Islington's character
- Policy CS9 Protecting and enhancing Islington's built and historic environment

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

##### Design and Heritage

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

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

The following SPGs and/or SPDs are relevant:

#### London Plan

- Character and Context 2014

#### Islington SPG/SPD

- Urban Design Guide 2019
- Conservation Area Design Guidelines 2002

## APPENDIX 3: EXTANT PLANNING PERMISSION



### PLANNING DECISION NOTICE

Development Management Service  
Planning and Development Division  
Environment & Regeneration Department

Cove Burgess - Mrs Katharina Breuer  
Studio 11  
6-8 Cole Street  
London  
SE1 4YH

**Case Officer:** David Nip  
**T:** 0207 527 2115  
**E:** [planning@islington.gov.uk](mailto:planning@islington.gov.uk)

**Issue Date:** 06 March 2018  
**Application No:** P2017/5021/FUL

*(Please quote in all correspondence)*

Dear Sir or Madam

#### TOWN AND COUNTRY PLANNING ACTS

#### BOROUGH COUNCIL'S DECISION: Approve with conditions

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, subject to the condition(s) listed and in accordance with the plans submitted, save insofar as may be otherwise required by the condition(s).

<b>Location:</b>	9 - 11 Northburgh Street, LONDON, EC1V 0AH		
<b>Application Type:</b>	Full Planning Application		
<b>Date of Application:</b>	22 December 2017	<b>Application Received:</b>	22 December 2017
<b>Application Valid:</b>	10 January 2018	<b>Application Target:</b>	07 March 2018

**DEVELOPMENT:** Erection of a fifth floor extension between existing roof extension on 50-56 Great Sutton Street and consented extension (P2016/3455/FUL) on 9-11 Northburgh Street.

**PLAN NOS:**3070-DR-0001 rev.A, 3070-DR-0002 rev.A, 3070-DR-0003 rev.A, 3070-DR-0004 rev.A, 3070-DR-0005 rev.A, 3070-DR-0006 rev.A, Design and Access Statement Dec 2017 3070\_CB\_A\_DAS, Daylight and Sunlight Report dated 21/12/17 by Lumina London

#### CONDITIONS:

- 1 3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

**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-DEC-AP1

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

[3070-DR-0001 rev.A, 3070-DR-0002 rev.A, 3070-DR-0003 rev.A, 3070-DR-0004 rev.A, 3070-DR-0005 rev.A, 3070-DR-0006 rev.A, Design and Access Statement Dec 2017 3070\_CB\_A\_DAS, Daylight and Sunlight Report dated 21/12/17 by Lumina London]

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

- 3 MATERIALS (COMPLIANCE): 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.

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.

- 4 Obscure glazing (Compliance): As per the approved plans and the design and access statement p.19, The obscure glazing panels to the side (East and West) elevations shall be maintained for the lifetime of the development.

REASON: To protect neighbouring amenity.

- 5 Commencement of development (Grampian condition): Notwithstanding condition 1 listed on this decision notice, the development hereby approved shall not begin until planning permission P2016/3455/FUL is commenced and all the relevant conditions are discharged.

REASON: The permission hereby approved is associated to the previously approved development P2016/3455/FUL and therefore, planning consent cannot commence until permission P2016/3455/FUL is commenced and all the conditions have been complied with.

Your attention is drawn to any **INFORMATIVES** that may be listed below

- 1 To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.

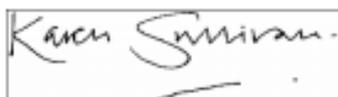
A pre-application advice service is also offered and encouraged.

Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.

The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.

Certified that this document contains a true record of a decision of the Council

Yours faithfully



# Islington SE GIS Print Template



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P2020/1542/FUL

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### PLANNING COMMITTEE REPORT

<b>PLANNING SUB-COMMITTEE A</b>		
<b>Date:</b>	7 September 2020	<b>NON-EXEMPT</b>

Application number	P2020/1515/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	No
Conservation area	Hat & Feathers
Development Plan Context	Central Activities Zone (CAZ) Bunhill & Clerkenwell Core Strategy Key Area Finsbury Local Plan Area Employment Priority Area (General) Article 4 Direction A1-A2 (Rest of the borough) Article 4 Direction B1c to C3
Licensing Implications	None
Site Address	9-11 Northburgh Street, London, EC1V 0AH
Proposal	Erection of single-storey roof extension to provide 350sqm of additional office floorspace; alterations to elevations to include re-cladding, window replacement; removal of vehicle access and new ground floor shopfront; installation of mechanical plant at lower ground and fifth floor level; and the removal and replacement of the existing ramp together and associated alterations to building.

Case Officer	Samir Benmbarek
Applicant	C/O Agent
Agent	Georgia Barrett- Maddox and Associates Ltd.

#### 1. RECOMMENDATION

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

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



**Image 1:** Aerial view of site (looking north)



**Image 2:** Aerial view of site (looking south)



**Image 3:** Front elevation- upper floors



**Image 4:** View of Northburgh Street from corner with Berry Street



**Image 5:** View of rear of No. 41-53 Goswell Road from roof facing east.



**Image 6:** View of No. 41-53 Goswell Road facing north from roof. Note this is where the proposed mechanical plant and louvres will be proposed.

## **4. SUMMARY**

- 4.1 The application proposes the erection of a single storey roof extension to create additional 350 square metres of office floor space and over cladding of the building facades with brick slips. Further works include associated external alterations to the building's facade; including the removal and replacement of the existing ramp and vehicular opening, and installation of a new ground floor frontage, together with the installation of plant equipment at lower ground and fifth floor level.
- 4.2 Internal alterations are proposed including the refurbishment of existing office building and reconfiguration of ground, upper ground and lower ground floors; removal of existing two cores, replacing with a more compact and efficient single core.
- 4.3 The proposed development of this application is identical to that of extant planning permission P2016/3455/FUL granted on 13/09/2017. The original implementation date of this permission would be 13/09/2020; however due to the recent legislation as a result of the Covid-19 pandemic, the implementation date is automatically extended until 01/04/2021 under S93A of the Town and Country Planning Act 1990 (as amended).
- 4.4 The application is brought to committee because of the number of objections received (7).
- 4.5 The issues arising from the application are the principle of additional office floorspace, the impact on the character and appearance of the host building, surrounding conservation area, and the impact on the neighbouring amenity of the adjoining and surrounding residential and commercial properties.
- 4.6 The principle of the creation of additional floor of office floor space is considered to be acceptable.
- 4.7 The design of the proposal is considered to be acceptable and would not detract from the character and appearance of the host building and surrounding conservation area and as such complies with policies DM2.1 and DM2.3 of the Islington Development Management Policies 2013. The proposal would not detrimentally impact on the amenity of the neighbouring properties.
- 4.8 The proposed building including the residential amenity terraces are considered to be of an appropriate scale, and the proposal is considered to not unduly impact the residential amenity of neighbouring properties in terms of loss of daylight and sunlight, overshadowing, reduction in outlook and increased sense of enclosure, loss of privacy and overlooking. The proposal therefore accords with policy DM2.1 of the Islington Development Management Policies 2013.
- 4.9 The proposal is therefore considered to be acceptable and it is recommended that the application be approved subject to conditions.

## **5. SITE AND SURROUNDINGS**

- 5.1 The application site is located on the southern side of Northburgh Street towards its eastern junction with Goswell Road. The building has one principal frontage along Northburgh Street.
- 5.2 The site is not statutorily or locally listed; however, it is located within the Hat & Feathers Conservation Area. The site is located within: The Central Activities Zone (CAZ); the Bunhill & Clerkenwell Core Strategy Key Area; the Finsbury Local Plan Area; and is an Employment Priority Area (General)
- 5.3 The existing site comprises a five storey modern office building in a row of similar commercial/mixed use buildings. The existing building has two entrances at ground floor level. The existing front façade comprises concrete rendered spandrel panels with concrete ledges centred around brick cladding on end bays. The existing windows are white metal framed.

- 5.4 The existing building comprises a flat roof with two single storey brick lift overruns. The property adjoins the rear 50-56 Great Sutton Street which has a modern single storey roof extension originally granted consent in 2005 ref: P050688 then amended through consent granted in 2010 ref: P100761.
- 5.5 The predominant building height in the street scene is six storeys. Northburgh Street is mixed in its use although the predominant use within that mix is commercial, more specifically office. Residential properties are present on the upper floors at No. 8 Northburgh Street and at the upper floors of the adjacent buildings along Goswell Road.
- 5.6 The wider locality features a mix of commercial (retail office, light industry, eating and drinking as some observed examples) as well as residential, typically within the upper floors of buildings. The site is located near main roads within the area such as Goswell Road, Clerkenwell Road and Old Street and is located close to Farringdon and Barbican stations.

## **6. PROPOSAL (IN DETAIL)**

- 6.1 The application proposes the erection of a single storey roof extension to create additional office floorspace increasing the height of the building to six storeys, over cladding of the building facades with brick slips and panelling. Further works include associated external alterations to the building's façade to over-clad the spandrel panels on the upper floors with brick slips, install replacement aluminium windows; and the removal and replacement of the existing ramp together with new glazed façade at ground floor and the installation of plant equipment at lower ground and fifth floor level. Internal alterations are proposed including refurbishment of existing office building and reconfiguration of ground, upper ground and lower ground floors; removal of existing two cores, replacing with a more compact and efficient single core.
- 6.2 The proposed single storey roof extension would be largely glazed on the front elevation with an area of plant concealed behind acoustic louvres. The proposed roof extension would be set back from the building's frontage by 2.2 metres with a solid single ply waterproof membrane system. The works to the front façade retain the existing vertical lines of the columns.
- 6.3 The existing ground floor entrance and driveway used to access car parking at the rear is to be infilled to create a small uplift of 25 square metres of net internal area of office floor space. A new entrance is to be created on the right side of the front elevation with a new ramp to be installed to allow access for cycle parking and refuse at the rear of the site.
- 6.4 Changes are proposed to the ground floor frontage through the replacement of the brick and concrete façade, with a largely glazed frontage including the infilling of the existing two storey entrance and creation of a new main reception on the left side of the front façade.
- 6.5 To the rear of the building fronting the lightwell it is proposed to replace the existing windows.
- 6.6 Internally, there are changes to the layout to seek to maximise daylighting and provide a more efficient usage of space through the removal of 11 Northburgh Street's circulation core and the two existing toilets, and placing the new entrance core around the existing structure of No. 9 Northburgh Street's existing core. Existing partitions are also removed.
- 6.7 The works also include the creation of 50 cycle parking spaces for the tenants of 9-11 Northburgh Street and 40 cycle spaces for the tenants of 50-56 Great Sutton Street totalling 90 cycle spaces.
- 6.8 This application is a resubmission of planning permission ref: P2016/3455/FUL dated 13/09/2017 which was presented a Planning Sub-Committee A on 04/09/2017. This planning permission has an automatic extension until under S93A of the Town and Country Planning Act 1990 (as amended), which allows applications with an implementation date expiring between 19/08/2020 and 31/12/2020 to be extended until 01/04/2021. This extant planning permission is a material planning consideration to this application.

6.9 P2016/3455/FUL followed pre-application advice ref: Q2016/1015/MIN provided in August 2016.

## 7. RELEVANT HISTORY:

### Application Site

7.1 P2016/3455/FUL- Erection of a single storey roof extension to create additional 350 square metres of office floorspace (B1), and over-cladding of the building facades. Associated external alterations to the building's facade; and the removal and replacement of the existing ramp together with the installation of plant equipment at lower ground and fifth floor level. Removal of existing two cores, replacing with a more compact and efficient single core. Removal of car access way and installation of new ground floor glazed shopfront. **Approved with conditions 13/09/2017.**

7.2 P2017/5021/FUL- Erection of a fifth floor extension between existing roof extension on 50-56 Great Sutton Street and consented extension on 9-11 Northburgh Street. **Approved with conditions 06/03/2018.**

7.3 P2020/1542/FUL- Erection of a fifth floor infill extension between to link previously approved roof extension and adjoining roof extension and at No. 50-56 Great Sutton Street. **Under determination.**

### No. 50-56 Great Sutton Street:

7.4 P050688- Roof extension to existing office building at 5th floor level to provide additional office space. Approved with conditions 17/10/2006.

7.5 P100761- Upgrading of windows and finishes to existing elevation, new street access also including a previously consented roof top extension (application ref P050688). Approved with conditions 29/06/2010.

## 8. CONSULTATION

### Public Consultation

8.1 Letters were sent to occupants of 139x adjoining and nearby properties at Northburgh Street, Great Sutton Street, Berry Street and Goswell Road on 25/06/2020.

8.2 A site notice and press advert were displayed on 25/06/2020. The public consultation of the application therefore expired on 06/08/2020; however, it is the Council's practice to continue to consider representations made up until the date of a decision.

8.3 At the time of the writing of this report a total of **6** responses had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

### ***Land Use***

- The requirement for additional office space given impacts of Covid-19 on working practices.

**(Paragraph 10.10-10.11)**

### ***Design and Character***

- Proposed roof extension would add to dominance of building;
- Rooftop plant contrary to Islington's design guidance;
- New lift and stair shaft is not in keeping with the area;
- Proposed ground floor elevation changes are inappropriately dominant for the narrow street and would turn it into a largely commercial street.

**(Paragraphs 10.12-10.39)**

### ***Neighbouring Amenity***

- Loss of light and overshadowing;
- Loss of outlook, over dominance and sense of enclosure;
- Overlooking and loss of privacy;
- Noise and light pollution from proposed extension;
- Impact of rooftop mechanical plant and servicing;
- Use of the rooftop terrace.

**(Paragraphs 10.45-10.68)**

### **External Consultees**

8.4 **London Fire Brigade:** No response received.

### **Internal Consultees**

8.5 **Inclusive Design Officer:** Cycle parking is for office staff which complies in terms to terms of number but location not desirable; however understandable given the constraints.

8.6 **Highways:** No objection in principle to the redevelopment of the site. Comments include:

(1) The 3 Residential Parking Bays outside the property will need to be suspended to allow for construction materials to be delivered and removed.

(2) There will need to be a SEC106/SEC278 applied to the application for the reinstatement of the drop curb/access outside the property, which should include this cover and to cover any damage caused to the carriageway and footway.

(3) Pedestrians should be diverted to the other side of Northburgh Street to prevent any Health and Safety being compromised to them, as the footway outside 9-11 Northburgh Street is quite narrow.

(4) Deliveries of construction materials should ideally take place outside of peak hours.

8.7 **Environmental Health:** No objection in regards to noise subject to conditions on noise levels and hours of operation of the mechanical plant.

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

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

### **National Guidance**

- 9.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the main following 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 A 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 72(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 and the Islington Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

- 9.11 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Central Activities Zone (CAZ)
  - Bunhill & Clerkenwell Core Strategy Key Area
  - Finsbury Local Plan Area
  - Employment Priority Area (General)
  - Article 4 Direction A1-A2 (Rest of the borough)
  - Article 4 Direction B1c to C3

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

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

### **Emerging Policies**

#### **Draft London Plan (Intend to Publish Version), December 2019**

- 9.13 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State has appointed a Panel to conduct an examination in public ('EIP') which opened on 15 January 2018 and continued until May 2019. The Panel of Inspectors made several recommendations to the Mayor on 8<sup>th</sup> October 2019 and the Mayor responded on the 9<sup>th</sup> December 2019 with a version which is intended to be published by March 2020. The Secretary of State has now considered the 'Intend to Publish' version and the proposed changes and has made several recommendations, which are referenced in the main body of the Inspector's report. Whilst the draft London plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration. The emerging London Plan policies have been taken into account.

Relevant policies in the emerging London Plan are set out below:

- Policy D1- London's form, character and capacity for growth
- Policy D4- Delivering good design
- Policy D5- Inclusive design
- Policy E1- Offices
- Policy HC1- Heritage conservation and growth
- Policy SI 2- Minimising greenhouse gas emission

9.14 It should be noted that the Secretary of State has written to the Mayor of London setting out various directions to alter aspects of the emerging London Plan. It is not known at this state what response the Mayor will make to the directions. In any event, given what is proposed in the application, the direction does not alter the assessment in this case.

#### 9.15 Draft Islington Local Plan 2019

9.16 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process in progress.

9.17 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

9.18 Emerging policies relevant to this application are set out below:

- Policy S1- Delivering sustainable design
- Policy S2- Sustainable design and construction
- Policy S4- Minimising greenhouse gas emissions
- Policy T2- Sustainable transport choices
- Policy T5- Delivery, servicing and construction
- Policy DH1- Fostering innovation and conserving and enhancing the historic environment
- Policy DH2- Heritage assets
- Policy DH7- Shopfronts

## 10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design, Conservation and Heritage
- Neighbouring Amenity
- Inclusive Design
- Highways and Transport
- Refuse and Recycling
- Energy and Sustainable Design and Construction
- Other Matters

## LAND USE

- 10.2 The site is located within the CAZ, the Bunhill and Clerkenwell Core Strategy Key Area and is located within an Employment Priority Area (general). The proposed development would involve an uplift of 350sqm of office floorspace to the building at roof level.
- 10.3 Policy CS13 (A) of the Islington Core Strategy specifies that new employment space development should be encouraged to be located within the CAZ or town centres; be flexible and meet changing business needs and to require a different types and sizes including those that can accommodate SMEs. In conjunction, policy CS7 of the Core Strategy requires “Employment development within Bunhill and Clerkenwell will contribute to a diverse local economy which supports and complements the central London economy. Employment-led development will be largely concentrated south of Old Street and Clerkenwell Road...”
- 10.4 Part F of policy DM5.1 of the Islington Development Management Policies requires that new business floorspace must be designed to allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses.
- 10.5 Policy BC8 of the Finsbury Local Plan 2013 prevents any loss of business floorspace within the area and the maximisation of such floorspace.
- 10.6 In land use terms, the proposed uplift of office floorspace is considered acceptable in principle given that it is located within designated areas where the development, growth and maximisation of business floorspace is encouraged.
- 10.7 The proposed development (namely the internal alterations and the roof extension) will ensure enhanced provision of flexible office floorspace with specifications and facilities to meet the needs of a variety of modern businesses, particularly micro, small and medium sized enterprises. The internal alterations will allow for cellular units on the upper floors to cater for SMEs, high ceilinged units all of at least 2.7 metres, and a new singular lift core to cater for a wider range of needs. The proposed new and reconfigured office floorspace across the site has level access at each level. The proposals will ensure enhanced provision of flexible business floorspace with specifications and facilities to meet the needs of a variety of modern businesses, particularly micro, small and medium sized enterprises.
- 10.8 As a result, the provision of additional office floorspace and its design is considered to meet the requirements of policy CS13 of the Core Strategy, policy DM5.1 of the Development Management Policies, and the needs of micro and small enterprises as required by policy BC8 of the Finsbury Local Plan, and is acceptable in this regard.
- 10.9 The Town and Country Planning (Use Classes) Regulations were amended on 1<sup>st</sup> September 2020. The amended Use Class regulations omit the former Use Class B1 and introduces a new Use Class E, which encompasses office use, together with many other town centre uses. The application proposes the introduction of additional office floorspace, with no other uses proposed. The assessment of the proposal is based on the applicant’s submission for office use and an assessment of other uses within Class E, both in terms of the applicant’s submission and the Local Planning Authority’s assessment is based solely on office use. As such, a condition is recommended restricting the use of the development to only office use and no other use within Class E of the Use Class Order 2020. Should any other use be proposed this would require the submission of an application and appropriate supporting documentation.
- 10.10 Some of the comments within the received representations referred to empty offices in this area and as a result, noted that the proposed development should not be permitted, as well as the perceived need for offices as a result on new working practices from the Covid-19 pandemic. However, given the site’s location within the designated Central Activities Zone and Employment Priority Areas (General), the Council’s land use policies seek to support the City of London’s financial and business services sectors which extend across the Islington borough boundary through incorporating the maximum amount of business floorspace reasonably possible on the site.

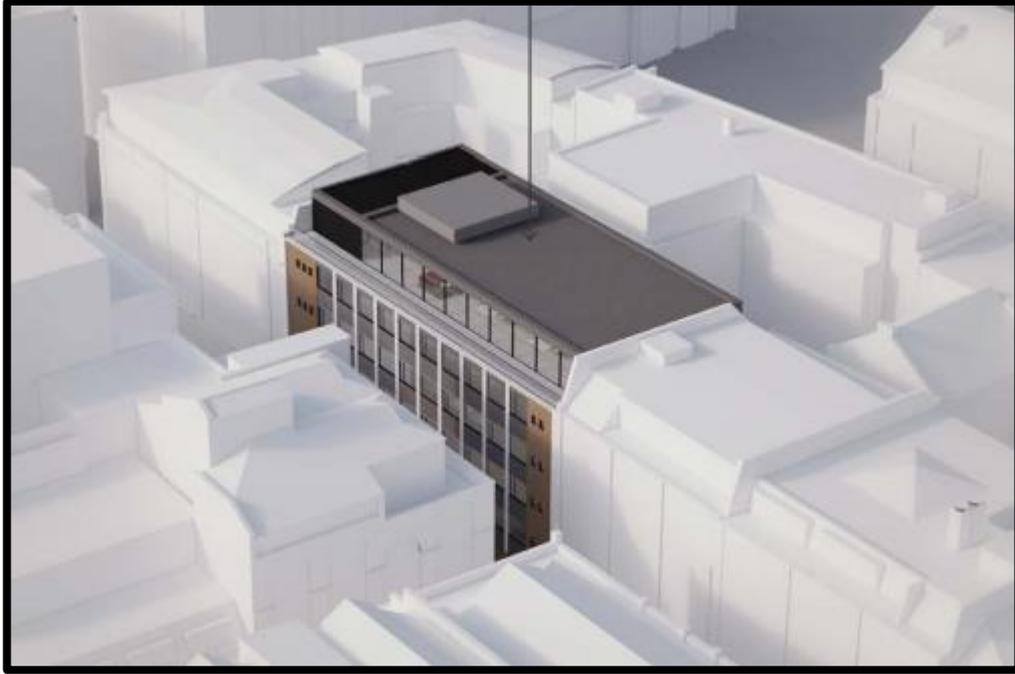
As a result, the proposed addition of 350 square metres of office floorspace to an existing office building is considered to accord with the aims of the council's land use policies.

- 10.11 In addition, and as discussed in paragraph 6.8 of this report, the site has extant permission (P2016/3455/FUL) which also provides the same amount of office floorspace under the same national, regional and local planning policy and guidance. Therefore, it would be unreasonable to refuse the application on land use considerations (or any other).

## **DESIGN, CONSERVATION AND HERITAGE**

- 10.12 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should contribute positively to making places better for people.
- 10.13 Paragraph 131 of the NPPF (2019) states that in determining planning applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 10.14 Policy CS8 of the Islington Core Strategy sets out the general principles to be followed by new development in the borough. Policy CS9 of the Core Strategy and policy DM2.1 of the Islington 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
- 10.15 Policy DM2.3 of the Development Management Policies will ensure that the borough's heritage assets are conserved and enhanced in an appropriate manner whilst development that makes a positive contribution to Islington's local character and distinctiveness will be encouraged. The site is located within the Hat & Feathers Conservation Area.
- 10.16 As the site is located within a conservation area, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal, special regard must be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.
- 10.17 Paragraph 190 of the NPPF states that the Local Planning Authority should identify and assess the particular significance of any heritage asset that may be affected by a proposal. Paragraphs 193-194 state that great weight should be given to an asset's conservation (and the more important the asset, the greater the weight should be).
- 10.18 Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

## Roof Extension and Plant Enclosure



**Image 7:** Proposed roof extension and plant louvers.



**Image 8:** Proposed roof extension and plant louvers as approved under planning permission: P2016/3455/FUL.

10.19 A key objective of the Islington Urban Design Guide (IUDG) is that development should contribute to the vitality and mix of uses on commercial streets and main roads. Whilst the IUDG provides advice on roof extensions, this does specifically apply to residential extensions; however, some of the background basis and advice can be applied to this application.

- 10.20 Paragraph 5.150 reads “*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.*” These criteria are the number of existing roof extensions and the length of the terrace within the context of this application.
- 10.21 It is noted that the subject building is the only building in the terrace and block to not have a roof extension.
- 10.22 Paragraph 1.22 of the Hat & Feathers Conservation Area Design Guidelines read “*Roof extensions visible from the street or a public open space will not be granted where this is harmful to the character and appearance of the building.*”
- 10.23 Given the above policy and site context, the proposed roof extension is considered acceptable in terms of the principle. It would be single storey and would terminate with the neighbouring buildings in the block and is considered to provide some reunification in regard to height. The roof extension would also be set back from the front parapet of the building, further conforming with the mass and position of the neighbouring roof extensions, appearing subservient in relation to the existing building, and lessening its impact on the character of the street scene below.
- 10.24 The detailed design and proposed materials for the extension are also considered appropriate for the existing building and surrounding context. The materials used would be single ply membrane for the roof and the front elevation of the extension would be majority glazing with acoustic louvres for the screening of the proposed plant. The proposed materials for the extension are lightweight and can ensure that the extension is read as a separate and latter addition to the building.
- 10.25 The setback of the proposed roof extension is 2.2m and as such would not be seen in public views. The extension would be visible in some short and longer private views, but due to its design and integration into the surrounding realm, is not considered to harm such views.
- 10.26 Mechanical plant is proposed at roof level contained within louvres by the proposed roof extension as well as at lower ground floor level. The IUDG advises that any plant or machinery associated with the operation of a commercial flue should be located within the building if possible and at low level. Whilst not all of the proposed plant would be located at lower ground floor level and on the roof, it is considered acceptable in design given it would be enclosed with the units and there are examples of nearby plant of roofs. The proposed plant is considered to not result in a proliferation of such across the roofs of the block.
- 10.27 The proposed roof developments is considered to be acceptable in respect to conservation and design by reason of the principle, scale, bulk, position and detailed design.

#### Front Elevation Alterations

- 10.28 At ground floor level, the building’s façade would be altered to feature majority glazing with aluminium framing across the width of the building with the vertical columns retained and exposed behind in which the form and appearance of the upper floors have been carried through to ground floor level in a contemporary and appropriate design.

- 10.29 Whilst the existing front elevation features a central vehicle access which takes up the majority of the façade at ground floor level, it is considered the existing elevation lacks any legible entrance which the proposal addresses. The ground floor is also opened up to the street with majority glazing, providing natural surveillance whilst contributing to the predominantly commercial character of Northburgh Street. As part of the works, the vehicle access would be removed, providing an improved frontage at street level.
- 10.30 Comments have been received in respect to the new ground floor façade works turning the street scene in to a commercial setting when there are residential uses present as well. Whilst it is agreed there is an overall mixed use in the area, the ground floor units historically accommodate commercial uses (which has continued to the present) which in turn makes its presence within the street scene and forms the character. Whilst contemporary, the overall design of the façade at ground floor level sympathises with the established commercial character.



**Image 8:** Proposed front elevation (ground floor)

- 10.31 On the upper floors, the façade would be reclad in a matching finish which is welcomed along with brick slips. The windows would also be replaced. Whilst the window profiles would be different to the existing, there is no objection to this and the cumulative impact of the window replacements on the front elevation would materially alter the character and appearance of the building or wider area. The existing openings would not be altered as a result of the proposal.
- 10.32 At the rear, on the southern elevations, the windows would also be replaced with PPC metal framed windows. This are also considered acceptable in their appearance and profile and the existing openings would not be altered as a result. The removal of the existing windows on the eastern elevation and subsequent bricking up is also considered acceptable given it would only be visible in some private views
- 10.33 Representations received detail how the new lift and stair shaft would not be in keeping with the area. This would not have any impact given this is an internal alteration contained within the envelope of the building.

- 10.34 Overall, it is considered that the proposed works would be an improvement to the existing building and would preserve and enhance the character and appearance of this part of the Hat & Feathers Conservation Area. In addition, the improved façade to the building is considered a public benefit as well as an increase in office floorspace in the area.
- 10.35 The proposed development will provide a suitably high standard of design within the Hat & Feathers Conservation Area using suitable materials in a contemporary design. The proposal is considered to add to the character of this part of conservation area is therefore supported. It is also noted that the above considerations have been confirmed prior, given the extant planning permission P2016/3455/FUL which is of largely the same design.
- 10.36 In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Hat & Feathers Conservation Area. Given the above, the proposal is not considered to cause harm to the character or appearance of the host building, or the wider conservation area. The proposed development is considered to of a high quality design that is sensitive to its context. It would enhance and not detract from the character and appearance of the Hat & Feathers Conservation Area as seen within public and private views.
- 10.37 Therefore, the proposed development complies with the National Planning Policy Framework 2019, policies 7.4, 7.6 and 7.8 of the London Plan 2016, policies CS8 and CS9 of the Islington Core Strategy 2011 and policies DM2.1 and DM2.3 of the Development Management Policies 2013. The development also adheres to the guidance in the Islington Urban Design Guide 2017 and the Hat & Feathers Conservation Area Design Guidelines 2014.
- 10.38 Consideration has also been taken into policies DH1 (Fostering innovation and conserving and enhancing the historic environment) and DH2 (Heritage assets) of the Draft Islington Local Plan. The proposed development is considered a high quality which would contribute to the character of this part of the Hat & Feathers Conservation Area. It is noted that the aims of policy DH2 of the Draft Local Plan does not diverge significantly from that of policy DM2.3 of the Development Management Policies in respect to heritage assets.
- 10.39 Whilst the proposed materials have been considered to be appropriate, to ensure that it is of a high quality appearance and finish, a condition will be attached upon approval for details of all facing materials within the proposed development.

### **INCLUSIVE DESIGN**

- 10.40 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 2013, which requires developments to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone.
- 10.41 The proposals would result in step-free access to all floors of the building including the provision of the replacement ramp, and level access to the main entrance which results in improvement to all users of the building.
- 10.42 Whilst internal works to the building are not covered by planning permission, the changes to the layout including the reconfiguration of ground, upper ground and lower ground floors to allow for level access and a more efficient plan layout is welcomed.
- 10.43 The approaches taken to improve accessibility are the same as that of the extant planning permission P2016/3455/FUL.

10.44 Given the constraints of the site and the approaches taken to improve accessibility for all users, the proposed development is considered to comply with policy DM2.2 of the Islington Development Management Policies 2013. Furthermore, the proposed development would be considered to overall comply with Part B of policy H4 of the Draft Local Plan which has the same aims as current policy DM2.2.

### **NEIGHBOURING AMENITY**

10.45 The Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing.

10.46 Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.

10.47 The eastern elevation of the building faces towards the courtyard at the rear of the residential properties on the upper floors of 41 to 45 Goswell Road. These residential properties are accessed via an external access deck on three sides of a courtyard. The southern elevation of the building overlooks the rear boundaries of the commercial properties at 50-56 Great Sutton Street. The northern (front) elevation of the building faces No. 8 Northburgh Street located on the opposite side of the street with a separation distance of approximately 8m.

10.48 The closest residential properties identified that have the potential to have amenity impacted as a result of the development are No. 8 Northburgh Street and No. 41-45 Goswell Road. The residential uses are on the upper floors within both buildings.

### Daylight, Sunlight and Overshadowing

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

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

10.51 The BRE Guidelines provide numerical guidelines, the document though emphasises that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

10.52 The applicant has submitted a Daylight and Sunlight Report and Addendum by Lumina Ltd dated June 2017 which assesses the impact of the proposed development on the properties at:

- 8 Northburgh Street

## Daylight

- 10.53 In respect to daylight, the BRE Guidelines stipulate that... “the diffuse daylighting of the existing building may be adversely affected if either: *the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value or the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.*” (No Sky Line / Daylight Distribution).
- 10.54 At paragraph 2.2.7 of the BRE Guidelines it states: “*If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.*”
- 10.55 The daylight and sunlight report and addendum concludes that sets out that no windows on the adjacent residential properties at 8 Northburgh Street would fail the BRE Vertical Sky Component (VSC) Test. No other tests were carried out on these windows.
- 10.56 No assessment or figures were provided on potential daylight losses towards the residential properties at No. 41-45 Goswell Road. However, within the sub-committee report for the extant permission, officers commented that the scheme was reduced from two-storey roof extension which posed significant impacts upon habitable windows. Officers concluded that the revised single storey extension would result in negligible impacts that would not warrant a reason for refusal on loss of light. As this proposal is of the same scale and location on the building, the same it is considered that the same conclusion of negligible loss of daylight would be reached.

## Sunlight

- 10.57 The BRE Guidelines state at paragraph 3.16 in relation to orientation: “*A south-facing window will, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit.*”
- 10.58 As such, habitable windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:
- *Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 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.”*
- 10.59 No details were provided on sunlight figures for either No. 8 Northburgh Street or No. 41-45 Goswell Road. However, in reference to the sub-committee report for the extant permission officers concluded that impacts to sunlight as a result of the proposed development would be acceptable and for the same reason as explained in paragraph 10.51 of the previous report, the proposed development is also found to be acceptable in respect to sunlight.

- 10.60 No assessment was provided for on-ground levels of light located behind No. 41-53 Goswell Road; however, it is considered it would not experience a harmful reduction of daylight or sunlight in line taking into account the acceptable results for the neighbouring windows.

#### Outlook

- 10.61 Consideration has been given to the increase in depth, scale, bulk and massing of the proposed works which extend no higher than the existing structures; the oblique angle of view and separation distance from the nearest windows of the residential properties at No. 41-45 Goswell Road; and the nature of the dense urban and central location of the site. The proposed increase in bulk and massing and footprint of the existing structures at fifth floor level is considered to be relatively minor, and would not result in an unacceptably overbearing impact, loss of outlook or unacceptable increase in sense of enclosure to the rear elevations of the residential properties at No. 41- 45 Goswell Road.
- 10.62 The site faces towards the residential properties on the upper floors of 8 Northburgh Street which sit on the opposite side of Northburgh Street. It is noted that the road is narrow and the front elevations of the buildings are only approximately 8 metres apart. Consideration has been given to the small scale of the increase in height of the proposed roof extension at 3m, the buildings are separated by a public highway, and the set back of the extension from the front elevation. The dense central location, and existing relationship between the buildings is also noted. When all of the above are considered, the impact on the existing outlook and enclosure of the residential properties on the opposite side of Northburgh Street is considered to be negligible.

#### Privacy

- 10.63 Given that there are no windows proposed on the eastern elevation of the extension, the proposed development would not cause any new opportunities of overlooking into No. 41-45 Goswell Road. Despite the small separation distance, given the building is separated from No. 8 Northburgh Road by a street and the roof extension is set back, it is considered there would not be an adverse loss of privacy towards these residential occupiers.

#### Noise

- 10.64 Policy DM2.1 also states development should not have an adverse impact on amenity in respect to noise and disturbance. The closest residential uses are located to the immediate north, south and east of the site.
- 10.65 An Acoustic Report has been submitted by the applicant to demonstrate the potential effects of the development in terms of noise. The report concludes that the noise emitted from the proposed plant would not result in an adverse impact to nearby residential properties. The noise assessment has been reviewed by the Council's Public Protection Officer and considered to be acceptable subject to conditions to limit the noise emitted from the plant to at least 5dB(A) below the background noise levels and to restrict the hours of operation of the plant with timers.

#### Fifth floor flat roof area

- 10.66 Due to the 2.2m setback of the extension from the front elevation, there would be a considerable amount of flat area which has the potential to be used for user amenity purposes which in turn could compromise neighbouring amenity. Therefore, upon approval, a condition would be attached to ensure that the flat roof would not be used as an amenity terrace and be used for emergency and maintenance purposes only.
- 10.67 All other aspects of the development would not impact upon the residential amenity of adjoining occupiers. The proposed development has been confirmed, on balance, to not harm neighbouring amenity by virtue of planning permission P2016/3455/FUL.

10.68 Overall, the proposed development is considered to be acceptable on balance in respect to neighbouring amenity and therefore complies with policy 7.6 of the London Plan and policy DM2.1 of the Islington Development Management Policies 2013

## **HIGHWAYS AND TRANSPORT**

10.69 The site has excellent access to public transport and the Public Transport Accessibility Level is 6b.

10.70 The site has very good access to public transport and the Public Transport Accessibility (PTAL) rating is 5. Bus routes which serve the site are 4, 56, 55, 153. The site is also a six-minute walk from Barbican Underground Station which is served by the Circle, Hammersmith & City and Metropolitan lines; a ten-minute walk from Farringdon station which is served by the same Underground lines as well as Thameslink services; and a fifteen minute walk from Old Street station which is served by the Northern line and National Rail.

10.71 Policy DM8.6 sets out that provision for delivery and servicing should be provided off-street, particularly for commercial developments over 200 square metres of gross floor area, in order to ensure proposed delivery and servicing arrangements are acceptable.

10.72 Whilst no Transport Assessment and Delivery and Servicing Plan has been submitted, in line with the existing arrangements, servicing and deliveries will continue to be undertaken via Northburgh Street. The uplift in floorspace is proportionally small in relation to the host building and is unlikely to materially impact on the existing arrangement. The Council's Highways Officer has raised no objection to this arrangement. This is considered to be acceptable subject to a condition requiring a Construction Method Statement to control the construction works phase.

10.73 It was commented that the application should be subject to a S106 agreement or S278 agreement for the reinstatement of the drop curb access outside the property and to cover any damage to the highway. A condition to comply with S278 was attached to the extant permission, and given the proposal and the context is the same, this is recommended again here.

10.74 The proposals result in the loss of the existing car parking to the rear of the site. However, Core Strategy policy CS10 requires all new developments to be car-free, which means no parking provision will be allowed on site and occupiers will not have the ability to obtain parking permits. Blue badge holders will have access to existing spaces in this regard. There will be minimal impact on traffic congestion as a result of the proposed works.

10.75 In accordance with Appendix 6 of the Islington Development Management Policies 2013, 1x per 80sqm of office floorspace should be provided. The scheme proposes 90x cycle parking spaces including 50 for users of 9-11 Northburgh Street and 40 for the users of 50-56 Great Sutton Street. The total provision of cycle parking accords with the requirements of policy DM8.4 of the Development Management Policies and would be sheltered, secure and accessible.

## **REFUSE AND RECYCLING**

10.76 The existing and enlarged office space would have a dedicated refuse store at ground floor level accessed from Northburgh Street which is considered to be acceptable and mirrors similar office refuse collection methods in the surrounding area within this section of the CAZ.

## **ENERGY AND SUSTAINABLE DESIGN AND CONSTRUCTION**

10.77 Policy DM7.1 of the Islington Development Management Policies state that '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'. Policy DM7.2 seeks to ensure Energy efficiency and carbon reduction in minor schemes.

- 10.78 An energy statement and a sustainability statement were submitted which looked into different forms of renewable energies and sustainable measures. Thermal glazing and materials with good thermal credentials are proposed with most forms of renewable energy deemed not feasible as part of the extension. The options explored were connecting the building to existing heat district networks, wind turbines, solar panel heating, ground source heat pump, air source heat pump and biodiesel.
- 10.79 The only option deemed applicable and relatable to the site is the use of air source heat pumps. Wind turbines were commented on working well within the dense environment of its location, solar panels were not considered to provide savings against the amount of space it would occupy, whilst there is not suitable location for ground source heats pumps as a result of the dense urban context. Biodiesel would need to be delivered and stored within the site which is also considered unsuitable.
- 10.80 Given the scale of the development and that these matters were looked into as part of the development, the lack of such is not considered a reason to warrant refusal.

### **COMMUNITY INFRASTRUCRE LEVY (CIL)**

- 10.81 The proposed development would be liable for both the Mayoral and Islington CIL. The charge is £50 per sqm and £80 per sqm respectively.

### **OTHER MATTERS**

#### Fire Strategy

- 10.82 A fire strategy has been submitted outlining escape routes from the fifth floor extension and remodelled ground floor level in the event of a fire. The details are considered to be acceptable and commensurate with the scale and scope of the development as a whole

## **11. SUMMARY AND CONCLUSION**

### Summary

- 11.1 The principle of the proposed development is considered acceptable and would provide an additional 350sqm of office floorspace. The scale and design of the development would not appear out of character within the streetscene, nor would the development harm the Hat & Feathers Conservation Area.
- 11.2 Overall, subject to conditions, the proposal would significantly improve the appearance of the site and would not harm the surrounding area. The proposal accords with policies CS8 and CS9 of the Islington Core Strategy 2011, policies DM2.1 and DM2.3 of the Islington Development Management Policies 2013, the Urban Design Guide 2017 and the Conservation Area Design Guidelines 2002.
- 11.3 It is also considered that the development would not result in unacceptable loss of daylight or sunlight to the occupiers of adjoining residential properties. The proposal would not cause an unacceptable increase in enclosure levels, loss of outlook nor direct overlooking and would not 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 be granted subject to conditions and s106 legal agreement heads of terms as set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That the grant of planning permission be subject to **conditions** to secure the following, and that there is delegated to each of the following: the Head of Development Management the Team Leader Major Applications and the Team Leader Planning Applications to make minor changes (additions removals or amendments) to the conditions:

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved Plans List</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>3070-CB-A-DR: 00-XX-01 P1; 00-XX-02 P1; 01-00-00 P2; 01-01-00 P2; 01-02-00 P2; 01-03-00 P2; 01-04-00 P2; 01-05-00 P1; 01-B1-00 P2; 01-B2-00 P2; 03-E0-00 P1; 03-N0-00 P1; 03-S0-00 P1; 02-AA-00 P1; 02-CC-00 P1; 10-00-00 P3; 10-01-00 P4; 10-02-00 P3; 10-03-00 P3; 10-04-00 P4; 10-05-00 P4; 10-05-01 P4; 10-05-02 1; 10-06-00 P4; 10-B1-00 P1; 10-B2-00 P1; 12-E0-00 P4; 12-N0-00 P4; 12-N0-01 P4; 12-S0-00 P5; 11-AA-00 P4; 11-BB-00 P4; 11-CC-00 P4; 11-DD-00 P4.</p> <p>3070: Area Schedule; Design and Access Statement by Cove Burgess dated June 2017 (3070_CB_A_DAS Rev P3); Northburgh Street Planning Addendum by Cove Burgess. Nos 9-11 Northburgh Street, London Borough of Islington, EC1V 0AH by Pre-Construct Archaeology dated June 2016; Addendum Daylight and Sunlight Report by Lumina Ltd dated December 2016; Second Addendum Daylight and Sunlight Report by Lumina Ltd dated June 2017; Energy Strategy Report by Renewable Environmental Services dated 01/07/2016 (Ref: 7892); Fire Strategy by Cove Burgess; Heritage Statement by MOLA dated July 2016; Heritage Statement by Bidwells dated January 2017; Environmental Noise Assessment by Acoustics Plus dated 07/06/2016 (Ref: 103180.ph.Issue1); Phase 1 Environmental Report by Contaminated Land Solutions dated June 2016 (Ref: 0930-P1E-1); Planning Statement by Porta Planning dated September 2016; Structural Planning Statement by Parmarbrook dated July 2016; Sustainability Statement by Renewable Environmental Services dated 30/06/2016 (Ref: 7892); Frame+ 100/120 RI Planning Rooflight Window by Raico.</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>
<b>3</b>	<b>Materials (Details)</b>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <p>a) Brick slips (including colour, texture and method of application);  b) window treatment (including sections and reveals);  c) roofing materials;  d) final details and materials for acoustic louvres;  e) Any other materials to be used.</p>

	<p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard</p>
<b>4</b>	<b>Construction Method Statement</b>
	<p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust and dirt during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
<b>5</b>	<b>Noise (Compliance)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014."</p> <p>REASON: For the protection of neighbouring amenity.</p>
<b>6</b>	<b>Timers (Compliance)</b>
	<p>CONDITION: Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of condenser units to between the hours of 08:00 to 20:00 each day only. The condenser units shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p> <p>REASON: For the protection of neighbouring amenity.</p>
<b>7</b>	<b>Cycle Parking (Compliance)</b>
	<p>CONDITION: The bicycle storage area(s) hereby approved, shall be provided prior to the first occupation of the development hereby approved as shown on drawing no. 3070-CB-A-DR-10-B2-00 Rev P1; 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>

<b>8</b>	<b>Flat Roof Not To Be Used As Terrace (Compliance)</b>
	<p>CONDITION: The flat roof area to the front and rear of the fifth floor roof extension hereby approved as shown on plan no. 3070-CB-A-DR-10-05-00 P4 shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
<b>9</b>	<b>Highways Reinstatement (S278)</b>
	<p>CONDITION: The office space hereby approved shall not be occupied until the crossover immediately situated to the north east of the site has been removed and the pavement has been reinstated pursuant to an agreement with the local highway authority under Section 278 of the Highways Act 1980.</p> <p>REASON: In the interests of ensuring the redundant feature to the street scene as a direct result of the development is removed and the highway reinstated.</p>
<b>10</b>	<b>Dropped Kerb (S278)</b>
	<p>CONDITION: The office space hereby approved shall not be occupied until a dropped kerb has been completed in to enable suitable refuse and recycling collection in accordance with Section 278 of the Highways Act 1980.</p> <p>REASON: In the interests of ensuring safe access onto the highway for refuse collection.</p>
<b>11</b>	<b>Class E- Office Use Only</b>
	<p>CONDITION: The development hereby approved shall only be used as an office and for no other use within Use Class E of the Town and Country Planning (Use Classes) Regulations 2020, as amended for duration that this is in force.</p> <p>REASON: To ensure that office floorspace within the Central Activities Zone is not reduced in the future in accordance with policy CS13 of the Islington Core Strategy and policies DM5.1 and DM5.2 of the Islington Development Management Policies 2013.</p>

**List of Informatives:**

<b>1</b>	<b>Construction Works</b>
	<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 <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a>) 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>
<b>2</b>	<b>Highway Requirements</b>
	<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 <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. All agreements relating to the above need to be in place prior to works commencing. Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Section 50 license must be agreed prior to any works commencing. Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. 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</p>

	streetworks@islington.gov.uk. Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a> .
<b>3</b>	<b>Community Infrastructure Levy (CIL)</b>
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL).</p> <p>The Council will issue a CIL Liability Notice stating the CIL amount that will be payable on the commencement of the development. Failure to pay CIL liabilities when due will result in the Council imposing surcharges and late payment interest.</p> <p>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/cil">www.planningportal.gov.uk/cil</a>, and the Islington Council website at <a href="http://www.islington.gov.uk/cil">www.islington.gov.uk/cil</a>. CIL guidance is available on the GOV.UK website at <a href="http://www.gov.uk/guidance/community-infrastructure-levy">www.gov.uk/guidance/community-infrastructure-levy</a>.</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 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.

- National Planning Policy Framework 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 5.3 Sustainable design and construction
- Policy 6.7 Better streets and surface transport
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking
- 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 CS8 Enhancing Islington's character
- Policy CS9 Protecting and enhancing Islington's built and historic environment
- Policy CS10 Sustainable design
- Policy CS11 Waste
- Policy CS13 Employment spaces
- Policy CS18 Delivery and infrastructure

## C) Islington Development Management Policies 2013

### Design and Heritage

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

### Energy and Environmental standards

- Policy DM7.1- Sustainable design and construction
- Policy DM7.2- Energy efficiency and carbon reduction in minor schemes

### Transport

- Policy DM8.4- Walking and cycling
- Policy DM8.5- Vehicle parking

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

The following SPGs and/or SPDs are relevant:

### London Plan

- Accessible London 2016
- Character and Context 2014
- Sustainable Design and Construction 2014

### Islington SPG/SPD

- Urban Design Guide 2019
- Conservation Area Design Guidelines 2002
- Environmental Design 2012
- Inclusive Design SPD

## APPENDIX 3: EXTANT PLANNING PERMISSION



### PLANNING DECISION NOTICE

Cove Burgess Architects  
6-8 Cole Street  
Studio 11  
London  
SE1 4YH

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

**Case Officer:** Thomas Broomhall  
**T:** 0207 527 5978  
**E:** [planning@islington.gov.uk](mailto:planning@islington.gov.uk)

**Issue Date:** 13 September 2017  
**Application No:** P2016/3455/FUL

*(Please quote in all correspondence)*

Dear Sir or Madam

#### TOWN AND COUNTRY PLANNING ACTS

#### BOROUGH COUNCIL'S DECISION: Approve with conditions

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, subject to the condition(s) listed and in accordance with the plans submitted, save insofar as may be otherwise required by the condition(s).

<b>Location:</b>	9-11 Northburgh Street, Islington, LONDON, EC1V 0AH		
<b>Application Type:</b>	Full Planning Application		
<b>Date of Application:</b>	02 September 2016	<b>Application Received:</b>	02 September 2016
<b>Application Valid:</b>	19 September 2016	<b>Application Target:</b>	14 November 2016

#### DEVELOPMENT:

Erection of a single storey roof extension to create additional 350 square metres of office floorspace (B1), and over-cladding of the building facades. Associated external alterations to the building's facade; and the removal and replacement of the existing ramp together with the installation of plant equipment at lower ground and fifth floor level. Removal of existing two cores, replacing with a more compact and efficient single core. Removal of car access way and installation of new ground floor glazed shopfront.

#### PLAN NOS:

3070-CB-A-DR-00-XX-01 Rev P1; 3070-CB-A-DR-00-XX-02 Rev P1; 3070-CB-A-DR-01-B1-00 Rev P2; 3070-CB-A-DR-01-B2-00 Rev P2; 3070-CB-A-DR-01-00-00 Rev P2; 3070-CB-A-DR-01-01-00 Rev P2; 3070-CB-A-DR-01-02-00 Rev P2; 3070-CB-A-DR-01-02-00 Rev P2; 3070-CB-A-DR-01-03-00 Rev P2; 3070-CB-A-DR-01-04-00 Rev P2; 3070-CB-A-DR-01-05-00 Rev P1; 3070-CB-A-DR-02-AA-00 Rev P1; 3070-CB-A-DR-02-CC-00 Rev P1; 3070-CB-A-DR-03-E0-00 Rev P1; 3070-CB-A-DR-03-N0-00 Rev P1; 3070-CB-A-DR-03-S0-00 Rev P1; 3070-CB-A-DR-10-B1-00 Rev P1; 3070-CB-A-DR-10-B2-00 Rev P1; 3070-CB-A-DR-10-00-00 Rev P3; 3070-CB-A-DR-10-01-00 Rev P4; 3070-CB-A-DR-10-02-00 Rev P3; 3070-CB-A-DR-10-03-00 Rev P3; 3070-CB-A-DR-10-04-00 Rev P4; 3070-CB-A-DR-10-05-00 Rev P4; 3070-CB-A-DR-10-05-01 Rev P4;

P-DEC-AP1

3070-CB-A-DR-10-05-02 Rev 1; 3070-CB-A-DR-10-06-00 Rev P4; 3070-CB-A-DR-11-AA-00 Rev P4; 3070-CB-A-DR-11-BB-00 Rev P4; 3070-CB-A-DR-11-CC-00 Rev P4; 3070-CB-A-DR-11-DD-00 Rev P4; 3070-CB-A-DR-12-E0-00 Rev P4; 3070-CB-A-DR-12-N0-00 Rev P4; 3070-CB-A-DR-12-N0-01 Rev P4; 3070-CB-A-DR-12-S0-00 Rev P5; 3070\_Northburgh Street Area Schedule dated 15/06/2017; Design & Access Statement June 2017 3070\_CB\_A\_DAS Rev P3; Additional Planning Information; Planning Statement September 2016; Daylight and Sunlight Report July 2016; Second Addendum Daylight and Sunlight Report June 2017; Structural Planning Statement July 2016; Environmental Noise Assessment ref: 103180.ph.Issue1; Energy Strategy Report Issue No.1 dated 01/07/2016 ref: 7892; Sustainability Statement ref: 7892 dated 30/06/2016; An Archaeological Desk Based Assessment June 2016 Report No. R12503 & Phase 1 Environmental Report ref: 0930-P1E-1 dated June 2016

**CONDITIONS:**

- 1 3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).

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

3070-CB-A-DR-00-XX-01 Rev P1; 3070-CB-A-DR-00-XX-02 Rev P1; 3070-CB-A-DR-01-B1-00 Rev P2; 3070-CB-A-DR-01-B2-00 Rev P2; 3070-CB-A-DR-01-00-00 Rev P2; 3070-CB-A-DR-01-01-00 Rev P2; 3070-CB-A-DR-01-02-00 Rev P2; 3070-CB-A-DR-01-02-00 Rev P2; 3070-CB-A-DR-01-03-00 Rev P2; 3070-CB-A-DR-01-04-00 Rev P2; 3070-CB-A-DR-01-05-00 Rev P1; 3070-CB-A-DR-02-AA-00 Rev P1; 3070-CB-A-DR-02-CC-00 Rev P1; 3070-CB-A-DR-03-E0-00 Rev P1; 3070-CB-A-DR-03-N0-00 Rev P1; 3070-CB-A-DR-03-S0-00 Rev P1; 3070-CB-A-DR-10-B1-00 Rev P1; 3070-CB-A-DR-10-B2-00 Rev P1; 3070-CB-A-DR-10-00-00 Rev P3; 3070-CB-A-DR-10-01-00 Rev P4; 3070-CB-A-DR-10-02-00 Rev P3; 3070-CB-A-DR-10-03-00 Rev P3; 3070-CB-A-DR-10-04-00 Rev P4; 3070-CB-A-DR-10-05-00 Rev P4; 3070-CB-A-DR-10-05-01 Rev P4; 3070-CB-A-DR-10-05-02 Rev 1; 3070-CB-A-DR-10-06-00 Rev P4; 3070-CB-A-DR-11-AA-00 Rev P4; 3070-CB-A-DR-11-BB-00 Rev P4; 3070-CB-A-DR-11-CC-00 Rev P4; 3070-CB-A-DR-11-DD-00 Rev P4; 3070-CB-A-DR-12-E0-00 Rev P4; 3070-CB-A-DR-12-N0-00 Rev P4; 3070-CB-A-DR-12-N0-01 Rev P4; 3070-CB-A-DR-12-S0-00 Rev P5; 3070\_Northburgh Street Area Schedule dated 15/06/2017; Design & Access Statement June 2017 3070\_CB\_A\_DAS Rev P3; Additional Planning Information; Planning Statement September 2016; Daylight and Sunlight Report July 2016; Second Addendum Daylight and Sunlight Report June 2017; Structural Planning Statement July 2016; Environmental Noise Assessment ref: 103180.ph.Issue1; Energy Strategy Report Issue No.1 dated 01/07/2016 ref: 7892; Sustainability Statement ref: 7892 dated 30/06/2016; An Archaeological Desk Based Assessment June 2016 Report No. R12503 & Phase 1 Environmental Report ref: 0930-P1E-1 dated June 2016

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

3 **CONDITION:** Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:

- a) Brick slips (including colour, texture and method of application);
- b) window treatment (including sections and reveals);
- c) roofing materials;
- d) final details and materials for acoustic louvres;
- e) Any other materials to be used.

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.

4 **CONDITION:** No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v. wheel washing facilities
  - vi. measures to control the emission of dust and dirt during construction
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

**REASON:** To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.

5 **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."

**REASON:** For the protection of neighbouring amenity.

6 **CONDITION:** Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of condenser units to between the hours of 08:00 to 20:00 each day only. The condenser units shall not be operated outside of these hours. The timer shall be maintained as such thereafter.

**REASON:** For the protection of neighbouring amenity.

- 7 **CONDITION:** The bicycle storage area(s) hereby approved, shall be provided prior to the first occupation of the development hereby approved as shown on drawing no. 3070-CB-A-DR-10-B2-00 Rev P1; and maintained as such thereafter into perpetuity.

**REASON:** To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.

- 8 **CONDITION:** The flat roof area to the front and rear of the fifth floor roof extension hereby approved as shown on plan no. 3070-CB-A-DR-10-05-00 Rev P4 shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.

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

- 9 **CONDITION:** The office space hereby approved shall not be occupied until the crossover immediately situated to the north east of the site has been removed and the pavement has been reinstated pursuant to an agreement with the local highway authority under Section 278 of the Highways Act 1980.

**REASON:** In the interests of ensuring the redundant feature to the street scene as a direct result of the development is removed and the highway reinstated.

- 10 **CONDITION:** The office space hereby approved shall not be occupied until a dropped kerb has been completed in to enable suitable refuse and recycling collection in accordance with Section 278 of the Highways Act 1980.

**REASON:** In the interests of ensuring safe access onto the highway for refuse collection.

- 11 **CONDITION:** Prior to the commencement of development, a Fire Escape Strategy shall be submitted to and approved in writing by the Local Planning Authority in consultation with London Fire Brigade Emergency Planning Authority.

The works shall be undertaken in accordance with the details of the Fire Strategy hereby approved.

**REASON:** In the interests of fire safety.

Your attention is drawn to any **INFORMATIVES** that may be listed below

- 1 To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.

A pre-application advice service is also offered and encouraged.

The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.

The LPA delivered the decision in accordance with the requirements of the NPPF.

2 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](mailto:cil@islington.gov.uk). The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.

Further information and all CIL forms are available on the Planning Portal at [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) and the Islington Council website at [www.islington.gov.uk/cilinfo](http://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/>.

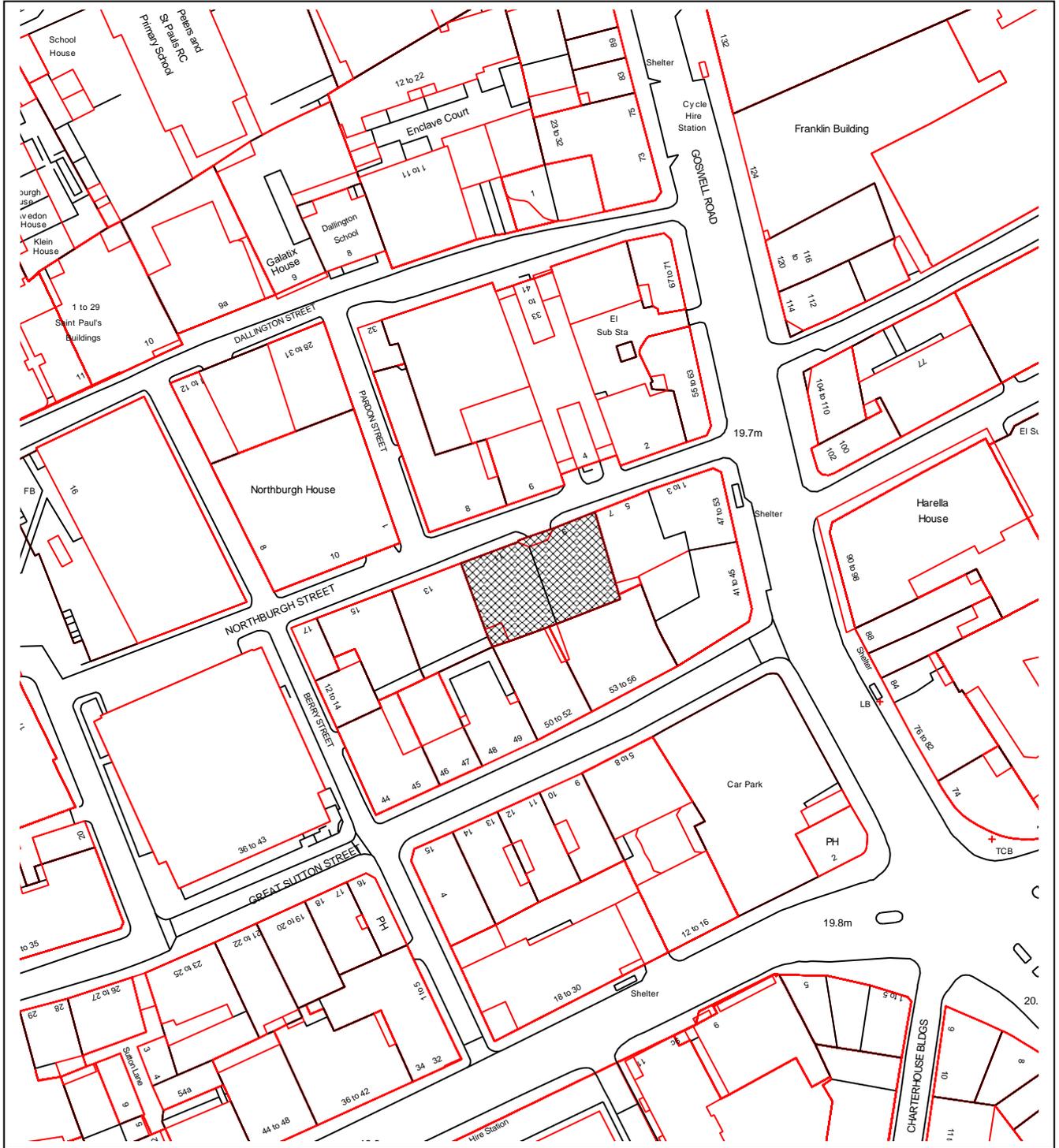
Certified that this document contains a true record of a decision of the Council

Yours faithfully

A rectangular box containing a handwritten signature in black ink that reads "Karen Sullivan".

**KAREN SULLIVAN**  
**SERVICE DIRECTOR - PLANNING AND DEVELOPMENT**  
**AND PROPER OFFICER**

# Islington SE GIS Print Template



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P2020/1515/FUL

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## ADDENDUM TO PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department

<b>PLANNING SUB-COMMITTEE A</b>		<b>AGENDA ITEM NO:</b>	
<b>Date:</b>	7 <sup>th</sup> September 2020	<b>NON-EXEMPT</b>	

Application number	P2018/4275/FUL
Application type	Full Planning Application (council own building)
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 the conditions set out in **Appendix 1** of this addendum report;

## 2. REASON FOR DEFERAL

- 2.1 This application was confirmed for the agenda of Planning Sub-Committee A on 7<sup>th</sup> November 2019 and was also due for consideration on the agenda at the cancelled Sub-Committee A meeting on the 17<sup>th</sup> March 2020 just before the government enacted Covid lockdown period on the 23<sup>rd</sup> March 2020. The application whilst on both published agendas still has not been heard or considered by members to this date.
- 2.2 The reasons for the original deferral relate to the advice of planning officers who confirmed that the Planning Department had not received comments from the Council's Housing Department in relation to the proposed telecoms.
- 2.3 Since the deferral of the item, Officers have received confirmation that the Housing Department do not raise objection to the application. In addition, the applicant has provided further information regarding the type of infrastructure being proposed. The installation of the type of antennas proposed (Siklu and Radwin) is sought in association with extending the fixed broadband wireless network across central London. This type of connection would for example provide a network link between 2 offices which already have fibre broadband without the need for fibre cables to be provided between the 2 buildings. The technology is different to Wi-Fi, with Wi-Fi signals typically designed to cover a wider area to maximise the number of devices that can connect and is substantially different to 4G and 5G technology as fixed broadband wireless relies on point to point connection dependent on a line of site rather than 4G/ 5G signals which can penetrate walls and buildings.
- 2.4 The application had previously been assessed on the basis that it was for the installation of 5G telecoms technology. A new report has been prepared on the basis of the updated information provided, confirming that the scheme is for fixed broadband wireless internet and not 5 G technology, and attached at **Appendix 1** below.

## Appendix 1 PLANNING COMMITTEE REPORT

<b>PLANNING SUB COMMITTEE A</b>		<b>AGENDA ITEM NO:</b>
<b>Date:</b>	7 <sup>th</sup> September 2020	<b>NON-EXEMPT</b>

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 the conditions set out in **Appendix 1** (Recommendation A);

## 2. SITE PLAN

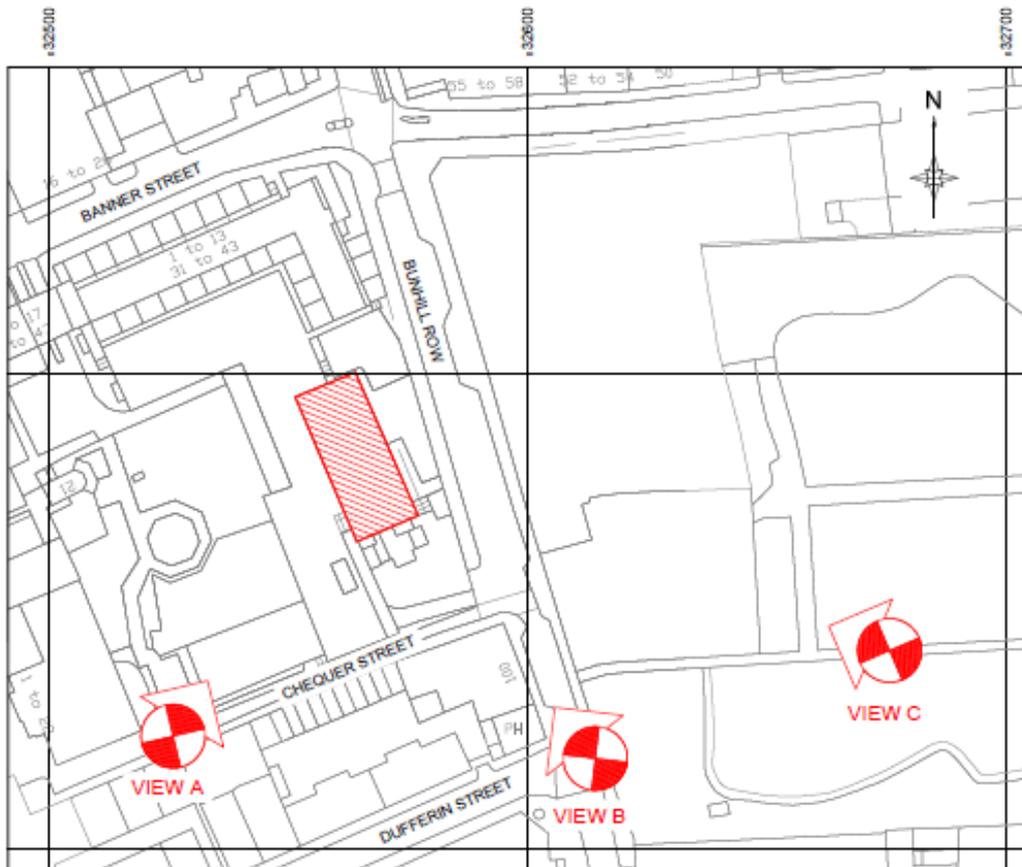


Image 1: Site Location Plan (outlined in red)

## 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. The installation of the type of antennas proposed (Siklu and Radwin) is sought in association with extending the fixed broadband wireless network across central London.
- 4.2 This type of connection would for example provide a network link between 2 offices which already have fibre broadband without the need for fibre cables to be provided between the 2 buildings. The technology is different to Wi-Fi, with Wi-Fi signals typically designed to cover a wider area to maximise the number of devices that can connect and is substantially different to 4G and 5G technology as fixed broadband wireless relies on point to point connection dependent on a line of site rather than 4G/ 5G signals which can penetrate walls and buildings.
- 4.3 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.
- 4.4 The application is being brought to committee due to the nature of development on the roof of a tall building with historically sensitive buildings and protected spaces adjacent to the site.
- 4.5 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. The application had previously been assessed on the basis that it was for the installation of 5G technology. The report has been amended on the basis of the updated information provided, confirming that the scheme is for fixed broadband wireless internet. The assessment outlined in the chapters below is reflective of the updated information provided.

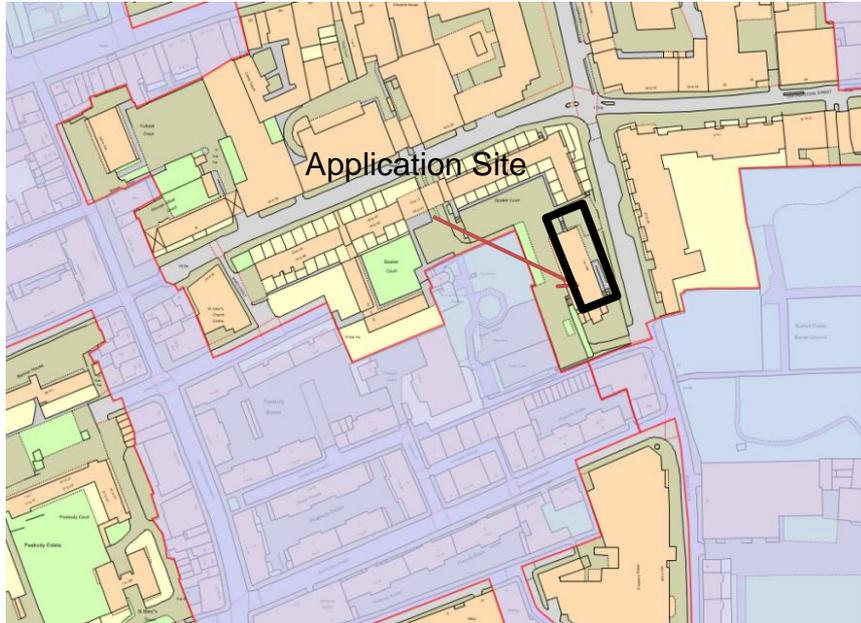


**Image 7:** Diagram showing function of proposed wireless infrastructure

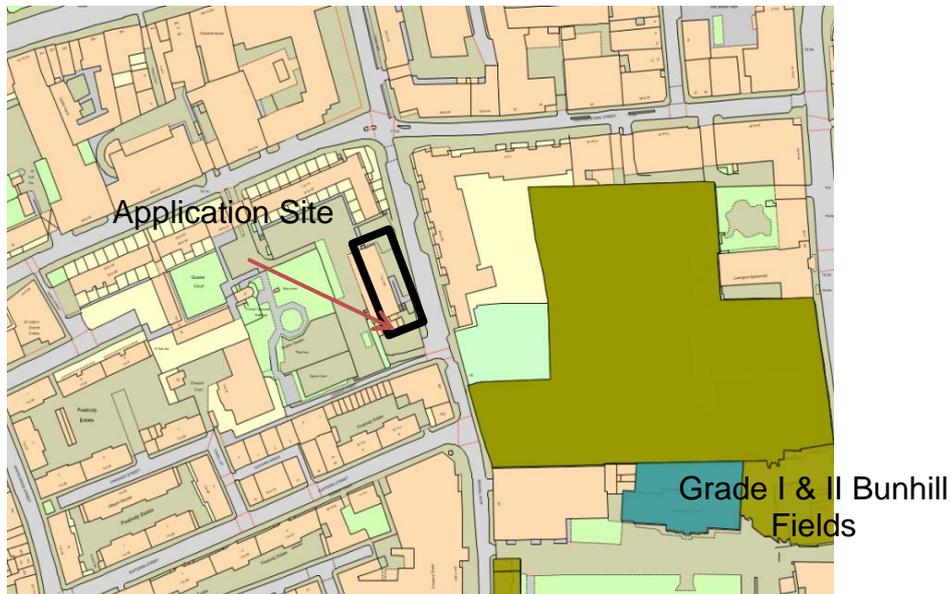
- 4.6 The Design and Conservation Team consider that the proposals would impact on views from the public realm is considered to cause some limited harm the character and appearance of the area and the setting of the listed buildings, and visual amenity generally.
- 4.7 Paragraph 196 of the NPPF 2019 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 when permission is granted.

## 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; recladding 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. further documents from the applicant a further round of consultation was undertaken on 13 January 2020 with letters sent to the 218 addresses and an accompanying site and press displayed on 16 January 2020.

8.2 The latest round of public consultation on the application therefore expired on 09 February 2020, however 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 4 no. objections had been received from the public. The following issues were raised:

- environment and health impacts associated with the proposed antenna installation. The objector requested a report to address these concerns. (See paragraphs 10.30 to 10.39)
- roof is used as a means of fire escape (See paragraph 10.40)
- guarantee that the antennas will not be used for 5G in the future (See paragraph 10.41)
- concerns regarding the infrastructure being installed on social housing (See paragraph 10.42)

### **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.*

8.7 **Public Health:** *Islington Council takes the health, wellbeing and safety of its residents very seriously. Having due regard to an assessment of the available national and international scientific evidence and current national guidance for the installation of telecommunications infrastructure, including masts, we do not consider that the deployment of 5G poses a threat to the health and safety of our residents. This position is consistent with the latest guidance from Public Health England (PHE), the statutory body responsible for protecting the nation from public health hazards.*

Radiofrequency electromagnetic field exposures include exposures to radio waves produced by Wi-Fi equipment, smart meters and mobile phone base stations. PHE guidance on this matter was last updated in May 2019. Extensive research has been conducted for many years on the impact of exposure to radio waves on health. This research has been examined by groups of UK and international independent experts, and their conclusions from this accumulated evidence is that adverse health effects are unlikely to occur if exposures are below the levels set in current standards.

The management of telecommunications is governed by national and international legislation and guidance, with installations needing to comply with the limitations imposed by the International Commission on Non-Ionising Radiation Protection (ICNIRP). These instruct that the design and placement of sites must ensure that exclusion zones are either in areas that individuals cannot enter (for example in inaccessible clear space adjacent to a rooftop) or be signposted and in a controlled area. Moreover, emissions surveys and audits of similar existing telecommunications installations have found that the levels of all types of radio frequency transmissions found near to mobile phone base stations remain hundreds or even thousands of times lower than the permissible limits set by ICNIRP.

I understand that the applicant for this particular planning application has provided a declaration of conformity with ICNIRP guidelines. Moreover, the National Planning Policy Framework is explicit in that local planning authorities must determine applications for telecommunications equipment on planning grounds only. Local planning authorities cannot set health safeguards that are different to the International Commission's guidelines.

This link (<https://www.gov.uk/government/publications/mobile-phone-base-stations-radio-waves-and-health/mobile-phone-base-stations-radio-waves-and-health>) includes detailed information on exposure guidelines and health-related evidence and reviews. PHE continues to monitor the latest scientific evidence on this topic and update its advice, and Islington Council will regularly review its position in light of the latest available evidence and national guidance on the health impacts of mobile phone installations.

**For your reference, I set out below some further background scientific and technical references.**

A general overview of High Frequency Electro-Magnetic Frequency, 100Khz to 300Ghz (HF EMF), can be found [here](#). With all the telecoms installations in the borough, operators must ensure that all equipment is ICNIRP (International Committee on Non-Ionising Radiation Protection) compliant, as stated in the Department for Communities and Local Government's National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>).

- Radio base stations and handsets use Electromotive Force (EMF) to transfer information and make mobile phone communications possible. EMFs are used for television and radio transmissions, by the police, fire and ambulance services, by taxi firms and public utilities. EMFs are also used for a wide range of personal and commercial equipment from electronic car keys, Wi-Fi equipment and baby monitoring devices to shop security tag systems. They are also produced by household electrical appliances like fridges, vacuum cleaners or electric shavers.
- In terms of health concerns regarding installations of this type, mobile phones and devices are new but the technology is not, and research has been ongoing in this area for almost 75 years. After a thorough review of the available scientific findings, the World Health Organization (WHO) reported: "To date, the only health effect from radiofrequency (RF) fields identified in scientific reviews has been related to an increase in body temperature (> 1 °C) from exposure at very high field intensity found only in certain industrial facilities, such as RF heaters. The levels of RF exposure from base stations and wireless networks are so low that the temperature increases are insignificant and do not affect human health" [Source: World Health Organisation, Fact Sheet 304, Base stations and wireless technologies, 2006]. In addition, the WHO notes that "Based on a recent in-depth review of the scientific literature, the WHO concluded that current evidence does not confirm the existence of any health consequences from exposure to low level electromagnetic fields" (<http://www.who.int/peh-emf/about/WhatIsEMF/en/#ex1.html>).

- The Advisory Group on Non-ionising Radiation summarised that: "...although a substantial amount of research has been conducted in this area, there is no convincing evidence that RF field exposure below guideline levels causes health effects in adults or children." [Health Effects from Radiofrequency Electromagnetic Fields – RCE 20, 2012].
- In addition, the report 'Recent Research on EMF and Health Risk – Tenth report from SSM's Scientific Council on Electromagnetic Fields, 2015' notes that: "new studies on adult and childhood cancer with improved exposure assessment do not indicate any health risks for the general public related to exposure from radiofrequency electromagnetic fields from far-field sources, such as base stations and radio and TV transmitters.
- Radio base stations are designed to comply with the stringent, precautionary public exposure guidelines set out by ICNIRP (International Commission on Non-Ionizing Radiation Protection). These guidelines have been developed following a thorough review of the science including both thermal and non-thermal effects. UK radio base station installations have been surveyed by independent bodies and found to be hundreds, and sometimes thousands, of times below these guidelines. When ICNIRP reviewed their guidelines in 2009 they concluded: "ICNIRP reconfirms the 1998 basic restrictions in the frequency range 100 kHz–300 GHz until further notice." [Source: ICNIRP statement on the "Guidelines for limiting exposure to time-varying electric, magnetic and electromagnetic fields (up to 300 GHz)"] (As above, these guidelines are currently being revised, with consultation having been undertaken in July to October 2018 and the results being collated at the moment.)

8.8 **Housing:** *The Housing Department does not raise objection to the application.*

## 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.

### Telecommunications

- 9.11 Chapter 10 of the NPPF is entitled Supporting high Quality communications. It is stated at Paragraph 112 that, '*Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).*'
- 9.12 Paragraph 113 further clarifies that '*The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required equipment should be sympathetically designed and camouflaged where appropriate.*'
- 9.13 Paragraph 114 establishes 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.*

- 9.14 Paragraph 115 states that ‘*Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include: a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure 34 and a statement that self-certifies that, when operational, International Commission guidelines will be met.*’
- 9.15 In addition, Paragraph 116 states that ‘*Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure*

### **Development Plan**

- 9.16 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.
- 9.17 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)**

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

## **10. ASSESSMENT**

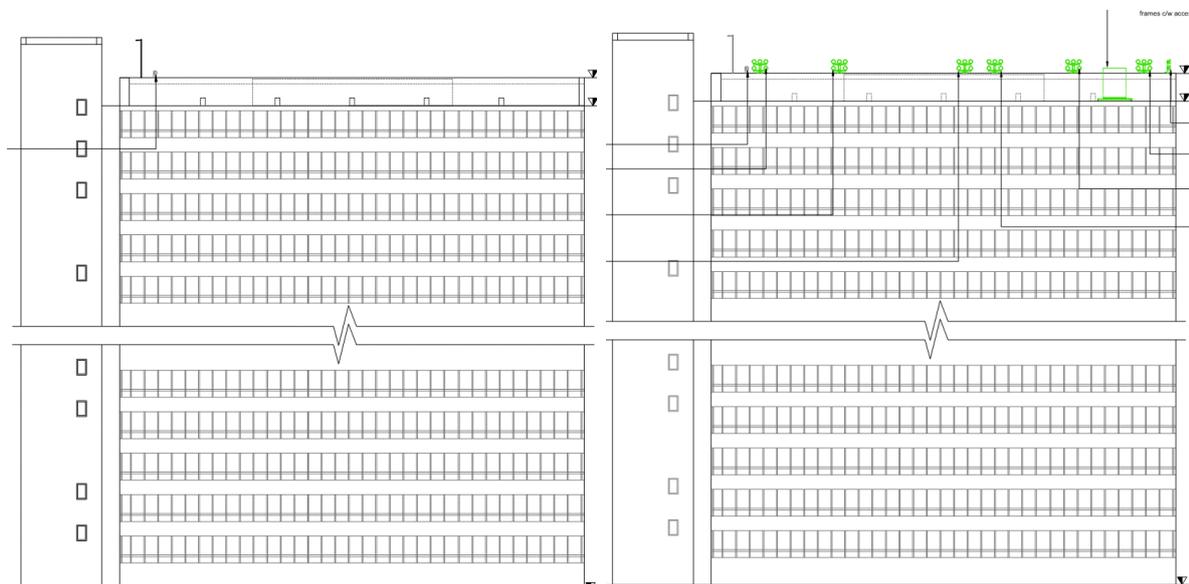
- 10.1 The main issues arising from this proposal relate to:
- Design and harm to the conservation area, the statutory listed building and nearby statutory listed buildings
  - Neighbours Amenity
  - Public Benefit

## **Design and Conservation**

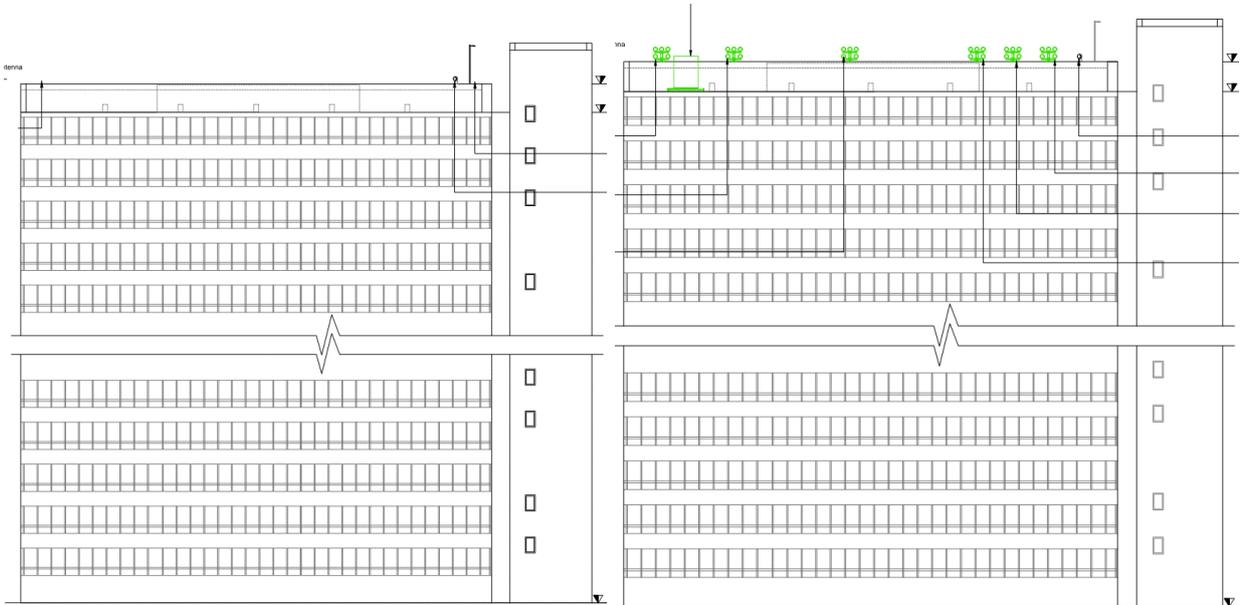
### *Policy context*

- 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 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.
- 10.5 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
- 10.6 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.
- 10.7 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.
- 10.8 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.

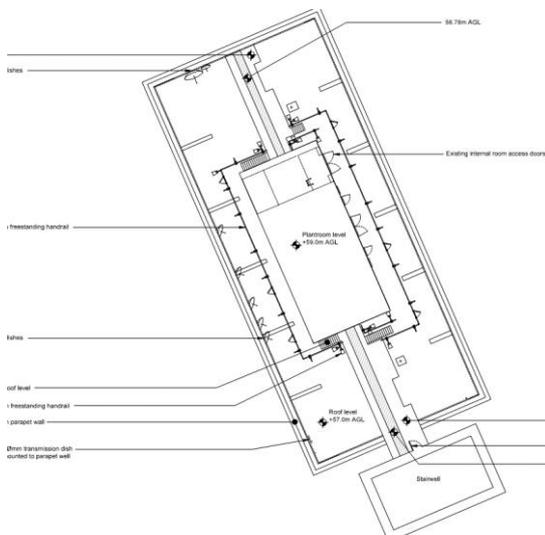
- 10.9 Development Management Policy DM2.7 states that telecommunications and utilities equipment will only be permitted where they are sited and designed to minimise their visual impact, do not have a detrimental effect upon the character or appearance of the building or area, innovative design and technological solutions have been explored to minimise visual impact, and there is no reasonable possibility of sharing facilities.
- 10.10 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.
- 10.11 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.
- 10.12 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 (Grade I Listed Bunhill Fields Rural Grounds) must not be threatened by any increase in scale of buildings on City Road, Bunhill Row and Featherstone Street which back onto the Fields.
- 10.13 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.



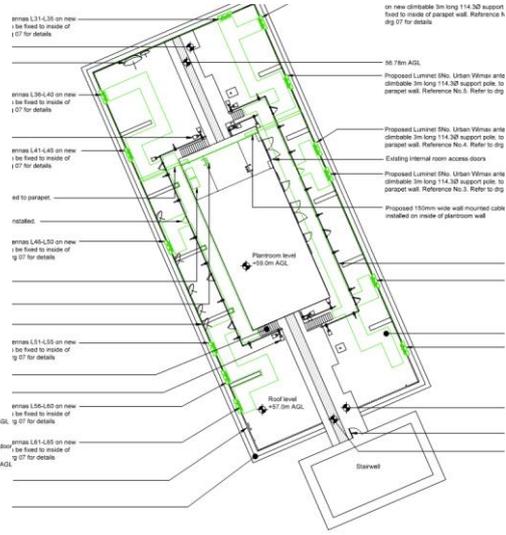
**Image 9: Existing and Proposed East Elevation**



**Image 11: Existing and Proposed West Elevation**



**Image 13: Existing Site Plan**



**Image 14: Proposed Site Plan**

*Assessment of Proposals*

10.14 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.

- 10.15 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 in this dense urban location.
- 10.16 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 the public realm, and the equipment not large enough to be noticeably visible from most 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, 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.
- 10.17 Overall, the proposed development would cause some limited visual 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.
- 10.18 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
- 10.19 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.
- 10.20 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**

- 10.21 Paragraph 112 of the National Planning Policy Framework Infrastructure is essential for economic growth and social well-being. The Paragraph states that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology and full fibre broadband connections".

- 10.22 Paragraph 196 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals, including where appropriate, securing its optimum viable use.
- 10.23 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”*
- 10.24 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 of the wireless broadband provided 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 improved wireless broadband across London.
- 10.25 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 limited 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.
- 10.26 The benefits of improved mobile infrastructure form the basis of public benefits that tips the planning balance to outweigh the limited visual harm, in a manner that gives great weight to “preserving” or doing no harm on nearby heritage assets. Therefore, it is considered that the visual harm created would be limited and would be mitigated by the public benefits of increased broadband and telecommunications coverage within a dense urban and central London location in this case.

### **Impacts to Neighbour Amenity**

- 10.27 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.
- 10.28 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.

10.29 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**

10.30 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.

10.31 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.

10.32 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.

10.33 Further, Public Protection Officer from both Islington and Camden Boroughs have reviewed the proposals with their comments as follows.

10.34 *In terms of health concerns regarding installations of this type, mobile phones and devices are new but the technology is not, and research has been ongoing in this area for almost 75 years. After a thorough review of the available scientific findings, the World Health Organization (WHO) reported: "To date, the only health effect from radiofrequency (RF) fields identified in scientific reviews has been related to an increase in body temperature (> 1 °C) from exposure at very high field intensity found only in certain industrial facilities, such as RF heaters. The levels of RF exposure from base stations and wireless networks are so low that the temperature increases are insignificant and do not affect human health" [Source: World Health Organisation, Fact Sheet 304, Base stations and wireless technologies, 2006]. In addition, the WHO notes that "Based on a recent in-depth review of the scientific literature, the WHO concluded that current evidence does not confirm the existence of any health consequences from exposure to low level electromagnetic fields" (<http://www.who.int/peh-emf/about/WhatisEMF/en/index1.html>).*

10.35 *The Advisory Group on Non-ionising Radiation summarised that: "...although a substantial amount of research has been conducted in this area, there is no convincing evidence that RF field exposure below guideline levels causes health effects in adults or children." [Health Effects from Radiofrequency Electromagnetic Fields – RCE 20, 2012].*

10.36 *In addition, the report 'Recent Research on EMF and Health Risk – Tenth report from SSM's Scientific Council on Electromagnetic Fields, 2015' notes that: "new studies on adult and childhood cancer with improved exposure assessment do not indicate any health risks for the general public related to exposure from radiofrequency electromagnetic fields from far-field sources, such as base stations and radio and TV transmitters.*

10.37 *Radio base stations are designed to comply with the stringent, precautionary public exposure guidelines set out by ICNIRP (International Commission on Non-Ionizing Radiation Protection). These guidelines have been developed following a thorough review of the science including both thermal and non-thermal effects. UK radio base station installations have been surveyed by independent bodies and found to be hundreds, and sometimes thousands, of times below these guidelines. When ICNIRP reviewed their guidelines in 2009 they concluded: "ICNIRP reconfirms the 1998 basic restrictions in the frequency range 100 kHz–300 GHz until further notice." [Source: ICNIRP statement on the "Guidelines for limiting exposure to time-varying electric, magnetic and electromagnetic fields (up to 300 GHz)"] (As above, these guidelines are currently being revised, with consultation having been undertaken in July to October 2018 and the results being collated at the moment.)*

- 10.38 In this case the planning application proposal has provided the required declaration of conformity with ICNIRP guidelines. Moreover, the National Planning Policy Framework is explicit in that local planning authorities must determine applications for telecommunications equipment on planning grounds only. Local planning authorities cannot set health safeguards that are different to the International Commission's guidelines.
- 10.39 With telecommunications equipment Public Health confirm 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 to existing or adjoining residents in the area.

### **Other Matters**

- 10.40 Concerns have been raised regarding impacts of the proposals as the roof is used for fire escape from the upper floor levels. Any permission will be required to be developed in accordance with building control regulations, including Approved Document B which relates to fire safety. In planning terms, the antennas are not designed to prevent access to large parts of the roof and therefore no objections would be raised in this regard, provided that the relevant building control regulations are complied with.
- 10.41 Concerns have also been raised regarding the potential use of the infrastructure for 5G telecommunications in the future. A letter from the applicant dated 30/12/2019 states that Luminet has no future plans to start 4G/5G mobile services that require a different set of equipment and infrastructure. Equipment and infrastructure associated with 4G/5G would likely require separate planning permission, if proposed in the future.
- 10.42 Finally, concerns have been raised regarding the installation of the proposed antennas on social housing. Whilst the LPA have limited control over the location of this infrastructure and equipment, the assessment process considers their potential impacts on neighbour amenity and health risks to residents who occupy the building and within close proximity of the site. In this instance the LPA's Housing Department has raised no objections and, as detailed in the sections above, the scheme is not considered to result in significant health impacts, nor will it result in significant harm to the amenities of neighbouring occupiers. Officers and committee members must assess the individual planning merits of each individual planning application submitted to the LPA for formal decision.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 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.
- 11.2 The benefits of improved wireless fibre broadband 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.
- 11.3 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**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>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>
<b>3</b>	<b>Materials (Compliance)</b>
	<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**

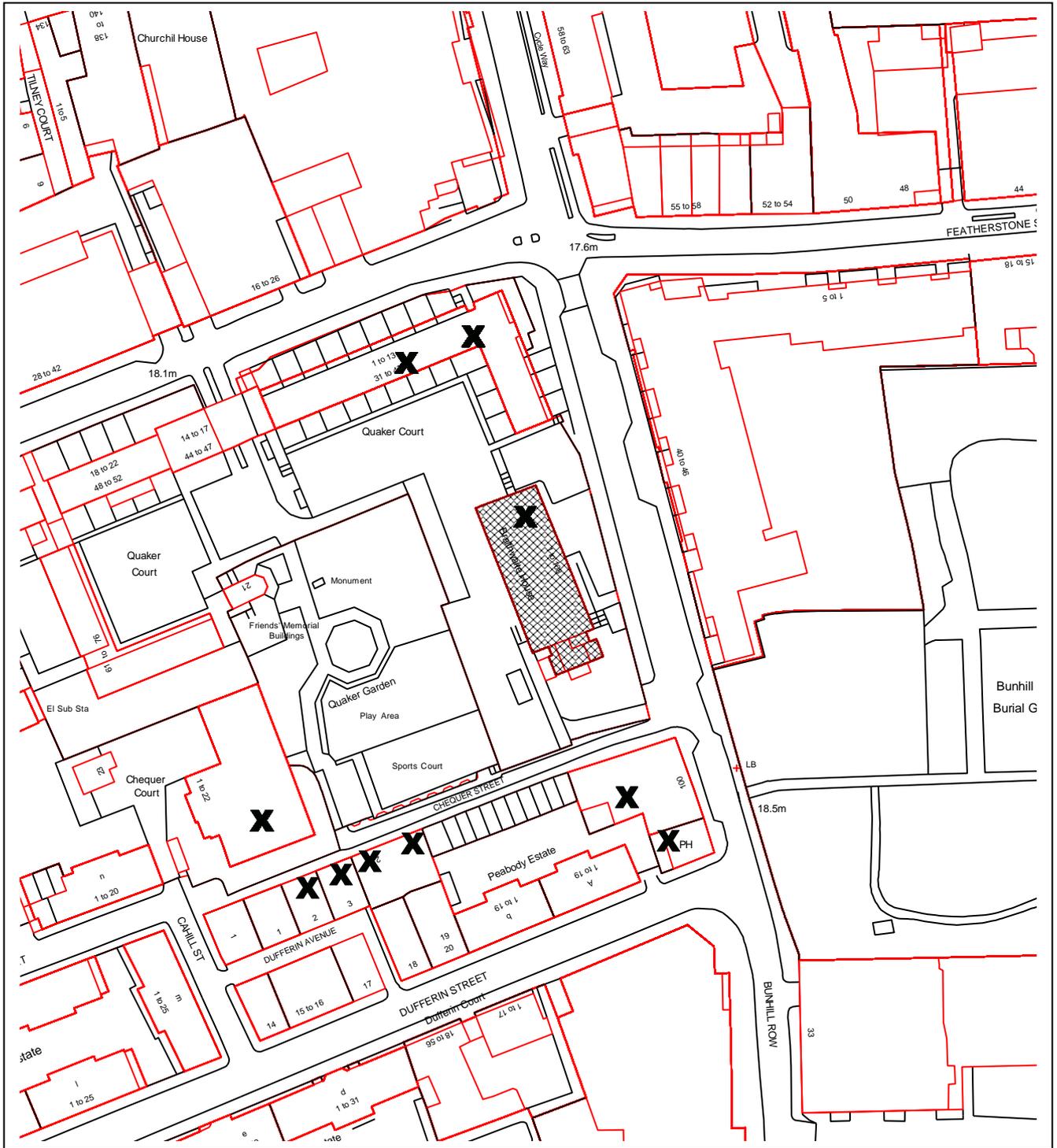
- Moorfields Archeological Priority Area
- Bunhill & Clerkenwell Core Strategy Key Area
- Central Activities Zone
- Cycle Routes (Local & Major)
- Bunhill & Clerkenwell Local Plan Area
- Within 50m of St Luke’s Conservation Area
- Within 50m of Bunhill Fields and Finsbury Square Conservation Area
- Article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

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

Urban Design Guidelines

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# Islington SE GIS Print Template



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P2018/4275/FUL

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## ADDENDUM PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department

<b>PLANNING SUB COMMITTEE A</b>		<b>AGENDA ITEM NO:</b>	
<b>Date:</b>	7 <sup>th</sup> September 2020	<b>NON-EXEMPT</b>	

Application number	P2018/4282/FUL (council own building)
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 and associated alterations.

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 subject to the conditions set out in **Appendix 1** (Recommendation A);

## 2. REASON FOR DEFERAL

- 2.1 This application was confirmed for the agenda of Planning Sub-Committee A on 7<sup>th</sup> November 2019 and was also due for consideration on the agenda at the cancelled Sub-Committee A meeting on the 17<sup>th</sup> March 2020 just before the government enacted Covid lockdown period on the 23<sup>rd</sup> March 2020. The application whilst on both published agendas still has not been heard or considered by members to this date.
- 2.2 The reasons for the original deferral relate to the advice of planning officers who confirmed that the Planning Department had not received comments from the Council's Housing Department in relation to the proposed telecoms.
- 2.3 Since the deferral of the item, Officers have received confirmation that the Housing Department do not raise objection to the application. In addition, the applicant has provided further information regarding the type of infrastructure being proposed. The installation of the type of antennas proposed (Siklu and Radwin) is sought in association with extending the fixed broadband wireless network across central London. This type of connection would for example provide a network link between 2 offices which already have fibre broadband without the need for fibre cables to be provided between the 2 buildings. The technology is different to Wi-Fi, with Wi-Fi signals typically designed to cover a wider area to maximise the number of devices that can connect and is substantially different to 4G and 5G technology as fixed broadband wireless relies on point to point connection dependent on a line of site rather than 4G/ 5G signals which can penetrate walls and buildings.
- 2.4 The application had previously been assessed on the basis that it was for the installation of 5G technology. A new report has been prepared on the basis of the updated information provided, confirming that the scheme is for fixed broadband wireless internet and not new 5G technology, and attached at **Appendix 1** below.

## Appendix 1

### PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department

<b>PLANNING SUB COMMITTEE A</b>		<b>AGENDA ITEM NO:</b>	
<b>Date:</b>	7 <sup>th</sup> September 2020	<b>NON-EXEMPT</b>	

Application number	P2018/4282/FUL (council own building)
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 subject to the conditions set out in **Appendix 1** (Recommendation A);

## 2. SITE PLAN (OUTLINED IN RED)

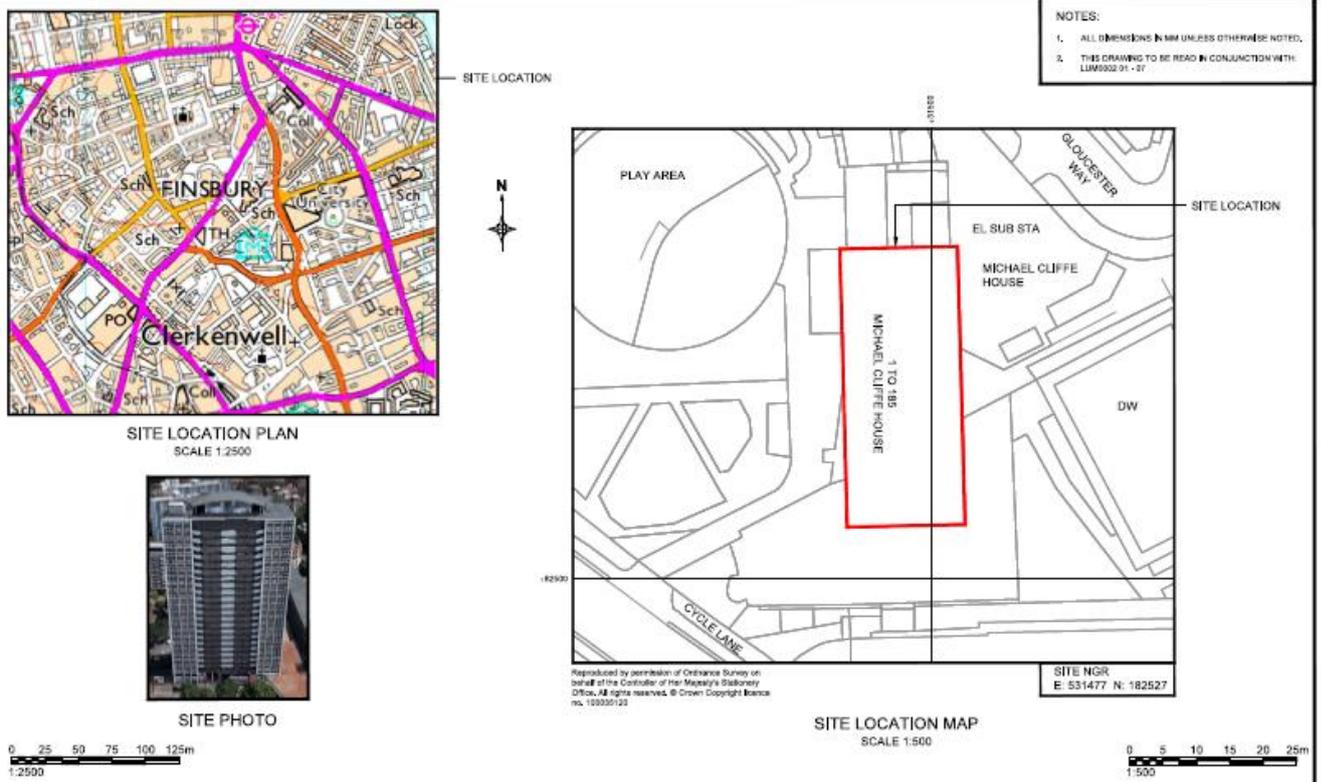


Image 1: Site location Plan (outlined in red)

## 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).



EXISTING VIEW C



PROPOSED VIEW C

**Image 6:** View of proposals from St John Street to the north of the site.

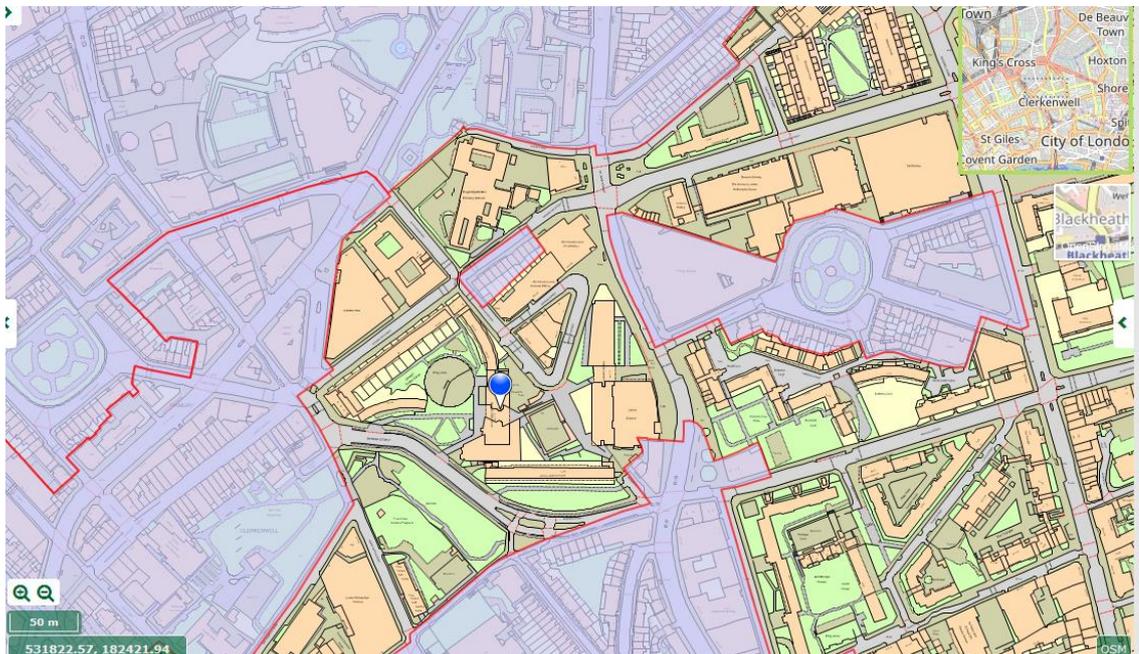
#### **4. SUMMARY**

- 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 the type of antennas proposed (Siklu and Radwin) is sought in association with extending the fixed broadband wireless network across central London.
- 4.2 This type of connection would for example provide a network link between 2 offices which already have fibre broadband without the need for fibre cables to be provided between the 2 buildings. The technology is different to Wi-Fi, with Wi-Fi signals typically designed to cover a wider area to maximise the number of devices that can connect and is substantially different to 4G and 5G technology as fixed broadband wireless relies on point to point connection dependent on a line of site rather than 4G/5G signals which can penetrate walls and buildings.
- 4.3 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 and point to point connections.
- 4.4 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.
- 4.5 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.
- 4.6 In regard to health and safety relating to any potential impact of the proposed equipment on human health. A signed ICNIRP Declaration from the manufacturer (Siklu Communication ltd) has been 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.
- 4.7 Additionally, comments have been received from the Islington and Council Public Health with the comments suggesting that there is extensive research that concludes that point to point wireless broadband and its associated infrastructure does not cause a threat to human health.

- 4.8 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 and full fibre broadband connections'*.
- 4.9 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 northern side of Skinner Street in the Bunhill and Clerkenwell area of the borough. Council tax records show that the building is separated into 136 self-contained flats.
- 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 9<sup>th</sup> January 2019.**

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

## 8. CONSULTATION

### Public Consultation

8.1 Letters were sent to occupants of 316 addresses including residents at Michael Cliffe House and adjoining and nearby properties at Skinner Street, Myddelton Street and Gloucester Way initially on 20 February 2019, with an associated site notice displayed on 28 February 2019.

8.2 However, given the time since this initial consultation and the receipt of further documents, following the deferral of the application from 7<sup>th</sup> November 2019 committee. A further round of consultation has been undertaken with letters sent out on 15 January 2020 to the 316 addresses and an accompanying site and press displayed on 23 January 2020. The latest round of public consultation on the application therefore expired on 16 February 2020, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.3 At the time of the writing of this report a total of **197 objections** (primarily from residents within Michael Cliffe House and the Tenants Resident Association) have been received from the public by way of a petition in relation to the application. The issues raised can be summarised as follows.

8.4 Grounds of objection can be summarised as:

1. Concern that the installation of the 86 antennas will bring increased activity to the roof with operatives on the roof for 2 to 3 hour sessions once or twice a week to maintain the antennas causing disruption to the households on the top floor of the block

2. Concern that the fabric of the roof at Michael Cliffe House is not designed to withstand constant pedestrian access and that the activity of maintenance operatives will cause damage to the roof.
3. Concern that the increase in access to the roof will compromise security to the building with a history of the roof as a suicide location.

**Officer Response-** *With regard to points 1-3 it is noted that the roof already hosts equipment including a radio base station for another operator and a weather station. Whilst it is acknowledged that the proposed installation of 86 antennas would require maintenance, it is not considered that their maintenance would be dissimilar to the existing maintenance arrangement and requirement for the existing equipment. Officers thus do not consider that the resulting movements to and from the roof to maintain the equipment would cause noise nuisance, would damage the roof or would lead to a compromise in security allowing further persons on to the roof.*

4. Concern that the radiation from 86 antennas will endanger the health of residents (**See Health Risks section of the report, Paragraphs 9.27- 9.35**).

**Officer Response-** *The issue of any potential public health impact of the proposed antennas on residents is taken very seriously by the Council. During the consideration of the application a response has been received from Camden and Islington Public Health departments confirming that extensive research on the health impacts of antennas has been undertaken and demonstrates that these structures have no detrimental impact on public health. Notwithstanding this the proposed antennas are also required to meet the International Commission on Non- Ionizing Radiation Protection standards regarding the level of non-ionizing radiation they are able to emit. A statement has been submitted with the application to confirm that the proposed antennas meet this standard.*

5. That Michael Cliffe House is a notable example of brutalist architecture. Concern that the proposed equipment will have a detrimental impact to the visual amenities of the building and the setting of the surrounding conservation areas

**Officer Response- ( See visual amenity section of the report, paragraphs 9.2-9.7)**

6. Concern that alternative sites have not been fully considered. It is stated that there a number of high office buildings in the vicinity that could serve the same purpose or that trenching of wired fibre broadband cable could be undertaken instead.

**Officer Response- Alternative sites-** *The Planning Statement submitted with the application states that Michael Cliffe House is one of a limited number of sufficiently tall buildings in the intended area that can meet both the technical requirements and maintain operational security. As the building already accommodates communications equipment it is considered an unreasonable location for the proposed equipment. Planning must consider the individual planning merits of each individual case and in this instance the proposed location is considered an appropriate location for the proposed equipment.*

## **Internal Consultees**

- 8.5 **Public Health** – Islington Council takes the health, wellbeing and safety of its residents very seriously. Having due regard to an assessment of the available national and international scientific evidence and current national guidance for the installation of telecommunications infrastructure, including masts, we do not consider that the deployment of 5G poses a threat to the health and safety of our residents. This position is consistent with the latest guidance from Public Health England (PHE), the statutory body responsible for protecting the nation from public health hazards.

Radiofrequency electromagnetic field exposures include exposures to radio waves produced by Wi-Fi equipment, smart meters and mobile phone base stations. PHE guidance on this matter was last updated in May 2019. Extensive research has been conducted for many years on the impact of exposure to radio waves on health. This research has been examined by groups of UK and international independent experts, and their conclusions from this accumulated evidence is that adverse health effects are unlikely to occur if exposures are below the levels set in current standards.

The management of telecommunications is governed by national and international legislation and guidance, with installations needing to comply with the limitations imposed by the International Commission on Non-Ionising Radiation Protection (ICNIRP). These instruct that the design and placement of sites must ensure that exclusion zones are either in areas that individuals cannot enter (for example in inaccessible clear space adjacent to a rooftop) or be signposted and in a controlled area. Moreover, emissions surveys and audits of similar existing telecommunications installations have found that the levels of all types of radio frequency transmissions found near to mobile phone base stations remain hundreds or even thousands of times lower than the permissible limits set by ICNIRP.

I understand that the applicant for this particular planning application has provided a declaration of conformity with ICNIRP guidelines. Moreover, the National Planning Policy Framework is explicit in that local planning authorities must determine applications for telecommunications equipment on planning grounds only. Local planning authorities cannot set health safeguards that are different to the International Commission's guidelines.

This link (<https://www.gov.uk/government/publications/mobile-phone-base-stations-radio-waves-and-health/mobile-phone-base-stations-radio-waves-and-health>) includes detailed information on exposure guidelines and health-related evidence and reviews. PHE continues to monitor the latest scientific evidence on this topic and update its advice, and Islington Council will regularly review its position in light of the latest available evidence and national guidance on the health impacts of mobile phone installations.

**For your reference, I set out below some further background scientific and technical references.**

A general overview of High Frequency Electro-Magnetic Frequency, 100Khz to 300Ghz (HF EMF), can be found [here](#). With all the telecoms installations in the borough, operators must ensure that all equipment is ICNIRP (International Committee on Non-Ionising Radiation Protection) compliant, as stated in the Department for Communities and Local Government's National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>).

- Radio base stations and handsets use Electromotive Force (EMF) to transfer information and make mobile phone communications possible. EMFs are used for television and radio transmissions, by the police, fire and ambulance services, by taxi firms and public utilities. EMFs are also used for a wide range of personal and commercial equipment from electronic car keys, Wi-Fi equipment and baby monitoring devices to shop security tag systems. They are also produced by household electrical appliances like fridges, vacuum cleaners or electric shavers.
- In terms of health concerns regarding installations of this type, mobile phones and devices are new but the technology is not, and research has been ongoing in this area for almost 75 years. After a thorough review of the available scientific findings, the World Health Organization (WHO) reported: "To date, the only health effect from radiofrequency (RF) fields identified in scientific reviews has been related to an increase in body temperature (> 1 °C) from exposure at very high field intensity found only in certain industrial facilities, such as RF heaters. The levels of RF exposure from base stations and wireless networks are so low that the temperature increases are insignificant and do not affect human health" [Source: World Health Organisation, Fact Sheet 304, Base stations and wireless technologies, 2006]. In addition, the WHO notes that "Based on a recent in-depth review of the scientific literature, the WHO concluded that current evidence does not confirm the existence of any health consequences from exposure to low level electromagnetic fields" (<http://www.who.int/peh-emf/about/WhatisEMF/en/index1.html>).
- The Advisory Group on Non-ionising Radiation summarised that: "...although a substantial amount of research has been conducted in this area, there is no convincing evidence that RF field exposure below guideline levels causes health effects in adults or children." [Health Effects from Radiofrequency Electromagnetic Fields – RCE 20, 2012].
- In addition, the report 'Recent Research on EMF and Health Risk – Tenth report from SSM's Scientific Council on Electromagnetic Fields, 2015' notes that: "new studies on adult and childhood cancer with improved exposure assessment do not indicate any health risks for the general public related to exposure from radiofrequency electromagnetic fields from far-field sources, such as base stations and radio and TV transmitters.
- Radio base stations are designed to comply with the stringent, precautionary public exposure guidelines set out by ICNIRP (International Commission on Non-Ionizing Radiation Protection). These guidelines have been developed following a thorough review of the science including both thermal and non-thermal effects. UK radio base station installations have been surveyed by independent bodies and found to be hundreds, and sometimes thousands, of times below these guidelines. When ICNIRP reviewed their guidelines in 2009 they concluded: "ICNIRP reconfirms the 1998 basic restrictions in the frequency range 100 kHz–300 GHz until further notice." [Source: ICNIRP statement on the "Guidelines for limiting exposure to time-varying electric, magnetic and electromagnetic fields (up to 300 GHz)"] (As above, these guidelines are

currently being revised, with consultation having been undertaken in July to October 2018 and the results being collated at the moment.)

8.6 **Housing** – The Housing Department does not raise objection to the application.

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

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

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

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

#### Telecommunications

- 9.10 Chapter 10 of the NPPF is entitled Supporting high Quality communications. It is stated at Paragraph 112 that, '*Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).*'
- 9.11 Paragraph 113 further clarifies that '*The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required equipment should be sympathetically designed and camouflaged where appropriate.*'
- 9.12 Paragraph 114 establishes 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.*

- 9.13 Paragraph 115 states that '*Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include: a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure 34 and a statement that self-certifies that, when operational, International Commission guidelines will be met.*'
- 9.14 In addition, Paragraph 116 states that '*Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.*

#### **Development Plan**

- 9.15 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.
- 9.16 Some weight is attributable to the Draft London Plan

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

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

### **10. ASSESSMENT**

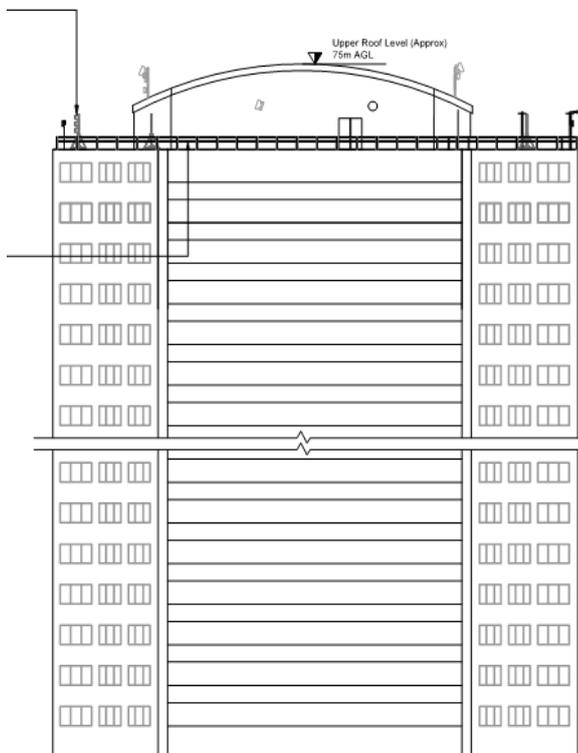
- 10.1 The main issues arising from this proposal relate to:

- Design and character
- Impact on the amenity of neighbouring residents
- Public Health

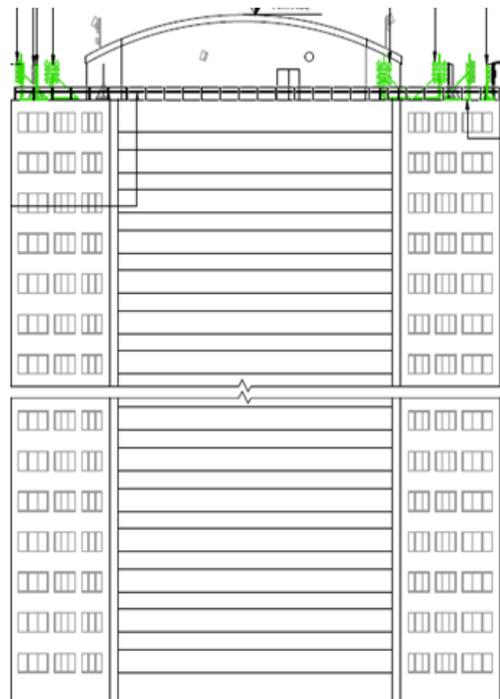
#### **Design and Character**

- 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.

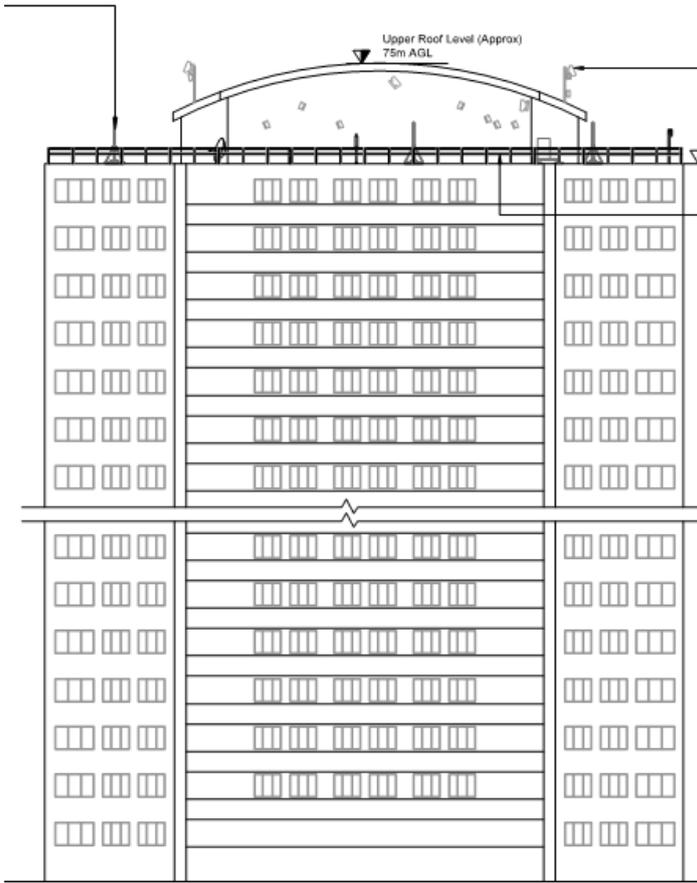
- 10.3 Development Management Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. In this instance, whilst the application site is 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 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.
- 10.6 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.
- 10.7 The proposal would lead to the installation of 86 pole mounted antennas on the roof of the property in addition to existing equipment. The purpose of these would be to provide improved wireless internet services to act as a wireless connection between pre-existing wired fibre broadband networks.



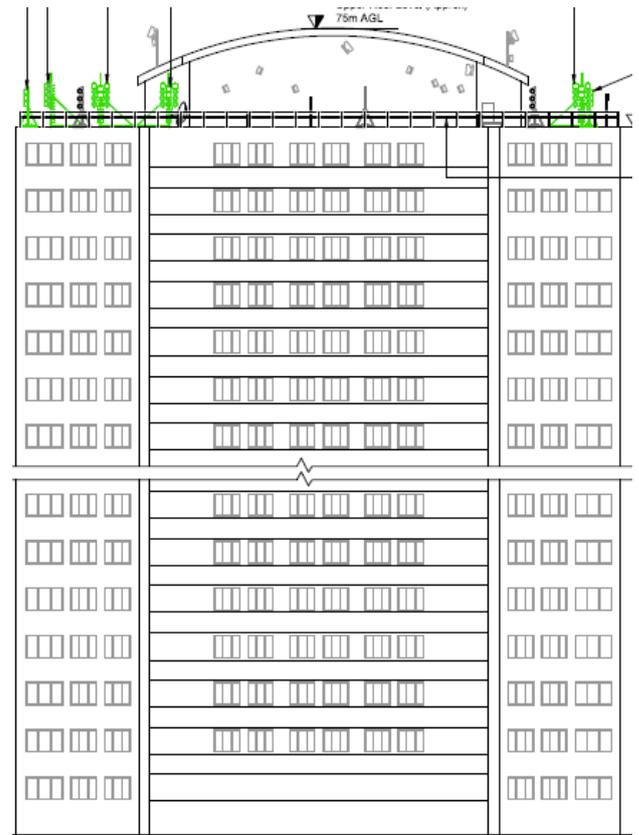
**Existing Western Elevation**



**Proposed Western Elevation**



**Existing Eastern Elevation**



**Proposed Eastern Elevation**

**Samples antennas similar to those proposed**

*Sample Antennas*

Luminet®



Siklu dish 30cm in diameter  
Weight: 4.5kg



Siklu dish 16x16cm  
Weight: 3.5kg



Radwin 35x20cm  
Weight: 3.5kg

- 10.8 The supporting planning statement submitted with the application sets out that the building already hosts rooftop equipment which includes a base station for another operator, a weather station and handrailing around the roof.
- 10.9 The proposed development would lead to the placing of further 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 as the technology is dependent on a direct line of sight between 2 corresponding sets of antennas. 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 frames capable of holding 10 antennas each will be installed and a single platform capable of holding three antennas will be installed. In total 86 antennas will be installed on top of the roof.
- 10.10 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.
- 10.11 The application is supported by several photomontages, shown in images 4 to 6 which demonstrate the visibility of the structures in comparison to the existing building and existing structures on top of the roof.
- 10.12 In this instance the siting of the proposed equipment atop a relatively high 25 storey building means that views of the proposed equipment would be obscured in short views of the property from the surrounding streetscene.
- 10.13 It is acknowledged that there would be some visibility in medium to longer public views from the surrounding conservation areas. This is demonstrated by the photomontages in Images 4 to 6 which demonstrate that there would be some limited visibility from Tysoe Street and Roseberry Avenue to the west of the site located in the Roseberry Avenue Conservation Area. In addition to limited visibility from the Clerkenwell Green Conservation Area to the East on St John Street, Percival and Skinner Street and further visibility to the North from St John Street.
- 10.14 However, it is considered that the scale of the proposed antennas, set against the existing equipment on top of the roof would ensure that the structures would be assimilated into the main built form. The proposed antennas are not considered to overly dominate views of the building nor the setting of the adjacent conservation areas.
- 10.15 Overall, the proposed high level location limits the visibility of the structures in short views, it is acknowledged that there would be some limited views of the structures in medium and long views of the building which would lead to some limited visual harm.
- 10.16 Notwithstanding this, the level of visual harm to the streetscene and setting of the surrounding conservation areas is considered to be less than substantial. In accordance with Paragraph 196 of the NPPF where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset (the surrounding conservation areas), this harm should be weighed against the public benefits of the proposals.

10.17 The importance the Government attaches to high quality communications infrastructure, and the related benefits this brings is also recognised. 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. The public benefits of the scheme are set out in the following section of this report.

### **Public Benefit**

10.18 Paragraph 112 of the National Planning Policy Framework Infrastructure is essential for economic growth and social well-being. The Paragraph states that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology and full fibre broadband connections”.

10.19 Paragraph 196 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals, including where appropriate, securing its optimum viable use.

10.20 As demonstrated in the visual amenity section of this report, it is considered that the proposals would cause less than substantial harm to character than appearance of the surrounding conservation areas. It is considered that the public benefit of the wireless broadband provided by the proposals outweighs the less than substantial harm caused to the character and appearance of the conservation area. 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 (and great weight given to “doing no harm”) to the desirability of preserving or enhancing the character or appearance of the surrounding conservation areas.

10.21 The benefits of the proposal, include the improvement of the wireless internet infrastructure and the resulting fast and ubiquitous access to the internet from the proposed fixed broadband wireless connection which can be used as an alternative to a wired fibre connection and to bridge a gap in the wired fibre network where a direct wired connection is logistically difficult.

10.22 The benefits of this type of connection in comparison to a traditional wired fibre broadband connection is that the wireless technology avoids the need for the trenching of a new fibre cable which can involve weeks of disruption where fibre cable need to be routed under pavements and roads.

10.23 It is considered that the connectivity improvements as a result of the proposals outweigh the less than substantial harm caused to the nearby heritage assets. The proposals would be visible in some long views within the surrounding Conservation Areas, however their design and their siting are for the purposes of achieving maximum efficiency.

10.24 The benefits of improved mobile 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 on nearby heritage assets.

10.25 Overall, the proposed 86 antennas on top of the roof of the 25 storey Michael Cliffe House building are considered to result in significant public benefits, outweighed the less than substantial harm to the Surrounding conservation areas in accordance with Paragraphs 112 and 196 of the National Planning Policy Framework (2019).

### **Neighbouring Amenity**

- 10.26 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).

### **Health Risks**

- 10.27 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.
- 10.28 Ofcom 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.
- 10.29 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.
- 10.30 Further, Public Protection Officer from both Islington and Camden Boroughs have reviewed the proposals with their comments as follows.
- 10.31 *In terms of health concerns regarding installations of this type, mobile phones and devices are new but the technology is not, and research has been ongoing in this area for almost 75 years. After a thorough review of the available scientific findings, the World Health Organization (WHO) reported: "To date, the only health effect from radiofrequency (RF) fields identified in scientific reviews has been related to an increase in body temperature (> 1 °C) from exposure at very high field intensity found only in certain industrial facilities, such as RF heaters. The levels of RF exposure from base stations and wireless networks are so low that the temperature increases are insignificant and do not affect human health" [Source: World Health Organisation, Fact Sheet 304, Base stations and wireless technologies, 2006]. In addition, the WHO notes that "Based on a recent in-depth review of the scientific literature, the WHO concluded that current evidence does not confirm the existence of any health consequences from exposure to low level electromagnetic fields" (<http://www.who.int/peh-emf/about/WhatIsEMF/en/index1.html>).*
- 10.32 *The Advisory Group on Non-ionising Radiation summarised that: "...although a substantial amount of research has been conducted in this area, there is no convincing evidence that RF field exposure below guideline levels causes health effects in adults or children." [Health Effects from Radiofrequency Electromagnetic Fields – RCE 20, 2012].*

- 10.33 *In addition, the report ‘Recent Research on EMF and Health Risk – Tenth report from SSM’s Scientific Council on Electromagnetic Fields, 2015’ notes that: “new studies on adult and childhood cancer with improved exposure assessment do not indicate any health risks for the general public related to exposure from radiofrequency electromagnetic fields from far-field sources, such as base stations and radio and TV transmitters.*
- 10.34 *Radio base stations are designed to comply with the stringent, precautionary public exposure guidelines set out by ICNIRP (International Commission on Non-Ionizing Radiation Protection). These guidelines have been developed following a thorough review of the science including both thermal and non-thermal effects. UK radio base station installations have been surveyed by independent bodies and found to be hundreds, and sometimes thousands, of times below these guidelines. When ICNIRP reviewed their guidelines in 2009 they concluded: “ICNIRP reconfirms the 1998 basic restrictions in the frequency range 100 kHz–300 GHz until further notice.” [Source: ICNIRP statement on the “Guidelines for limiting exposure to time-varying electric, magnetic and electromagnetic fields (up to 300 GHz)”] (As above, these guidelines are currently being revised, with consultation having been undertaken in July to October 2018 and the results being collated at the moment.)*
- 10.35 With telecommunications equipment Public Health have confirmed that risks from Electromagnetic Field(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**

- 11.1 It is recommended that planning permission be granted subject to conditions.
- 11.2 A summary of the proposal and its impacts and acceptability is set out at paragraphs 4.1 to 4.9 of this report.
- 11.3 Great weight has been afforded to the desirability to “preserve” the character and appearance of the surrounding Conservation areas (Section 72). Whilst the proposed antennas will be visible from some medium to longer public views within the surrounding Conservation Areas, given the height of the existing building and the small scale nature of the proposed antennas set against the backdrop of the existing equipment on top of the roof, the harm caused is considered to be less than substantial.
- 11.4 The benefits of improved wireless fibre broadband infrastructure is considered to 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.
- 11.5 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Supporting Planning Statement; LUM0002-04- Issue F; LUM0002-05 Issue F; LUM0002-03 Issue F; Declaration of Conformity for RF Exposure and Amended Statement (30<sup>th</sup> December 2019)- Luminet Solutions Ltd.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials (Compliance)</b>
	<p>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.</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**

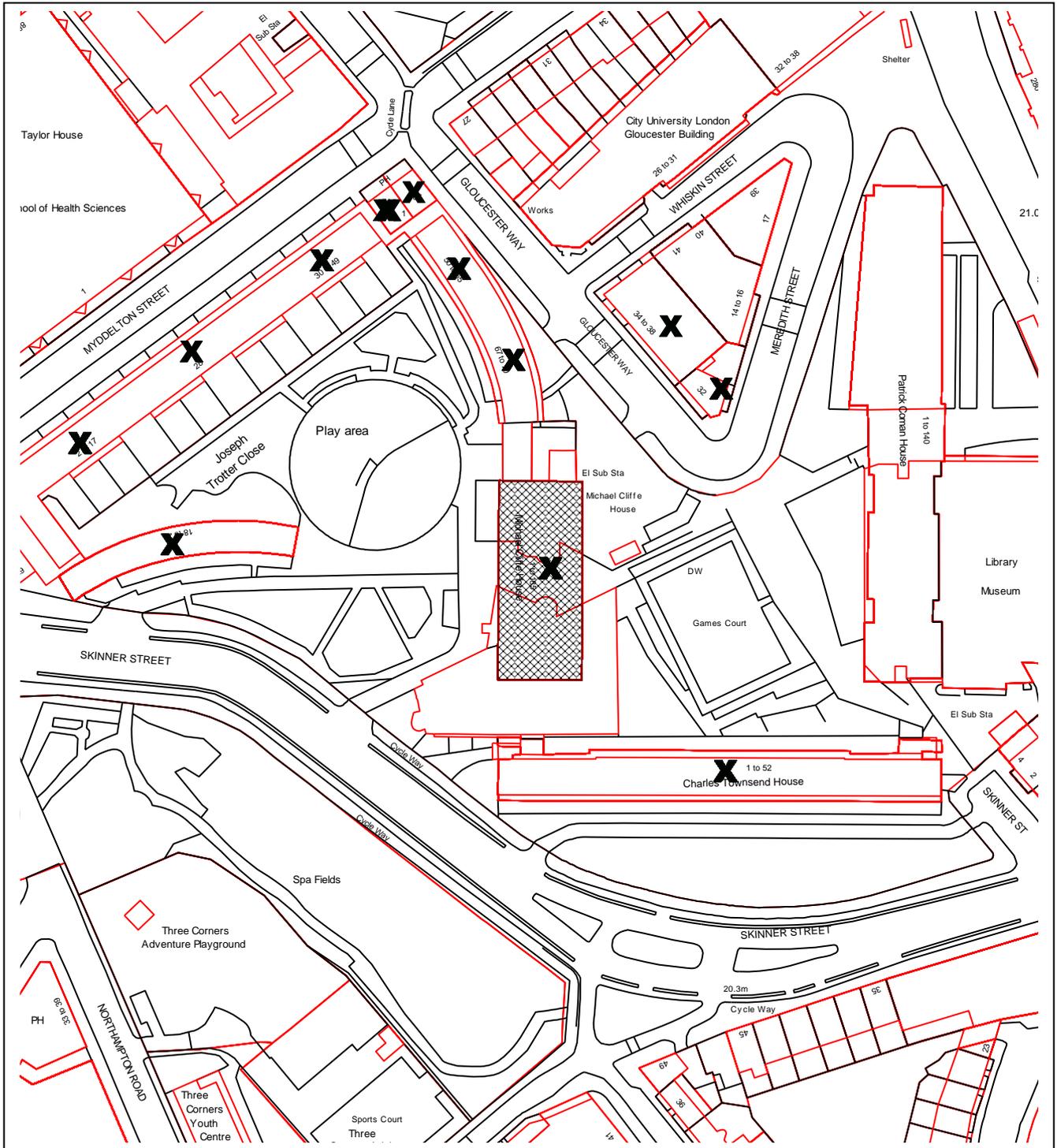
- Bunhill & Clerkenwell Core Strategy Key Area
- Central Activities Zone
- Cycle Routes (Major)
- Bunhill & Clerkenwell Local Plan Area
- Article 4 Direction A1 to A2 (Rest of Borough)
- Article 4 Direction B1(c) to C3
- Heathrow Safeguarding Area

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

- Urban Design Guidelines

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# Islington SE GIS Print Template



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### PLANNING COMMITTEE REPORT



<b>PLANNING SUB-COMMITTEE A</b>		
<b>Date:</b>	7 <sup>TH</sup> September 2020	<b>NON-EXEMPT</b>

Application number	P2020/1178/FUL (COUNCIL OWN)
Application type	Full Planning Application
Ward	Canonbury
Listed building	No
Conservation area	No
Development Plan Context	Article 4 Direction A1-A2 (Rest of the borough) Within 50m of Conservation Area (East Canonbury)
Licensing Implications	None
Site Address	New River Green Children's Centre, 23 Ramsey Walk, Islington, N1 2SX
Proposal	Erection of a ground floor side extension to Block A (North East elevation), with associated access ramp.

Case Officer	Samir Benmbarek
Applicant	London Borough of Islington
Agent	Ream Partnership

#### 1. RECOMMENDATION

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

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of site



**Image 2:** Front of site



**Image 3:** Location of extension and No. 24 Ramsey Walk



**Image 4:** Street scene of Ramsey Walk (Children's Centre in background)

#### **4. SUMMARY**

- 4.1 The application proposes the erection of a single storey side extension to an existing children's centre. The proposed extension would provide an additional 28 square metres of F.2 (local community) floorspace to the existing children's centre.
- 4.2 The building as existing is made up of F.2 floorspace with an approximate gross internal area (GIA) of 600sqm.
- 4.3 The proposed design, layout, scale and massing of the proposed development is considered acceptable. The site is not located within a designated conservation area and officers are satisfied that the proposed extension would not cause harm to the surrounding street scene.
- 4.4 The proposed extension is considered to be of an appropriate scale, and the proposal is considered to not unduly impact the residential amenity of neighbouring properties in terms of loss of daylight and sunlight, overshadowing, reduction in outlook and increased sense of enclosure, loss of privacy and overlooking. The proposal therefore accords with policy DM2.1 of the Islington Development Management Policies 2013.
- 4.5 The proposal is considered to cause no harm to the character and appearance of the surrounding area, and to accord with the Development Plan.
- 4.6 The application is referred to committee as it has been submitted by a member of the Council and is Council own development.

#### **5. SITE AND SURROUNDINGS**

- 5.1 The application site is located on the southern side of Ramsey Walk on the junction with Clephane Road. The site has one principal frontage along Ramsey Walk. The site is not statutorily or locally listed and it is not located within a designated conservation area.

- 5.2 The existing building is of a late twentieth-century construction and the exterior of the building consists of yellow stock brickwork and brown roof slates. The original building is of single storey height with hipped roofing. A later modern addition has been developed along the principal elevation which is two storeys in height with multi-colour panelling and glazing as its exterior.
- 5.3 The site provides approximately 600sqm of children centre use across ground and first floor levels.
- 5.4 To the west of the site is Nos. 24 and 25 Ramsey Walk, a four-storey residential building. This site shares a boundary with the application site with each site having its own side passage along the boundary wall. The western elevation of No. 24 Ramsey Walk has habitable windows that provide some views towards the site and the area of the proposed development.
- 5.5 On the opposite side of the street to the application site is No. 22 Ramsey Walk. A residential building of the same scale, construction and appearance of No. 25. To the north-east is a post-war housing block at four-storeys in height with interlinking courtyards and gardens at ground and third floor level. To the south of the site are a terrace of traditional Victorian four storey buildings that front on to Essex Road which are of residential use.
- 5.6 The character of the immediate area is residential with the application building providing a community use to the wider housing (Marquess Estate). The site is located adjacent to Essex Road which is busier and mixed in its character and use including commercial, residential, eating and drinking. Whilst the character and uses are clearly noticeable between Essex Road and by the site, overall, the wider vicinity is characterised as dense urban.

## 6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks planning permission for the erection of a single storey side extension to accommodate 28sqm of additional F.2 floorspace to the existing children's centre. It would accommodate an office and staff room.
- 6.2 The proposed side extension would have a hipped roof in the same form as the existing building. The height of the extension from ground level to eaves height would be 2.6m and its maximum height would be 4.4m. The width of the extension from the building's eastern elevation would be 3.5m and its depth would measure 9.7m. The extension would be set back from the front building line by 4.8m.
- 6.3 The extension's frontage would consist of brickwork and roof slates matching those of the existing building. The proposed side elevation would feature 2x windows. At the rear of the side extension, an access ramp would be formed with a new side entrance into the existing building.

### RELEVANT HISTORY:

#### Application Site:

- 6.4 P072105- Demolition of a portion of an existing early years centre, to be replaced with a new 2 storey building, which will connect to the existing building providing extra space for Children's Centre Services. **Approved with condition 05/11/2017.**

## 7. CONSULTATION

### Public Consultation

- 7.1 Letters were sent to occupants of 49 adjoining and nearby properties at Ramsey Walk, Clephane Road and Essex Road on 15/05/2020. The public consultation of the application therefore expired on 04/07/2020. However, it is the Council's practice to continue to consider representations made up until the date of a decision.

7.2 At the time of the writing of this report a total of 1 response had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

### ***Construction Works***

- Noise and disturbance during construction works (**Paragraph 9.26**)

### ***Neighbouring Amenity***

- Loss of daylight and sunlight to neighbouring windows and garden due to the scale of the development and proximity to the boundary (**Paragraphs 9.16-9.21**)

### **Internal Consultees**

7.3 **Highways:** No objection, subject to further details in respect to the carrying out of the works as below (with the paragraph that provides responses to each issue indicated within brackets):

- A S278 to be applied to the planning application to cover costs in case any damage(s) caused to the public footpath, crossover or carriageway during construction;
- Concerns to the public including visitors attending the Children's Centre during construction;
- Could construction be looked at to be carried out of term time;
- A banks person should be present at all times when construction materials are being loaded and unloaded from site;
- The Parking Bays outside the Children's Centre should be suspended during construction;
- Construction Vehicles and vehicles delivering building materials should approach Ramsey Walk from St Pauls Road.

**(Paragraphs 9.24-9.26)**

7.4 **Inclusive Design Officer:** Although the 1m width between the boundary and side elevation would be the logical route to use the access ramp there are step-free routes through the building from the main entrance.

7.5 **Planning Policy:** No objection to the extension in land use considerations. Minor increase of community floorspace supported.

## **8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES**

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

### **National Guidance**

8.1 Islington Council (Planning Sub-Committee A), in determining the planning application has the main following 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).
- 8.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: “at the heart of the NPPF is a presumption in favour of sustainable development.
- 8.3 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.
- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 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.
- 8.6 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.
- 8.7 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.
- 8.8 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**

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

## **Designations**

- 8.10 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Article 4 Direction A1-A2 (Rest of Borough)

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

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

## **Emerging Policies**

### **Draft London Plan (Intend to Publish Version), December 2019**

- 8.12 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State has appointed a Panel to conduct an examination in public ('EIP') which opened on 15 January 2018 and continued until May 2019. The Panel of Inspectors made several recommendations to the Mayor on 8<sup>th</sup> October 2019 and the Mayor responded on the 9<sup>th</sup> December 2019 with a version which is intended to be published by March 2020. The Secretary of State has now considered the 'Intend to Publish' version and the proposed changes and has made several recommendations, which are referenced in the main body of the Inspector's report. Whilst the draft London plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration. The emerging London Plan policies have been taken into account.

Relevant policies in the emerging London Plan are set out below:

- Policy D1- London's form, character and capacity for growth
  - Policy D4- Delivering good design
  - Policy D5- Inclusive design
  - Policy S1- Delivering London's social infrastructure
- 8.13 It should be noted that the Secretary of State has written to the Mayor of London setting out various directions to alter aspects of the emerging London Plan. It is not known at this state what response the Mayor will make to the directions. In any event, given what is proposed in the application, the direction does not alter the assessment in this case.
- 8.14 **Draft Islington Local Plan 2019**
- 8.15 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process in progress.

8.16 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

8.17 Emerging policies relevant to this application are set out below:

- Policy SC1- Social and community infrastructure
- Policy SC4- Promoting social value
- Policy T5- Delivery, servicing and construction
- Policy DH1- Fostering innovation and conserving and enhancing the historic environment

## 9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use
- Design,
- Neighbouring Amenity
- Inclusive Design
- Highways and Transport

### LAND USE

9.2 The proposed development would involve an uplift of 28sqm of community floorspace to the existing children's centre.

#### Social Infrastructure

9.3 The proposal would result in an uplift of 28sqm of additional children's centre use (Use Class F.2) floorspace. The new floorspace would be accessed internally from the existing building or from the eastern end of the site via the proposed ramp.

9.4 The existing building is located within a focal location of the Marquess Estate which is the community it serves. Furthermore, it is located just off Essex Road, a main thoroughfare within the borough served by several bus routes. By reason of the location of the existing building, the proposal is at a convenient location served by sustainable transport modes. In conjunction with the existing floorspace of the children's centre, the proposed extension would provide a continued inclusive, accessible and flexible environment as well as continued shared use by the community. Given the existing nature of the site and the scale of the proposal, there would not be adverse impacts upon the surrounding residential uses and the children's centre would still continue to complement the area.

9.5 Therefore, on balance, the additional F.2 floorspace complies with policy DM4.12 of the Islington Development Management Policies 2013. Consideration has been had to policy SC4 (Promoting Social Value) of the draft Islington Local Plan. Policy SC4 encourages all development within the borough to maximise social value in order to deliver as many public benefits as possible. The uplift in floorspace to the children's centre is considered to promote some social value as it would contribute to the existing social infrastructure use to the local community.

## DESIGN

- 9.6 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should contribute positively to making places better for people.
- 9.7 Paragraph 131 of the NPPF (2019) states that in determining planning applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 9.8 Policy CS8 of the Islington Core Strategy sets out the general principles to be followed by new development in the borough. Policy CS9 of the Core Strategy and policy DM2.1 of the Islington 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.
- 9.9 The streetscene in which the site is seen is formed of mainly late twentieth and early twenty-first century medium to large scale housing. The residential buildings are mostly of four or five storeys in height and are constructed with yellow and red brick. The area possesses little architectural merit and whilst the streets are inter connected to the wider area with they appear to be mainly used a means of access to the residential buildings.
- 9.10 Supplementary to local planning policy, the Islington Urban Design Guide, at paragraph 5.67 states '*new development should create a scale and form of development that relates to the existing built form and provides a consistent and coherent setting for the space or street that it defines or encloses, while also enhancing and complementing the local identity of an area*'. This can be applied to any development regardless of scale as it would have an impact upon the surrounding street scene.
- 9.11 In respect to side extensions, paragraph 5.141 of the IUDG reads "*Side extensions and end of terrace infill development can have a significant impact on the character of an area and its local distinctiveness. Height, scale, proportions, elevational treatment, materials as well as impact on neighbouring amenity need to be carefully considered*".

### Scale and Bulk

- 9.12 The proposed scale and bulk of the extension is considered to be acceptable as it is secondary and subordinate to the existing building. Due to the barricaded nature of this part of the street where the site is, the bulk of the proposed development whilst not obscured would be unlikely to be noticeable within the context of the building and neighbouring gates, walls and bins stores. However, its subordination is further read in approach within the site with the setback of the extension from the building's front line.

## Detailed Design

- 9.13 The proposed detailed design of the extension matches that of the existing main building. Whilst the design is of little architectural interest, it does not detract from the streetscene and blends in with the material palette of the wider vicinity. The proposed black uPVC windows are acceptable in their location and design given they would match the other window units on the building.



- 9.14 Overall, the scale, bulk and detailed design of the side extension is considered acceptable.
- 9.15 Consideration has also been given to draft policy DH1 (Fostering innovation and conserving and enhancing the historic environment). The proposed development is considered an appropriate design for its context.

## **NEIGHBOURING AMENITY**

- 9.16 The Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing. Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 9.17 Due to the location and minimal scale of the proposed side extension, it is considered that one neighbouring occupier would have the potential to be impacted which is Flat 2, 24 Ramsey Walk which has side windows facing onto the site. However, it is noted that between the site and these habitable side windows is a 2m high boundary wall such that the proposal would not be overbearing or visually intrusive to the neighbouring occupier.
- 9.18 When viewed from the side habitable windows of Flat 2, No 24 Ramsey Walk, the proposal would introduce a single storey structure with a hipped roof located approximately 3m away. The proposal would appear to extend an additional 0.7m above the boundary wall and it set back from the boundary wall by 1m in which it's impact is lessened and would not appear as overbearing to these occupiers.

- 9.19 It is also noted that given the 2m boundary wall located close to these habitable windows, it is considered there is already a degree of a sense of enclosure that the proposal would not exacerbate given its eaves height, pitched roof and set back from the boundary. As such, the proposed extension is considered acceptable in regards to outlook. The proposed side extension would have 2x side windows; however, given the 2m boundary wall, it would obstruct any direct views into the windows of Flat 2, No. 24 Ramsey Walk.
- 9.20 Given the proposed side extension would be located 3.9m to the west of the habitable side windows of Flat 2, No. 24 Ramsey Walk (with the boundary wall located in between at 2.1m from the windows to the west) and of a modest scale with a hipped roof, it is considered that the proposed extension would not have an adverse impact upon the daylight and sunlight provided to these habitable windows. This is confirmed by measuring the distance between the extension and the side elevation of the No. 24 Ramsey Walk and then applying the 25-degree rule to the centre of the windows in which the extension passes (21.3 degrees). As such, the proposed extension is considered acceptable in regards to daylight and sunlight.
- 9.21 The proposed development is considered to be acceptable on balance in respect to neighbouring amenity and therefore complies with policy 7.6 of the London Plan, policies DM2.1 of the Islington Development Management Policies 2013.

### **INCLUSIVE DESIGN**

- 9.22 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 2013, which requires developments to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone.
- 9.23 An access ramp is proposed by the side of the extension which provides a secondary access to the building. Whilst the 1m width would result in only one wheelchair at a time using this at any given time, access to this part of the building (and the extension) can be gained via the main entrance and via the ground floor which is step free. Therefore, the proposed development is considered to comply with policy DM2.2 of the Islington Development Management Policies 2013. Furthermore, the proposed development would be considered to overall comply with Part B of policy H4 of the Draft Local Plan which has the same aims as current policy DM2.2.

### **HIGHWAYS AND TRANSPORT**

- 9.24 In accordance with Appendix 6 of the Islington Development Management Policies 2013, 1x bicycle spaces should be provided per 3 staff within community facilities. Within the context of the existing building, the proposed extension would provide a minor amount of floorspace and would not result in an increase of staff for the children's centre. Therefore, in this instance, additional cycle parking spaces are not required.
- 9.25 The application was reviewed by the Council Highways department who raised requested details relating to the construction of the extension (as listed within 7.4 of this report). Given the minor scale of the development, it is considered that a S278 agreement would not be reasonable or necessary in this instance given the scale of the proposal and that the materials and construction would be contained within the site and would be unlikely to cause damage to the crossover.
- 9.26 It is considered that given the scale of the works and that it would be contained wholly within one portion of the site, the construction can be easily segregated from the public and visitors to the centre should the construction works not be able to be undertaken outside of term time. Given the nature of the use of the site, it is expected that the welfare of the children, staff and public would be taken into account by the applicant (the Council). The suspension of parking bays would need to be applied for to the Council's Highways and Parking Teams with details found within informative 2 of the suggested recommendations found in Appendix 1 of this report.

## **10. SUMMARY AND CONCLUSION**

### **Summary**

- 10.1 The principle and design of the proposed development is considered acceptable and would not appear out of character within the streetscene, nor would the development harm the amenity of adjoining residential occupiers.
- 10.2 The proposal accords with policies CS8 and CS9 of the Islington Core Strategy 2011, policy DM2.1 of the Islington Development Management Policies 2013, and the Islington Urban Design Guide 2017.
- 10.3 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**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That the grant of planning permission be subject to **conditions** to secure the following, and that there is delegated to each of the following: The Head of Development Management the Team Leader Major Applications and the Team Leader Planning Applications to make minor changes (additions removals or amendments) to the conditions:

#### List of Conditions:

<b>1</b>	<b>Commencement</b> CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
<b>2</b>	<b>Approved Plans List</b> DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:  <b>006A; 007A.</b> <b>Design and Access Statement by Ream Partnership dated April 2020.</b>  REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.
<b>3</b>	<b>Materials (Compliance)</b> CONDITION: The 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.  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.

#### List of Informatives:

<b>1</b>	<b>Construction Works</b> 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 <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a> ).
<b>2</b>	<b>Highway Requirements</b> 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 <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . All agreements relating to the above need to be in place prior to works commencing. Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> .

## APPENDIX 2: RELEVANT POLICIES

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

### 1 **National Guidance**

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

- National Planning Policy Framework 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 7.2 An inclusive environment
- Policy 7.4 Local Character
- Policy 7.6 Architecture

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

- Policy CS8 Enhancing Islington's character
- Policy CS9 Protecting and enhancing Islington's built and historic environment

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

##### Design and Heritage

- Policy DM2.1- Design
- Policy DM2.2- Inclusive Design

##### Shops, Culture and Services

- Policy DM4.12- Social and strategic infrastructure and cultural facilities

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

The following SPGs and/or SPDs are relevant:

#### London Plan

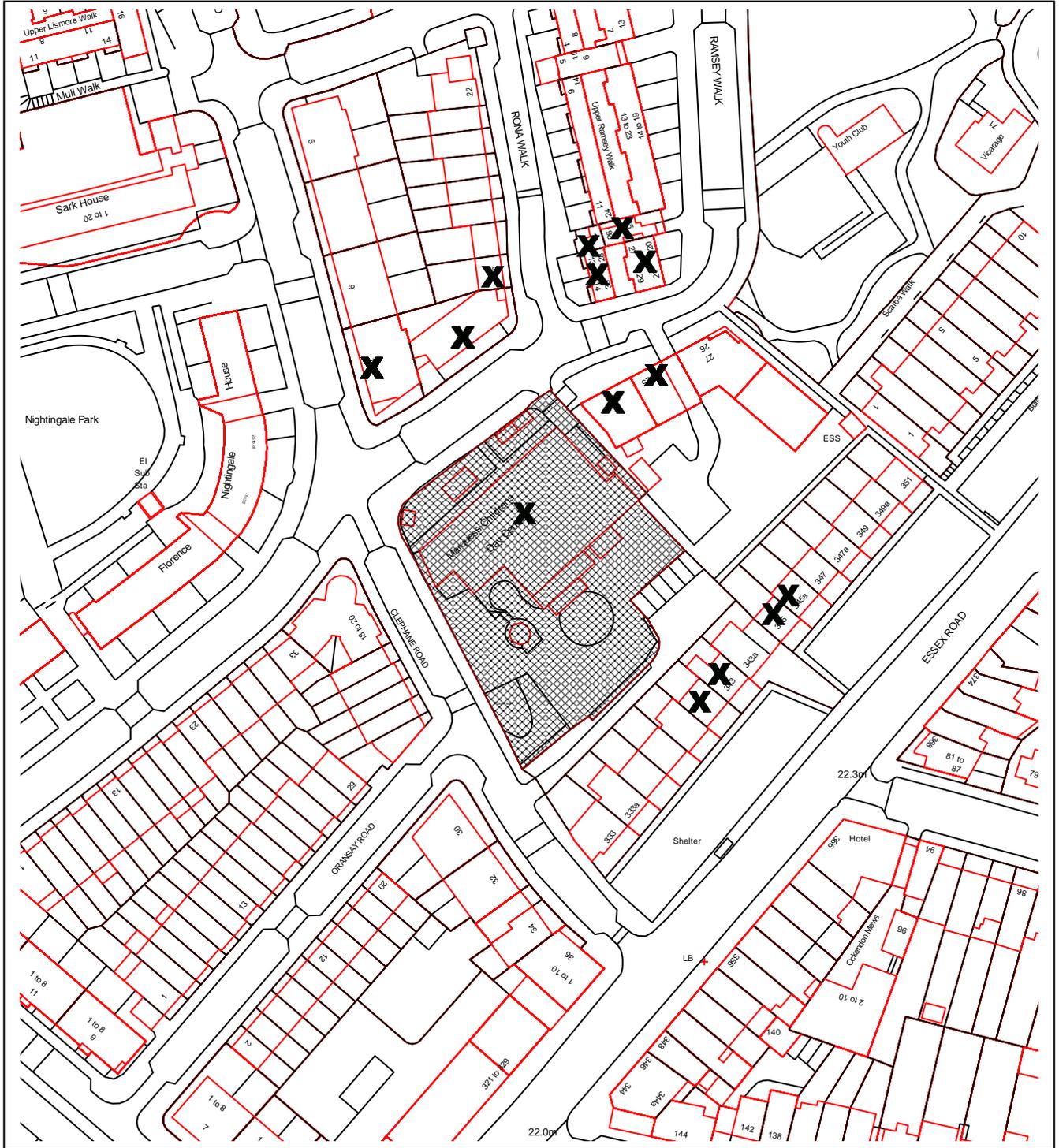
- Character and Context 2014

#### Islington SPG/SPD

- Urban Design Guide 2019

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# Islington SE GIS Print Template



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P2020/1178/FUL

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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department

<b>PLANNING SUB-COMMITTEE A</b>		
Date:	7 September 2020	NON-EXEMPT

Application numbers	P2019/3405/FUL
Application type	Full Planning Application
Ward	Tollington
Listed building	Not listed
Conservation area	Within 50m of Tollington Park Conservation Area (south side of Tollington Park)
Development Plan Context	Mayors Protected Vistas Cycle Routes (Local) Article 4 (A1-A2) Rest of Borough
Licensing Implications	None
Site Address	Salcot, 25 - 29, Tollington Park London N4 3RE
Proposal	Erection of a two storey building for 3 no. self-contained residential units (1no. 3 bedrooms and 2 no. 2 bedroom), new refuse/cycle storage and associated works (following demolition of existing 16 no. single storey garages).

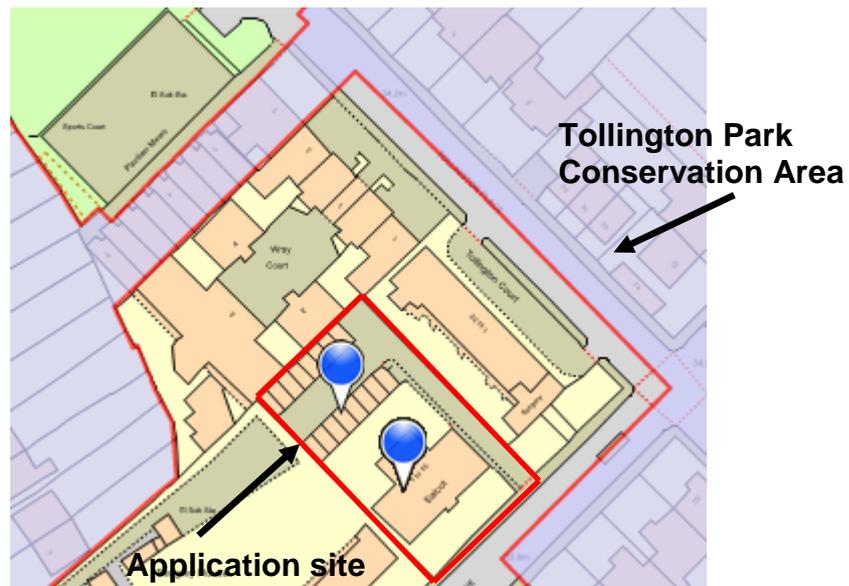
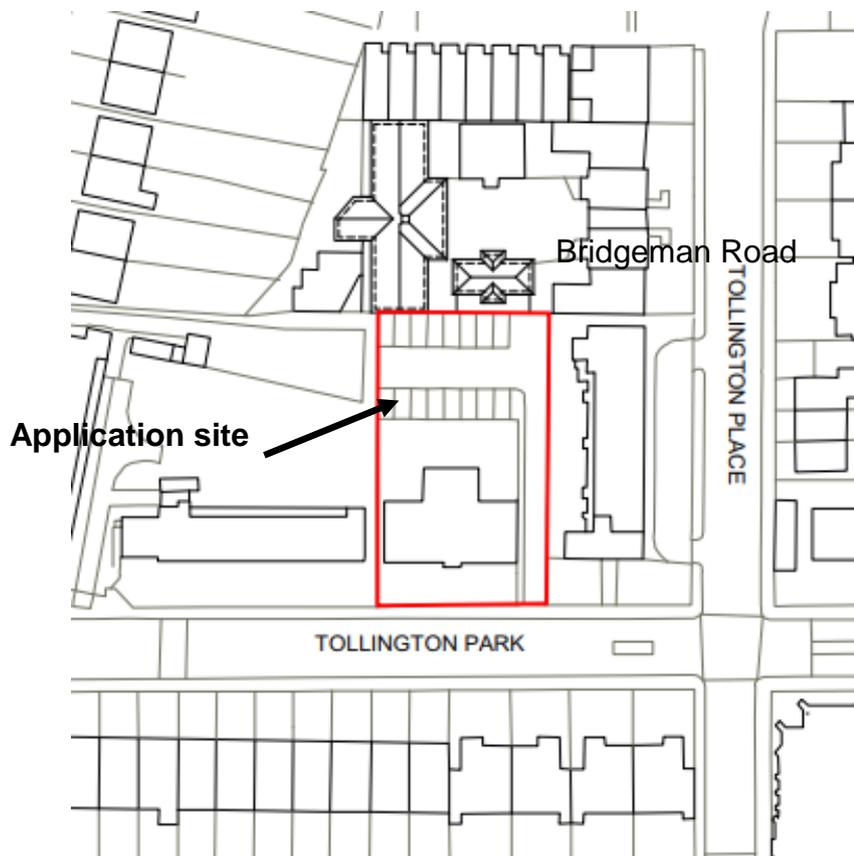
Case Officer	Daniel Jeffries
Applicant	Mr Stuart Pearson
Agent	Lacey&Saltykov Architects Ltd – Mr Tom Lacey

### 1. RECOMMENDATION

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

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

2. SITE PLAN AND CONSERVATION AREA (SITE OUTLINED IN RED)



**3. PHOTOS OF SITE/STREET**



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



**Image 2:** The proposed access to the site as viewed from Tollington Park



**Image 3 and 4:** Photographs between existing garages facing east (top) showing adjacent block of flats (Tollington Court) and facing west (bottom)



**Image 5:** View from application site showing access from Tollington Park



**Image 6:** View facing north showing existing garages and refuse and cycle provision



**Image 7:** View facing west showing existing grassed to south of existing garages and proposed refuse/cycle storage location

#### **4. SUMMARY**

- 4.1 Planning is sought for the erection of a two storey building to allow for the creation of 3 no. self-contained dwellings. The key considerations in determining the application relate to the land use; the quality of residential accommodation proposed; the impact of the proposal upon the character and appearance of the host buildings, wider streetscene, and Tollington Park Conservation Area; the associated impact on neighbouring amenity at adjoining and adjacent residential properties; and affordable housing.
- 4.2 The proposal is brought to committee because the application has received 10no. objections from neighbouring occupiers, indicating a high level of interest in the application.
- 4.3 The application site is known as Salcot, no's. 25 - 29 Tollington Park, and comprises an existing four storey residential building to the north side of Tollington Park with 16no. single storey garages to the rear. The site is to the west of the four storey residential building to the west side of Tollington Place (Tollington Court) and south of the residential care home (no. 2 Wray Court) which is a two storey.
- 4.4 The host building is not statutorily nor locally listed, however the site is located within 50m of the Tollington Park Conservation Area. The proposed building would be reoriented, in comparison to the existing garages and would include rear gardens to the west, and would provide cycle/refuse storage.
- 4.5 The provision of 3 no. self-contained residential dwellings in this location is acceptable, and appropriate given the existing surrounding uses. The level of accommodation to be afforded for future occupants of the dwelling would also be considered to be acceptable. The proposed two storey building and refuse/cycle enclosure and associated alterations are considered to be acceptable, and would not cause harm to the character or appearance of the adjacent buildings, or the surrounding area including the nearby Tollington Park Conservation Area. The proposal would not cause undue harm to the level of amenity experienced by neighbouring residential occupiers. Further, the applicant has confirmed agreement to pay the Affordable Housing Contribution of £150,000, Carbon Off-setting Contribution of £4,500 to the Council, and occupiers would be prevented from obtaining car-parking permits.
- 4.6 The proposal is therefore considered to be acceptable, and it is recommended that the application is approved subject to conditions set out at Appendix 1, and 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.

#### **5. SITE AND SURROUNDING**

- 5.1 The application site consists of the single storey garages to the rear of four storey building, Salcot, no's 25-29 Tollington Park, accessed via a side access road from the north side of the public highway.
- 5.2 The buildings are not statutorily nor locally listed, and whilst the site is not located within the Tollington Park Conservation Area, it is within close proximity being within 50m of the existing garages.

## 6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks permission for the erection of a two storey building to allow for the creation of a 3 no. self-contained residential units (1no. 3 bedroom and 2 no. 2 bedroom), new refuse/cycle storage and associated works including boundary fencing and gates. This is following demolition of the existing 16 no. single storey garages.

## 7. RELEVANT HISTORY:

### Planning Applications

- 7.1 **950481** Redevelopment and change of use of a former petrol filling station and ancillary buildings to provide, within 1 four- storey block 20 two-bedroom units and 12 one-bedroom flats together with 32 car parking spaces, communal gardens and landscaping. Approved on 26/02/1996.
- 7.2 **P2019/2002/FUL** Construction of 6 no (1 bedroom) two storey self-contained dwellings (following demolition of 16 no. existing garages) and associated works including access gates. Application refused on 31/10/2019.

**REASON:** The proposal due to its design, form, materiality and poor layout, fails to relate to the context and local character, lacks coherence with the surrounding predominant form of development in the area. Therefore, the proposal is considered to fail to pay special regard to preserving the visual appearance and historic character of the setting of the Tollington Park Conservation Area and is unacceptable in design terms, contrary to Islington Core Strategy (2011) CS8 and CS9 and DM2.1 and DM2.3 of Development Management Policies (2013) and the design advice found within the Islington Urban Design Guide (2017) and Tollington Park Conservation Area Design Guidelines.

**REASON:** The first floor east elevation windows to the 2 no. most eastern dwellings would result in unacceptable overlooking between the habitable living rooms of these units and the existing roof terraces and habitable rooms serving the residential flats within the building of no. 1-20 Tollington Court to the east of the site, and would therefore have a detrimental impact on the amenity of future occupiers of these adjoining neighbouring properties. Therefore, the proposal would be contrary to policy DM2.1A (x) of Development Management Policies (2013).

**REASON:** The proposal due to the provision of only 1 bedroom residential units would fail to provide a satisfactory mix of housing which does not meet Islington's housing objectives and fails to help foster stable and balanced communities and is therefore considered unacceptable and contrary to London Plan Policy 3.9, Policy CS12 of Islington's Core Strategy and Policy DM3.1 of the Development Management Policies 2013.

**REASON:** The proposed residential units due to the lack of outlook, dual aspect, and adequate floor to ceiling heights, particularly at ground floor level, would result in a poor standard of residential accommodation for future occupiers. Therefore, the proposal is contrary to policy DM3.4 of Development Management Policies (2013).

## **Pre-application**

- 7.3 Q2018/4123/MIN - Pre-application for demolition of 16 former garages. Construction of 8 x 1 bed room and 1 x 2 bedroom dwellings on 2 floors with associated works.

### *Officers response*

- *In land use terms the proposed scheme would remove the existing residential garages and replace 9 no. self contained residential units. Subject to the other material considerations the proposed residential development could be supported at a significantly reduced scale.*
- *In design terms, there are significant concerns relating to the scale of the proposal and whilst the principle of a two storey building may be acceptable, the overall massing and bulk of the development has to be reduced; the current proposal represents overdevelopment of the site. Subject to amenity considerations, the proposal should be largely single storey in height and have a similar footprint as the existing garages to retain the open nature of the site.*
- *The proposal should demonstrate that it would not have a detrimental impact in regards to amenity of neighbouring properties, in terms the loss of daylight/sunlight, outlook, noise and privacy, particularly on the upper levels, maintaining an 18 metre separation distance between windows of habitable rooms.*
- *In accordance with the Affordable Housing Small Sites Contributions SPD on 25 October 2012, it is advised that a scheme would require a £50,000 Small Sites Affordable Housing contribution of each additional private dwellings, unless a financial viability report dictates otherwise.*
- *Overall, it is the council's informal view that the site is incapable to accommodate more than 4 residential units that would be policy compliant. Even if the site is suitable for 4 units, any future proposal will still need to be reviewed in regard to the other issues raised within this pre-application. Therefore, further assessment would be required and it is recommended that you should submit a follow up pre-application after you have considered the points raised within this document.*

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of adjoining and nearby properties on 2 January 2020, and 22 May 2020 following the submission of amended drawings. The public consultation of the application therefore expired on 15 June 2020, 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, **10** no. 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 garage as parking space (**see paragraph 10.2 to 10.6**)
  - Impact of the proposal upon the character and appearance of the area including the Tollington Park Conservation Area (**see paragraphs 10.11-10.36**);
  - Impact upon neighbouring amenity, including noise disturbance, overlooking and loss of privacy (**see paragraphs 10.50-10.74**);
  - Impact during the construction phase including noise and dust pollution (**see paragraph 10.75**)
  - Lack of fire safety (**see paragraphs 10.79 and 10.80**)
  - Increase crime to the surrounding area (**see paragraphs 10.81 and 10.82**)

- Increase pressure on car parking to surrounding area (**see paragraphs 10.85 and 10.86**)
- Requests biodiverse green roof (**see paragraphs 10.103 and 10.104**)
- Loss of property value (**see paragraph 10.109**)

#### **Internal Consultees**

- 8.3 **Design and Conservation Officer:** following the submission of alterations to the front elevation raised no objections to the proposal.
- 8.4 **Policy (Land Use) Officer:** raised no objections to the loss of the existing garages.
- 8.5 **Tree Officer:** raised no objections subject to condition.
- 8.6 **Building Control Officer:** following the submission of further information in relation to fire safety raised no objections

#### **External Consultees**

- 8.7 **London Fire Brigade:** confirmed they are satisfied with the level of provision of fire safety precautions.
- 8.8 **Metropolitan Police (Secured by Design) Officer:** has raised no objections to the proposal subject to a condition relating to a secured by design accreditation.

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

### **Development Plan**

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

- Within 50m of Tollington Park Conservation Area
- Mayors Protected Vistas -
- Cycle Routes (Local)
- Article 4 (A1-A2) Rest of Borough

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

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

**Emerging Policies**

**Draft London Plan (Intend to Publish Version, December 2019)**

9.13 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State has appointed a Panel to conduct an examination in public (“EIP”) this opened on 15 January 2019 and continued until May 2019. The Planning Inspector made several recommendations to the Mayor on the 8th October 2019 and the Mayor responded on the 9th December 2019 with a version which is intended to be published by March 2020. The Secretary of State has now considered the ‘Intend to Publish’ version and the proposed changes and has made several recommendations, which are referenced in the main body of the Inspector’s report. Whilst the draft London Plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration. The emerging London Plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:

- Policy D4: Delivering good design
- Policy D5: Inclusive design
- Policy D6: Housing quality and standards
- Policy D7: Accessible housing
- Policy H1: Increasing housing supply
- Policy H2: Small sites
- Policy HC1: Heritage conservation and growth
- Policy T5: Cycling
- Policy T6: Car parking

9.14 It is worth noting that the Secretary of State has written to the Mayor of London setting out various directions to alter aspects of the emerging London Plan. It is not known at this stage what response the Mayor will make to the directions. Given what is proposed in the application, the direction does not alter the assessment in this case.

**Draft Islington Local Plan 2019**

9.15 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process in progress.

9.16 In Line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

9.17 Emerging policies relevant to this application are set out below:

- Policy PLAN1: Site appraisal, design principles and process
- Policy H4: Delivering high quality housing
- Policy S1: Delivering sustainable design
- Policy DH1: Fostering innovation and conserving and enhancing the historic environment
- Policy DH2: Heritage assets

## 10 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design and Conservation
- Standard of Accommodation
- Neighbouring Amenity
- Inclusive Design
- Highways and Transportation
- Refuse and Recycling
- Affordable Housing Small Sites Contributions
- Other Matters

### Land Use

#### *Loss of existing garages*

10.2 The application site is not within an Employment Growth Area, Employment designated area, within the Central Activities Zone (CAZ) or a conservation area. The site does however adjoin the Tollington Park Conservation Area. The application relates to the existing 16 no. single storey garages which are ancillary to the existing residential units within the four storey building (known as Salcot) to the south of the garages and to the north side of the public highway of Tollington Park.

10.3 In terms of the loss of garages used for vehicle parking, Part A of Policy DM8.5 of the Development Management Policies (2013) does not allow residential parking (for use class C3) for new homes, except for essential drop-off and wheelchair-accessible parking, and no parking permits will be issued to occupiers to new occupiers.

10.4 Therefore, the proposed loss of the existing ancillary garages as vehicle parking is considered to be consistent with the Council's policies to reduce car ownership in this regard, given they are not considered to be essential and are not supporting wheelchair users.

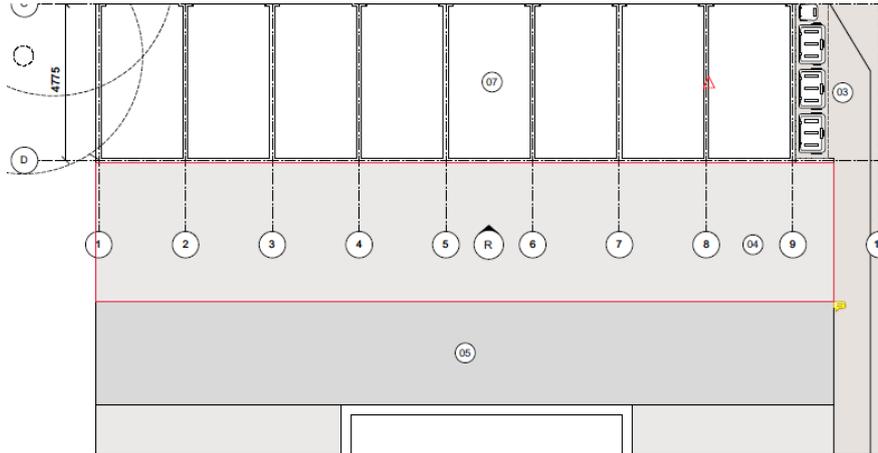
- 10.5 The submitted Design and Access Statement confirms that the existing garages were formerly used for vehicles and currently (as well as for a period considerably longer than the last 10 years) used as storage. Officers would concur that most of the garages would not be suitable for modern vehicle standards and ultimately these were installed during an era when vehicles were promoted in design. This is no longer the case and policies have moved towards more sustainable development.
- 10.6 It is acknowledged that in addition to the use of the existing garages for vehicle parking, the proposal would result in the loss of existing storage spaces within these garages and the existing storage units. Whilst the proposed residential units are assessed in terms of having adequate levels of storage, in terms of having acceptable standard of accommodation, there are no specific policies relating to the loss of existing storage areas, therefore whilst it is appreciated how important storage is to the occupiers of the existing residential units the refusal of the application on the loss of storage is not considered to be reasonable. Overall it is considered that low scale garages represent a visually poor and inefficient use of a well located site.

*Proposed C3 use*

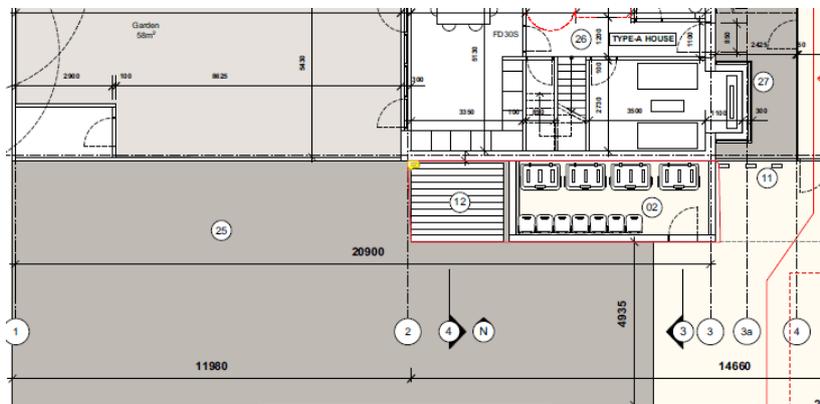
- 10.7 The creation of self-contained residential units (C3 use) in this location is considered to be appropriate, given the site is within a residential area. The provision of additional housing would accord with policy CS12 of the Core Strategy which seeks to meet and exceed the borough housing targets through the provision of additional housing in suitable locations. As noted in the supporting text paragraphs of policy CS12, the quality of housing has a considerable impact on overall quality of life. In line with the requirement of London Plan policy 3.5, housing developments would only be supported where it is of the highest quality internally, externally and in relation to their context and the wider environment. The quality of accommodation proposed is discussed further within the report below.

*Refuse/cycle storage*

- 10.8 The other elements of the proposed development are to provide replacement and centralised cycle and refuse storage for the wider estate, which are currently located to the north east corner of the site. The proposed replacement area is located immediately adjacent to the side (south) elevation on an area of grass, which is defined as semi-private open space.
- 10.9 Policy DM6.3D seeks to ensure the Council resists *development on semi-private amenity spaces, including open space within housing estates and other similar spaces in the borough not designated as public open space within this document, unless the loss of amenity space is compensated and the development has over-riding planning benefits.* Whilst the refuse/cycle storage would result in a partial loss of this area of semi-private open space current open space (measures 94 sq metres and proposed bin store area would develop 22 sq metres of this existing space) , the proposal would introduce 3 no. significant extents of greenspace, in the form of the rear gardens for each dwelling, improve and would provide improved refuse/cycle facilities for the existing residents, as well as landscaping the retained area of semi-private open space. It therefore considered that this partial loss would be acceptable in land use terms.



Existing semi private open space arrangement and garages



Proposed space to accommodate the 3 dwellings bin stores/facilities.

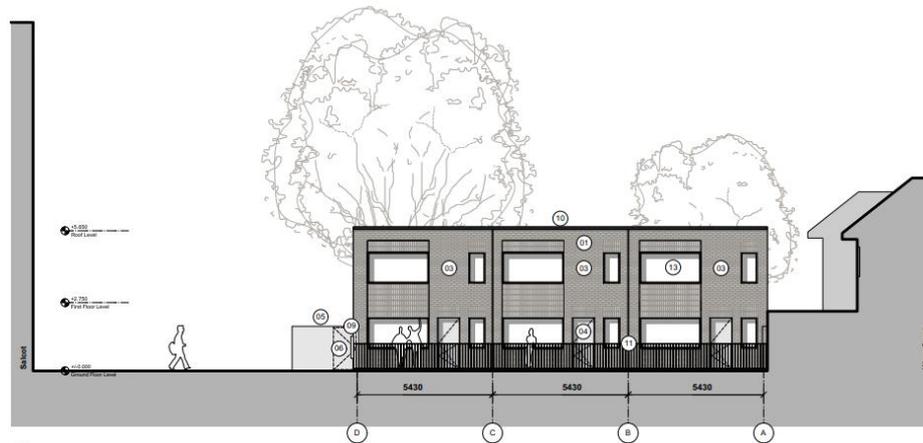
### Conclusion

- 10.10 Overall, the loss of the existing garages and storage areas, and the semi-private open space, to be replaced with proposed self-contained residential units and cycle and refuse storage are considered to be acceptable in land use terms.

### Design and Conservation

- 10.11 The application site comprises 16no. single storey garages which are located to the rear of a four storey building located to the northern side of Tollington Park. The site is not located within a conservation area but it is within 50m of Tollington Park Conservation Area, located to the south side of Tollington Park and entrance to the site, as well as to opposite side of the adjacent buildings to north and east.
- 10.12 The existing garages are not locally nor statutorily listed, and appear to form part of a post-war development. However, they do not detract from the character or appearance of the surrounding area nor the setting of the nearby Tollington Park Conservation Area.
- 10.13 The design advice found within the Islington Design Guide (2017) and Tollington Park Conservation Area Design Guidelines should be taken into consideration of the assessment of the proposal in design terms.

- 10.14 Policy CS9 of Islington's Core Strategy 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.
- 10.15 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.
- 10.16 The application seeks permission for the erection of a two storey building and associated gardens, boundary treatment and cycle/refuse storage area, which would replace 16 no. single storey garages.
- 10.17 The Islington Urban Design Guide 2017 paragraphs 5.41 to 5.47 provide advice in relation to mews and backland sites. It notes that *backland sites are sites behind existing buildings, often with no street frontage and usually within predominantly residential areas.* It advises that *regardless of the size of the site, in Islington where backland sites do accommodate development, this is generally subordinate to the buildings that front the street.*
- 10.18 In addition, the UDG advises that *development will generally only be considered where it replaces an existing structure and is subservient to the surrounding development, in accordance with the predominant development pattern in the borough which concentrates massing along the primary street frontage.* Also that *backland or mews-style developments also present particular challenges to the designer insofar as access to them generally fractures the street frontage/building line. Sufficient space is required to provide the new dwellings with a good level of residential amenity (without undermining that of neighbouring properties) and to uphold community safety.*
- 10.19 The proposal would replace an existing structure in the form of 16 no. single storey garages, which form two rows facing north and south. The existing garages face towards the existing gap between the two rows and are accessed from the east of the site. Immediately adjacent to the east is an informal area for refuse storage.
- 10.20 The proposed building would cover a similar footprint to the existing garages, albeit the orientation would be east to west, and located towards the east of this area. The height at two storey is considered to be subordinate to the surrounding buildings, which include the four storey blocks to the south and east, facing Tollington Park and Tollington Place respectively. The proposal would also replicate the hierarchy of the adjacent site to the north, Wray Court, which consists of a four storey buildings fronting Tollington Place and setback two storey buildings and is considered acceptable in this regard.
- 10.21 The design of the building itself would result in a flat roofed building, with a projecting bay window to the east and front elevation to each of the 3 no. properties. The use of a flat roofed building is considered to replicate building within the surrounding area, including the four storey building immediately to the south facing Tollington Park. The use of a bay window to the front elevation is considered to add visual interest to the host building and is considered to accord with the UDG advice (para. 5.96) which confirms that *repeating projecting bay windows and recessed front entrances, can help accentuate plot widths and/or individual houses.*



**Image 8:** View facing west facing proposed front (east) elevation

10.22 Paragraphs 5.91 to 5.95 of the UDG provides advice in relation to fenestration details recommending that *care needs to be taken to ensure that the windows are of an appropriate scale to the façade and that windows in the façade have some relationship with each other*. The proposal would include fenestration to the front (east) and rear (west) elevations which are considered to be acceptable, providing the building with a consistent visual appearance.

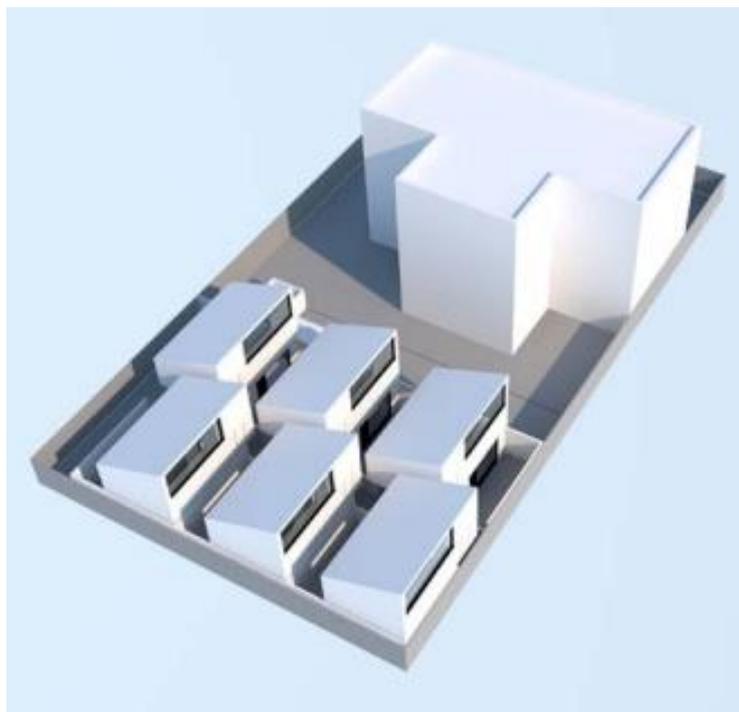
10.23 It is acknowledged that the side (north and south) elevation would result in blank facades and not include any windows or doors. The UDG recommends that the extent of blank flank walls is minimised insofar as possible. However, in this instance the use of blank facades is considered acceptable given that the north elevation forms a shared boundary and in relation to the south elevation, any windows on this elevation are likely to result in unacceptable overlooking to the occupiers of the existing four storey building to the south. It is therefore considered that the use of blank flank elevation is acceptable in this instance.



**Image 9:** View facing north showing proposed side (south) elevation

10.24 The scale of the proposal and general design of the proposal is considered to be a significant improvement on the previously refused scheme (ref. P2019/2002/FUL) shown below. This application was refused for a number of different reasons including that *due to its design, form, materiality and poor layout, fails to relate to the context and local character, lacks coherence with the surrounding predominant form of development in the area*. Whilst this refused application included two storeys in height it covered a larger

footprint, resulting the majority of the area being covered by the refused proposal, and more than the existing garages which was considered unacceptable in design terms.



**Image 10:** Proposed visual of previously refused scheme (ref. P2019/2002/FUL)

- 10.25 Paragraphs 5.111 to 5.126 of the UDG provides advice in relation to materials. It advises that *the use of materials needs to be considered in terms of their innate qualities (including in relation to thermal performance), their relationship with the surrounding built environment, the articulation of the façade, and their durability and the appearance of durability.* It recommends that *the choice of materials in any new development must take account of its context. Care needs to be taken to ensure that the new material is sympathetic with the local vernacular. Any new building should have a harmonious visual relationship with its neighbours; consistency and continuity are important. The proposed palette of materials should not jar, inappropriately draw the eye, or otherwise undermine the local character or distinctiveness of the area.*
- 10.26 The proposal would be constructed using brick for the elevations and timber framed windows and doors, as detailed within pages 17 and 18 of the submitted Design and Access Statement. The applicant has confirmed that *a special bond could be used to provide texture and relief to the wall surfaces. In particular, it is envisaged that the bay windows walls and those of the actual houses should have a contrasting treatment.* The submitted information shows a vertical brick pattern for the bay windows, and horizontal for the remaining part of the building.
- 10.27 In order to assess the acceptability of these materials it is important to consider design advice within paragraphs 5.111 to 5.126 in the UDG. It advises that *the choice of materials in any new development must take account of its context. Care needs to be taken to ensure that the new material is sympathetic with the local vernacular. Any new building should have a harmonious visual relationship with its neighbours; consistency and continuity are important. The proposed palette of materials should not jar, inappropriately draw the eye, or otherwise undermine the local character or distinctiveness of the area.*

10.28 As shown in the aerial photograph below (Image no. 11), the surrounding buildings are characterised by different coloured brickwork. Therefore, the use of brickwork is considered to respond to this context and acceptable in design terms. Paragraphs 5.126 to 5.128 of the UDG provide advice in relation to brickwork, noting that *brick is the most widely used material in Islington's built environment. It is a robust and durable material, with excellent weathering properties. The choice of colour, texture, bond and pointing is crucial to achieving good quality brickwork. In conservation areas in particular, it is important that any new brickwork respects the special architectural and historic interest of its surroundings. Brick slips are not generally considered an acceptable alternative to brick, as they can often be of insufficient robustness and quality.* The UDG also provides advice in terms of the proposed detailing for brickwork, noting that *the use of appropriate bond, mortar and pointing is critical in achieving high quality brickwork. Lime based mortar and traditional bonds such as Flemish or English bonds are encouraged. Pointing should be flush or slightly recessed with the face of the brick to ensure that the mortar joints will be subordinate to the face of the brickwork to avoid the unsympathetic appearance of weather struck pointing (which projects from the face of the brick).*



**Image 11:** Aerial photograph of the application site showing the use of brickwork in the immediate context

10.29 In order to ensure the use of appropriate brickwork, including to ensure the use of appropriate bond, mortar and pointing and colour, a condition has been recommended for the submission of details. Subject to these details the proposed development would offer a simple yet contextual finish overall which would not dominate its surroundings and would remain subservient to the adjoining larger flatted blocks, which is considered to be successful and an appropriate design and townscape response in this case.

10.30 The proposal includes the replacement of the existing boundary treatment around the perimeter of the site and around the proposed units, including the subdivision of the front and rear gardens, including providing an access gate towards the east, which would align with the south elevation of the proposal, as well as a cycle and refuse enclosures. Paragraph 5.32 of the UDG provides advice in relation boundary treatment recommending that *boundary walls/railings should be designed in a manner that is consistent with the existing street and should provide an open aspect.*

- 10.31 It is acknowledged that the use security gates would not strictly in accordance within the UDG advice in relation to natural surveillance (paras. 5.27 to 5.29) where it notes that *gated developments are not supported in Islington, and gating routes is not considered an acceptable solution to overcome the shortcomings of poor site layout*. However, given the proposal only relates to 3 no. units and nature of the site, which does have any street frontage and does not prohibit/cut off an existing access through route through the site or to the existing residential blocks within and adjacent to the site, this approach is considered acceptable in this instance.
- 10.32 Pages 17 and 19 of the submitted Design and Access Statement and associated drawings provide details of the proposed materials of these boundaries. It confirms that timber boarded fencing would be used around the perimeter of the rear gardens and the site, and the proposed access gates would be constructed using metal. Whilst these materials are considered acceptable in design terms, a condition has been recommended for their details to be submitted.
- 10.33 Paragraph 5.186 of the UDG provides design advice in relation to proposed waste and recycling storage. It advises that should be *designed so they neatly integrate with building frontages and thresholds and do not undermine community safety*. Whilst this advice is also considered applicable for the cycle storage, Policy DM8.4C advises that it should be *secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible*.
- 10.34 The proposed communal secure bicycle storage enclosure and refuse bin storage enclosure which would be positioned adjacent to the side (south) elevation of the proposed building. The design of this storage space, which would be single storey in height is considered to be subordinate to the proposed building and accords with the design and policy advice, and a condition has been recommended for the submission of details of the proposed materials.
- 10.35 Notwithstanding the above assessment, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the Council to pay special attention to be paid to the desirability of preserving or enhancing the character and appearance of the setting of heritage assets. In this instance, whilst the site is within close proximity to the Tollington Park Conservation Area, located to the south side of the public highway of Tollington Park, the proposal is not considered to be within the setting with the proposal area setback by approximately 40m, with only views via the existing access. It is therefore considered that the proposal would not result in harm and would preserve the visual appearance and historic character of this heritage asset.
- 10.36 Given the above, the proposal is considered to accord with the NPPF 2019, policies 7.4, 7.6 and 7.8 of the London Plan 2016, policy CS9 of the Islington Core Strategy 2011, policies DM2.1 and DM2.3 of the Islington Development Management Policies (2013), and the guidance contained within the Urban Design Guide 2017 and the Conservation Area Design Guidelines.

### Housing Mix and Standard of Accommodation

- 10.37 Policy DM3.1 seeks to ensure residential developments provide a good mix of housing sizes, to ensure that new housing meets the housing needs of the population, both for market, social and intermediate housing, in order to create mixed and inclusive communities.
- 10.38 The current housing size mix required for all major developments and to inform minor developments is set out in Table 3.1 which is below:

Tenure	1-bed	2-bed	3-bed	4-bed or more	Total
Market	10%	75%	15%	0%	100%
Intermediate	65%	35%	0%	0%	100%
Social Rented	0%	20%	30%	50%	100%

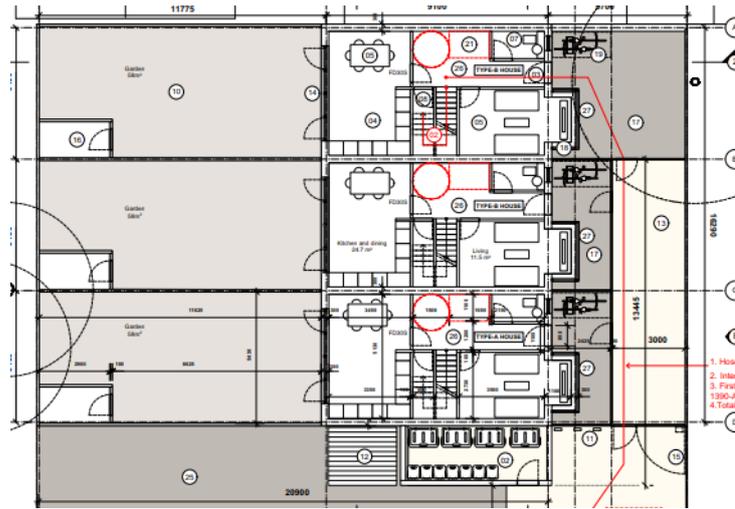
- 10.39 It is acknowledged that the proposed housing mix 1 no. 2-bed (33%) and 2 no. 3-bed (67%) does not strictly accord with the Council's recommended housing mix described. However, this proposed housing mix is considered to overcome one of the reasons for refusal of the previous application (ref. P2019/2002/FUL) which was *due to the provision of only 1 bedroom residential units would fail to provide a satisfactory mix of housing which does not meet Islington's housing objectives and fails to help foster stable and balanced communities* was therefore considered to be unacceptable. The proposed mix which would include 2 no. family sized (3 or more bedrooms) units is considered to be acceptable in this regard.
- 10.40 The London Plan 2016 sets out the minimum overall flat size space standards (policy 3.5, Table 3.3). The Council sets out minimum room size standards in the Development Management Policies 2013. The size of the proposed units and bedrooms is assessed in the tables below.

No. Bedrooms / Expected Occupancy	Floor Space Provided	Minimum Required	Provided Storage	Required Storage
Unit 1 (Type A House) (2bed/4person)	94.00 sqm	83.00 sqm	3.00 sqm	2.50 sqm
Unit 2 (Type B House) (3bed/4person)	94.00 sqm	87.00 sqm	3.00	2.50 sqm
Unit 3 (Type B House) (3bed/4person)	94.00 sqm	87.00 sqm	3.00	2.50 sqm

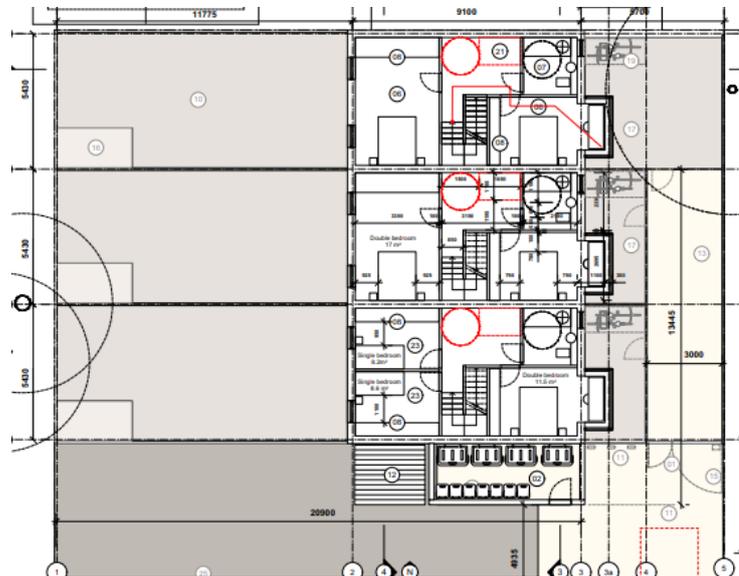
Bedroom	Floor Space Provided	Space	Minimum Required Floor Space
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Unit 1 (Bedroom 1)	11.50 sqm	12.00 sqm
Unit 1 (Bedroom 2)	17.00 sqm	12.00 sqm
Unit 2 (Bedroom 1)	11.50 sqm	12.00 sqm
Unit 2 (Bedroom 2)	8.20 sqm	8.00 sqm
Unit 2 (Bedroom 3)	8.60 sqm	8.00 sqm
Unit 3 (Bedroom 1)	11.50 sqm	12.00 sqm
Unit 3 (Bedroom 2)	8.20 sqm	8.00 sqm
Unit 3 (Bedroom 3)	8.60 sqm	8.0 qm

- 10.41 NB: The Council considers that where a bedroom is in excess of 11 sqm, it is considered to be a double (two person) room. Also, a second bedroom in excess of 10 sqm will also be considered to be a double room.
- 10.42 The proposed units would exceed the minimum floorspace standards and storage requirements.
- 10.43 It is noted that each of the units would have a double bedroom below the minimum required floorspace of 12 sqm. However, each of the bedrooms would have a minimum width of at least 2.75m, in accordance with Table 3.3 of the Development Management Policies 2013.
- 10.44 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 be provided.
- 10.45 The floor to ceiling height of the units would be 2.5m at ground and first floor. Whilst this would be lower than the 2.6m outlined in the Development Management Policies, it would meet the minimum ceiling height as set out within the London Plan. The proposed floor to ceiling height is considered to be acceptable.
- 10.46 Dual aspect flats must be provided in all situations in accordance with policy CS9F of the Core Strategy 2011, and policy DM3.4 of the Development Management Policies 2013, unless exceptional circumstances can be demonstrated. The proposed flat would be dual aspect. The level outlook to be provided for each of the living areas and bedrooms would also be acceptable.
- 10.47 Policy DM3.4E stipulates that all living areas, kitchens and dining spaces should preferably receive direct sunlight. This would be achieved for in this instance. Policy DM3.5 advises the minimum requirement for private outdoor space for each unit. In this instance, 25 sqm would be required for the 2 bed unit and 30 sqm for the 3 bed family sized unit. The proposal would provide 69 sqm outdoor amenity space for each of the units which would exceed this requirement.



**Image 12:** Proposed Ground Floor Layout



**Image 13:** Proposed First Floor Plan

- 10.48 The standard of accommodation for the proposed units are considered to overcome one of the reasons for refusal of the previous application (ref. P2020/2002/FUL) which was considered unacceptable *due to the lack of outlook, dual aspect, and adequate floor to ceiling heights, particularly at ground floor level, would result in a poor standard of residential accommodation for future occupiers.* This revised application has reduced the number of units, which are configured and increased in size and are considered to ensure dual aspect, acceptable outlook, adequate floor to ceiling heights, and result in an acceptable standard of accommodation.
- 10.49 Overall, the proposed dwelling is considered to offer a good standard of accommodation for future occupiers. The application is therefore considered to be acceptable, and accords with the provisions of London Plan's Housing SPG, policy CS12 of the Core Strategy 2011, and policy DM3.4 of the Development Management Policies 2013.

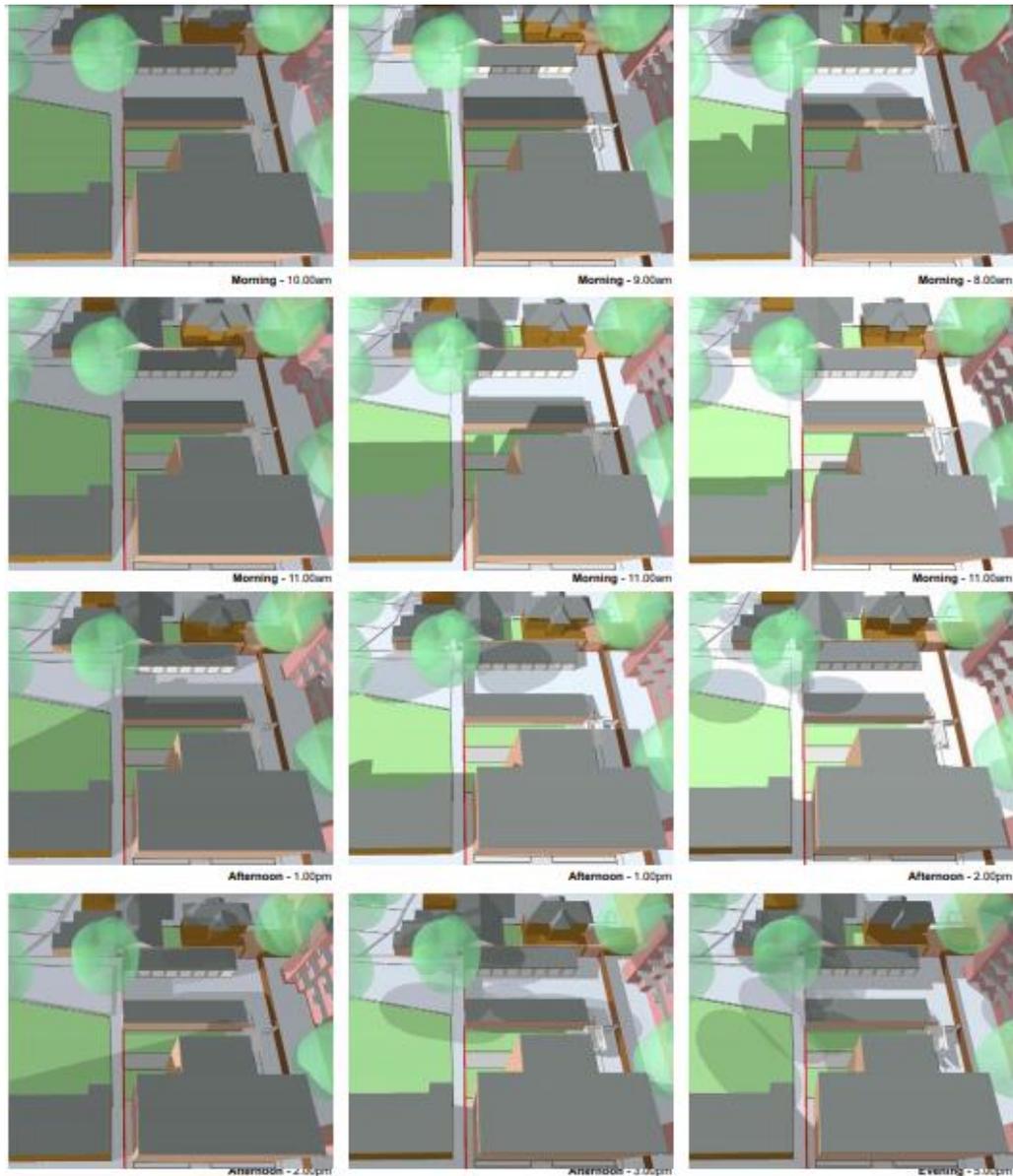
## Neighbouring Amenity

- 10.50 The proposal site is in relatively close proximity to a number of adjoining properties. Residential amenity comprises a range of issues which include daylight, sunlight, overlooking and overshadowing impacts. These issues are addressed in detail below. The Development Plan contains adopted policies that seek to safeguard the amenity of adjoining residential occupiers including Development Management Policy DM 2.1.
- 10.51 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, direct sunlight and day light, over-dominance, sense of enclosure and outlook. 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.

## Daylight and Sunlight

- 10.52 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 10.53 The BRE Guidelines (2011) state in relation to sunlight at paragraph 3.2.11:
- 10.54 “If a living room of an existing dwelling has a main window facing within 90degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. 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 21 September and 21 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.”
- 10.55 The BRE Guidelines) state at paragraph 3.16 in relation to orientation:
- “A southfacing window will, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit.”
- 10.56 They go on to state (paragraph 3.2.3): “... it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun.

10.57 Whilst no Daylight and Sunlight has been submitted in support of the application the submitted Design and Access Statement includes shading studies showing the existing situation in comparison to the proposed development, in order to ascertain the impact of the proposal on the neighbouring properties and the provision of sun on the ground within the site itself. The study has assessed the impact on the adjacent properties during the morning, afternoon and evening, during the winter (21 December), mid-season (21 September/March) and summer (21 June). The image (no. 14) below show the existing situation in relation to overshadowing to neighbouring properties (also within page 15 of the Design and Access Statement).



**Image 14:** Shading study showing existing situation

Outlook and enclosure

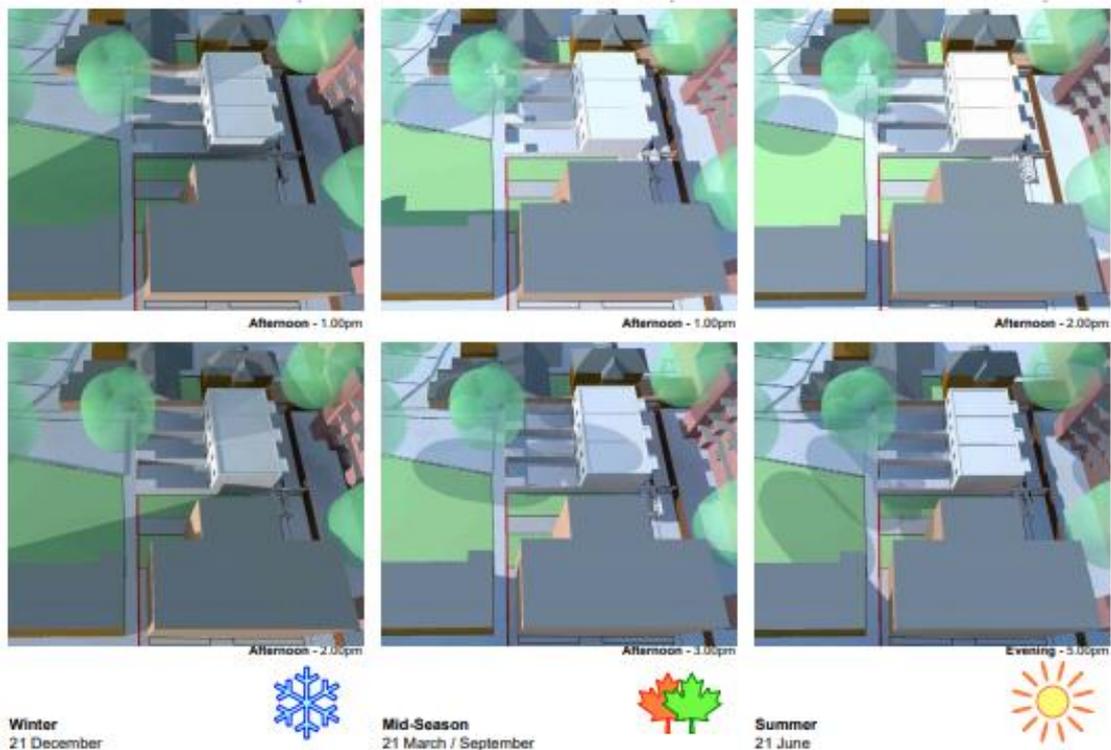
10.58 It is important that the proposal is not considered to have a detrimental impact on the outlook of the habitable rooms of the surrounding residential properties, or result in a sense of enclosure to occupiers due to the acceptable overall scale, massing, footprint and height of the proposal relative to the existing location of adjoining habitable room windows.

Overlooking and privacy

10.59 Paragraph 2.14 of the Development Management Policies (2013) seeks to protect privacy for residential developments and existing residential properties, stating there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy

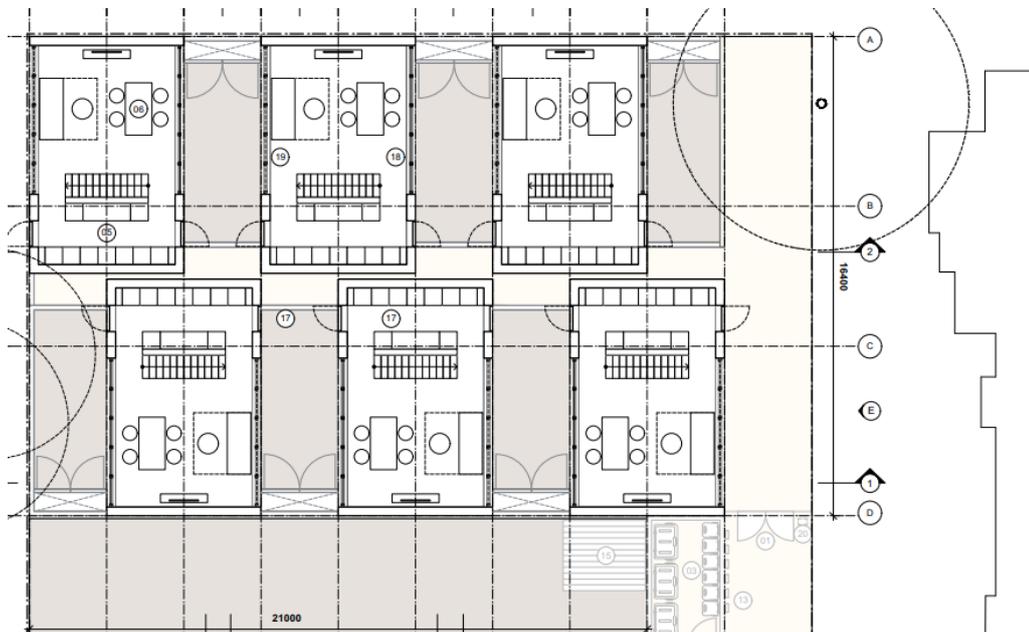
*Tollington Court*

10.60 Due to its position to the north/north east of the site and orientation, the proposal has the potential to result in the loss of daylight/sunlight of the occupiers of the existing four storey building to the east, Tollington Court, particularly during the afternoon. The image (no.15) below show part of the submitted shading study on page 15 of the submitted Design Access Statement shows the potential overshadowing impact on the occupiers during the afternoon.



**Image 15:** Shading study showing proposed situation in afternoon

- 10.61 The image (no. 15) above shows that the proposal would result in overshadowing and loss of light to the rear gardens and ground floor of Tollington Court. However, this is not considered to be significant, and would largely be restricted to the winter months.
- 10.62 In addition, it is important to assess the potential impact on the adjacent occupiers on the 25 degree BRE test. This test is to measure the angle to the horizontal subtended by the new development at the level of the centre of the lowest window. If this angle is less than 25 degrees for the whole of the development, then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building. Given the scale of the proposal, and the separation distance, it is considered that the proposal would not have a detrimental impact on the daylight/sunlight or outlook, or result in a sense of enclosure to the occupiers of Tollington Court.
- 10.63 In terms of privacy, it is acknowledged that one of the reasons for refusal of the previously refused scheme (ref. P2019/2002) was due to the *first floor east elevation windows to the 2 no. most eastern dwellings would result in unacceptable overlooking between the habitable living rooms of these units and the existing roof terraces and habitable rooms serving the residential flats within the building of no. 1-20 Tollington Court to the east of the site, and would therefore have a detrimental impact on the amenity of future occupiers of these adjoining neighbouring properties*.
- 10.64 As shown in the image (no. 16) below the previously refused scheme had a reduced separation distance between the east elevation of the proposal and the use of obscure glazing was not possible, as the first floor, which has the only living area, of the proposed unit would not have any outlook.



**Image 16:** Proposed first floor plan layout showing the relationship with Tollington Court to the east

- 10.65 It is acknowledged that the separation distance between the proposed windows and the roof terraces on the adjacent four storey building to the east, to the west of Tollington Place (Tollington Court), would not achieve an 18 metre separation distance (9m at nearest point). However, as shown in the photograph (Image 17) below views to and from the ground floor windows would be largely obscured by the boundary treatment.



**Image 17:** Photograph facing east showing the adjacent building Tollington Court

- 10.66 In terms of the first floor, a condition has been recommended to obscure glaze the windows, up to a height 1.7m above the internal floor level, facing this adjacent property. The rooms on this floor serve a bedroom, which would benefit from unobscured side panels, the other room, is a bathroom. It should also be noted that there is an existing tree within the adjacent site which is protected by a Tree Preservation Order, which would help protect the privacy of the occupiers of the existing and proposed units.

*Salcot*

- 10.67 The four storey building, referred to as Salcot, located to the south of the proposed two storey building, therefore due to its orientation is not considered to result in any significant loss of daylight/sunlight.
- 10.68 However, it is important to carry out the 25 degree BRE test described above. As shown in image no. 8 the two storey element of the proposal, would allow for a separation distance of 7.4m, between the rear elevation of the Salcot building. This would retain the existing separation distance found between the rear elevation of the Salcot building and the existing single storey garages. However, it should be noted that the proposed refuse/cycle enclosure would be positioned on the area of semi-private amenity space positioned between the proposed two storey building and the existing Salcot building, reducing this separation distance to 4.9m in comparison to the existing situation.
- 10.69 Whilst it is acknowledged the proposal would result in a reduction in the separation distance of the single storey element of the building, in comparison to the existing situation (7.4m to 4.9m), the proposal is considered to pass the 25 degree test, and is not considered to result in any significant loss of daylight/sunlight, outlook or result in a sense of enclosure to occupiers of this building.

10.70 In terms of privacy, there would be no windows on the south flank elevation of the host building. Whilst it is acknowledged the proposal would result in potential overlooking from the side (south) elevation of the bay window at first floor of Unit 3, which serves a bedroom. However, given its position within the east elevation and the restricted size of the window, and lack of direct views it is not considered to result in unacceptable privacy issues, even though it would be below the recommended 18 metre separation distance.

*No. 2 Wray Crescent*

10.71 Immediately to the north of the site is no. 2 Wray Crescent, which is a two storey building and forms part of a residential care home. The ground floor adjoins the shared boundary with the site. has 1 no. window on the south elevation facing the site at first floor. This first floor is setback from the shared boundary by 3.6m and is set to the east of front elevation of the host building, within a recessed area of the building, shown in the photograph below.



**Image 18:** Photograph showing existing south elevation of no. 2 Wray Court and existing cycle storage area

10.72 Whilst this window appears to serve a non-habitable room, a bathroom, the position of this window, relative to the shared boundary and the proposal, and its recessed position, it is not considered to result in any significant loss of daylight/sunlight. The separation distance is considered to meet the requirements of the 25 degree BRE test.

10.73 It is therefore considered that the proposal would not have significant impact on daylight/sunlight or outlook, or result in a sense of enclosure to occupiers of this property.

10.74 The side (north) elevation panels of the projecting windows are not considered to result in any significant privacy to the neighbouring properties, given their restricted size, the position of the windows and the lack of direct views due to the existing windows on the adjacent properties.

### Construction impacts

- 10.75 Concerns have been raised by residents that the construction of the proposal would result in a detrimental impact on the occupiers of the surrounding residential properties. Given its location and the scale of the proposal a condition has been recommended to ensure a construction and environmental management plan be submitted prior to the commencement of the development.

### Conclusion

- 10.76 Overall, the proposal is considered to be acceptable and would not cause undue or material harm to the amenity levels of adjoining neighbouring properties with regard to noise and dust disturbance, overshadowing, overlooking, privacy, access to sunlight and daylight, over-dominance, sense of enclosure or outlook. The application therefore accords with policy DM2.1 of the Development Management Policies 2013 and policy 7.6 of the London Plan 2016.

### Inclusive Design

- 10.77 Policy DM2.2 stipulates that all developments must demonstrate that they provide for ease of and versatility in use; delivery safe, legible and logical environments; produce places and spaces that are convenient and enjoyable to use for everyone; and bring together the design and management of a development from the outset and over its lifetime.
- 10.78 The proposal has been amended to include recommendations made by the Inclusive Design Officer including ensuring that the units comply with Part M(4) Category 2 requirements, provide accessible and adaptable dwellings, including that there is a space in each house for future installation of a through the floor lift, with an associated soft spot in the ceiling, all thresholds being no greater than 15mm in height, stairs being at least 850mm wide and having appropriate storage. The Inclusive Design Officer has confirmed that these measures have been integrated into the scheme and the proposal is therefore considered acceptable in this regard.

### Fire Safety

- 10.79 The proposal was amended to ensure measures recommended by the Council's Building Control Team were integrated into the proposal, including access for fire emergency vehicles. The Building Control Team have confirmed that they are satisfied with the measures. The London Fire Brigade were also consulted as part of the application and confirmed that they were satisfied with the proposals in relation to the fire precautionary arrangements, including the number of hydrants available and fire-fighter access.
- 10.80 It is therefore considered that subject to a condition securing the implementation of these measures, the proposal is acceptable in this regard.

### Secured by Design

- 10.81 The Metropolitan Police Secured by Design Officer was consulted as part of the application. The Secured by Design Officer noted that usually at backland locations such as this, where surveillance is poor, they would expect to see a high extent of antisocial behaviour. However, the crime statistics for reported anti-social behaviour in the area are extremely low, in comparison to what would be expected, but noted that this could be due to the fact that it is not being reported as frequently as it happens or simply that it is not a crime hot spot.

- 10.82 The Secure by Design Officer confirmed that given the location of the site off the main road with a lack of natural surveillance this means that the current level of passive surveillance is limited. The Secured by Design Officer considers that proposal would result in the location having a higher footfall from legitimate users (residents) and ownership of this area would be achieved which, in turn, prevents and deters crime. It is recommended that the development is conditioned to achieve Secured by Design 'Homes' accreditation.

### **Highways and Transportation**

- 10.83 In accordance with Appendix 6 of the Development Management Policies 2013, 1no. bicycle space should be provided for each bedroom proposed. Therefore, in this instance, 8no. cycle spaces would be required for the proposed units.
- 10.84 The proposal includes storage for 2 no. cycles to the front garden of the proposed units (6 no. cycles total). Whilst this would be below the requirements stated in Appendix 6, there is considered to be sufficient space within the site and as such, a condition has been recommended for storage of a minimum of 8no. cycles prior to the first use of the units. It should also be noted that the proposal would result in the communal cycle storage for the occupiers of the existing four storey building being re-provided in a more secure structure.
- 10.85 Policy CS10 Part H of the Core Strategy states that all new developments will be car free. Footnote 15 after the words 'car free' confirms that this 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." Note the words 'no parking provision will be allowed on site.' Providing further detail in the Development Management Policies (DMP) policy DM8.5 part A states that "no provision for vehicle parking or waiting will be allowed for new homes, except for essential drop-off and wheelchair-accessible parking. In line with the Core Strategy, all additional homes will be car-free."
- 10.86 The applicant has agreed to the restriction of future occupiers, of the proposed units, from obtaining a parking permit, except for parking to meet the needs of disabled people. This will be secured as part of a legal agreement.

### **Refuse and Recycling**

- 10.87 The submitted Design and Access Statement has detailed the refuse and recycling arrangements, which includes dedicated refuse storage to the rear gardens of the proposed units and the relocation of the existing communal storage for the block of flats, from the north east corner of the site to the south elevation of the proposed building. It confirms that the existing refuse bin storage area serving the existing blocks is improved to allow for four 1100L wheelie bins seven 240L bins. It is given a dedicated enclosure closer to the existing block and the street, in comparison to the existing informal refuse storage area.
- 10.88 This provision which would be secured by condition is considered to improve the existing provision, improve the appearance of this area, reduce the travel distance to dispose of the refuse from the block and the distance by which the refuse truck has to travel along the access alleyway.

## **Sustainability**

- 10.89 Policy DM7.1A seeks to ensure developments *integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development.*
- 10.90 Part C of this policy seeks to ensure minor developments *creating new residential units, shall be accompanied by a Sustainable Design and Construction Statement (SDCS), including where relevant an Energy Statement. The SDCS shall clearly set out how the application complies with relevant sustainable design and construction policies and guidance.*
- 10.91 A full Sustainable Design and Construction Statement (SDCS) was submitted in support of the application detailing sustainable design measures that would be integrated into the scheme. The report confirms that the proposed development has been designed to meet the high sustainability standards of sustainable design and construction, to ensure that environmental stability is maintained and will not be compromised by the development. It confirms that the proposed development will contribute to a reduction in carbon emissions, improve biodiversity, use natural resources prudently, minimise waste and pollution, encourage the use of sustainable transport and mitigate and adapt to climate change, including moving to a low carbon economy
- 10.92 The proposed measures are summarised below:
- Minimising Water Consumption
    - *Water fixtures and fittings will be specified to ensure sustainable water consumption for the proposed development, including specifying low flow taps and dual flush WCs.*
  - Protect and Enhance Biodiversity and Facilitate Access to Nature
    - *All planting specified on the site will rely solely on precipitation or manual watering to ensure that potable water use is minimised. The planting will also be hardy and drought resistant to ensure they will acclimatise to climate change effects.*
  - Climate Change Adaption: Overheating
    - *Combinations of high fabric performance and good natural daylighting within the proposed development will create significant benefits in terms of reduced electrical use for lighting and maximise solar gains in the winter months to reduce space heating consumption.*
  - Sustainable Materials, Waste and Construction Impacts
    - *The environmental impact of materials used on site will be minimised by specifying locally supplied, sustainably sourced, low-impact and recycled material, where feasible. It is anticipated that 100% of the timber used for the proposed development will be from FSC or PEFC sources. As a minimum, London Borough of Islington require at least 10% of the total value of materials to derive from recycled and reused content in the products and materials selected.*

- *Construction and demolition waste will be minimised on site by utilising the principles of the ‘waste hierarchy’, thereby limiting the amount of resources used and waste generated. The preferred approach to specifying materials will therefore be:*
  - *The use of reclaimed materials;*
  - *The use of materials with higher levels of recycled content; and*
  - *The use of new materials*
- Operational Sustainability
  - Lighting and heating controls will be designed to allow for localised control.

10.93 The SDCS also included an Energy Strategy has been prepared by following London Plan’s recommended energy hierarchy: to minimise energy demand (Be Lean), supply of energy (Be Clean), and use of renewables (Be Green). The report confirms that the applicant has worked to determine the most efficient and feasible way to reduce the carbon emissions of the development through both passive and active design measures, resulting in 12 tonnes of regulated carbon being saved, equating to an overall 52% improvement over the Notional Baseline, which is considered to be acceptable.

10.94 A condition has been recommended to ensure the above measures identified within the submitted Sustainable Design and Construction Statement are implemented in full and to enable compliance with the above sustainability policies.

10.95 In accordance with Policy DM7.2 the applicant has agreed to the payment of carbon-offsetting of the proposed development which in this instance would be £4,500 (3 x £1,500). This payment is secured by a legal agreement.

**Landscaping, trees and biodiversity**

10.96 Policy DM6.5A seeks to ensure developments *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.*

10.97 Part B of this policy seeks to ensure *trees, shrubs and other vegetation of landscape and/or environmental significance are considered holistically as part of the landscape plan. The following requirements shall be adhered to:*

*i) Developments are required to minimise any impacts on trees, shrubs and other significant vegetation. Any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits, must be agreed with the council and suitably reprovided. Developments within proximity of existing trees are required to provide protection from any damage during development. Where on-site re-provision is not possible, a financial contribution of the full cost of appropriate re-provision will be required.*

*ii) The council will refuse permission or consent for the removal of protected trees (TPO trees, and trees within a conservation area) and for proposals that would have a detrimental impact on the health of protected trees.*

10.98 An Arboricultural Impact Assessment by Bucks Plant Care Ltd was submitted in support of the application. The report identifies that there is 1 no. tree (T01) within the site, and a further 4 no. trees off site associated with the development (2 no. (T02 and T03) in the adjacent property on the south west of the site, and 2 no. (T04 and T05) in the adjacent property on the north east of the site). The site is not within a conservation area but the 2 no. trees (T04 and T05) to adjacent site are protected by a Tree Preservation Orders.

10.99 The report uses the British Standard BS:5837 'Trees in relation to design, demolition, construction - Recommendations' (2012) provides "guidance on the principles to be applied to achieve a satisfactory juxtaposition of trees...with structures". The Standard recommends that trees with categories A-C (where A is the highest quality) are a material consideration in the development process. Such trees may then become a constraint for a planning proposal. Category U trees are those that will not be expected to exist for long enough to justify their consideration in the planning process (i.e. no more than 10 years). Tree categories are used with the number 1, 2, or 3 to signify whether the category was made based on arboricultural, landscape or cultural (including conservation) values respectively. The tree categories are shown on plan by colour-coding:

- Category A (green colour-coded): Good examples of their species with an estimated life expectancy of at least 40 years.
- Category B (blue colour-coded): Not suitable for an 'A' category due to impaired condition or a tree lacking special 'A' qualities: with an estimated life expectancy of at least 20 years.
- Category C (grey colour-coded): Unremarkable trees of very limited merit or with a significant impaired condition not warranting an 'A' or 'B' category: with an estimated life expectancy of at least 10 years. See young trees below.
- Category U (red colour-coded): See above. Reasonably young trees below 150mm stem diameter would normally be given a C category (if they satisfy the retention quality criteria). However, as they are small they could be replaced/transplanted and as such they should not be regarded as a significant constraint on a development.

10.100 All of the 5 no. trees are Category C trees and the submitted report confirms that the development proposal does not impact on the neighbouring trees with the exception of requiring some selective pruning to T02, which is considered acceptable.

10.101 The Council's Tree Officer has reviewed the submitted report and whilst raising concerns with the report in terms of the location of the trees, he has no objection to this development proposal. The Tree Officer considers that the proposed development is located (just) a sufficient distance from the existing trees so as not to be a significantly detrimental juxtaposition. Identifying that some minor pruning of the tree canopies may be required from time to time but this should fall within any cyclical regular pruning regime the trees already appear to be on. A condition is recommended requiring the submission of a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) prior to the commencement of development, and an associated informative.

- 10.102 Given the above assessment the proposal is considered to have an acceptable impact on the existing trees within and adjacent to the site.
- 10.103 Policy DM6.5C seeks to ensure developments *should maximise the provision of green roofs and the greening of vertical surfaces as far as reasonably possible, and where this can be achieved in a sustainable manner, without excessive water demand. New-build developments should use all available roof space for green roofs, subject to other planning considerations.*
- 10.104 A condition has been recommended to ensure that the proposed green roofs shown in the submitted drawings are implemented, and maximise benefits for biodiversity in accordance with Policy DM6.5D.
- 10.105 In accordance with Policy DM6.5 in order contribute to and enhance the landscape, biodiversity value and growing conditions of the development site, the applicant has agreed to the implementation of a landscaping scheme to the area of land immediately to the south of the existing garages and to the west of the proposed communal refuse area. A condition has been recommended to ensure the submission and implementation of this landscaping area.

#### **Affordable Housing Small Sites Contribution**

- 10.106 Policy CS12G of Islington's Core Strategy 2011 states 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 should provide affordable homes on site. Schemes below this threshold should provide a financial contribution towards affordable housing elsewhere in the Borough.
- 10.107 The Council's Affordable Housing Small Sites Contributions 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 unit(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 to 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 of £50,000 is required per unit for north and mid-borough locations, which includes the application site. Provision is made to take account of site specific circumstances, if supported and justified by viability evidence.
- 10.108 In this instance, the required contribution is £150,000. Upon submission of the application, the applicant agreed to pay the Affordable Housing contribution, as well as the Council's reasonable costs incurred during the preparation of the Unilateral Undertaking. Therefore, subject to the completion of a Unilateral Undertaking to confirm that the applicant agrees to pay the Affordable Housing Contribution to the Council on or before commencement of the development, the proposal accords with the requirements of policy CS12G of the Core Strategy 2011 and the Affordable Housing Small Sites Contributions SPD.

#### **Other Matters**

- 10.109 Concern has been raised by local residents that the proposal would impact on the values of the existing properties. This is not a material planning consideration and therefore cannot be taken into consideration in the assessment of this application.

## 11 SUMMARY AND CONCLUSION

### Summary

11.1 A summary of the proposal is set out at section 4 of this report.

### Conclusion

11.2 It is recommended that planning permission be granted subject to the conditions and a s106 legal agreement heads of terms as set out in Appendix 1 – RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

- Contribution of £150,000 towards affordable housing within the borough
- Contribution of £4,500 towards carbon off-setting
- Car free development no parking permits

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 A

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p><b>CONDITION:</b> The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p><b>REASON:</b> To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p><b>CONDITION:</b> The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Design and Access Statement dated May 2020, 1390-A-SP-01/Rev.A – Location Plan, 1390-A-SP-02 - Block Plan, 1390-A-GA-EL-01/Rev.B – Existing Front and Rear Elevations, 1390-A-GA-EL-02/Rev.A – Existing East and West Elevations, 1390-A-GA-PL-01/Rev.B – Existing Ground Floor Plan, 1390-A-GA-PL-02/Rev.B – Existing Roof Plan, 1390-A-GA-EL-03 – Existing North Elevation, 1390-A-GA-PL-11/Rev.J – Proposed Ground Floor Plan, 1390-A-GA-PL-12/Rev.H – Proposed First Floor Plan, 1390-A-GA-PL-13/Rev.F – Proposed Roof Plan, 1390-A-GA-EL-11/Rev.F – Proposed Elevations, 1390-A-GA-EL-12/Rev.F – Proposed Elevations and Sections, 1390-A-GA-EL-13 (Proposed North Elevation), 1390-A-GA-EL-13/Rev.A – Proposed South Elevation and Section 5-5, 1390-A-GA-SC-11/Rev.E – Proposed Sections, Arboricultural Impact Assessment 2 (AIA2) by Bucks Plant Care Ltd BPC Ref: 20312 dated 2019, Sustainable Design and Construction Statement ref. 191113_SustainableDesignandConstructionStatement dated 13<sup>th</sup> November 2019,</p>

	<p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<p><b>Materials (details)</b></p> <p><b>CONDITION:</b> Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) brickwork (including colour, texture and method of application);</li> <li>b) window treatment (including sections and reveals);</li> <li>c) roofing materials (including position and location of structures);</li> <li>d) boundary alterations (including position) and</li> <li>e) cycle and refuse enclosures</li> <li>f) any other materials to be used.</li> </ul> <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.</p>
<b>4</b>	<p><b>Green/Brown Biodiversity Roofs (Compliance)</b></p> <p><b>CONDITION:</b> The biodiversity (green/brown) roofs shown on drawing no. 1390-A-GA-PL-13/Rev.F shall be:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80 -150mm);</li> <li>b) laid out in accordance with plans hereby approved; and</li> <li>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).</li> </ul> <p>The biodiversity (green/brown) roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be laid out within 3 months of next available appropriate planting season after the construction of the building it is located on and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats, valuable areas for biodiversity and minimise run-off.</p>
<b>5</b>	<p><b>Construction Environmental Management Plan</b></p> <p><b>CONDITION:</b> 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 Method of Construction Statement shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> <li>a) The notification of neighbours with regard to specific works;</li> <li>b) Advance notification of any access way, pavement, or road closures;</li> <li>c) Details regarding parking, deliveries and storage including details of the</li> </ul>

- 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;
  - 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 units at all times, including emergency service vehicles;
  - m) Details as to how refuse collection measures will be carried out during the construction phase
  - n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and
  - o) 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.

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 details and measures approved in the Method of Construction Statement. 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.

<b>6</b>	<b>Landscaping</b>
	<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 for the area of land identified as no. 25 on drawing no. 1390-A-GA-PL-11/Rev.J. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>b) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>c) proposed trees: their location, species and size;</li> <li>d) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>e) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</li> <li>f) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</li> <li>g) any other landscaping feature(s) forming part of the scheme.</li> </ul> <p>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. 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> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>7</b>	<b>Tree Protection and Arboricultural Method Statement (details)</b>
	<p><b>Condition:</b> Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ul style="list-style-type: none"> <li>a) Location and installation of services/ utilities/ drainage.</li> <li>b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.</li> <li>c) Details of construction within the RPA or that may impact on the retained trees.</li> <li>d) A full specification for the installation of boundary treatment works.</li> <li>e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.</li> <li>f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet</li> </ul>

	<p>with any adjacent building damp proof courses.</p> <ul style="list-style-type: none"> <li>g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.</li> <li>h) A specification for scaffolding and ground protection within tree protection zones.</li> <li>i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.</li> <li>j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires</li> <li>k) Boundary treatments within the RPA</li> <li>l) Methodology and detailed assessment of root pruning</li> <li>m) Reporting of inspection and supervision</li> <li>n) Methods to improve the rooting environment for retained and proposed trees and landscaping</li> <li>o) Veteran and ancient tree protection and management</li> </ul> <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p><b>REASON:</b> Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.</p>
<b>8</b>	<b>Fire safety measures</b>
	<p><b>CONDITION:</b> Prior to the occupation of the hereby approved development the fire safety measures detailed on drawings no's 1390-A-GA-PL-11/Rev.J, 1390-A-GA-PL-12/Rev.H and 1390-A-GA-PL-13/Rev.F shall be implemented in full and retained thereafter into perpetuity.</p> <p><b>REASON:</b> To ensure adequate fire safety for future occupiers of the proposed development.</p>
<b>9</b>	<b>Communal Cycle/Refuse storage</b>
	<p><b>CONDITION:</b> Prior to the first occupation of the hereby approved development the communal refuse storage and cycle storage enclosure shown on drawing no. 1390-A-GA-PL-11/Rev.J, shall be implemented in full and retained thereafter into perpetuity.</p> <p><b>REASON:</b> To ensure adequate refuse and cycle storage facilities.</p>
<b>10</b>	<b>Cycle storage</b>
	<p><b>CONDITION:</b> Notwithstanding the details shown on the approved drawing no. 1390-A-GA-PL-11/Rev.J, dedicated storage shall be provided for a minimum of 8 no. cycles shall be provided prior to their first occupation of the hereby approved dwellings are retained thereafter.</p> <p><b>REASON:</b> To ensure adequate cycle storage for the approved dwellings.</p>

<b>11</b>	<b>Secured by Design Accreditation</b>
	<p><b>CONDITION:</b> Details of measures to demonstrate that the approved development meets the requirements for Secured by Design 'Homes' accreditation shall be submitted and approved prior to the first occupation of the hereby approved dwellings and retained thereafter into perpetuity.</p> <p><b>REASON:</b> To ensure adequate security and safety measures</p>
<b>12</b>	<b>Obscure Glazing</b>
	<p><b>CONDITION:</b> Prior to the first occupation of the hereby approved dwellings the north east elevation windows (facing no. 1-20 Tollington Court) at first floor level shown on drawing no. 1390-A-GA-EL-11 shall be obscured glazed up to a height of 1.7m measured from the internal floor level, and shall be retained thereafter into perpetuity.</p> <p><b>REASON:</b> To ensure the privacy of the occupiers of the approved and neighbouring properties.</p>
<b>13</b>	<b>Sustainable Design and Construction Statement</b>
	<p><b>CONDITION:</b> Prior to the first occupation of the hereby approved development the measures identified within the approved Sustainable Design and Construction Statement (including for energy, water, waste management, and construction management) shall be implemented in full and retained thereafter into perpetuity.</p> <p><b>REASON:</b> To ensure sustainable development</p>
<b>14</b>	<b>No roof terrace</b>
	<p><b>CONDITION:</b> The flat roof area shown on plan no. 1390-A-GA-PL-13/Rev.F hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p><b>REASON:</b> To prevent the undue overlooking of neighbouring habitable room windows.</p>
<b>15</b>	<b>Accessibility (Part M(4) Category 2)</b>
	<p><b>CONDITION:</b> The residential dwellings, in accordance with the Design and Access Statement dated May 2020 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 and Part M(4) Category 2 requirements, provide accessible and adaptable dwellings.</p> <p><b>REASON:</b> To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>
<b>16</b>	<b>Carbon efficiency (Compliance)</b>
	<p><b>CONDITION:</b> 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 Building Regulations Part L 2010 (equivalent to Code for Sustainable Homes level 4), unless such provision is not feasible.</p> <p><b>REASON:</b> In the interest of securing sustainable development.</p>

**List of Informatives:**

<b>1</b>	<b>Community infrastructure Levy (CIL)</b>
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p><a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a>.</p>
<b>2</b>	<b>Other Legislation</b>
	<p>You are advised that the planning permission hereby approved would be subject to fully complying with other legislation outside the realms of the planning regulations including licensing, environmental acts, building control and fire safety regulations.</p>
<b>3</b>	<b>Trees</b>
	<p>The following British Standards should be referred to in the submission of the details for condition 7:</p> <ul style="list-style-type: none"><li>a. BS: 3998:2010 Tree work – Recommendations</li><li>b. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations</li></ul>

## **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, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

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

- Policy 3.3 – Increasing housing supply
- Policy 3.4 – Optimising housing potential
- Policy 3.5 – Quality and design of housing developments
- Policy 3.8 – Housing choice
- Policy 5.2 – Sustainable design and construction
- Policy 6.9 – Cycling
- 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 CS8 (Enhancing Islington's Character)
- Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
- Policy CS10 (Sustainable Design)
- Policy CS12 (Meeting the Housing Challenge)

#### **c. Development Management Policies June 2013**

- Policy DM2.1 – Design
- Policy DM2.3 – Inclusive design
- Policy DM2.3 – Heritage
- Policy DM3.4 – Housing standards
- Policy DM3.5 – Private outdoor space
- Policy DM6.5 – Landscaping, trees and biodiversity
- Policy DM7.1 – Sustainable design and construction
- Policy DM8.5 – Vehicle parking

### **3. Designations**

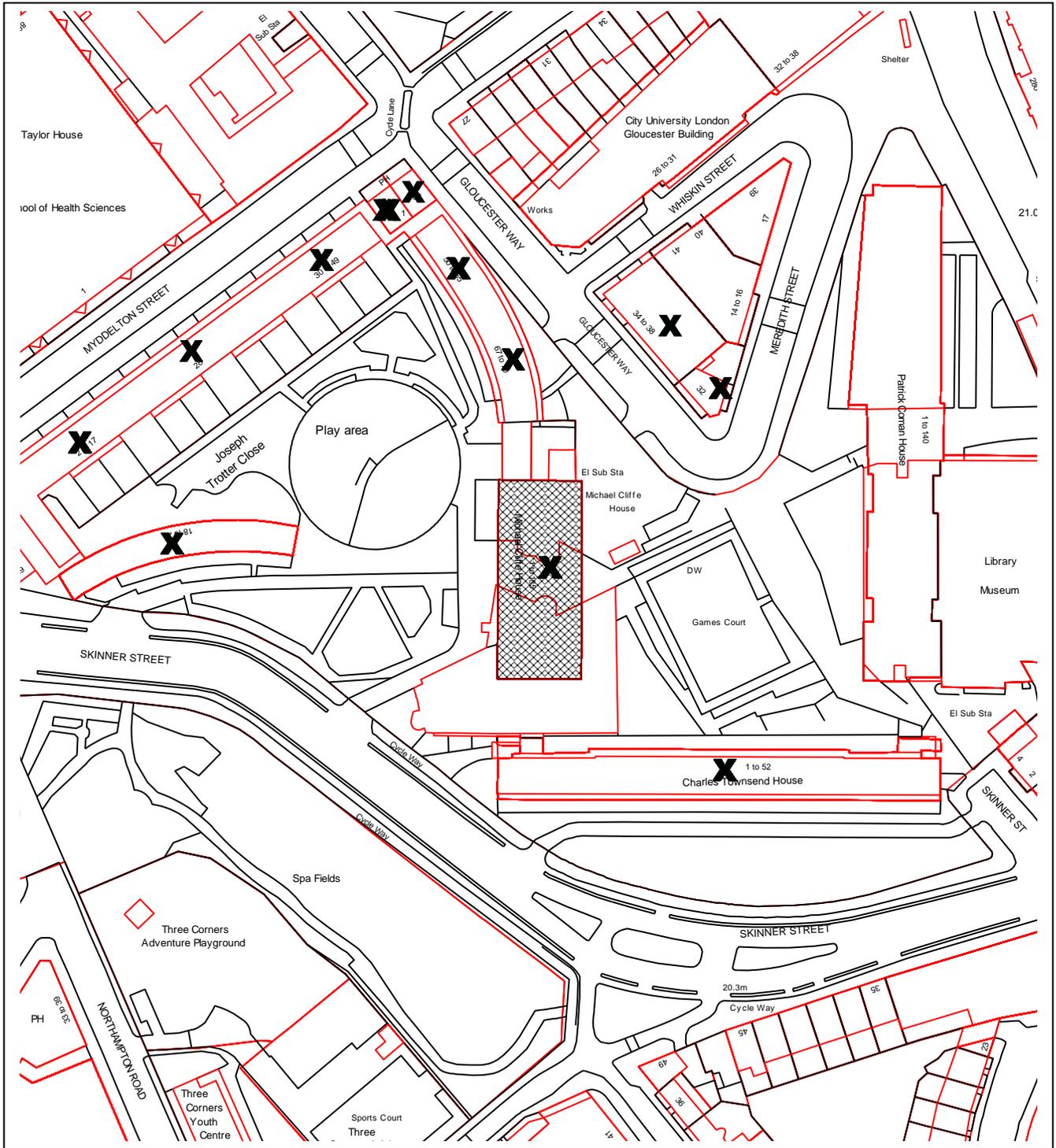
- Within 50m of Tollington Park Conservation Area (south side of Tollington Park)
- Mayors Protected Vistas -
- Cycle Routes (Local)
- Article 4 (A1-A2) Rest of Borough

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

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

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