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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 **10 November 2020 at 7.30 pm.**

The link to the Zoom meeting is below. Enter meeting ID 958 4730 0880 when prompted. If you prefer to join the meeting by phone please dial 0330 088 5830.

<https://weareislington.zoom.us/j/95847300880>

Enquiries to : Zoe Lewis  
Tel : 020 7527 3486  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 2 November 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).**

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>
Councillor Picknell (Chair)	- St Mary's;	Councillor Klute- St Peter's;
Councillor Poyser (Vice-Chair)	- Hillrise;	Councillor Kay- Mildmay;
Councillor Clarke	- St George's;	Councillor Woolf- Canonbury;
Councillor Convery	- Caledonian;	Councillor Chowdhury- Barnsbury;
Councillor Ismail	- Holloway;	Councillor Wayne- Canonbury;
		Councillor Williamson- Tollington;
		Councillor Webbe- Bunhill;
		Councillor Burgess- Junction;
		Councillor A Clarke-Perry- St Peter's;
		Councillor Hyde- Caledonian;

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.	334-340 Caledonian Road, London, N1 1BB	11 - 38
2.	9-11 Northburgh Street, Islington, London, EC1V 0AH	39 - 66
3.	9-11 Northburgh Street, Islington, London, EC1V 0AH	67 - 114
4.	Widnes House, Palmer Place, London, N7 8DG	115 - 144

**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, 19 January 2021

**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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# Public Document Pack Agenda Item A6

London Borough of Islington

## Planning Sub Committee A - 7 September 2020

Minutes of the virtual meeting of the Planning Sub Committee A held on 7 September 2020 at 7.30 pm.

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

### Councillor Angela Picknell in the Chair

**126**      **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 virtual meeting.

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

There were no apologies for absence.

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

There were no declarations of substitute members.

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

Councillor Graham declared that he would not take part in the consideration of Item B3 as he lived in Braithwaite House and would be speaking against the scheme.

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

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

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

**RESOLVED:**

That the minutes of the meeting held on 16 June 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**132**      **9-11 NORTHBURGH STREET, ISLINGTON, LONDON, EC1V 0AH (Item B1)**

Erection of a fifth floor infill extension to link a separately proposed roof extension [P2020/1515/FUL] and adjoining roof extension at No 50-56 Great Sutton Street.

(Planning Application Number: P2020/1542/FUL)

The Sub-committee sought legal advice on whether the consideration of this item should be deferred as it was linked to Agenda Item B2 which had been deferred.

The legal officer advised that this would depend upon whether members were of the view that the same concerns would apply and whether planning officers had any additional points for consideration. The planning officer stated that the agenda items were intrinsically linked and there were no additional points for consideration.

Councillor Picknell proposed that the consideration of the application be deferred to enable the applicant to better prepare for the meeting, to liaise with residents to address existing light pollution concerns as well as light pollution concerns about the proposed scheme and to enable a site visit to take place.

These proposals were seconded by Councillor Graham and carried.

**RESOLVED:**

That consideration of this planning application be deferred for the reasons set out above.

133

**9-11 NORTHBURGH STREET, ISLINGTON, LONDON, EC1V 0AH (Item B2)**

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.

(Planning Application Number: P2020/1515/FUL)

In the discussion the following points were made:

- The planning officer reported that there was an identical extant planning permission due to expire in September 2020 but due to COVID-19 legislation, this had been extended to April 2021. This application was submitted prior to the extension. The proposal was to be assessed against current policy and if granted, planning permission would be for three years from the date permission was granted.
- Members of the sub-committee were concerned that the applicant had not addressed residents' concerns about light pollution.
- The planning officer advised members that light pollution was a material planning consideration and members could condition it if they were minded to. It would only be possible to condition the extension and enforcement action could be taken if the condition was not met.
- Concern was raised that the applicant had not dealt with existing light pollution concerns.
- Concern was raised about the lack of informed, definitive answers by the applicant's representative.
- Concern was raised that the extant permission had not been implemented.

Councillor Graham proposed that the consideration of the application be deferred to enable the applicant to better prepare for the meeting and to liaise with residents about light pollution concerns.

Councillor Picknell proposed that the application also be deferred to enable a site visit to take place and to enable the applicant to address the existing light pollution issues.

These proposals were seconded by Councillor Convery and carried.

**RESOLVED:**

That consideration of the planning application be deferred for the reasons set out above.

**134 BRAITHWAITE HOUSE, BUNHILL ROW, ISLINGTON, LONDON, EC1Y 8NE  
(Item B3)**

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 of 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]

(Planning Application Number: P2018/4275/FUL)

Councillor Graham who had declared an interest in this item would not take place in the consideration of this item.

In the discussion the following points were made:

- The planning officer reported that the public health comments in paragraph 8.7 of the officer report mainly related to 5G telecoms and this was not an application for 5G telecoms.
- The consideration of the application had previously been deferred to seek comments from the Housing Department. The Housing Department had since confirmed they were not objecting to the proposal.
- The planning officer confirmed that the height of the poles would be 3.1m above the existing roofing level and there was currently no telecoms equipment on the roof; the only equipment on the roof was satellite dishes and a handrail.
- The applicant confirmed that the equipment would be located around the edge of the roof so it would not impact on the use of the roof as a fire escape.
- Members raised concern that the equipment could be used for 4G or 5G if broadband technology was upgraded. The applicant advised that this equipment could not be used for 4G or 5G.
- A member asked whether the money generated from the scheme could be ring-fenced for Braithwaite House. A housing officer advised that this would be difficult, the amount of money was relatively small and the money from all similar schemes would go back into housing.

Councillor Picknell proposed an additional condition that the equipment could not be used for 4G or 5G in the future, the wording of which was delegated to officers in consultation with the chair. This was seconded by Councillor Clarke and carried.

**RESOLVED:**

That planning permission be granted subject to the conditions set out in Appendix 1 of the officer report and subject to the additional condition outlined above, the wording of which was delegated to officers in consultation with the chair.

135

**MICHAEL CLIFFE HOUSE, SKINNER STREET, LONDON, EC1R 0WW (Item B4)**

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 providing details of 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.

(Planning Application Number: P2018/4282/FUL)

In the discussion the following points were made:

- The planning officer reported that there had been a petition with 197 signatures and since the report was written, two further letters of objections had been received.
- The planning officer stated that the public health comments in paragraph 8.5 mainly related to 5G telecoms and this application was not for 5G telecoms.
- A member raised concern about social housing being used for this type of equipment. The planning officer advised that many private buildings also had this type of equipment on them but often did not require planning permission. Tall buildings were sought.
- In response to concerns about the roof structure not being sufficient to take the equipment, the planning officer advised that this was not a planning consideration. The applicant's representative stated that the applicant was satisfied the roof was suitable.
- In response to concern about damage caused to the roof by people walking on it, the applicant stated that once the equipment had been installed, the only people walking on it would be those maintaining the equipment. The housing officer stated that the Housing department had not objected to the proposal and was confident that there would be no long term damage to the roof.
- A member asked whether a copy of the structural survey could be sent to residents. The planning officer advised that this would not be a reasonable requirement of planning.
- A member stated that under the National Planning Policy Framework, planning authorities were required to enable broadband equipment and this building was not in a conservation area.

Councillor Graham proposed a condition that the equipment could not be used for 4G or 5G in the future, the wording of which was delegated to officers in consultation with the chair. This was seconded by Councillor Picknell and carried.

**RESOLVED:**

That planning permission be granted subject to the conditions set out in Appendix 1 of the officer report and the additional condition as outlined above, the wording of which was delegated to officers in consultation with the chair.

**136** **NEW RIVER GREEN CHILDREN'S CENTRE, 23 RAMSEY WALK, ISLINGTON, LONDON, N1 2SX (Item B5)**

Erection of a ground floor side extension to Block A (North East elevation) with associated access ramp.

(Planning Application Number: P2020/1178/FUL)

In the discussion the following point was made:

- The applicant stated that planning permission was being sought as there had been an increase in the number of children using the centre and a larger staffroom and office was required. The location of the extension away from the boundary would not create amenity issues for the adjoining neighbours.

**RESOLVED:**

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

**137** **SALCOT, 25-29 TOLLINGTON PARK, LONDON, N4 3RE (Item B6)**

Erection of a two storey building for 3 no. self-contained residential units (1 x no. 3 bedroom and 2 no. 2 bedroom), new refuse/cycle storage and associated works (following demolition of existing 16 no. single storey garages).

(Planning Application Number: P2019/3405/FUL)

In the discussion the following points were made:

- In response to members' questions, the planning officer advised that the land was privately owned, the proposal was not for social housing and there would be a loss of 22sqm of grass for the bin store but a gain of 180sqm landscaped grass and there would also be green roofs.
- The proposal would provide housing on land that was occupied by redundant garages, it was largely policy compliant and did not create amenity issues for the adjoining neighbours.
- A member stated that there would be no noticeable loss of daylight or sunlight and they considered that the design and quality of accommodation was good.

**RESOLVED:**

That planning permission be granted subject to the conditions set out in Appendix 1 of the officer report A and subject to the prior completion of a Deed of Planning

**Planning Sub Committee A - 7 September 2020**

Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

The meeting ended at 9.45 pm

**CHAIR**

**WORDING DELEGATED TO OFFICERS**

**MINUTE 134**

**BRAITHWAITE HOUSE, BUNHILL ROW, ISLINGTON, LONDON, EC1Y 8NE**

Agreed additional condition wording with Chair:

CONDITION: Notwithstanding the hereby approved plans including any provisions laid out within The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no permission is granted for the installation of any 4G & 5G telecoms apparatus and related equipment on the main roof of Braithwaite House. No 4G and /or 5G telecoms apparatus and related equipment shall be carried out or constructed without express planning permission.

REASON: In order to safeguard the visual amenity of the host building and surrounding area.

**MINUTE 135**

**MICHAEL CLIFFE HOUSE, SKINNER STREET, LONDON, EC1R 0WW**

Agreed additional condition wording with Chair:

CONDITION: Notwithstanding the hereby approved plans including any provisions laid out within The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no permission is granted for the installation of any 4G & 5G telecoms apparatus and related equipment on the main roof of Michael Cliffe House. No 4G and /or 5G telecoms apparatus and related equipment shall be carried out or constructed without express planning permission.

REASON: In order to safeguard the visual amenity of the host building and surrounding area.

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## Schedule of Planning Applications

PLANNING COMMITTEE - Tuesday 10 November, 2020

### COMMITTEE AGENDA

1 334-340 Caledonian Road  
London  
N1 1BB

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2 9-11 Northburgh Street  
Islington  
London  
EC1V 0AH

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3 9-11 Northburgh Street  
London  
EC1V 0AH

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4 Widnes House  
Palmer Place  
London  
N7 8DG

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1 334-340 Caledonian Road  
London  
N1 1BB

**Application Number:** P2020/0568/FUL

**Ward:** Caledonian

**Proposed Development:** Erection of a combined roof extension above nos. 334-340, to facilitate the creation of 1no. additional 2bed/4person flat.

**Application Type:** Full Planning Application

**Case Officer:** Zeb McInnes

**Name of Applicant:** Mr Andrew Panayi

**Recommendation:**

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2 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 [P2020/1515/FUL] and adjoining roof extension at No. 50-56 Great Sutton Street.

**Application Type:** Full Planning Application

**Case Officer:** Samir Benmbarek

Name of Applicant: Chergil House

Recommendation:

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**3 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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**4 Widnes House**

**Palmer Place**

**London**

**N7 8DG**

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**Application Number:** P2019/0516/FUL

**Ward:** St. Marys

**Proposed Development:** Replace three No. antennas, one No. 300mm dish and one No. equipment cabinet with six No. new antennas, three No. 300mm dishes, one No. equipment cabinet and development ancillary

**Application Type:** Full Planning Application

**Case Officer:** Amanda Peck

**Name of Applicant:** UK Broadband UK

**Recommendation:**

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## 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>
Date: 10 November 2020	NON-EXEMPT

Application numbers	P2020/0568/FUL
Application type	Full Planning Application
Ward	Caledonian
Listed building	Not listed
Conservation area	Barnsbury Conservation Area (and Article 4 Direction)
Development Plan Context	Core Strategy Key Area – Kings Cross & Pentonville Road Caledonian Road (Central) Local Shopping Area SRN Road Local view from Archway Road Local view from Archway Bridge Article 4 Direction A1-A2 (Local Shopping Area)
Licensing Implications	None
Site Address	334-340 Caledonian Road, Islington, London, N1 1BB
Proposal	Erection of a combined roof extension above nos. 334-340, to facilitate the creation of 1no. Additional 2bed/4person flat and associated alterations.

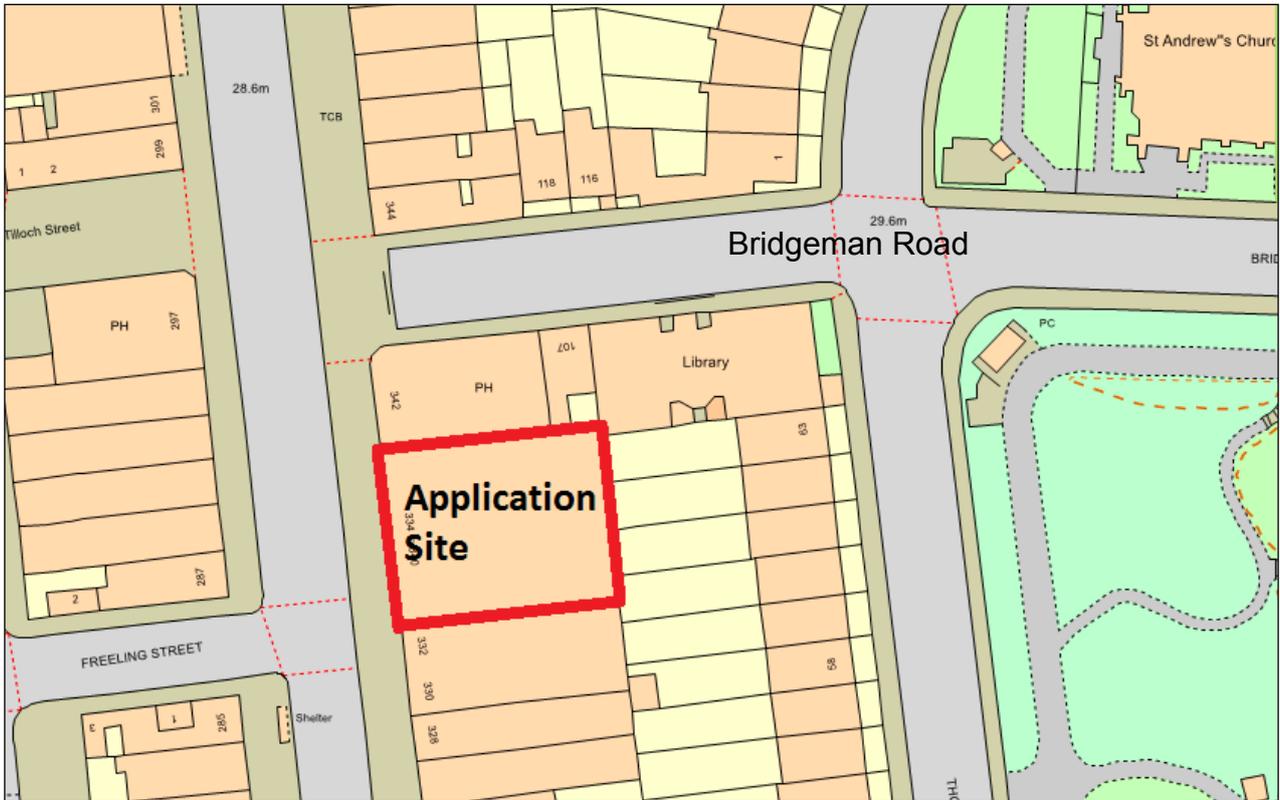
Case Officer	Zeb McInnes
Applicant	Mr Andrew Panayi
Agent	GCK Architects Limited – Mr George Kounnou

### 1. RECOMMENDATION

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

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

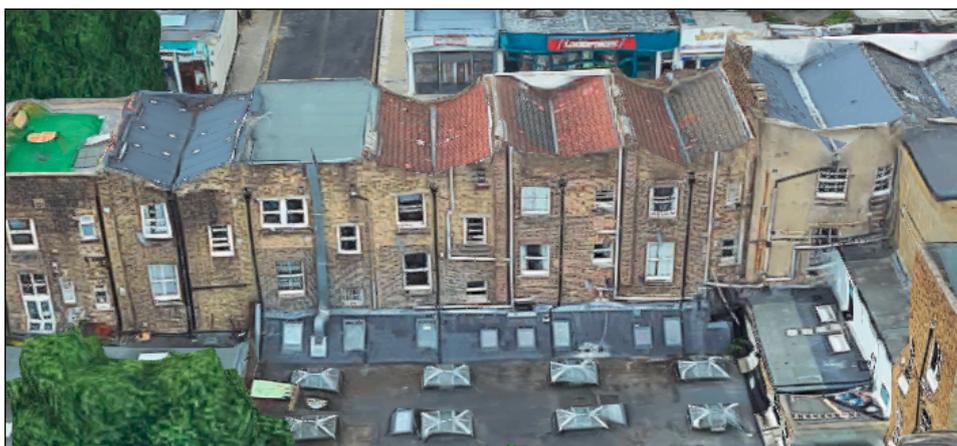
**2. SITE PLAN (SITE OUTLINED IN RED)**



**3. PHOTOS OF SITE/STREET**



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



**Image 2: Aerial of rear roofline (site in centre)**



**Image 3: Caledonian Road looking south (site on left)**



**Image 4:** Caledonian Road looking north (site on right)

#### **4. SUMMARY**

- 4.1 Planning permission is sought for the erection of a combined mansard roof extension above nos. 334-340, to facilitate the creation of an additional 2bed/4person flat. The mansard would incorporate four dormer windows to the front elevation and dormer windows to the rear elevation, each set behind existing parapets. 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 the Barnsbury Conservation Area; the associated impact on neighbouring amenity at adjoining and adjacent residential properties; and the provision of the affordable housing small sites contribution.
- 4.2 The proposal is brought to committee because the application has received 14 objections from neighbouring occupiers.
- 4.3 The application site comprises three adjoining three-storey mid-terrace properties located on the eastern side of Caledonian Road. The buildings contain commercial units at front ground and basement floor levels, with residential at rear ground and first and second floor levels (22 flats in total, including 15 studios at ground floor rear).
- 4.4 The site is located within the Barnsbury Conservation Area and the rear of the site adjoins the rear gardens of the Grade II listed late-Georgian residential terraces at Nos. 60-63 Thornhill Square, and the Grade II listed West Library at the junction of Thornhill Square and Bridgeman Road. The site is also located within the Caledonian Road (Central) Local Shopping Area, and the Kings Cross & Pentonville Road Core Strategy Key Area.
- 4.5 The provision of an additional residential dwelling in this location is acceptable, and appropriate given the existing surrounding uses, and the level of accommodation to be provided for future occupants of the dwelling would also be acceptable. The proposed mansard roof extension is considered to be acceptable in design terms, and would not cause harm to the character or appearance of the host buildings or the wider Barnsbury Conservation Area, nor to the setting of the adjacent Grade II listed buildings. The proposal would not cause undue harm to the level of amenity experienced by neighbouring residential occupiers. Further, the applicant has agreed to enter into a Unilateral Undertaking to secure an Affordable Housing Contribution of £50,000.

- 4.6 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 SURROUNDINGS

- 5.1 The application site at No. 334-340 Caledonian comprises three adjoining three-storey mid-terrace properties located on the eastern side of Caledonian Road, close to its junction with Bridgeman Road. Whilst Caledonian Road is largely comprised of Victorian buildings, the application site appears as a post-war infill development. However, it does not detract from the streetscene. The buildings contain commercial units at front ground and basement floor levels, with residential at rear ground and first and second floor levels (22 flats in total, including 15 studios at ground floor rear).
- 5.2 The buildings are not statutorily nor locally listed, however the site is located within the Barnsbury Conservation Area. The buildings occupy the entirety of the site's footprint. The rear of the site adjoins the rear gardens of the Grade II listed late-Georgian residential terraces at Nos. 60-63 Thornhill Square, and the Grade II listed West Library at the junction of Thornhill Square and Bridgeman Road. The shopfront of the adjoining public house to the north of the south is also locally listed.
- 5.3 The site is also located within the Caledonian Road (Central) Local Shopping Area, and the Kings Cross & Pentonville Core Strategy Key Area. This section of York Way is predominantly mixed-use in character, with mainly retail/commercial at ground and basement levels, with residential above.

## 6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks permission for the erection of a combined mansard roof extension above nos. 334-340, to facilitate the creation of an additional 2bed/4person flat. The mansard would incorporate four dormer window to the front elevation and five dormer windows to the rear elevation, each set behind existing parapets.

## 7. RELEVANT HISTORY:

### Planning Applications

- 7.1 **P2017/4995/FUL (336-338 Caledonian Road):** Conversion of basements in 336 and 338 Caledonian Road to provide 2no. 1 bedroom/2 person flats. Removal of mono-pitched roofs to rear to create open court, insertion of timber doors at rear elevation fronting court. **Refused** 12/04/2018, subsequent appeal dismissed 13/12/2018.

**REASON:** The proposed basement level flats would fail to achieve a satisfactory standard of residential amenity by virtue of inadequate outlook and levels of daylight, and poor access to natural light. The proposed residential unit is therefore substandard and contrary to the provisions of the adopted London Plan's Housing Supplementary Planning Guidance (November 2016), policy CS12 of Islington's Core Strategy (2011) and policy DM3.4 of the Islington Development Management Policies (2013).

**REASON:** The proposed basement flat at no. 338 Caledonian Road would cause a net loss of retail floorspace within a protected local shopping area and a sufficient justification for the loss of the Class A1 unit has not been provided. It would therefore diminish the potential range of local shopping facilities and harm the health of the local shopping area. This is contrary to policy DM 4.6 of the Development Management Policies and CS 14 of the Core Strategy.

- 7.2 **P2017/4903/FUL (334-336 Caledonian Road):** Change of use of the ground floor unit from a Supermarket (A1 use class) to a Restaurant and Take Away (Sui Generis), and the installation of a replacement shopfront. **Refused** 01/08/2018.

**REASON:** By reason of a loss of A1 retail floorspace with no supporting marketing/vacancy evidence, demonstrating a lack of demand for retail floor space and no exceptional circumstances exists to justify the loss, the proposed change of use from retail (A1 use) to a restaurant and take-away (Sui Generis) would harm the vitality and viability of the Local Shopping Area and therefore would be contrary to policies CS14 of the Core Strategy 2011 and policy DM4.6 of the Development Management Policies (2013)..

**REASON:** The loss of a retail unit within the local shopping area would result in an overconcentration of takeaways, and no information has been provided to demonstrate that the proposal would not result in negative cumulative impacts which would cause unacceptable disturbance or detrimentally affect the amenity, character and function of the area. The proposal is therefore contrary to policies DM4.2 and DM4.3 of the Islington Development Management Policies (2013) and the National Planning Policy Framework (2018).

- 7.3 **P2017/0348/FUL (334-336 Caledonian Road):** Alteration to shopfront including replacement lightwell windows (6 No.) to street facade from white upvc to white hardwood. **Approved** with conditions 10/08/2017.

- 7.4 **P2013/4903/COL (Flat 15, 33B Caledonian Road):** Certificate of Lawfulness for existing self contained residential use of Flat 15. **Approved** with no conditions 27/01/2014.

- 7.5 **P090914 (334-336 Caledonian Road):** Change of use to A3 restaurant. **Approved** with conditions 17/07/2009.

- 7.6 **P082543 (340 Caledonian Road):** Proposed ground floor studio flat and reduction in size of existing shop unit. **Refused** 30/04/2009.

**REASON:** The reduction in the floorspace of the ground floor shop unit would compromise its commercial viability to the detriment of the vitality of the protected shopping frontage along Caledonian Road and the existing character of the Conservation Area contrary to policies S16 and S18 of Islington's Unitary Development Plan 2002.

**REASON:** The proposed creation of a studio unit on the ground floor is considered to create a poor living environment in terms of inadequate access to natural daylight, poor ventilation and a poor outlook which would result in a sub -standard living environment for prospective occupiers of the unit. The proposed development therefore is considered to be contrary to Islington Unitary Development Plan policies H3, H7, H10 and Islington's Planning Standards Guidelines 2002.

**REASON:** The proposed creation of a studio unit on the ground floor is considered to create a cramped development which would result in a sub -standard living environment for prospective occupiers of the unit. The proposed development therefore is considered to be contrary to Islington Unitary Development Plan policies H3, H7, H10 and Islington's Planning Standards Guidelines 2002.

- 7.7 **P022894 (224-240 Caledonian Road):** Conversion of rear retail unit into nine unit hostel accommodation, including formation of courtyards and conversion of front basement accommodation into commercial storage. **Refused** 07/02/2003, subsequent appeal dismissed.

**REASON:** The loss of basement storage space to the existing ground floor shops would compromise their viability to the detriment of the vitality of the Caledonian APP/V5570/W/18/3202756 336-338 Caledonian Road, London, N1 1BB 3 Road shopping area and character of the Conservation Area contrary to policies D20 and S16 of Islington's Unitary Development Plan.

**REASON:** The proposed use is inappropriate in this backland site and would have a detrimental impact on the amenities of the adjoining residents contrary to policy D3 and H13 of the Islington Unitary Development Plan.

**REASON:** The proposal does not provide a satisfactory standard or layout of accommodation contrary to policy H13 of Islington's Unitary Development Plan.

- 7.8 **871886 (334-340 Caledonian Road):** Conversion of upper floors into four 1 bedroom flats and two 2 bedroom maisonettes. **Approved** with conditions 09/05/1988.
- 7.9 **870826 (334-340 Caledonian Road):** Conversion of first and second floors to provide one 2-bedroom maisonette and six 1-bedroom flats and elevational alterations. **Approved** with conditions 11/04/1988.
- 7.10 **P2013/4901/COL (Flat 13, 338A Caledonian Road):** Certificate of Lawfulness for existing self contained residential use of Flat 13. Certificate of existing use **Granted** 10/12/2013.
- 7.11 **P2013/4903/COL (Flat 15, 338A Caledonian Road):** Certificate of Lawfulness for existing self contained residential use of Flat 15. Certificate of existing use **Granted** 10/12/2013.
- 7.12 **P2012/0312/COL (Flat 1, 338A Caledonian Road):** Existing use of Flat 1 as a self contained residential unit. Certificate of existing use **Granted** 24/01/2013.
- 7.13 **P2012/0320/COL (Flat 2, 338A Caledonian Road):** Existing use of Flat 2 as a self contained residential unit. Certificate of existing use **Granted** 22/01/2013.
- 7.14 **P2012/0321/COL (Flat 3, 338A Caledonian Road):** Existing use of STUDIO 3 at basement level as a self contained residential unit. Certificate of existing use **Granted** 22/01/2013.
- 7.15 **P2013/0368/COL (Flat 14, 338A Caledonian Road):** Existing use of Flat 14 as a self contained residential unit. Certificate of existing use **Granted** 22/01/2013.
- 7.16 **P2012/0629/COL (Flat 9, 338A Caledonian Road):** Existing use of flat 9 as a self contained studio flat. Certificate of existing use **Granted** 22/01/2013.
- 7.17 **P2013/0639/COL (Flat 10, 338A Caledonian Road):** Existing use of self-contained residential flat at lower ground floor level (C3 use). Certificate of existing use **Granted** 22/01/2013.

#### **Enforcement History**

- 7.18 **E/2017/00034 (336 Caledonian Road):** Basement converted to flat. Case Closed 21/02/2017.

7.19 **E/2012/06387 (334-336 Caledonian Road):** Conversion of basement to flats. Case Closed 28/08/2012.

## 8. CONSULTATION

### Public Consultation

8.1 Letters were sent to occupants of adjoining and nearby properties on 7 April 2020. A site notice and press advert were also displayed. The public consultation of the application therefore expired on 1 May 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, 15 objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- Impact of the proposal upon the character and appearance of the host building and the wider Barnsbury Conservation Area (**see paragraphs 10.7-10.34**)
- Impact upon neighbouring amenity, including noise disturbance, overlooking and loss of privacy (**see paragraphs 10.45-10.47**)
- Construction impacts including noise and dust pollution (exacerbated during the COVID-19 crisis and associated lockdown), loss of light from scaffolding, and security concerns with construction workers gaining access (**see paragraph 10.48-10.49**)
- The condition of the existing building is poor (lack of maintenance etc.), applicant provides poor building management resulting in poor living conditions (**see paragraph 10.63 to 10.64**)
- Additional pressures in communal areas from additional flat, including congestion on stairs and in hallways in case of emergency (**see paragraph 10.63 to 10.64**)
- Impact upon residential property values (*Officer Note: this is not a material planning consideration and therefore has not been considered in the assessment of the application*).

### Internal Consultees

8.3 **Design and Conservation:** note that the proposal is undesirable, however no objection raised given the combined nature of the proposal (i.e. four adjoining mansards) and the existing roof extensions to the south of the terraced group.

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

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

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
  - As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
  - As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
- 9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development."
- 9.3 At paragraph 8 the NPPF states that the planning system has three overarching objectives in achieving sustainable development, being an economic objective, a social objective and an environmental objective.
- 9.4 The NPPF seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.5 Since March 2014 Planning Practice Guidance for England has been published online.
- 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:
- Barnsbury Conservation Area (and Article 4 Direction)
  - Core Strategy Key Area – Kings Cross & Pentonville Road
  - Caledonian Road (Central) Local Shopping Area
  - Employment Growth Area
  - SRN Road
  - Local view from Archway Bridge
  - Local view from Archway Road
  - Article 4 Direction A1-A2 (Local Shopping Area)

### **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 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 SP2: King's Cross and Pentonville Road
- Policy H4: Delivering high quality housing
- Policy R4: Local Shopping Areas
- 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
- Standard of Accommodation
- Design and Conservation
- Neighbouring Amenity
- Inclusive Design
- Highways and Transportation
- Refuse and Recycling
- Affordable Housing Small Sites Contributions
- Other Matters

### **Land Use**

#### Existing uses at Site

- 10.2 The application site comprises four adjoining three-storey terraced buildings. Most contain retail/commercial uses at front-ground and basement floor, with residential above. However, Nos. 334 and 336 also contain flats at basement level. The entirety of the footprint of the site is built-upon, and a large structure across the rear of the site houses 11 studio flats. At first and second floor levels, the buildings contain one 2 bed maisonette and six 1 bed flats.
- 10.3 The flats at first and second floor levels were granted permission in 1988, under application ref: 870826. At ground and basement floor levels, eight of the flats benefit from a certificate to confirm that the C3 use is lawful. However, no planning records can be found for five of the flats at ground and basement floor levels, including for the properties known as:
- Flat 4, 388A Caledonian Road;
  - Flat 5, 388A Caledonian Road;
  - Flat 8, 388A Caledonian Road;
  - Flat 11, 388A Caledonian Road; and
  - Flat 12, 388A Caledonian Road.
- 10.4 The applicant has not provided evidence to demonstrate that these flats, as shown on the drawings provided, are subject to a lawful C3 residential use. However, the application does not seek to regularise these, and the proposed additional dwelling at roof level is not associated with or reliant on these units. Therefore, the council is only considering the planning merits of proposed roof extensions to the building in this case.
- 10.5 For the avoidance of doubt, the drawings submitted with the application which demonstrate the presence of the above flats, have been omitted from the list of approved drawings within recommended Condition 2. This is to ensure that should the application be approved, planning permission would not be incidentally granted for the C3 use of these other units. Further, the above matter has been referred to the Planning Enforcement Team for further investigation and action where expedient.

### Proposed C3 use

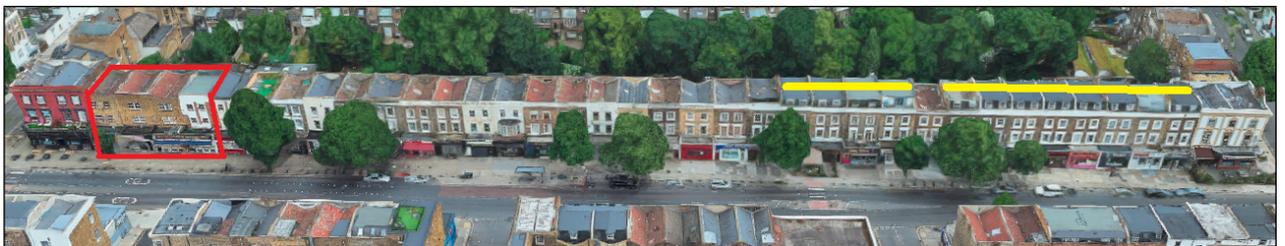
- 10.6 As noted above, the building contains a number of residential properties. Caledonian Road is a Local Shopping Area, which is mostly comprised of buildings with commercial uses at ground and basement levels, and residential above. Overall, the proposed C3 use at roof level is considered to be appropriate in this location. 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, the quality of our housing has a considerable impact on our 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.

### Design and Conservation

- 10.7 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should contribute positively to making places better for people.
- 10.8 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.
- 10.9 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.
- 10.10 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
- 10.11 The application site comprises four adjoining three-storey mid-terrace properties on the eastern side of Caledonian Road. The site is located within the Barnsbury Conservation Area, which is the largest in Islington and was declared to be of outstanding importance. It contains many of the best examples of formal late-Georgian/early-Victorian residential developments in London. Overall, the area has a rare quality of consistency and completeness which requires careful and sensitive policies to protect and enhance it.
- 10.12 The application buildings are not locally nor statutorily listed but are not considered to detract from the character or appearance of the conservation area.
- 10.13 The application seeks permission for the erection of a combined mansard roof extension above the properties at Nos. 334-340 Caledonian Road. The mansard would host four dormer windows to the front elevation, and 5 dormer windows to the rear, each set behind existing parapets.

### Principle of roof extension

- 10.14 The Islington Urban Design Guide 2017 advises that the roofline is an important factor contributing to the rhythm and uniformity of a residential terrace or street. A well-defined roofline throughout helps give terraces their inherent rhythm and unity. Paragraph 5.150 states that, within conservation areas, proposals for roof extensions anywhere along an unaltered roofline will not generally be acceptable. Where the roofline is broken, the scope for roof extensions will normally be dependent on the number of existing roof extensions; the length of the terrace; and the presence of any listed buildings.
- 10.15 The property forms part of a long terraced group on the eastern side of Caledonian Road, bounded by Bridgeman Road to the north and Richmond Avenue to the south. The group consists of 37 individual properties from Nos. 270-342 Caledonian Road. The properties primary consist of hidden valley roofs behind the front parapets; however, the valley roof at No. 334 has been removed and converted to a flat roof, including the loss of the original butterfly parapet at the rear for well over 4 years at the writing of this report.
- 10.16 Of the properties within the terrace group, 13 host roof extensions (35%), and the original valley roof has been removed at 2 buildings (including at No. 334). The original roofline of the terrace has therefore been altered; however, the roof extensions largely comprise two groupings and are located at the southern end of the terrace. Further, there is a large gap (17no. properties) between the existing roof extensions and the application site. Therefore, the roofline within the immediate vicinity of the application site is largely unaltered, and the existing roof extensions are largely obscured in all public sightlines which view towards the application site.
- 10.17 The Design and Conservation Officer has raised concerns with the principle of a roof extension in this location, noting that the roofline in the immediate vicinity is largely unaltered, and also notes that the application site (and roofline) is highly visible in public sightlines from Freeling Street to the west. However, the Design and Conservation Officer has not raised objection given that there are existing roof extensions at the southern end of the terrace, and that the proposal includes the erection of a cluster of adjoining roof extensions (i.e. not a single roof extension breaking the predominant roofline within the vicinity) which provides a degree of uniformity and coherency in the overall appearance of the four properties, which would otherwise not be achieved by individual extensions on several different properties. The grouped extension across four properties crucially would avoid a gap tooth finish which would have a detrimental visual impact on the host terrace and surrounding Barnsbury Conservation Area. Image 6 below shows the roofline of the terrace group, as seen from the west. The existing roof extensions are shown in yellow, whilst the application site is outlined in red.



**Image 5:** Aerial of terrace group from the west. Existing roof extensions shown in yellow, application site outlined in red.

- 10.18 For the above reasons, the proposed erection of a roof extension in this location is supported. The proposed combined/adjoining mansards would be uniform in height and appearance, and would not cause harm to the character or appearance of the host buildings, the terrace group on the eastern side of Caledonian Road, or the wider streetscene. The proposal is therefore acceptable in principle, subject to detailed design

Detailed Design of mansard extension

- 10.19 Paragraphs 5.154-5.158 of the Urban Design Guide 2017 discusses the most appropriate types of roof extensions for different types of roof forms, as well as the design principles that should be employed for each type. It is noted that mansard roof extensions are best suited for valley roofs on traditional properties. The guidance states that roof extensions to historic terraces should retain the historic parapet form and be set behind it. Particularly to Victorian/Edwardian terraces, the raising of the brickwork should be avoided, with clear distinction between the host building and the roof extension above being maintained. Valley 'butterfly' parapet profiles are a strong characteristic of rooflines in Islington and where these survive they should be retained. Party walls should follow the form of the roof and should not include a 90 degree up stand projecting beyond the form of the roof extension, and chimney stacks should be retained and only raised where they will not disrupt the rhythm of the terrace.
- 10.20 The proposed mansard roof extension would be set behind the existing building parapets to the front, and would retain the existing parapets to the rear. It would have a height of 2.8m, however from the front it would only project above the parapet by 1.2m. The roofline/eaves of the mansard extension would be set back from the parapet by 2.6m. The mansard includes brick upstands at the individual building lines in order to continue the appearance of separate buildings. The extension would be clad in blue/black Welsh slates, with the main roof over the extension finished in asphalt.
- 10.21 From street level on Caledonian Road, the combined mansard roof extension would not be overly prominent given both the minimal height of the extension above the parapet, and the proposed set back. Whilst the roofline of the application site is highly visible in longer views from Freeling Street to the west, any views towards the extension would be of the mansard's traditional design and it would not appear prominent or overbearing within the immediate streetscene context given its height.
- 10.22 Overall, the design of the mansard extension would match the principles set out within the Urban Design Guide. It would retain and be set behind the parapets to the front and rear of the building, retaining the parapets, which is considered to be a strong characteristic of the terrace group.
- 10.23 With regard to the design of dormer windows, paragraph 5.161 of the Urban Design Guide 2017 states:

*'The detailed design and proportions of the dormer should relate to the windows of the original house. The solid surrounds (cheeks) of the dormer should be as slender as possible; simple lead cheeks with a doubly hung timber sash window is often the best solution in historic buildings. Except for the window frame and cheeks, there should not be any solid face. The dormer should be positioned a clear distance below the ridge-line, significantly clear of the boundary parapets, and above the line of the eaves.'*

10.24 The proposal includes the installation of four dormer windows to the front (one for each building), and 5 to the rear (including 2 separate dormer windows at No. 338). The dormer windows to the front elevation would each be identical, double-window dormers with a width of 2.7m. At the rear, the dormers would comprise of 2 double-window dormers (width 2.4m) and 3 single dormer windows (width 1.7m). All dormer window would be set down from the ridge by 0.6 and away from the boundary parapets, and would align with the fenestration on the elevation below, in accordance with the guidance contained within the Urban Design Guide.

Impact of the proposal upon significance of designated heritage assets, and Balance of harm

10.25 As noted above, the application site not locally nor statutorily listed. However, the properties adjoining the rear of the site at Nos. 60-63 Thornhill Square are Grade II listed, as is the West Library at the rear of the site at the junction of Thornhill Square and Bridgeman Road. The site is also located within the Barnsbury Conservation Area.

10.26 Therefore, in the determination of the application, the assessment of the proposal must consider the impact on these heritage assets in accordance with the legislation set out in Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which is outlined below.

- Section 66(1) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall 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.
- Section 72(1) provides that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of (amongst others) the planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character.

10.27 The South Lakeland District Council v Secretary of State for the Environment case and the Barnwell Manor case (East Northamptonshire DC v SSCLG) establish that “preserving” means “doing no harm”

10.28 The decision of the Court of Appeal in Barnwell Manor confirms that the assessment of the degree of harm to the heritage asset is a matter for the planning judgement of the decision-maker. However, where the decision-maker concludes that there would be some harm to the heritage asset, in deciding whether that harm would be outweighed by the advantages of the proposed development, the decision-maker is not free to give the harm such weight as the decision-maker thinks appropriate. Rather, Barnwell Manor establishes that a finding of harm to a heritage asset is a consideration to which the decision maker must give considerable importance and weight in carrying out the balancing exercise.

10.29 There is therefore a “strong presumption” against granting planning permission for development which would harm a heritage asset. In the Forge Field case the High Court explained that the presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. Paragraph 196 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. A local planning authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory

presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.

- 10.30 The case-law also establishes that even where the harm identified is less than substantial (i.e. falls within paragraph 196 of the NPPF), that harm must still be given considerable importance and weight.
- 10.31 When more than one heritage asset would be harmed by the proposed development, the decision-maker also needs to ensure that when the balancing exercise is undertaken, the cumulative effect of those several harms to individual assets is properly considered. Historic England does not suggest that the cumulative effect of the individual instances of harm identified amounts to substantial harm and officers do not consider that the total harm (i.e. the cumulative effect of the several instances of harm identified) amounts to substantial harm.
- 10.32 The principle of a combined roof extension, rather than a single extension, is acceptable in this instance given the presence of existing roof additions at the southern end of the host terrace group and is in keeping with the predominant character and appearance of the area and this section of terrace along Caledonian Road. On balance, the works would create a neutral impact on the significance of the heritage assets.
- 10.33 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 Barnsbury Conservation Areas. In accordance with Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been had to the desirability of preserving the setting of the adjacent listed buildings. Overall, the proposal is considered to have represent a neutral impact upon the significance of the heritage assets. The proposal therefore accords 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.
- 10.34 The drawings and submitted documents also indicate that the existing timber windows at upper floor levels are to be refurbished and restored. For the avoidance of doubt, an informative has been included to confirm that no permission is granted for the replacement of any of these windows.

**Standard of Accommodation**

- 10.35 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.

<b>No. Bedrooms / Expected Occupancy</b>	<b>Floor Space Provided</b>	<b>Minimum Required</b>	<b>Provided Storage</b>	<b>Required Storage</b>
Flat 8 (2bed/4person)	106.00 sqm	70.00 sqm	0.80 sqm	2.00 sqm

<b>Bedroom</b>	<b>Floor Provided</b>	<b>Space</b>	<b>Minimum Required Floor Space</b>
Bedroom 1	25.50 sqm		12.00 sqm
Bedroom 2	12.10 sqm		12.00 sqm

- 10.36 NB: The Council considers that where a bedroom is in excess of 11 sqm, it is a double (two person) room. Also, a second bedroom in excess of 10 sqm will be considered to be a double room
- 10.37 The flat would significantly exceed the minimum required floor area. Whilst the storage proposed would fall short of the minimum, given the large size of the flat this is not considered to warrant a reason for the refusal of the application due to the ability of the unit to easily accommodate non-fixed storage. Whilst it is acknowledged the flat could accommodate three bedrooms, it is considered to be acceptable in this instance due to the inability of the roof space to create an adequate and functional family amenity space in this specific case.
- 10.38 Each of the two bedrooms proposed would also exceed the minimum required floorspace for a double bedroom. 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.
- 10.39 The London Plan states that a minimum floor to 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 floor to ceiling heights of at least 2.6m provide a greater sense of space and help keep rooms cool in summer months. It must be noted that these figures are stated for new residential development; the application site is an existing building, albeit the mansard extension is a new-build element.
- 10.40 The floor to ceiling height of the proposed unit would be 2.5m to the top of the mansard, with a slightly reduced height in areas beneath the pitched mansard roof. 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. Considering this and that the proposed unit would be within a roof addition, the proposed floor to ceiling height is considered to be acceptable, in this case.
- 10.41 Dual aspect flats must be provided in all situations in accordance with policy CS9F of the Core Strategy 2011, and policy DM3.4D of the Development Management Policies 2013, unless exceptional circumstances can be demonstrated. 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.
- 10.42 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.
- 10.43 Policy DM3.5 advises the minimum requirement for private outdoor space for each flat. In this instance, 7 sqm would be required. The proposal does not include any outdoor amenity space; however, given the constraints of the site (being an existing building located within a conservation area), and noting the significant amount of internal floorspace proposed, this is not considered to represent a reason for the refusal in this instance.

- 10.44 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**

- 10.45 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.
- 10.46 The proposed mansard addition would be located at roof level and within the existing footprint of the buildings, set in from the front and rear of the properties. Given the modest height increase, it is not considered to result in material adverse impacts to neighbouring amenity with regard to overshadowing, access to daylight and sunlight, over-dominance, sense of enclosure or outlook such that the council could reasonably refuse the development on this basis.
- 10.47 Some concern has been raised by neighbouring occupants that the proposal would cause undue overlooking into neighbouring properties and gardens. Officers note that the dormer windows to the rear of the extension would be separated from the rear-facing windows at the properties at Nos. 60-63 Thornhill Square by at least 32m, and from the properties on the opposite side of Caledonian Road by at least 22m. It would therefore not cause undue harm to the level of privacy experienced by occupiers of these properties. Whilst the additional windows to the rear would allow overlooking into the rear gardens (i.e. not habitable rooms) of Nos. 60-63 Thornhill Square, this would be from a distance of at least 15m. It is also noted that there is already a level of established mutual overlooking between the properties, taking into consideration the existing windows on the elevation below. Overall, it is considered that the proposal would not cause undue harm to the level of privacy experienced by adjoining and adjacent occupiers

### **Construction Impacts**

- 10.48 Concerns have been raised by neighbouring residents that the construction of the mansard addition would cause undue harm to amenity, by reason of increased noise and disturbance. Additional concern has also been raised regarding the increased impact of these during the response to the COVID-19 pandemic. Whilst officers are sympathetic to these concerns, the construction impacts of a scheme of this scale do not require the provision of a construction management plan, nor would it be reasonable to withhold planning permission on this basis.

### **Conclusion**

- 10.49 It is considered that the proposal would not cause undue harm to the level of neighbouring amenity with regard to noise and 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**

- 10.50 Policy DM2.2 stipulates that all developments must demonstrate that they provide for ease of and versatility in use; deliver 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.
- 10.51 Officers note that the proposed additional dwelling would not be wheelchair accessible, nor would it be visitable. However, consideration must be given to the constraints of the site, and the location of the dwelling within a rooftop extension. Therefore, this is not considered to warrant a reason for the refusal of the application in this instance.

### **Highways and Transportation**

- 10.52 In accordance with Appendix 6 of the Development Management Policies 2013, one bicycle space should be provided for each bedroom proposed. Therefore, in this instance, two cycle spaces would be required. The proposed flat is located at roof level of an existing building, with access limited to a communal entrance directly from the pavement. The site also does not contain any external amenity space at ground floor level. The application does not include any cycle parking spaces within the site, however the Design and Access Statement advises that the applicant is willing to provide cycle parking spaces on the forecourt of the property (this would be on the public pavement, outside of the site boundary). This is not considered to be an acceptable solution. Therefore, due to the constraints of the site, the lack of on-site cycle parking provision does not warrant a reason for the refusal of the application in this instance.
- 10.53 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."

The proposal does not include the provision of any off-street parking. A completed Unilateral Undertaking for this application will secure a Car free development to be agreed

### **Refuse and Recycling**

- 10.54 The property would be subject to the existing procedure used for the collection of refuse and recycling at existing properties on Caledonian Road, comprised of a waste collection service from the public pavement twice daily from 6am-7:30am and 6:30pm-7:30pm.
- 10.55 For the avoidance of doubt, a condition (Condition 5) has been recommended to require that refuse and recycling facilities meet current and future collection practices and targets.

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

- 10.56 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.
- 10.57 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 one 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 Hornsey Road. Provision is made to take account of site specific circumstances, if supported and justified by viability evidence.
- 10.58 In this instance, the required contribution is £50,000. Upon submission of the application, the applicant agreed to pay the Affordable Housing Small Sites 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.

### **Energy and Sustainable Design and Construction**

- 10.59 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.
- 10.60 An Energy Statement and a sustainability statement were not submitted as part of the application. Given the overall scale and extent of the development the sustainability measures that can be realistically made to a roof extension and conversion are limited.
- 10.61 The applicant has stated that the following sustainability measures will be incorporated into the development:
- All timber and plywood will be sourced from a company that ensures that they have been harvested responsibly, from well managed forests that are continuously replenished and to ensure that there is no damage to the surrounding environment or to native flora and fauna
  - Timber sash windows will be used in lieu of UPVC and aluminium windows existing elsewhere on the property. The timber will be obtained from sustainable sources.
  - Natural Welsh slates have been specified for the mansard roof finish, avoiding the use of manufactured materials such as fibre cement slates.

- Asphalt and lead sheeting have been specified for the finish of the main flat roof areas and cladding to new roof dormers respectively, which are both 100% recyclable.
- PV solar panels for the additional residential unit will be installed above the new flat roof area, subject to planning requirements, to reduce the carbon footprint of the proposal.

10.62 It is considered that the proposed development, in terms of sustainability, is acceptable and conforms to the relevant policies offering a commensurate and proportionate improvements relative to the scale and scope of the development as a whole. The £1,000 carbon offsetting fee will also be secured through the Unilateral Undertaking to be competed in relation to this application.

### **Other Matters**

10.63 Concern has been raised in representation that the existing building is of a poor quality (due to lack of maintenance and upkeep), and that the applicant provides a poor level of building management resulting in poor living conditions. The upkeep of the existing property is not a material planning matter when considering the acceptability of application. These matters can be pursued by residents outside of the planning system, under the Defective Premises Act 1972.

10.64 Concerns have also been raised in representations regarding resulting additional pressure on communal areas, including increased congestion on stairs and in hallways in case of emergency. Officers note that the application proposed the provision of a single additional unit, with a capacity for four occupiers, and therefore additional pressures would be limited. However, it must also be noted that these matters are covered by the Building Regulations 2010; building regulations approval is separate from the planning process.

## **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 prior completion of a Deed of Planning Obligations made under S106 of the Town and Country Planning Act 1990 securing the 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 £50,000 towards affordable housing within the borough
- Contribution of £1,000 towards carbon off-setting
- Car free restriction

### RECOMMENDATION B

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>Design and Access Statement submitted 11/05/2020, and drawing numbers: L (PL) 334-340CR-12, L (PL) 334-340CR-13B, and L (PL) 334-340CR-14B.</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 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>Waste and Recycling Provision</b>
	<p>CONDITION: All refuse and recycling facilities provided shall meet current and future collection practices and targets, and must be accessible to all and be installed prior to the first occupation of the hereby approved unit and be maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure the adequate provision of waste and recycling facilities and waste is managed effectively through the life of the development.</p>
<b>5</b>	<b>Flat roof not to be used as amenity space</b>
	<p>CONDITION: Notwithstanding the hereby approved plans, no permission is granted for the front flat roof area adjoining the approved roof extension to be used as any form of amenity/sitting out space into perpetuity.</p> <p>REASON: To protect neighbourhood amenity.</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).</p> <p>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <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>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1. National Guidance**

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

### **2. Development Plan**

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

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

- 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 3.12 – Negotiating affordable housing
- Policy 5.2 – Sustainable design and construction
- 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 CS6 – Kings Cross
- Policy CS9 – Protecting and enhancing Islington's built and historic environment
- 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 DM7.1 – Sustainable design and construction
- Policy DM8.4 – Walking and cycling
- Policy DM8.5 – Vehicle parking

### **3. Designations**

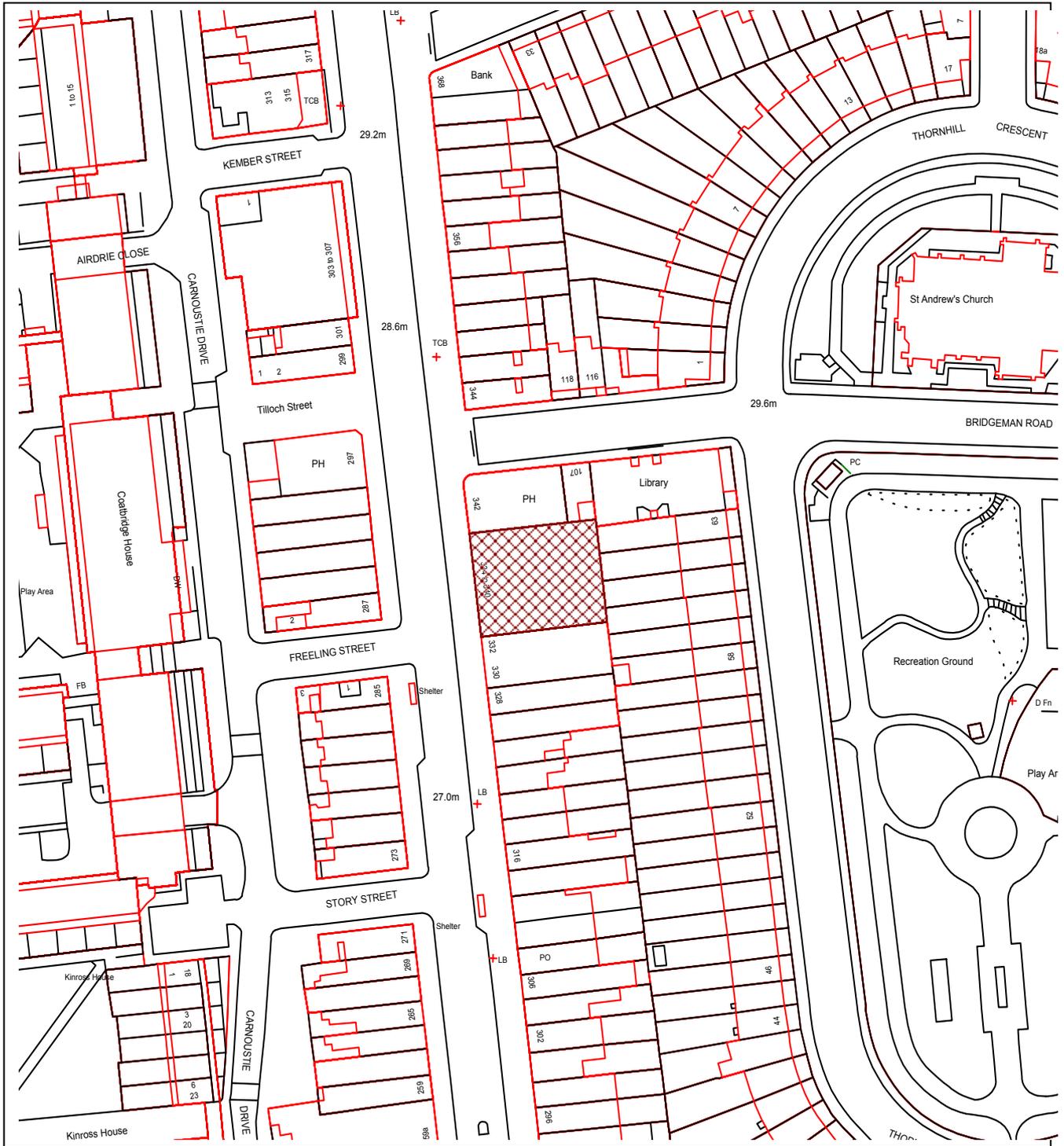
- Barnsbury Conservation Area (and Article 4 Direction)
- Core Strategy Key Area – Kings Cross & Pentonville Road
- Caledonian Road (Central) Local Shopping Area
- SRN Road
- Mayor's Protected Vistas – Parliament Hill summit to St Paul's Cathedral
- Local view from Archway Road
- Local view from Archway Bridge
- Article 4 Direction A1-A2 (Local Shopping Area)

- Adjacent Grade II listed buildings at Thornhill Square

**4. SPD/SPGS**

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

# Islington SE GIS Print Template



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P2020/0568/FUL

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### PLANNING COMMITTEE REPORT ADDENDUM

<b>PLANNING SUB-COMMITTEE A</b>		
<b>Date:</b>	10 <sup>th</sup> November 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	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 of this Addendum Report.

## **2. REASON FOR DEFERRAL**

- 2.1 This application was not heard and was deferred at the Planning Sub-Committee A on 7<sup>th</sup> September 2020. The application was deferred as it is linked to planning application ref: P2020/1515/FUL and both applications being inherently linked, they needed to be considered together.

## **3. BRIEF SUMMARY OF APPLICATION**

- 3.1 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 of 46sqm. Both of these buildings are within the same ownership.
- 3.2 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.

## **4. UPDATES FOLLOWING DEFERRAL OF APPLICATION**

- 4.1 There are no updates solely in relation to this application for the infill extension; however, there have been updates in association with the linked application. These include a site visit to the application site and a follow up letter addressed discussions from the sub-committee.. These are explained in detail with an additional assessment within the addendum committee report for planning application ref: P2020/1515/FUL.
- 4.2 It should be noted that as the facing external material for the infill extension proposed under this application is opaque glazing. Whilst not clear glazing (as proposed on the main roof extension), it is considered there may be some impact of light spill, and it is suggested that an internal lighting condition is also applied to this permission. This is also taking into account the considerations discussed in paragraph 12.46 of the Committee Report within Appendix 2.

## **5. CONCLUSION**

- 5.1 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 of this Addendum Report- 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> 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:  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.  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.
<b>4</b>	<b>Obscure Glazing (Compliance)</b> 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.  REASON: To protect neighbouring amenity.
<b>5</b>	<b>Commencement of Development (Compliance)</b> 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.  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.

<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>
<b>7</b>	<b>Internal Lighting</b>
	<p>CONDITION: Details of measures to adequately mitigate light pollution from any areas of glazing within the 5th floor roof extension hereby approved the approved roof extension shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.</p> <p>These measures could include (but are not limited to):</p> <ul style="list-style-type: none"> <li>- Lighting strategies that reduce the output of luminaires closer to the facades;</li> <li>- Light fittings controlled through the use of sensors.</li> </ul> <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter into perpetuity.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</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: 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.

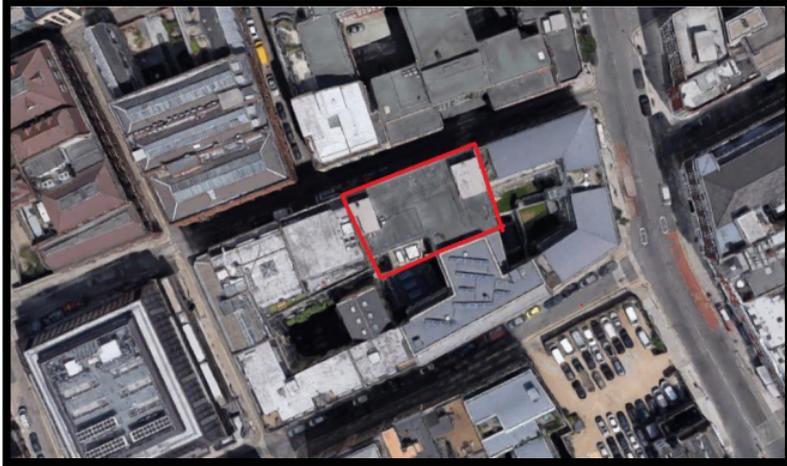
### 1. RECOMMENDATION

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)



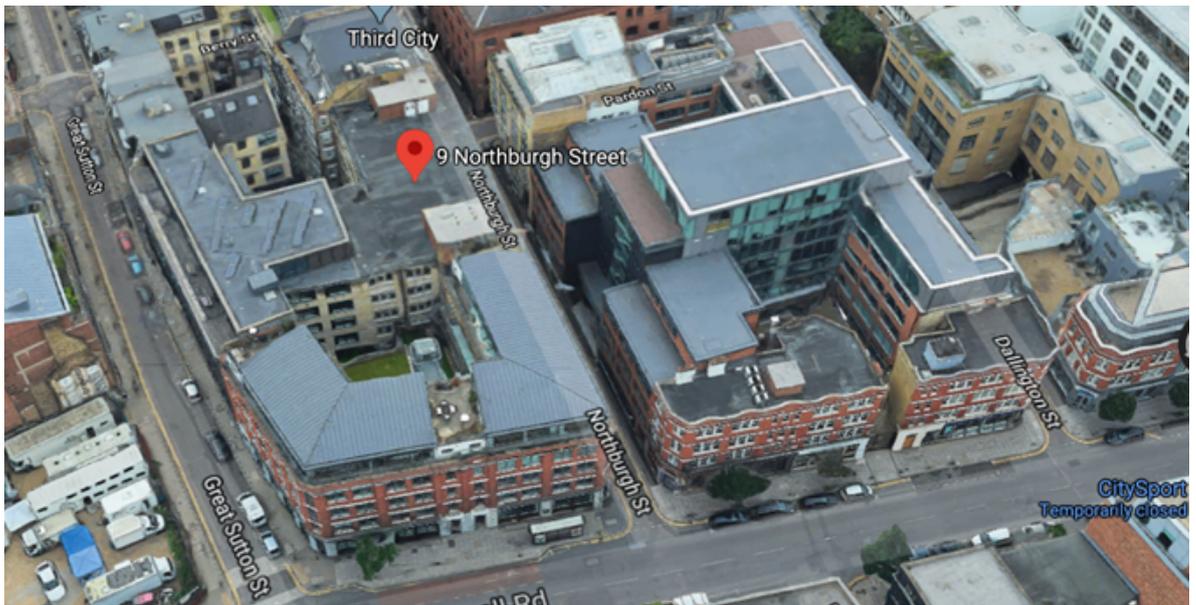
**Image 2:** Aerial view of site (looking south)



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



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



## 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.

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

- 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)

### **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.

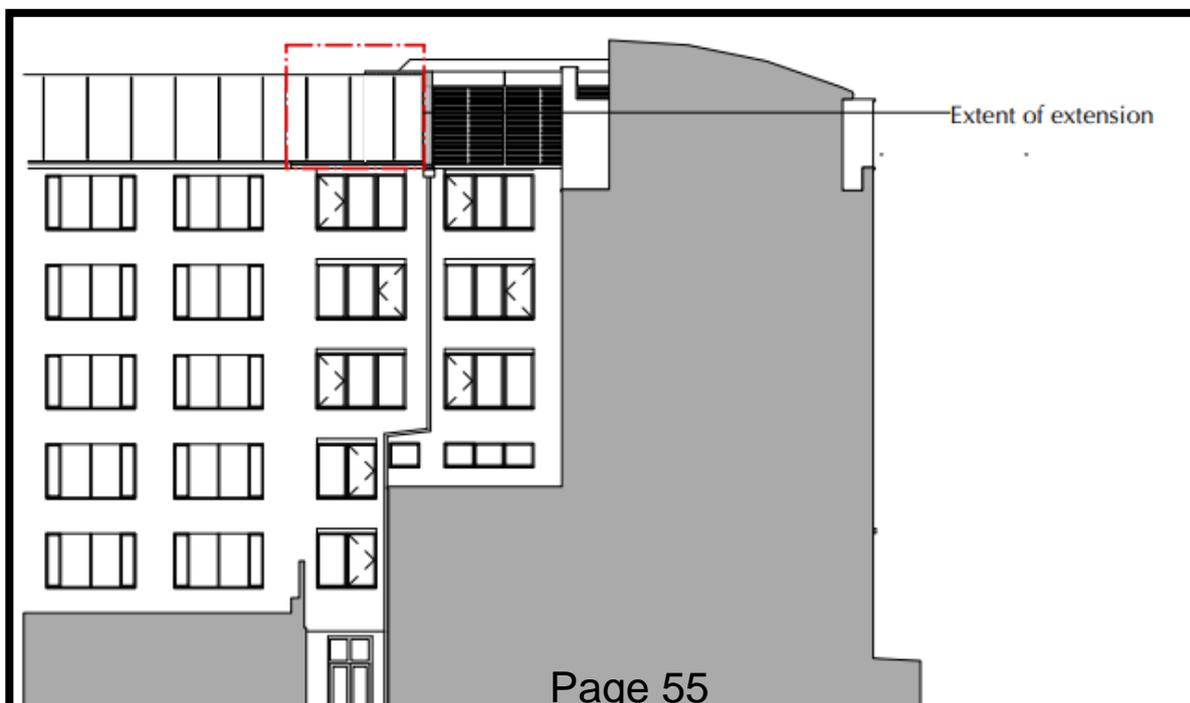
- 10.6 In land use terms, the proposed uplift of office floorspace is considered acceptable in principle given that it is located within designated areas where the development, growth and maximisation of business floorspace is encouraged.
- 10.7 Given the scale of the uplift proposed, in isolation it 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.

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.

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.

## **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. 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**

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

## APPENDIX 2 – 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 3: 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 4: 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>	<b>9 - 11 Northburgh Street, LONDON, EC1V 0AH</b>
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<b>Application Type:</b>	<b>Full Planning Application</b>		
<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.

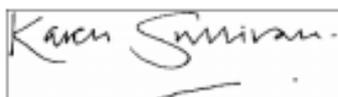
A pre-application advice service is also offered and encouraged.

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 ADDENDUM

<b>PLANNING SUB-COMMITTEE A</b>		
<b>Date:</b>	10 <sup>th</sup> November 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	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 of this addendum report.

## **2. REASON FOR REFFERAL**

- 2.1 This application was deferred at Planning Sub-Committee A on 7<sup>th</sup> September 2020. The application was deferred for the following reasons taken from the draft minutes of this meeting:
1. The application be deferred to enable the applicant to better prepare for the meeting and Cllrs questions.
  2. To allow applicants/agents to liaise with residents about light pollution concerns on the existing office building and additional floor proposed.
  3. To facilitate a site visit to the site by Cllrs to appreciate the physical constraints of the site more fully.

## **3. BRIEF SUMMARY OF APPLICATION**

- 3.1 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.
- 3.2 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 01/05/2021 under S93A of the Town and Country Planning Act 1990 (as amended). Therefore the planning permission remains extant until May 2020 and serves as a highly relevant material fall back position in the assessment of this particular planning application before members.

## **4. UPDATES FOLLOWING DEFERRAL OF APPLICAITON**

- 4.1 Since the deferral of the item, a covid secure site visit was undertaken to the application site on Monday 5<sup>th</sup> October 2020 with the applicant, planning agent, planning officer and chair of Sub-Committee A. On the site visit, the roof of the building was accessed from where the context of the site and neighbouring buildings were understood and it was noted that the existing context in and adjoining the site is not materially different from when the planning officer site visit was carried out in 2016 for the extant planning permissions. Additionally, Sutton Yard which was the office building referred to within representations, was also visited. The top floor extension was accessed (seen in Image 4 below) where the application site and surrounding neighbouring buildings were seen.
- 4.2 The applicant also submitted a follow up letter to address the discussions held at Planning Sub-Committee A on 7<sup>th</sup> September 2020. These relate to the light spill concerns raised by objectors and the extant planning permissions not yet having been implemented.
- 4.3 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.

- 4.4 The letter also suggests the wording for a condition in regard to an internal lighting strategy for the proposed roof extension. The suggested wording reads:

***CONDITION: Prior to first occupation of the development hereby permitted automated roller blinds must be installed in front of any areas of glazing within the 5th floor roof extension hereby approved. The blinds are to be set on an automated timer and automatically lowered daily between the hours of 21:00 to 07:00 the following day and shall be permanently maintained thereafter into perpetuity.***

- 4.5 However officers suggest a more detailed and specific submission of details condition to address potential light [pollution issues related to the development as suggested condition 12 below:

**SUGGESTED CONDITION12: Details of measures to adequately mitigate light pollution from any areas of glazing within the 5th floor roof extension hereby approved the approved roof extension shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.**

**These measures could include (but are not limited to):**

- **Lighting strategies that reduce the output of luminaires closer to the facades;**
- **Light fittings controlled through the use of sensors.**

**The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter into perpetuity.**

**REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.**

- 4.6 Separately, an Approval of Details application (ref: P2020/2601/AOD) has been submitted to discharge Condition 4 of extant planning permission ref: P2016/3455/FUL. The condition requires details of a construction method statement.

5. PHOTOS FROM SITE VISIT OCTOBER 5<sup>TH</sup> 2020



*Image 1:* View from roof towards No. 41-53 Goswell Road (northeast).



*Image 2:* View from roof towards No. 41-53 Goswell Road and terrace gardens (east).



**Image 3:** View from roof towards No. 8 Northburgh Street (north).



**Image 4:** View from rooftop of Sutton Yard (north).



**Image 5:** View of The Rooftops, Gee Street from Sutton Yard (east).

## 6. UPDATES FOLLOWING DEFERRAL OF APPLICATION

### *Light pollution*

- 6.1 The Islington 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.
- 6.2 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. As explained within the Planning Committee Report found within Appendix 2, the proposed roof extension (and overall development) was considered to not adversely harm the amenity of neighbouring occupiers.
- 6.3 Objections were raised to potential light spill from the proposed roof extension and the proposal was subsequently deferred. In respect to No. 8 Northburgh Street (which is located immediately opposite the site on a narrow street) it is considered that despite its set back, there may be an issue of light pollution towards the front habitable windows depending on the use and intensity of the internal lighting of the extension. This would predominantly be during the night-time period and in winter months when daylight hours are reduced. It is considered that light spill could be addressed by an appropriately worded condition in respect to an internal lighting strategy, which would protect neighbouring amenity whilst not prejudicing the use of the development.
- 6.4 It is considered that the proposed development would not result in detrimental light spill towards the neighbouring occupiers at No. 41-53 Goswell Road. No windows are proposed on the elevation facing this neighbouring building (an acoustic louvre is proposed to accommodate the mechanical plant at this location). The connecting extension (proposed in ref: P2020/1452/FUL) is developed along the elevation facing Nos. 41-53 Goswell Road which is constructed of opaque glazing. Whilst not clear glazing, there may also be concern of some spill from obscure glazing and as such the same condition would be applied to the other proposal as addressed further in the addendum report for ref: P2020/1452/FUL.
- 6.5 Due to the considerable distance from the application site to The Rooftops on Gee Street, including being obscured by taller buildings, the proposed development would not result in issues of light pollution towards these neighbouring occupiers. Nevertheless, the recommended condition (Condition No.12) in respect to internal lighting would ensure that all neighbours likely to be impacted from light spill would be protected.

### *Existing conditions*

- 6.6 Objections raised to the proposed development also referred to the existing light spill from Sutton Yard. Whilst the concerns and frustrations of neighbouring occupiers are acknowledged and it is known that Sutton Yard is under the same ownership as the application site, this is not a material consideration in the assessment of the proposed development. The planning application is to be assessed on the merits of the proposal, which in this case are land use, conservation and design and neighbouring amenity (the material planning considerations) relating to the proposed development.
- 6.7 Regardless of the outcome of this application and whether it is implemented, this does not change the existing situation at Sutton Yard. This planning application also cannot be used as an instrument to provide changes to Sutton Yard in respect to its light spill (or any other matter) given it is within a different site and has no planning relevance to the proposed scheme. This also applies to the existing lighting conditions of the application building.

- 6.8 For the reasons as explained above, the situation at Sutton Yard in regards to light spill cannot be controlled through this application; however, a condition has been attached to ensure the proposed roof extension does not contribute and exacerbate light spill issues within the vicinity. It is likely that other buildings in the area also provide light spill given the area's dense office use. Planning conditions are required to be reasonable, necessary and related to the development. Whilst it is acknowledged that there are instances of light spill from the existing building, the council can only consider attaching a light pollution control condition related to the development applied for, which in this case is the additional roof level extension.

*Extant permissions*

- 6.9 As referred to within the Planning Committee Report (see Appendix 2), the site benefits from an extant planning permission for an identical development (ref: P2017/5021/FUL). The applicant has commented within the follow up letter that the extant planning permissions have not been implemented due to the ongoing impacts and restrictions of the Covid-19 pandemic. This application has been submitted to protect the applicant's position for the development should works be halted further given the ongoing uncertainty. This also factors in the automatic extension of the extant planning permission until 01/05/2021 under S93A of the Town and Country Planning Act 1990 (as amended). The extant permission has been previously been assessed and considered as acceptable, and this represents a material consideration in the assessment of the proposal and has considerable weight in the planning balance.
- 6.10 Notwithstanding the above reasons, the applicant has submitted an approval of details application to discharge a condition of the extant planning permission which demonstrates an intention to start works.

**7. CONCLUSION**

- 7.1 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 of this Addendum Report- 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>	<p><b>Commencement</b></p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<p><b>Approved Plans List</b></p> <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>	<p><b>Materials (Details)</b></p> <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>
<b>12</b>	<b>Internal Lighting</b>
	<p>CONDITION: Details of measures to adequately mitigate light pollution from any areas of glazing within the 5th floor roof extension hereby approved the approved roof extension shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.</p> <p>These measures could include (but are not limited to):</p> <ul style="list-style-type: none"> <li>- Lighting strategies that reduce the output of luminaires closer to the facades;</li> <li>- Light fittings controlled through the use of sensors.</li> </ul> <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter into perpetuity.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</p>

**List of Informatives:**

<p><b>1</b></p>	<p><b>Construction Works</b></p> <p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email <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>
<p><b>2</b></p>	<p><b>Highway Requirements</b></p> <p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <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>
<p><b>3</b></p>	<p><b>Community Infrastructure Levy (CIL)</b></p> <p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London'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

### PLANNING COMMITTEE REPORT



# ISLINGTON

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department

<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 3

**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.

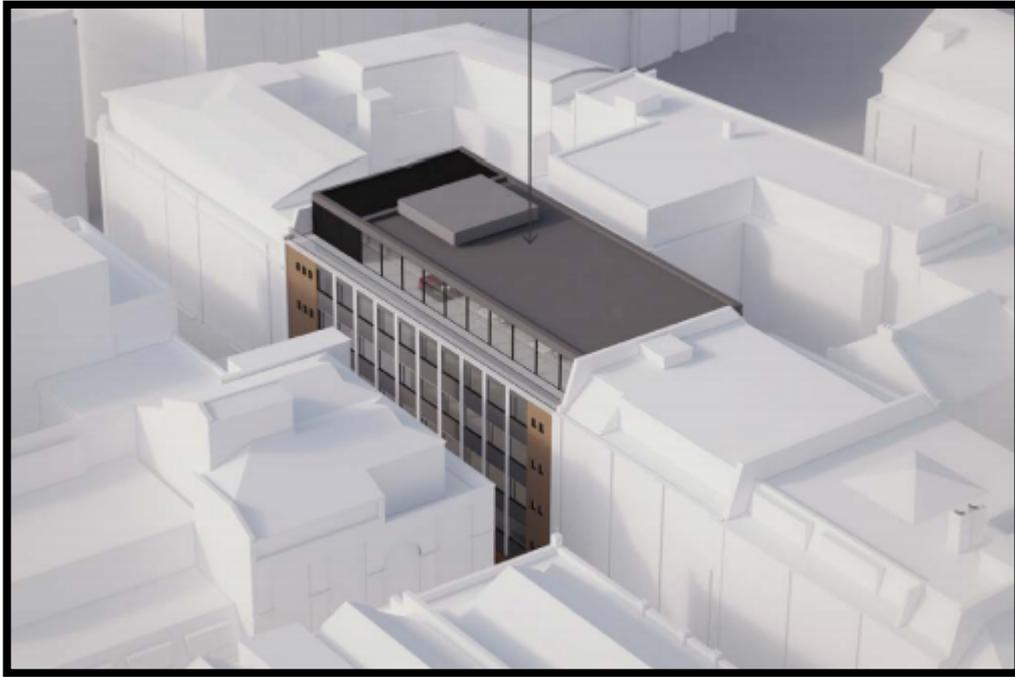
As a result, the proposed addition of 350 square metres of office floorspace to an existing office building is considered to accord with the aims of the council's land use policies.

- 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 louvres.



**Image 8:** Proposed roof extension and plant louvres 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 on 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 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.
- 10.37 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..

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

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

### Fire Strategy

- 10.81 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 4 - RECOMMENDATIONS.

## APPENDIX 3 – 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 covers,</p>

	<p>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.</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>Construction Method Statement</b></p> <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>	<p><b>Noise (Compliance)</b></p> <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>	<p><b>Timers (Compliance)</b></p> <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>	<p><b>Cycle Parking (Compliance)</b></p> <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 routes 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 4: 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

#### Employment

- Policy DM5.1-New business floorspace
- Policy DM5.4- Size and affordability of workspace

#### 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

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

- Policy BC7- Historic Clerkenwell
- Policy BC8- Achieving a balanced mix of uses

## **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 5: 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.

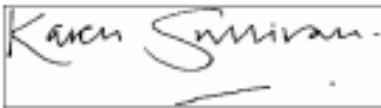
The LPA delivered the decision in accordance with the requirements of the NPPF.

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

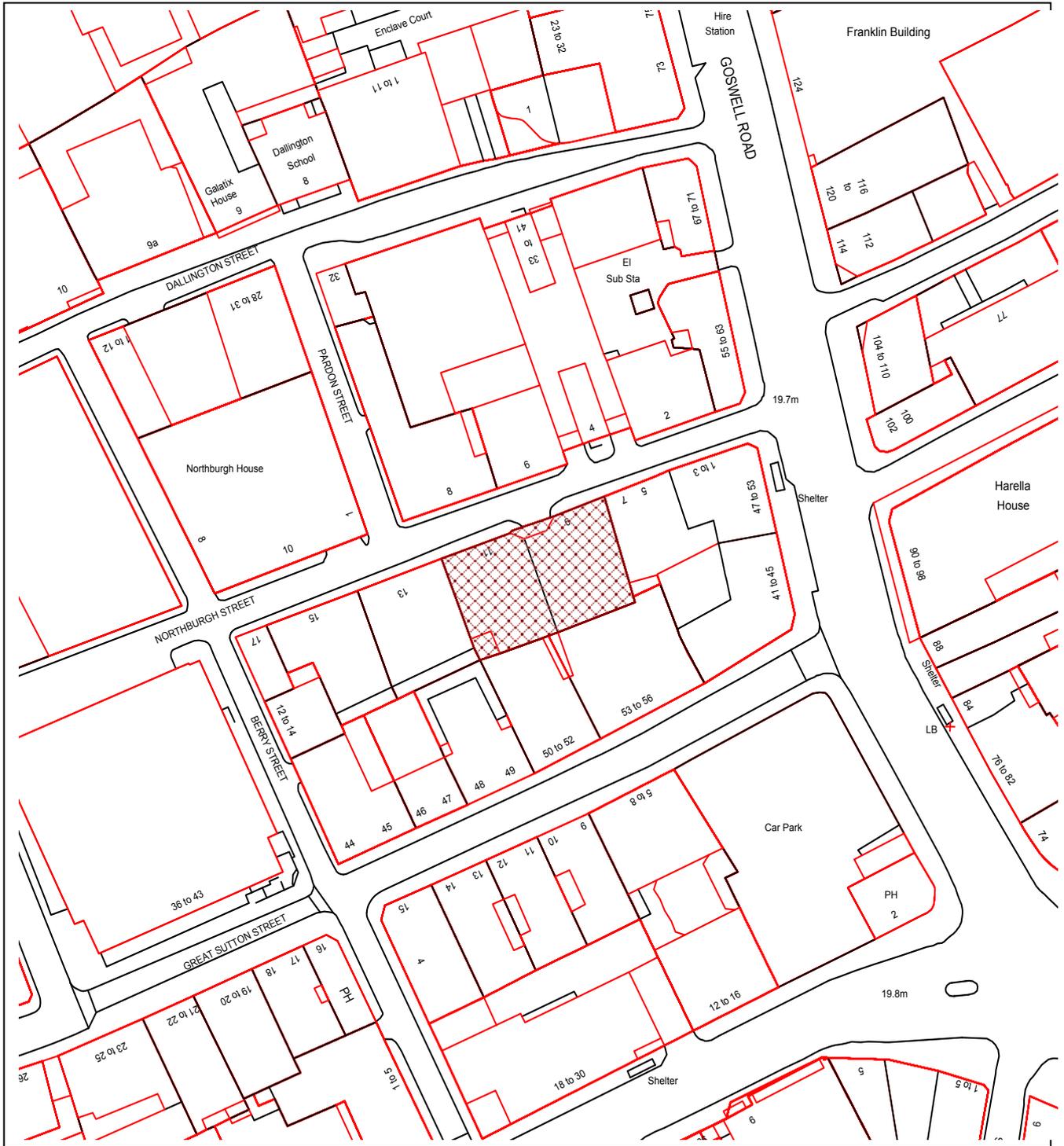
Yours faithfully

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

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

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# Islington SE GIS Print Template



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P2020/1515/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>		<b>AGENDA ITEM NO:</b>
<b>Date:</b>	Tuesday 10 November 2020	<b>NON-EXEMPT</b>

Application number	P2019/0516/FUL
Application type	Full Planning
Ward	St Marys
Listed building	N/A
Conservation area	St Mary Magdalene Conservation Area
Development Plan Context	Cycle Routes (local) Article 4 Direction A1 to A2 (Rest of Borough) Within 100m TLRN
Licensing Implications	None
Site Address	Widnes House, Palmer Place, London, N7 8DG
Proposal	Replace three No. antennas, one No. 300mm dish and one No. equipment cabinet with six No. new antennas, three No. 300mm dishes, one No. equipment cabinet and development ancillary

Case Officer	Amanda Peck
Applicant	UK Broadband
Agent	Concentric Comms Ltd - Charles White

### 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

### 3. PHOTOS OF SITE/STREET

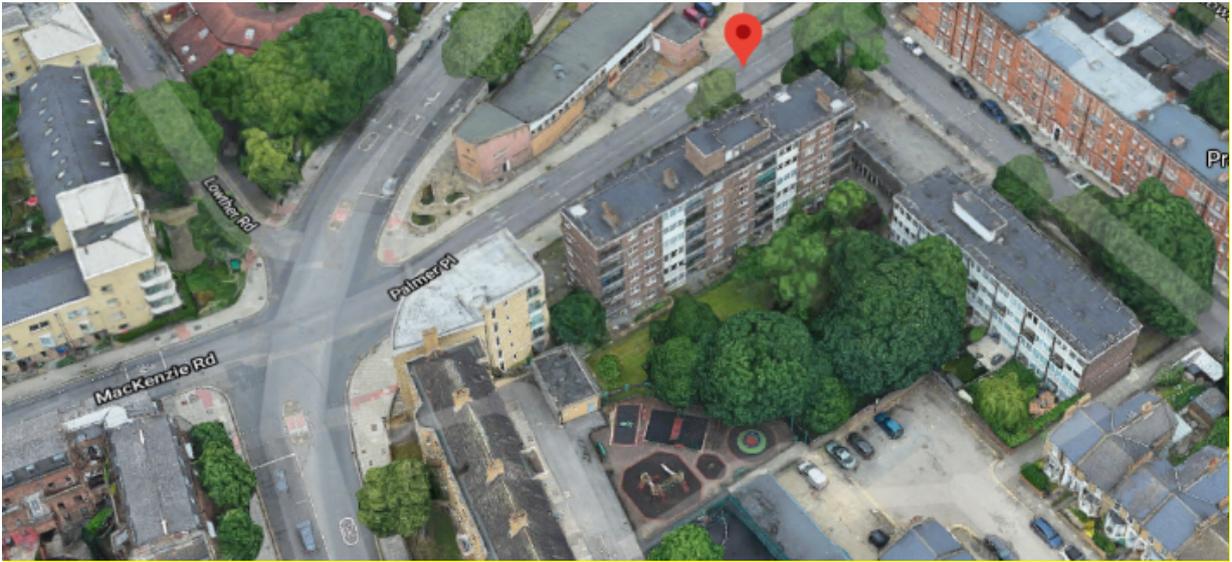


Image 2: Aerial view looking north



Image 3: Aerial view looking south



**Image 4:** View Palmer Place looking south west



**Image 5;** View from Liverpool Road looking south



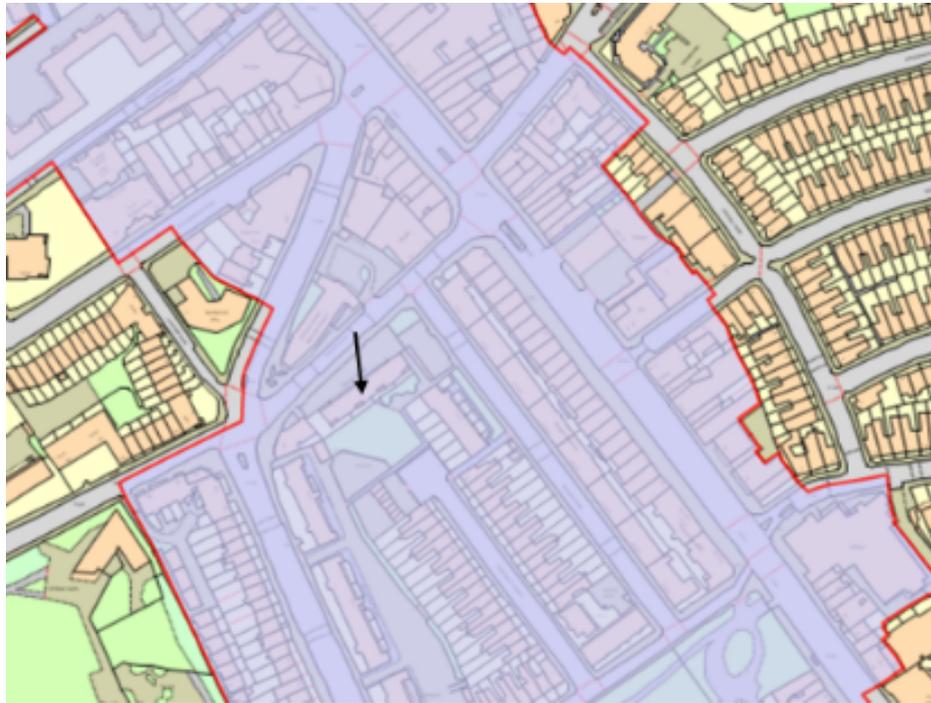
**Image 6:** View from Ringcroft Street looking north

#### 4. SUMMARY

- 4.1 Planning permission is sought for the replacement of three antennas, one 300mm dish and one equipment cabinet with six new antennas, three 300mm dishes, one equipment cabinet and ancillary equipment. There will therefore be an uplift of 3 no antennas and 2 dishes overall.
- 4.2 The installation of the equipment proposed is sought in association with providing additional 5G coverage along with the existing 4G coverage.
- 4.3 The application property is a six storey residential building on the south side of Palmer Place located close to the junction of Liverpool Road, Palmer Place and MacKenzie Road. It is not listed; however, it is located within the St Mary Magdalene Conservation Area. The area is predominantly residential with a church on the opposite side of Palmer Place, with properties of varying designs ranging from modern blocks to terraced properties.
- 4.4 The application is brought to committee due to the site being in the Council's ownership and 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 character and appearance of the Conservation Area, as well as considering the potential neighbor amenity impacts and public benefits of the proposals.
- 4.6 The Design and Conservation Team consider that whilst the proposals would be visible in views from the public realm, there would be a neutral impact on the character and appearance of the conservation area and visual amenity generally. This is because the host building is not considered to be an undesignated heritage asset, sits outside of the historic streetscape and is not within the immediate context of listed or locally listed buildings.
- 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 as the proposals would support paragraph 112 of the Framework which states that '*Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning Policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections*'. Appropriate weight in accordance with the statutory duties (S72) have been applied to "preserve" the heritage assets. In addition, it is considered that the proposals would not cause harm to the amenities of neighbouring properties.
- 4.8 For the above reasons the recommendation is to resolve to grant permission subject to planning conditions.

## 5. SITE AND SURROUNDINGS

- 5.1 The application property is a six storey residential building on the south side of Palmer Place located close to the junction of Liverpool Road, Palmer Place and MacKenzie Road. It is not listed; however, it is located within St Mary Magdalene Conservation Area. The area is predominantly residential with a church on the opposite side of Palmer Place, with properties of varying designs ranging from modern blocks to terraced properties.



**Image 7:** Conservation Area Boundary

## 6. PROPOSAL (IN DETAIL)

- 6.1 Planning permission is sought for the replacement of three antennas, one 300mm dish and one equipment cabinet with six new antennas, three 300mm dishes, one equipment cabinet and ancillary equipment. There will therefore be an uplift of 3 no antennas and 2 dishes overall.

## 7. RELEVANT HISTORY

- **P2016/3927/FUL** Installation of 3no. antennas, 1no. GPS antenna, 3no. 300mm dishes and 2no. equipment cabinets and development ancillary thereto on the rooftop. The antennas and dishes would be fixed via 3no. support poles, one each at the northeast, southwest and northwest ends of the roof. **Approved:** 01/12/2016.
- **P080147** - Fitting of new safety rails to renewed flat roof. Fitting of externally-mounted boxed & white-painted boiler flues. **Approved:** 11/03/2008

A very recent and material allowed appeal decision for a development at 74-76 St John Street Ref: P2019/2015 dated 23<sup>rd</sup> October 2020 is attached within Appendix 3 for Member's consideration. Whilst on a different building in a different location, the decision makes clear decisions on the identified and significant weight to be given to the public benefits of expanded telecoms equipment within conservation areas and also clear determinations on the health considerations of related telecom developments which are pertinent in this specific case. **(See appendix 3 appeal decision attached)**

## 8. CONSULTATION

### Public Consultation

8.1 Letters were sent to occupants of 66 adjoining and nearby properties on 6 March 2019. A site notice and press advert were also displayed. The public consultation of the application therefore expired on 10 April 2019, however it is the Council's practice to continue to consider representations made up until the date of a decision. At the time of the writing of this report **0 responses** had been received from the public with regard to the application.

### Internal Consultees

8.3 **Housing officer:** confirmed no comments and no objections.

8.4 **Design and Conservation officer:** The increase in rooftop telecommunications equipment in a conservation area is generally undesirable. However, given that the host building is not considered to be an undesignated heritage asset, sits outside of the historic streetscape, and is not within the immediate context of listed or locally listed buildings, the proposals are considered to create a **neutral** impact on the character and appearance of the conservation area.

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>).

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.)

## **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)).

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

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

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

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

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

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

9.7 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## Telecommunications

- 9.8 Chapter 10 of the NPPF is entitled Supporting High Quality Communication Infrastructure. It is stated at Paragraph 112 that, *'Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. 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).'*
- 9.9 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 (such as for new 5G networks) equipment should be sympathetically designed and camouflaged where appropriate.'*
- 9.10 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.'*
- 9.11 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.'*
- 9.12 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

- 9.13 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.
- 9.14 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013:

- St Mary Magdalene Conservation Area
- Cycle Routes (local)
- Article 4 Direction A1 to A2 (Rest of Borough)
- Within 100m TLRN

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

9.18 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)

9.19 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 D1: London’s Form, Character and Capacity for Growth
- Policy D4: Delivering Good Design
- Policy HC1: Heritage Conservation and Growth
- Policy SI6 Digital Connectivity Infrastructure

9.20 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

9.21 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.

9.22 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).

9.23 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
- Policy ST1: Infrastructure Planning and Smarter City Approach
- Policy ST3: Telecommunications, communications and utilities equipment

## 10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Design and harm to the conservation area,
- Neighbours Amenity
- Public Benefits

### **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 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.
- 10.4 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
- 10.5 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.
- 10.6 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.

- 10.7 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.
- 10.8 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.
- 10.9 The Urban Design Guide (paragraph 5.189) notes that 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.
- 10.10 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.
- 10.11 The St Mary Magdalene Conservation Area Guidelines states that the Council is opposed to the erection of plant rooms, air conditioning units and other services including water tanks and radio or satellite equipment at roof level where this can be seen from street level or public space, including long views from side streets.

*Assessment of proposals*



**Image 8** Existing Palmer Place CGI Looking East



**Image 9** Proposed Palmer Place CGI Looking East



**Image 10** Existing Palmer Place CGI Looking West



**Image 11** Proposed Palmer Place CGI Looking West



**Image 12** existing rear elevation CGI Looking West



**Image 13** Proposed rear elevation CGI Looking West

- 10.1 Planning permission is sought for the replacement of three antennas, one 300mm dish and one equipment cabinet with six new antennas, three 300mm dishes, one equipment cabinet and ancillary equipment. There will therefore be an uplift of 3 no antennas overall.
- 10.2 The replacement and additional equipment would be visible from the street level from Palmer Place and limited views from the rear on Ringcroft Street.

- 10.3 The building is on the south side of Palmer Place located close to the junction of Liverpool Road, Palmer Place and MacKenzie Road and has existing roof top equipment including 3 antennas. There are no listed buildings or locally listed buildings within the immediate context of the application site, which is in the St Mary Magdalene Conservation Area.
- 10.4 The building is set back from the road, within its own landscape, and does not form part of the historic streetscape, unlike most of the buildings within the conservation area. The existing rooftop equipment has some visibility from the public realm, but given the manner in which Widnes House sits as a detached block in a landscape, set back from the road, the visual impact of the equipment does not cause a discernible impact on the historic streetscape of the conservation area. The proposals would not meaningfully exacerbate the relatively limited harm caused by the existing rooftop plant. Within the overall context of the St Mary Magdalene Conservation Area the application site is one of the least harmful locations for locating the proposed new antennae. The increase in rooftop telecommunications equipment in a conservation area is generally undesirable. However, given that the host building is not considered to be an undesignated heritage asset, sits outside of the historic streetscape, and is not within the immediate context of listed or locally listed buildings, the proposals are considered to create a neutral impact on the character and appearance of the conservation area.
- 10.5 Overall, the proposed development would cause a neutral impact on the character and appearance of the St Mary Magdalene 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 and the conservation area guidance.
- 10.6 Also recognised is the importance the NPPF 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. Some of these relevant considerations are attached within a recent Inspectors appeal decision within Appendix 3. The Inspector in this decision noted the important public benefits of increased 5G telecoms provision and health considerations related to these type of applications.

25. In any event, the Framework indicates that the need for electronic communication systems should not be questioned when determining development schemes. Indeed, it is realistic and fair to presume that planning permission is only being sought because the scheme would lead to noticeable local improvements in service provision. It has been satisfactorily demonstrated that potential suitable and available alternative local sites are very restricted in number. Thus, particularly when factoring in the site/case circumstances to hand, the scheme's benefit of providing improved digital communications networks attracts significant weight.

26. I am mindful of the statutory duties that require special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas and of preserving or enhancing listed buildings, their settings or any special architectural or historic interest which they possess. I am also conscious that the Framework indicates that, when considering the impact of a proposal upon the significance of designated heritage assets, great weight should be given to the assets' conservation. This is irrespective of whether any identified harm to its significance is at a substantial or less than substantial level.

27. Nevertheless, I am content that the minor level of less than substantial harm that I have identified to multiple designated heritage assets, even when considered in a cumulative sense, would be outweighed by the significant public benefits that would be achieved by the proposal. Therefore, the proposal accords with the relevant heritage provisions of the Framework and with Policy DM2.3 of the DMP in so far as it offers the opportunity for harm to the significance of designated heritage assets to be offset by clear and convincing justification.

- 10.7 The paragraphs above outline the impact of the proposals on the character or appearance of the conservation areas. 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.
- 10.8 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 10.10 to 10.14 below.

### **Public Benefits**

- 10.9 Paragraph 112 of the National Planning Policy Framework states that advanced, high quality and reliable communications 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 (such as 5G) and full fibre broadband connections”.
- 9.9 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 (such as for new 5G networks) equipment should be sympathetically designed and camouflaged where appropriate.’*
- 10.10 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.
- 10.11 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”*
- 10.12 As demonstrated above, the proposals would have a neutral impact on the character and appearance of the conservation areas. It is considered that the public benefit of the introduction of next generation mobile technology (5G) from the proposal outweighs the neutral impact 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 conservation area. In this instance there are several mitigating factors to consider, including the existing roof top plant and the height and scale of the existing building, as well as the strong support within the updated NPPF (2019) for increased provision of 5G infrastructure.

- 10.12 The benefits of the proposal are improved and updated telecommunications coverage within a dense urban and central London location, improved wireless internet infrastructure and the resulting fast and ubiquitous access to the internet from mobile and fixed devices.

### **Impacts to Neighbour Amenity**

- 10.13 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.
- 10.14 Paragraph 116 of the Framework states that the need for the telecommunication system should not be questioned, nor should health safeguards be set which differ from the International Commission guidelines for public exposure. The applicant has submitted a statement detailing that the proposal would comply with the ICNIRP guidelines.

### **Health Risks**

- 10.15 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.
- 10.16 UK Broadband 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 confirmation 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.
- 10.17 An ICNIRP Declaration from the applicant (UK Broadband) 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.
- 10.18 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.
- 10.19 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.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 10.20 A summary of the proposal and its impacts and acceptability is set out at paragraphs 4.1 to 4.7 of this report. Great weight has been afforded to the desirability to “preserve” the character and appearance of the Conservation area (Section 72). Whilst the proposed antennae will be visible from some public views within the conservation area, given the existing rooftop equipment on the building and the size of the existing building, the impact is considered to be neutral. The benefits of increased provision of 5G infrastructure across London form the basis of public benefits. Significant weight has been given to National Policy relating to 5G telecommunication infrastructure.
- 10.21 As such, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

### **Conclusion**

- 10.22 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>ISL0113B-100 Rev A, ISL0113B-101 Rev A, ISL0113B-102 Rev A, ISL0113B-104 Rev A, Supplementary Information prepared by UK Broadband dated 14 February 2019; Supporting Planning Statement; Cover Letter by Waldon dated 14 February 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>	<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**

- 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**

- St Mary Magdalene Conservation Area
- Within 50m of Northampton Square Conservation Area
- 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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## Appeal Decision

Site visit made on 5 October 2020

by **Andrew Smith BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

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**Appeal Ref: APP/V5570/W/20/3246770**

**74-76 St John Street, London EC1M 4DZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Cornerstone Telefonica and Vodafone against the decision of the Council of the London Borough of Islington.
  - The application Ref P2019/2015/FUL, dated 27 June 2019, was refused by notice dated 27 August 2019.
  - The development proposed is installation of 6no. antennas and 2no. 0.3 metre dishes and associated development.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the installation of 6no. antennas and 2no. 0.3 metre dishes and associated development at 74-76 St John Street, London EC1M 4DZ, in accordance with the terms of the application, P2019/2015/FUL, dated 27 June 2019, subject to the following conditions:
  - 1) The development hereby permitted shall be begun not later than three years from the date of this permission.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100 Rev A; 200 Rev A; 201 Rev B; 300 Rev A; 301 Rev B; 302 Rev A; 303 Rev A; 304 Rev A; 305 Rev A; 306 Rev A; 307 Rev A.

### Procedural Matters

2. I have used the site address as it appears on the Council's Decision Notice, as opposed to that given on the application form. This is because, following my visit to the site, I am content that it is accurate and fully reflects the street numbering of the appeal building.
3. The Mayor of London released, in December 2019, a version of the emerging London Plan (the ELP) that he intends to publish. Nevertheless, it is the case that modifications could still be made before the ELP is published. The ELP is thus at a stage that attracts limited weight in decision-making, and I shall determine the appeal accordingly.

## Main Issues

4. The main issues are:

- Whether or not the proposal would preserve or enhance the character or appearance of the Clerkenwell Green Conservation Area (the CGCA), in addition to consideration of the proposal's effect upon the settings of the Charterhouse Square Conservation Area (the CSCA), the Grade I listed Charterhouse and various Grade II listed buildings closely located to the site; and in the event that I identify that the proposal would cause harm
- Whether or not the harm identified to the significance of designated heritage assets would be outweighed by the proposal's public benefits.

## Reasons

*The effect upon the CGCA and other designated heritage assets*

5. The significance of the CGCA as a designated heritage asset is drawn, in-part, from its rich history, its broadly consistent building heights, its range of historic buildings and its varied mix of uses. This significance is further defined by the CGCA's perimeter block structure and compact urban form.
6. St John Street (the Street) acts as an important thoroughfare that runs at or in proximity to the CGCA's eastern edge. The Street is addressed by several Grade II listed buildings, including Nos 72, 78, 80, 82 and 84, 86 and 88 St John Street. These each form part of the same terrace and are located adjacent to, or in proximity to, the appeal site. The special interest of each of these listed buildings is drawn, in-part, from their relevance to the historic evolution of the area and from their array of ornate architectural features.
7. Also Grade II listed and situated nearby, but to the opposite side of the Street, are The White Bear Public House and No 69, 71 and 73 St John Street. Their special interest is derived, in-part, from their historic origins and impressively decorated front-facing elevations.
8. The significance of the CSCA, which the appeal site abuts to the rear, is drawn, in-part, from its long history and wide array of historic buildings. The Charterhouse, a Grade I listed complex of buildings and enclosures, is read and experienced as the CSCA's centrepiece and makes an important contribution to its character and appearance. The Charterhouse's special interest is drawn, in-part, from reflecting various building periods dating back to the 14<sup>th</sup> century, its well-ordered and ornately detailed facades and the spaciousness provided by its immediate open setting.
9. There are other Grade II listed assets situated to the rear of the site. These include Pensioner's Court and Stable Court, the special interest of which is derived, in part, from its formal layout, attractive exteriors and historic connections to The Charterhouse.
10. The appeal building itself is comparatively tall when considered in the context of the buildings that adjoin it and the typical height of other buildings in the locality. It is inherently modern in terms of its design and external appearance and its roof form is embellished by a curved feature to its frontage and a bulky plant room component set towards its rear. The proposal is

centred upon the addition of equipment at roof level, to be mounted or affixed to the plant room's roof and walls.

11. The proposed antennas would be of streamlined design and equally distributed between the front and rear sides of the plant room. Furthermore, their full height would be set only a short distance above the plant room's roof. The dishes and other associated equipment/items intended to be installed would also be discreetly scaled. Thus, where visible from surrounding street-level public vantage points, the proposed installations would not appear as an especially prominent, complex or untidy agglomeration of apparatus. This is particularly when noting the plant room's set back position relative to the Street.
12. Nevertheless, the proposal would introduce, to the CGCA, apparatus of modern design and specification that would influence and harm, to differing minor degrees, the way in which each of the designated heritage assets referenced above would be read and experienced. Such influences would be most palpable from high levels within or upon buildings positioned in proximity to the appeal site. I also note that the scheme, at least in part, would be visible from the Charterhouse's arched entrance point from Charterhouse Square.
13. Even so, it must be noted that the apparatus would be viewed either immediately above, alongside or against the backdrop of a similarly coloured, utilitarian and modern plant room component. This would clearly limit the scope and extent of the scheme's impacts in visual/heritage terms. Indeed, I am satisfied that the proposal would not cause harm to any designated heritage assets located, in their entirety, further afield than the 100m study area used in the appellant's Heritage Impact Assessment.
14. I have noted reference within the appellant's submissions to the potential to install high level panelling in the interests of providing a greater degree of visual uniformity. Indeed, related photomontages have been produced. However, the appeal process cannot be used to evolve a scheme and, given that I am allowing the appeal, I have not considered this matter in any particular detail.
15. The site is situated within the protected viewing corridor that exists between Alexandra Palace and St Pauls Cathedral and within protected Local View LV5, as listed under Policy DM2.4 of Islington's Local Plan: Development Management Policies (June 2013) (the DMP). Having considered all the submitted evidence that is before me, I am content that the proposal would not, to any material degree, have an effect upon these protected views. Furthermore, being of limited scale, it is reasonable to anticipate that the proposed development would not be clearly decipherable as part of any long-range view. The proposal satisfactorily accords with the requirements of Policy DM2.4.
16. The proposal has been designed to broadly accord with the specific guidance upon mobile phone/telecommunications masts that is contained within the Urban Design Guide Supplementary Planning Document (January 2017) (the UDG), in the sense that the apparatus would be located where it would be largely obscured from the surrounding public realm and so as not to impact adversely upon the skyline from longer views.

17. There are also elements of Policy DM2.7 of the DMP, which relates specifically to telecommunications and utilities, that the proposal broadly accords with. Indeed, notwithstanding its intended roof location, efforts have been made to site and design the equipment to minimise visual impact and a shared facility is proposed. Furthermore, I have seen nothing to clearly illustrate that the relevant industry Code of Best Practice has not been fully adhered to by the appellant.
18. Nevertheless, for the above reasons, the proposal would fail to preserve or enhance the character or appearance of the CGCA and would cause less than substantial harm to its heritage significance. The proposal would also cause less than substantial harm to the significance of the CSCA, the Charterhouse and various Grade II listed buildings closely located to the site through bringing forward high-level modern development within their settings.
19. The proposal conflicts with Policies 7.4, 7.6 and 7.8 of the London Plan (2016), Policies CS8 and CS9 of Islington's Core Strategy (February 2011) (the Core Strategy), Policies DM2.1, DM2.3 and DM2.7 of the DMP, Policy BC7 of the Finsbury Local Plan (June 2012) and Islington's Conservation Area Design Guidelines (Revised Version, January 2002) in so far as these policies and guidance require that all forms of development make a positive contribution to the local character and distinctiveness of an area and that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

*Public benefits*

20. As set out in the National Planning Policy Framework (February 2019) (the Framework), any less than substantial harm to designated heritage assets should be weighed against the public benefits of the proposal. Indeed, this is reflected in the wording of Policy DM2.3 of the DMP where it is stated that harm to the significance of either a conservation area or a listed building will not be permitted unless there is clear and convincing justification.
21. As set out in the Framework, advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. The scheme would support high quality communications and digital connectivity by providing 2G, 3G and 4G connectivity for two different nationwide networks that have a high market share in cumulative terms, as well as the future ability/opportunity to upgrade to 5G services.
22. The proposal has been motivated by the removal/decommissioning of former telecommunications apparatus at nearby Florin Court, Charterhouse Square and an associated desire to ensure continuity of coverage and capacity in the area. Indeed, it is evident from the appellant's submissions that a detailed site selection process was undertaken; governed, at least in part, by a need for the newly proposed equipment to be closely located to the decommissioned site in the interests of satisfying lost capacity/coverage.
23. It is apparent from alternative site selection information that other sites can be discounted for various reasons, including due to their lack of proximity to Florin Court, their inadequate or excessive height and their lack of structural

suitability. Indeed, I have no reason to doubt that the sourcing of appropriate telecommunication sites in this particular central part of London would be problematic. This is not least due to the wide array of heritage constraints that exist and the high demands that are inevitably placed upon available service provision.

24. As well as network status maps provided by an interested party, I have considered submitted coverage mapping<sup>1</sup>, which models, in broad terms, the strength of 3G coverage based on the service currently provided against the service that would be provided should the proposed apparatus be installed. Whilst this evidence suggests that strong signal strengths are already widely available in the local area, the coverage mapping illustrates that the proposal would still deliver tangible improvements in this context.
25. In any event, the Framework indicates that the need for electronic communication systems should not be questioned when determining development schemes. Indeed, it is realistic and fair to presume that planning permission is only being sought because the scheme would lead to noticeable local improvements in service provision. It has been satisfactorily demonstrated that potential suitable and available alternative local sites are very restricted in number. Thus, particularly when factoring in the site/case circumstances to hand, the scheme's benefit of providing improved digital communications networks attracts significant weight.
26. I am mindful of the statutory duties that require special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas and of preserving or enhancing listed buildings, their settings or any special architectural or historic interest which they possess. I am also conscious that the Framework indicates that, when considering the impact of a proposal upon the significance of designated heritage assets, great weight should be given to the assets' conservation. This is irrespective of whether any identified harm to its significance is at a substantial or less than substantial level.
27. Nevertheless, I am content that the minor level of less than substantial harm that I have identified to multiple designated heritage assets, even when considered in a cumulative sense, would be outweighed by the significant public benefits that would be achieved by the proposal. Therefore, the proposal accords with the relevant heritage provisions of the Framework and with Policy DM2.3 of the DMP in so far as it offers the opportunity for harm to the significance of designated heritage assets to be offset by clear and convincing justification.

#### **Other Matters**

28. Any concerns that the proposed equipment would pose unacceptable health and safety risks have not been robustly substantiated. Indeed, I have no reason to doubt that the apparatus would be firmly secured. The Framework sets out that health safeguards different from the International Commission guidelines for public exposure should not be set. Certification that the relevant guidelines shall be complied with has been provided as part of the appellant's submission. I am satisfied that the proposal is acceptable in a health context,

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<sup>1</sup> Supporting Technical Information for CTil CSR 72971

notwithstanding the proximity of neighbouring residential occupiers including children.

29. I am also content that the proposal, due to its limited scale and the nature of the equipment proposed, would not cause harm to neighbouring/nearby residential living conditions. This is notwithstanding the scheme's proximity to a neighbouring roof garden. Any concern that the proposal would have an adverse effect upon wildlife has not been clearly or robustly substantiated and I have no reason to believe that harm would be caused in this context.
30. I note that a previous planning application<sup>2</sup> for roof-based telecommunications equipment at the same site was refused in 2010. However, it is apparent from the evidence before me that a different form of development to that now proposed was under consideration. Indeed, as part of that previous proposal, the intended antennas protruded noticeably above the height of the plant room's roof and would have been far more visually prominent. In any event, I must consider the proposal that is before me upon its own individual merits.

### **Planning Balance**

31. I have found that the proposal would fail to preserve the character or appearance of the CGCA and would cause a minor level of less than substantial harm to the heritage significance of the CGCA and various other designated assets through development within their settings. I have also identified associated policy conflicts. Indeed, the proposal conflicts with the development plan when read as a whole.
32. However, I have also found that the proposal would deliver significant public benefits through improved digital communications networks. These benefits would outweigh the heritage harms that I have identified. Thus, material considerations indicate that, in this instance, the proposal should be determined other than in accordance with the development plan.

### **Conditions**

33. In the interests of certainty, a condition specifying the approved plans is required. For the avoidance of doubt, any installation additional to those shown on the approved plans would not be permitted under the terms of this decision.

### **Conclusion**

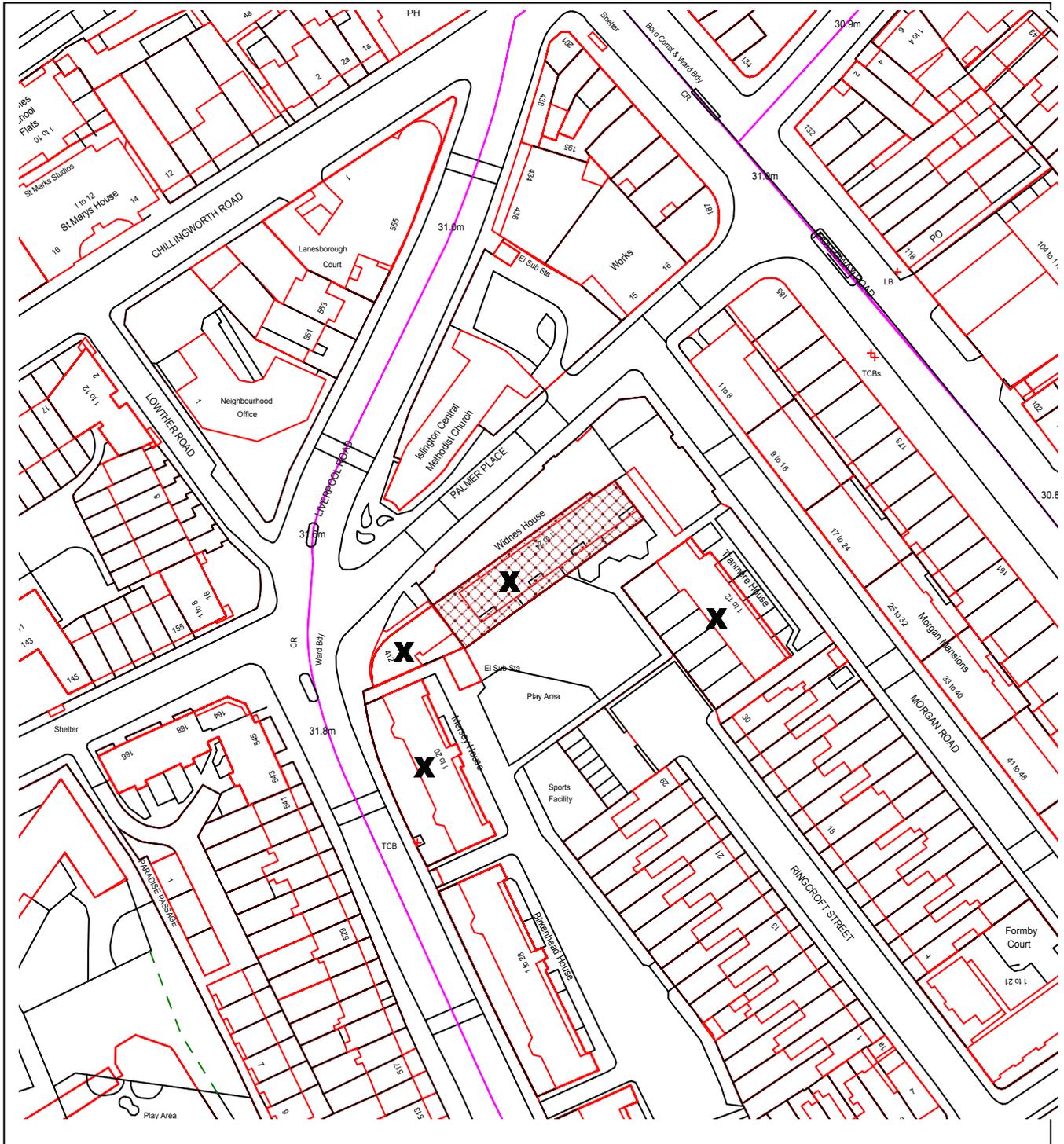
34. For the above reasons, the appeal is allowed subject to conditions.

*Andrew Smith*

INSPECTOR

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