



AGENDA FOR THE PLANNING SUB COMMITTEE A

Members of the Planning Sub Committee A are summoned to a meeting, which will be held in Council Chamber, Town Hall, Upper Street, N1 2UD on, **11 October 2022 at 7.30 pm.**

Enquiries to : Zoe Lewis
Tel : 020 7527 3486
E-mail : democracy@islington.gov.uk
Despatched : 3 October 2022

Welcome:

Members of the public are welcome to attend this meeting.

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

| <u>Committee Membership</u> | <u>Wards</u> | <u>Substitute Members</u> | |
|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| Councillor North (Chair) | - St Peter's and Canalside; | Councillor Chowdhury | - Barnsbury; |
| Councillor Clarke (Vice-Chair) | - Tufnell Park; | Councillor Gilgunn | - Tollington; |
| Councillor Convery | - Caledonian; | Councillor Hayes | - Clerkenwell; |
| Councillor Hamdache | - Highbury; | Councillor Ibrahim | - Arsenal; |
| Councillor Jackson | - Holloway; | Councillor Jegorovas-Armstrong | - Highbury; |
| | | Councillor Kay | - Midmay; |
| | | Councillor Klute | - St Peter's and Canalside; |
| | | Councillor McHugh | - St Mary's and St James'; |
| | | Councillor Poyser | - Hillrise; |

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. | Consideration of Planning Applications | Page |
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| 1. | 313 Highbury New Park, Islington, London, N5 2LB | 7 - 42 |
| 2. | Land at Turk's Head Yard, 75a Turnmill Street, London, EC1M 5SY | 43 - 90 |

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, 22 November 2022

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

WEBCASTING NOTICE

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If you participate in the meeting you will be deemed by the Council to have consented to being filmed. By entering the Council Chamber you are also consenting to being filmed and to the

possible use of those images and sound recordings for webcasting and/or training purposes. If you do not wish to have your image captured you should sit in the public gallery area, overlooking the Chamber.

In addition, the Council is obliged by law to allow members of the public to take photographs, film, audio-record, and report on the proceedings at public meetings. The Council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

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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.

- A member stated that the current building was characterful and locally listed. He asked officers to explain how officers had come to the view that it was acceptable to lose this building. The officer stated that the applicant had provided evidence of cracking, water damage and an accredited structural report had been provided which stated that the building was unsafe. A second accredited structural assessment had since been conducted which found that the foundations were not substantial and to make good the building it would have to be rebuilt. This report had been reviewed by the Design and Conservation Officer. The member stated that the officer explanation had addressed his concerns.
- Members thanked officers for their work on improving the appearance of the proposed building.

RESOLVED:

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

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WILLIAM MARTIN COURT, 65 MARGERY STREET LONDON WC1X 0JE
(Item B2)

Change of use of existing staff hostel (sui generis) to temporary living accommodation for Maltese nationals receiving medical treatment in the UK and their families (sui generis).

(Planning application number: P2021/3255/FUL)

In the discussion the following points were made:

- The planning officer stated that the application was a major application which had been referred by the Planning Committee for consideration by the sub-committee.
- The planning officer stated that a revised fire statement had been submitted and as a result Condition 10 should be amended to be a compliance condition and should refer to the approval of the revised fire statement.
- The planning officer stated that as a result of the revised fire statement, the applicant had submitted a revised floor plan. There should also be corresponding drawing number revisions to Condition 2.
- In response to a member's question, the planning officer stated that the bi-lateral agreement between the UK and Maltese Governments for patients to receive NHS care in the UK was a material consideration and that the constraints of the site limited alternative uses.
- A member commented that the fact an application had been made for this site was positive, and the proposal to replace the windows would result in an improvement to the building.

Planning Sub Committee A - 19 April 2022

- Potential boiler replacement was considered as was the possibility of replacing boilers with more sustainable heating methods. The applicants stated they would accept a condition on investigating the condition of the existing boilers and replacing them if necessary and would consider all options including sustainable heating options when replacing them.
- In response to a member's question about the position if the proposed use ceased to take place, the planning officer stated that site use would revert to the previous sui generis hostel use for hotel staff. As this was a personal permission, any new applicant would be required to submit a planning application. This would ensure the protection of Islington policies.
- A member raised concern that this applicant could set a precedent. The officer stated that the planning obligation to tightly restrict the use would ensure it would revert back afterwards and policies would not be compromised.
- Councillor Debono spoke in favour of the application and stated that Maltese Nationals had raised £3m for the proposal.
- A member stated that although there was not a direct benefit to Islington, the proposal would be beneficial to the wider community.
- Members commented on the exceptionality of the project and considered the measures put in place by officers to restrict use would avoid a precedence being set.

Councillor Klute proposed a motion to add a condition that the boilers be investigated to determine their age, condition and level of emissions. If they were found to be environmentally damaging, they should be replaced immediately. Various forms of heat sources including sustainable heating methods, would be considered at the time of replacement. This was seconded by Councillor Clarke and carried.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee and submitted representation, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report with Conditions 2 and 10 amended as outlined by officers above and with the additional condition outlined above and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

The meeting ended at 8.15 pm

CHAIR

COMMITTEE AGENDA

1 313 Highbury New Park

Islington
London
N5 2LB

2 Land at Turk's Head Yard

75a Turnmill Street
London
EC1M 5SY

1 313 Highbury New Park

Islington
London
N5 2LB

Application Number: P2019/2229/FUL

Ward: Highbury East - historic

Proposed Development: Demolition of existing unauthorised roof extension and replacement with a new mansard roof extension; change of use of the first and second floor levels from residential use (Class C3) to create a large HMO unit (Sui Generis) consisting of 9 bedrooms.
Re-consultation due to: Amended drawings and additional information received.

Application Type: Full Planning Application

Case Officer: Luke Bates

Name of Applicant: Mr Kurt

Recommendation:

2 Land at Turk's Head Yard

75a Turnmill Street
London
EC1M 5SY

Application Number: P2021/3732/FUL

Ward: Clerkenwell

Proposed Development: Proposed erection of new four storey building providing office (Class E) floorspace, with associated landscaping and servicing.

Application Type: Full Planning Application

Case Officer: Jake Shiels

Name of Applicant: Sennen Capital Limited

Recommendation:

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Community Wealth Building
 Department

| | | | |
|-------------------------------|-------------------------------|------------------------|--|
| PLANNING SUB-COMMITTEE | | AGENDA ITEM NO: | |
| Date: | 11 th October 2022 | NON-EXEMPT | |

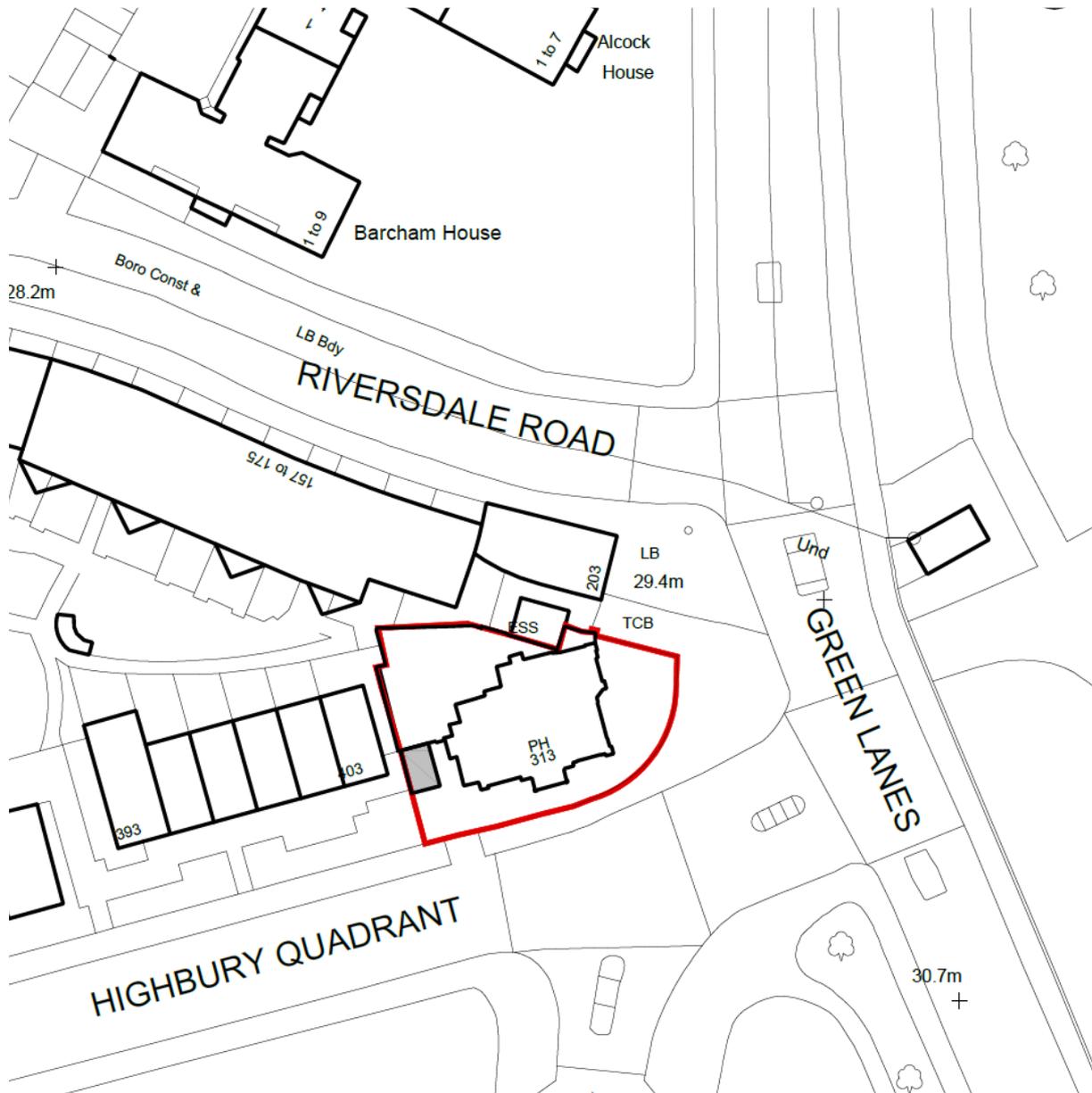
| | |
|--------------------------|---|
| Application number | P2019/2229/FUL |
| Application type | Full Planning Application |
| Ward | Highbury Ward |
| Listed building | N/A |
| Conservation area | N/A |
| Development Plan Context | - Local Cycle Route - Article 4 Direction A1 – A2 (Rest of the borough) |
| Licensing Implications | None |
| Site Address | 313 Highbury New Park, London, N5 2LB |
| Proposal | Demolition of existing unauthorised roof extension and replacement with a new mansard roof extension; change of use of the first and second floor levels from residential use (Class C3) to create a large HMO unit (Sui Generis) consisting of 9 bedrooms with associated proposed alterations to create an accessible entrance to the HMO, provision of new cycle storage and mobility scooter parking space. |

| | |
|--------------|--|
| Case Officer | Luke Bates |
| Applicant | Mr Kurt |
| Agent | Mr Don Orike - Don Orike Architects Ltd. |

1. RECOMMENDATION

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

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET

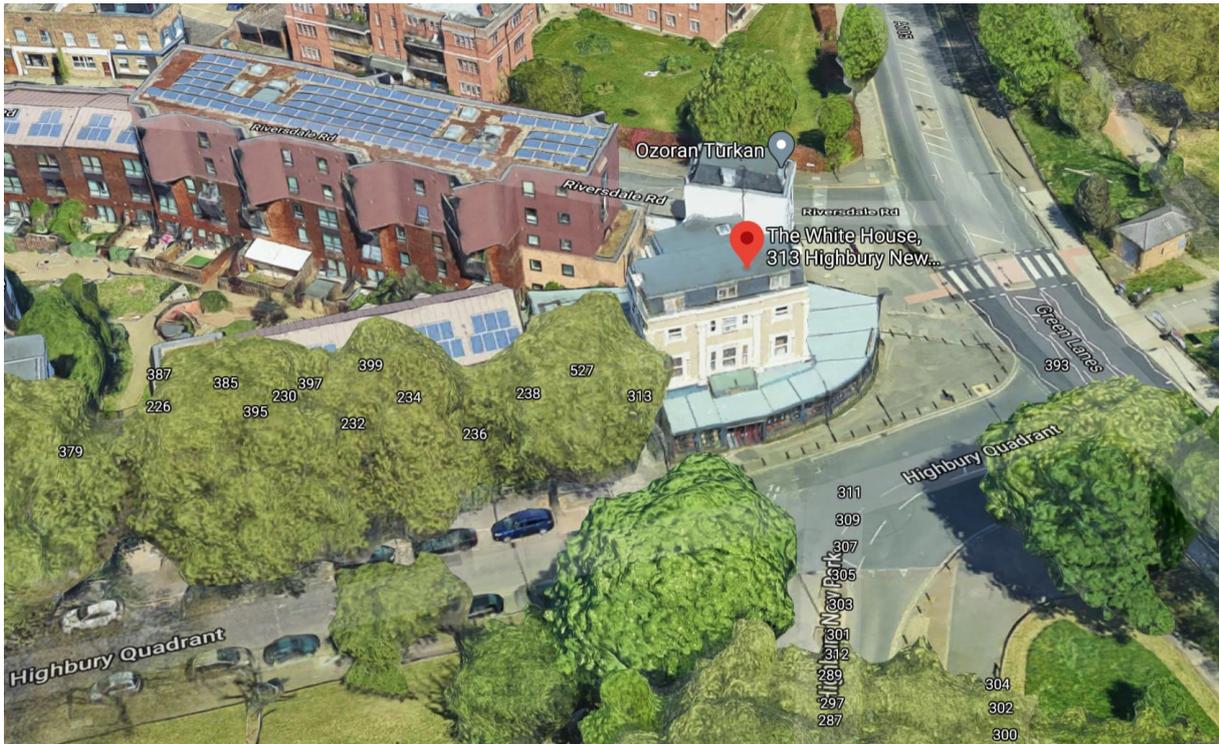


Image 1: Aerial view of site (looking north) (note: the unauthorised ground floor extension shown in the aerial imagery has been removed).

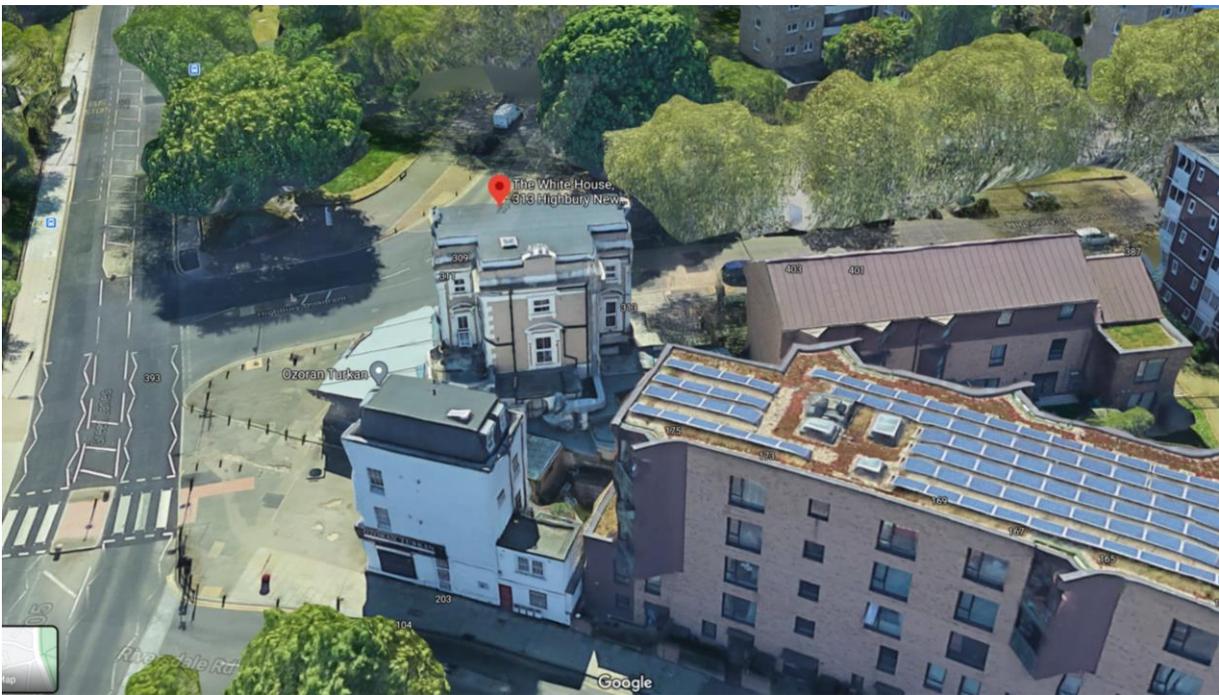


Image 2: Aerial view of site (looking south).



Image 3: Aerial view of site (looking west)



Image 4: Side Elevation (facing Clissold Park).



Image 4: Front Elevation of site following removal of unauthorised ground floor extension.

4. SUMMARY

- 4.1 The proposal seeks planning permission for the demolition of existing unauthorised roof extension and replacement with a new mansard roof extension, the change of use of the first and second floor levels from its lawful use as ancillary staff accommodation the Public House (bar and restaurant) Sui Generis use on the basement and ground floors in order to create a large House of Multiple Occupation (HMO) use (Sui Generis) consisting of 9 bedrooms with associated proposed alterations to create an accessible entrance to the HMO, provision of new cycle storage and mobility scooter parking space.
- 4.2 The proposed mansard roof extension, which was subject to amendments during the application process, is considered acceptable in design terms subject to conditions and would comply with National Planning Policy Framework (NPPF) 2021, Policies D1, D4 and HC1 of the London Plan (2021); policies CS8 and CS9 of the Islington's Core Strategy (2011), Policy DM2.1 of the Islington's Development Policies (2013) and the guidance contained within the Islington Urban Design Guide (2006).
- 4.3 The loss of ancillary staff accommodation would not undermine the function, or the viability of the Public House Use on the basement and ground floors as it would still retain a significant extent of floorspace (approx. 377m²) and both the retained Public House and proposed HMO would have separate access points. As such, it would not conflict with Policy DM4.10 which

resists the loss of Public House functions. Furthermore, the proposed HMO would provide acceptable levels of accommodation complying with policy CS12 of Islington Council's Core Strategy 2011, Policy DM3.4 Islington's Development Management and Policy D6 of the London Plan 2021 as well as Technical Housing Standards- Nationally Described Space Standards (March 2015) and the NPPF 2021.

- 4.4 The proposal would not adversely impact on the residential amenity of neighbouring residential properties nor occupiers of the upper floors in line with policy DM2.1 of the Development Management Policies 2013.
- 4.5 The application is referred to the Planning Sub-committee because of (Terms of Reference point (9)) the application is recommended for approval where an objection to the current proposal has been received which is based on planning grounds.

5. SITE AND SURROUNDING

- 5.1 313 Highbury New Park was constructed as a public house in the mid-nineteenth century. The site is located at the junction of Highbury New Park, Highbury Quadrant and Green Lanes. The host property was composed as a prominent corner building in a broadly Palladian manner, with a double height order to the first and second floors supported on a single order to the ground floor. It originally had more detailing to the cornice and segmental pediments to the first-floor windows, but these elements have been removed in the past. The console brackets to the window surrounds remain. The side elevation fronting Clissold Park has architectural detailing of the same degree as the principal façade, reflecting the prominent site which the building occupies.
- 5.2 The host building is not statutory listed, and it is not located within a conservation area. However, the site is located near the Brownswood Conservation Area located to the north of the site and Clissold Park Conservation Area located to the east. Brownswood and Clissold Park Conservation Areas are both situated within the London Borough of Hackney. The surrounding area is predominantly residential in character. Clissold Park is located to the west.
- 5.3 The ground and basement floor levels are currently occupied by a bar/restaurant (Sui Generis) and the upper levels have been converted into 12 unauthorised residential flats.

6. PROPOSAL (IN DETAIL)

- 6.1 Planning permission is sought for the demolition of the existing unauthorised roof extension and replacement with a new mansard roof extension. The proposed mansard roof extension would be clad in natural dark grey slate and would incorporate traditional timber sash windows aligned with the windows in the main façades. This new additional storey on the third floor has a gross internal floor area of 65m². The mansard roof extension has a traditional 72-degree incline, and all its elevations would be set in from the existing parapet walls including 1.3m from the external face of the building on the primary south.
- 6.2 It is also proposed to change the use of the first, second and third floor levels from its lawful use as ancillary staff accommodation for the Public House to create a large HMO unit (Sui Generis). It would have 9 bedrooms on the upper levels comprising. At first floor level it would have 2 bedrooms, a shared lounge and kitchen and an accessible bathroom and WC. There would be 4 bedrooms at second floor level and 3 bedrooms at third floor level.
- 6.3 The lawful use of the site is as a Public House with the upper floors being ancillary staff accommodation to the publicly accessible Public House function on the basement and ground floors. However, in August 2015, the first and second floors were converted into 12 self-contained residential flats (Class C3) without the benefit of planning permission. An Enforcement

Notice was served (ref. 15/2016) which took effect from 30 March 2016 requiring the use of the upper floors as 12 self-contained flats to cease and all partitions and fixtures and fittings associated with the 12 self-contained flats to be removed. The compliance date was 30 September 2016 however the notice has not yet been complied with.

Amendments during the application

6.4 During the application process a number of amendments to the scheme were submitted, including:

- Amendments to design of Mansard Roof extension;
- Changes to layout of HMO rooms;
- Provision of step free access ramp;
- Provision of a lift;
- Provision of secure cycle storage and mobility scooter park space; and
- Provision of Audio-visual entry system

7. RELEVANT HISTORY:

Planning Applications:

7.2 **P2022/2348/FUL:** Erection of a single storey side extension at ground floor level for use as an enclosed seating area in association with the existing bar and restaurant (Tettos) at ground and basement floor levels including installation of 2 no. new awnings to the Highbury Quadrant/ Highbury New Park frontage. **Under Consideration.**

7.3 **P2019/2070/FUL:** Retention of 2 no. double-air conditioning condenser units to replace 2 no. air condition units previously removed, and an extract flue mounted to the rear (north) elevation. **Refused 20.08.2020.** The refusal reasons were as follows:

(1) The air-conditioning units and extract flue, by reason of their excessive noise and disturbance are causing unacceptable harm to the amenity of adjacent and nearby residential buildings contrary to Policy DM 2.1 of the Development Management Policies 2013.

(2) The air-conditioning units and extract flue, by reason of their size, bulk, height, location and detailed design are incongruous and discordant features on the host building and in the streetscene. They have an adverse visual impact on the character and appearance of the host building and wider streetscene contrary to the National Planning Policy Framework 2019, policy CS 9 of Islington's Core Strategy 2011, policy DM2.1 of Islington's Development Management Policies 2013 and the guidance in the Islington Urban Design Guide (2017).

7.4 **P2019/1289/FUL:** Retention of glazed enclosure with retractable awnings and associated plinth **Refused 21.06.2019 and appeal dismissed (ref. APP/V5570/W/19/3232097) on 14.10.2019.** The reasons for refusal were as follows:

(1) The glazed enclosed structure and associated plinth due to its scale bulk and inappropriate use of materials decrease the legibility of the site as a mid-C19th Public House, it undermines the architectural language and character of a locally prominent building of historic interest and harms its remaining design merits. The glazed enclosure further formalises and extends a commercial function within and into the public realm thus failing to respond to the prevailing character of the streetscene and has a deleterious impact on the visual amenity of the public realm. The proposal would therefore be contrary to policy DM2.1 of the Development Management Policies and policy CS9 of the Core Strategy including guidance contained within the Islington Urban Design Guide.

(2) The glazed structure incorporates retractable balustrades creating a semi outdoor/ semi-indoor space which will formalise and extend a commercial function within and into the public realm thus increasing the potential for noise disturbance to neighbouring properties. This would be harmful to the residential amenity of the residential occupants contrary to policy DM2.1 of the Development Management Policies which seeks to safeguard residential amenity to neighbouring properties.

7.5 **P2017/2838/FUL:** Removal of all existing white uPVC double glazed windows to ground, first and second floors and installation of new timber sliding sash windows at ground-second floors. **Approved with conditions 27.09.2017.**

7.6 **P2015/2592/FUL:** Retention of uPVC double glazed windows. **Refused 14.10.2015.** The reason for refusal was as follows:

REASON: The proposed uPVC windows are of an inappropriate design and unsympathetic material that detract from the traditional character and appearance of the existing building. The proposal is therefore contrary to Policy DM2.1 of Islington's Development Management Policies.

7.7 950903: External alterations including the erection of two entrance porches. **Approved with Conditions 09.08.1995.**

Planning Enforcement History

7.8 Planning Enforcement Notice (Ref: **49/2019**) dated 21 August 2019 for 'Glazed Enclosure with retractable awning and associated plinth.' **Appeal dismissed** (ref: **APP/V5570/C/19/3238199** dated 24 July 2020). Compliance due 24 January 2021.

7.9 The case proceeded to prosecution following charges relating to the unlawful construction of the glazed enclosure with retractable awning and associated plinth. The Defendant pleaded guilty to both offences. Sums relating to fines, prosecution costs and victim surcharge were required to be paid by 1 August 2022.

7.10 The glazed enclosure with retractable awning and associated plinth has been removed and the Enforcement Notice has been fully complied with and the above enforcement case has now been closed.

7.11 Planning Enforcement Notice (Ref: **02/2021**) dated 14 April 2021 relating to 'unauthorised plant and flue.' **Appeal dismissed (Ref APP/V5570/C/21/3275636)** dated 22 July 2022. Compliance was due 18 September 2022. However, at the time of publishing this report the notice had not been complied with.

7.12 Planning Enforcement Notice (Ref: **17/2016**) dated 29 February 2016 for 'Mansard Roof Extension.' **Appeal dismissed** (ref: **APP/V5570/C/16/3147035** dated 31 March 2017). Compliance with the Planning Inspector's decision was 31 September 2017.

7.13 Planning Enforcement Notice (Ref: **16/2016**) dated 29 February 2016 relating to UPVC Window insertion. **Appeal dismissed** (ref: **APP/V550/C/16/3147037** dated 31 March 2017). Following this Planning Permission (ref: P2017/2838/FUL dated 27 September 2017), was granted for replacement wood sash windows to be inserted. The Enforcement Notice was complied with, the uPVC windows were removed and timber sash windows installed.

7.14 Planning Enforcement Notice (Ref: **15/2016**) dated 29 February 2016 relating to Twelve Unauthorised self-contained flats, compliance date 30 September 2016 (not appealed). To date this has not been complied with. Enforcement Officers take this case to prosecution following

legal advice and following the submission of this planning application which would resolve the matter if permitted.

Pre-Application

- 7.15 **April 2019:** Formal Pre-Application advice (Ref. **Q2019/3940/MIN**) was given in relation to a change of use at first and second floor levels to accommodate 2 x 4 room HMOs, demolition of existing roof extension and replacement with a new mansard roof extension to create 1 no. 1 bedroom/ 2-person self-contained residential unit. It was advised that in terms of the principle of the development, there are no significant land use issues to include residential use for upper levels, on the basis that the basement and ground floor levels remain as a bar/restaurant (*Sui Generis*). Concerns were raised in terms of access arrangements for the public house use and the residential units for the upper floors as these should be clearly separate.
- 7.16 With regards to the design, the principle of a mansard roof extension was acceptable. It was strongly recommended that the design be revisited to avoid visible terrace areas from the street, as well as revisiting the materiality and fenestration. It was also highlighted that should full planning permission be applied for, the quality of accommodation particularly for the self-contained residential flat at third floor level needed reviewed to meet relevant standards. Including adequate floor to ceiling clearance heights and suitable private amenity spaces.
- 7.17 It was further considered that the proposal may impact on the amenity of future residential occupants of the building by way of noise in association with the *Sui Generis* Use and therefore, it was recommended that a Noise Impact Assessment be provided as part of any full planning application to demonstrate that amenity will be acceptable in this regard.

CONSULTATION

Public Consultation

- 7.18 81 consultation letters were sent to occupants of 81 adjoining and nearby properties on Riversdale Road, Highbury New Park, Highbury Quadrant and Green Lanes on 14.08.2019 for a 24-day consultation period. A site notice and press release were also displayed from 21.08.2019.
- 7.19 81 consultation letters were re-issued on 06.12.2021 as part of a second 24-day consultation period. A new site notice and press release were also displayed from 09.12.2021.
- 7.20 A third and final consultation took place in 2022 with 81 consultation letters being re-issued for a 24-day consultation period from 03.02.2022 following the receipt of amended drawings. A new site notice and press release were also displayed from 10.02.2022. The consultation closed on 10.03.2022 however, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.21 At the time of the writing of this report a total of **15 objection comments** had been received representing 12 local addresses. The issues raised can be summarised as follows (*with the paragraph that provides Officer responses to each issue indicated within brackets*)
- Intensification of use and size of units (*Paragraphs 9.30 to 9.37 and paragraph 9.55*)
 - No provision of door large enough for disabled access (*Paragraph 9.65*)
 - Inconsistencies between Design & Access Statement and proposed plans (*Paragraph 9.84*)
 - Noise disturbance and anti-social behaviour (*Paragraphs 9.55 and 9.81*)
 - Unhappy with works including unauthorised works (*Paragraphs 9.82 and 9.83*)

- Extension unsuitable in residential area with house less than 3m away (Paragraph 9.56)
- Premises continuous flouting of licensing, environmental, public health laws and anti-social behaviour (*Paragraph 9.82*)
- Commercial use impact on neighbouring community (*Paragraphs 9.82 and 9.83*)
- Waste and Parking (*Paragraphs 9.70 to 9.73*)
- Poor management, track record of illegal and disruptive behaviour (*Paragraph 9.82*)
- Profiting from illegal building (*Paragraph 9.83*)

External Consultees

7.22 **London Fire Brigade:** No objection.

Internal Consultees

7.23 **Design & Conservation:** Proposed roof extension originally presented under the current application was an improvement to the existing unlawful roof extension. However, it was advised that the proportions needed revisions and the roof extension required to adhere to a traditional mansard roof design. The windows to the south elevation were also recommended to be more subservient.

7.24 The Design and Conservation Officer was satisfied with the amended design of the roof extension and changes to the windows.

7.25 **Planning Policy:** Policy DM3.9 supports HMOs, provided that they are not displacing residential (C3) use and that they meet Environmental Health Standards. Where space standards are marginally below the minimum standard required, they will need to be considered in planning balance. Recommended consideration of loss of a unit and reconfiguration of layout to provide better accommodation.

7.26 Highlighted the formal pre-application advice which states that the last known lawful use of the upper floors is residential accommodation ancillary to the pub at ground and basement level (i.e. it was used as accommodation for staff). Change of use to HMO from public house would be contrary to policy. A 2-year marketing evidence would be expected as required by relevant Policy DM4.10. Evidence is also expected to indicate that the change of use would not affect the use of the Pub.

7.27 There may be concerns regarding the residential use above impacting the public house use particularly the outdoor seating. Noise from outdoor seating would affect residential accommodation above which would contravene with Draft Local Plan Policy DH5 (Agent of Change).

7.28 **Inclusive Design:** Approach at ground level is stepped and there is no lift access to the accommodation above. It was recommended to install a ramp or platform lift at the entrance from the outset (a chair lift is insufficient) and a platform lift within to serve all floors, with internal dimensions of at least 1100x1400mm.

7.29 The bike store should be extended to provide at least one accessible cycle rack and consideration given to the provision of a facility to store and charge mobility scooters.

7.30 Following receipt of revised drawings it was noted that a ramped access would be preferential as it is more reliable and convenient than a platform lift. However, the ramps would need handrails and a kerb on the open side. The gradient, length and rise of the proposed ramps was accepted. The widened door with level threshold was also noted.

- 7.31 **Environmental Health (Acoustic Officer):** The noise report initially submitted with application did not include an assessment of noise from the external areas of the public house. It was further highlighted that the report refers to another report which looks at noise from kitchen extraction and mechanical plant which has led to complaints in the past.
- 7.32 A further plant noise report submitted was part of a previous application which they objected to and was refused. It was stated that the assessment of noise from the conservatory also uses the background sound survey from the position facing onto Green Lanes and may be higher and therefore unrepresentative of the background sound level at the rear façade, with screening from the traffic noise. It was acknowledged that the separation between the ground floor public house/restaurant and first floor residential tested provided a reasonable level of sound insulation for a public house. However, the assessment was against the lower standards rather than Islington's guidance for licensed premises.
- 7.33 A fresh acoustic report was submitted. This addressed issues with the original report and the assessment was in line with Islington's guidance for licensed premises. Conditions have been recommended to mitigate the plant noise for the new residential units. A condition was also recommended to minimise noise ingress from outside for the residential units.
- 7.34 **Environmental Health (HMO Licensing):** The layout is acceptable, but it was noted that the kitchen is slightly undersized (it is 11.28m² and the HMO standards require it to be 11.5m²). However, it was stated that Environmental Health have the discretion to permit the kitchen being marginally undersized and do so where the difference is 10% or less. Therefore, in this case they could permit 10 people to occupy this property provided there were double facilities in the kitchen.
- 7.35 It was also recommended that the applicant should be aware of the following:
- Requirement of Property licensing
 - The council's HMO standards
 - Only 10 people and 9 households would be permitted within the property
 - The council's HMO conditions which apply to all licensed HMOs
- 7.36 An informative is recommended to this effect.
- 7.37 **Building Control:** The initially presented flexi-step option was not compliant with Building Regulations because it is a manipulative apparatus. The flexi step would not assist persons leaving the building safely, routes used for means of escape in case of fire are required to be available at all times.
- 7.38 The two options of wheelchair access solutions presented were considered acceptable in principle. However, it was stated that the lift would need maintenance and may not be reliable. It was further noted that lift design details would need to accord with Approved Document M. The ramp option was considered acceptable where it accords with design guidance in Approved Document M. It was also highlighted that there will need to be pavement warning, steps design details, handrails, guarding, contrast colour between ramps and landings, non-slip surface, lighting, widths of ramp – 1500mm and landing dimensions. This has been addressed.
- 7.39 The bike store would not normally be exposed to the protected stair (means of escape route). The external electric mobility charging point which is adjacent to the communal exit (external window) should be reviewed in terms of risk and the propensity for such equipment to catch fire while charging. The final exit door from the communal hall opens inwards and it was therefore assumed this will not serve more than 60 persons. As recommended, the London Fire Brigade were consulted but they raised no objections.

8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

8.1 Islington Council (Planning Sub 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).

8.2 National Planning Policy Framework 2021 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.

8.3 The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

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

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

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

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

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

8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of 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.

8.9 The Development Plan is comprised of the London Plan 2021, 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.

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

Emerging Policies

Draft Islington Local Plan 2019

8.11 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. As part of the examination consultation on pre-hearing modifications took place between 19 March and 9 May 2021. The Examination Hearings took place between 13 September and 1 October 2021. The Council is consulting on the main modifications to the plan from 24 June 2022 to 30 October 2022.

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

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

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

- Policy H1 (Thriving communities)
- Policy H2 (New and existing conventional housing)
- Policy H4 (Delivering high quality housing)
- Policy H5 (Private outdoor space)
- Policy H10 (Houses in Multiple Occupation (HMOs))
- Policy SC1 (Social and Community Infrastructure)
- Policy SC4 (Promoting Social Value)
- Policy R11 (Public Houses)
- Policy S1 (Delivering Sustainable Design)
- Policy S2 (Sustainable Design and Construction)
- Policy T2 (Sustainable Transport Choices)
- Policy T3 (Car-free development)
- Policy DH1 (Fostering innovation and conserving and enhancing the historic environment)
- Policy DH2 (Heritage assets)
- Policy DH5 (Agent-of-change, noise and vibration)
- Policy ST2 (Waste)

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use
- Design and Appearance
- Quality of Accommodation
- Neighbouring Amenity
- Inclusive Design and Accessibility
- Highways and Transport
- Refuse and Recycling
- Other Matters

LAND USE

- 9.2 The main considerations from a land use perspective are whether the loss of the upper floors as ancillary staff accommodation (its lawful use) would undermine the commercial viability of the Public House (which effectively functions as a bar and restaurant) and whether the conversion of these floors to an HMO (Sui Generis) would be acceptable.
- 9.3 The lawful use of the upper floors of the subject building is as ancillary staff accommodation for the use of the basement and ground floors as a Public House. This historic lawful use on the upper floors was not licensed by Environmental Health and Environmental Health do not hold any records. The ancillary accommodation had an independent access off the main ground floor Public House element.
- 9.4 In August 2015, the upper floors were converted into 12 self-contained residential flats without the benefit of permission. This unauthorised conversion alongside the erection of an unauthorised mansard roof extension was the subject of an Enforcement Notice which required its removal (compliance was due 30th September 2016). While the Enforcement Notice was not complied with, the current application was submitted.
- 9.5 For the avoidance of any doubt, for the purposes of this assessment, Officers have tested the proposed conversion against the lawful use of the building and not the unauthorised use as self-contained flats. As part of the proposed development the unauthorised roof extension and upper-level self-contained flats would be removed.

Proposed HMO use

- 9.6 In relation to the proposed HMO use, Policy DM3.9 part (B) states that *'the council will support the provision of new HMOs where they*
- do not give rise to any significant adverse amenity impact(s) on the surrounding neighbourhood;*
 - do not result in the loss of existing larger housing;*
 - satisfy the appropriate Environmental Health standards and any higher standards set out in Part iv); and*
 - provide a good quality of accommodation within non self-contained units, consistent with the space standards set out in Table 3.5. Non-self-contained units should have an exclusive use kitchen for each household, either within their sleeping accommodation unit or in another room.'*

- 9.7 The proposal would create a 9 Bedroom HMO Unit (Sui Generis). This would involve alterations to the internal layout of the first and second floors. At first floor level there would be two HMO bedrooms, a shared lounge and kitchen and an accessible bathroom and WC. At second floor level there would be four bedrooms. The unauthorised mansard (third floor) is proposed to be completely demolished and replaced with a new and more appropriate mansard extension which would allow for a further 3 HMO bedrooms. The new additional storey would have a Gross Internal Area (GIA) of approx. 65m².
- 9.8 The provision of the HMO at this location would accord with Policy DM3.9 Islington's DMP (2013) which supports the provision of new HMOs where they do not adversely impact on neighbouring amenity, result in the loss of existing larger housing, satisfy all Environmental Health Standards and provide a high quality of accommodation.
- 9.9 The impact on neighbouring amenity is assessed in detail in the neighbouring amenity section of this report and it is considered that the resulting HMO would not adversely impact on neighbouring amenity.
- 9.10 The proposed development would also not result in the loss of larger housing as the lawful use of the upper floors is as ancillary staff accommodation. There would be no loss of lawful residential (Class C3) accommodation.
- 9.11 The proposed HMO would satisfy the relevant Environmental Health Standards as required by part (iii) of Policy DM3.9 and would provide high quality of accommodation as required by part (iv) of policy DM3.9. Environmental Health Officers who responsible for HMO licensing have reviewed this application raised no objections. They are satisfied with the overall layout and highlighted that they have discretion to permit the marginally undersized communal kitchen and do so where the difference is 10% or less as in the case of this application.

Impact on the Public House

- 9.12 The proposed development would retain the basement and ground floors as a Public House (it primarily functions as a bar and restaurant). The main consideration is whether the conversion of the upper floors would impact the ability of the Public House to continue operating.
- 9.13 Policy DM4.10 of Islington's DMP (2013) outlines the Councils objectives in relation to proposals that would result in the loss of a public house use. Ordinarily two of years marketing and vacancy evidence would be required to justify the loss of a public house, as well as evidence that the change of use would not constitute the loss of a service of particular value to the local community. The proposed development has not been supported by any marketing evidence.
- 9.14 The subject site is a well-established Public House (previously Class A4 and now Class Sui Generis following the modifications to the Use Class Order in 2020). The proposed development would retain both the basement and ground floors to continue this use. Approx. 226m² of floorspace would be retained in Public House Use on the ground floor (this includes the beer garden at the rear which is entirely covered). A further 151m² of floorspace would be retained within the basement (providing the kitchen, storerooms, office and toilets). In total this would equate to approx. 377m² of floorspace that would continue to be in use as a Public House. It is also worth noting that there is a separate application ref. P2022/2348/FUL for a ground floor side extension at the site. If granted, this would add a further 60m² to the floorspace.
- 9.15 The upper floors have previously been in ancillary use to the Public House with its own independent access (these upper floors have not been accessible to the public). The proposed development would retain the main Public House floorspace on the basement and ground floors (a GIA of approx. 377m²), which has continued to operate for a number of years without ancillary staff accommodation. The extent of floorspace and the layout would allow for the continued

Public House operation to be retained. In addition, both the proposed HMO use, and the Public House would continue to have separate entrances.

- 9.16 Given the significant extent of the retained footprint of the Public House and as the upper floors have previously been ancillary, Officers are satisfied that the proposed conversion of the upper floors would not undermine its commercial viability. There would also not be a loss of a service of particular value to the local community. In addition, the upper floors were not accessible to the public under its previous lawful use as it was used as ancillary staff accommodation. As such, the absence of marketing evidence can be accepted in this specific instance given there would be no loss of the main Public House floorspace (the floorspace in question being all ancillary). The main retained Public House floorspace would provide a high quality and commercially viable Public House function serving the local community. It would retain the vitality of the local area and there would no unacceptable impact to the character of the street scene.
- 9.17 Overall, the proposed development is considered to be acceptable from a land use perspective. The proposed HMO conversion (Sui Generis Use) is acceptable in this particular location and there would be no unjustified loss of a Public House. It would achieve an acceptable degree of compliance with Policy DM3.9 and Policy DM4.10 of Islington's DMP (2013).

DESIGN AND CONSERVATION

- 9.18 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should contribute positively to making places better for people.
- 9.19 Policy CS8 of the Islington Core Strategy sets out the general principles to be followed by new development in the borough. Policy CS9 of the Core Strategy and policy DM2.1 of the Islington Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 9.20 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.
- 9.21 Paragraph 5.148 of Islington's Urban Design Guide (2017) states that *'In all cases, applications for roof extensions, dormers and roof lights will be assessed on merit, giving due consideration to:*
- *The quality of design.*
 - *Materials and construction proposed.*
 - *The cumulative effect on visual amenity, unity and coherence of the street scene.'*
- 9.22 Paragraph 5.153 of the Urban Design Guide states that *'outside conservation areas, there is more scope to introduce roof extensions where these are of a high-quality design. Where a street frontage benefits from a consistent and unbroken roofline, alterations which would disrupt this consistent roofline and be visible from the public realm need to be designed in a style appropriate to the host building. Where the extension is not visible from the public realm, for example if it is generously setback from the front parapet, there may be more scope for flexibility in the design.'*

9.23 The host building is prominently located at the junction of several roads. Its elevations are visible from a number of vantage points. Despite not being statutorily listed nor located within a conservation area, the host building is considered to be of significant architectural merit. The merit of the building mainly derives from the scale, design, proportions and detailing of its elevations. This includes the symmetrical arrangement of the windows, the relationship of the elevations to the prominent corner site on which it sits and the ornamental detailing which gives the existing façade an ordered and considered character and appearance. In particular, the building clearly reads as a mid-19 Century Public House, the purpose for which it was designed.



**Existing
North Elevation**

**Initial Submission
North Elevation**

**Amended
North Elevation**

9.24 It is proposed to demolish the existing unauthorised roof extension in place at the site and replace it with a new mansard roof extension. The principle of a roof extension is considered acceptable at this location. Whilst the initially submitted roof extension was an improvement from the existing roof extension, it was considered that the profile of the roof was not acceptable, nor in accordance with the Urban Design Guide.

9.25 Amended drawings were received showing changes to the profile of the roof and a reduction in the dormer window scale. The revised proportions which adhere to traditional mansard roof design would not cause harm to the proportions or the architectural integrity of the Victorian Public House building. The resulting extension would also have traditional roofing materials to match the historic building of architectural merit. Dormer windows within the mansard roof would be traditional dormers appropriately aligned with the windows in the lower storeys. It is also noted that care has been taken to preserve the characteristic features of the roof such as chimneys and chimney pots. On the whole, the proposed mansard roof extension positioned behind the parapet is considered to be an acceptable form of extension appropriate to the appearance of the classical façade below.

9.26 Overall, the proposed mansard roof extension by reason of its appropriate design, use of traditional materials is considered to preserve the character and appearance of the existing building and the surrounding townscape.

9.27 The associated proposed alterations to create an accessible entrance to the HMO, provision of new cycle storage and mobility scooter parking space, due to their nature are also considered acceptable in terms of design, materials and appearance. These associated alterations are considered to have a neutral impact on the character and appearance of the existing building, streetscene and surrounding townscape.

9.28 Given the above assessment, the proposal is considered to accord with policies D1, D4 and HC1 of the London Plan (2021); policies CS8 and CS9 of the Islington's Core Strategy (2011), policy DM2.1 of the Islington's Development Policies (2013) and the guidance contained within the Islington Urban Design Guide (2006).

9.29 In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area. On balance, the proposals are considered to have a neutral impact on the character and appearance of the nearby Brownswood Conservation Area and Clissold Park Conservation located within London Borough of Hackney.

QUALITY OF ACCOMMODATION

9.30 The current application is for a change of use of the upper floors to create a large HMO use (Sui Generis) above the existing bar and restaurant at ground and basement floor levels. It was initially proposed to provide one HMO unit comprising nine bedrooms, one large communal living room, four communal bath/ shower rooms and a communal laundry room. Each 16m² single room included a kitchenette. Officers considered that provision of shared kitchen facilities, communal lounge and communal accessible shower/wc with individual shower/wc facilities in each room would be more appropriate here instead of the individual kitchen facilities as shown. During the course of the application amended drawings were submitted showing an updated HMO layout with shared kitchen and ensuite bathrooms in each bedroom.

9.31 The revised scheme re-plans the first and second floors to create two HMO bedrooms, a shared lounge and kitchen and an accessible bathroom and WC at first floor level and four bedrooms at second floor level. The third floor is proposed to be completely demolished and replaced with a new mansard extension housing a further three bedrooms.

9.32 Policy DM3.4 seeks to ensure that all new housing developments (including conversions, Changes of Use, Houses in Multiple Occupation, and sheltered housing) are required to provide accommodation that is of adequate size, with acceptable shape and layout of rooms (with due consideration to aspect, outlook from habitable rooms, noise, ventilation, privacy, light).

9.33 Paragraph 3.103 of the Development Management Policies stipulates that the minimum standards for room sizes and the provision of kitchens and bathrooms were designed as minimum standards to protect the health of occupants by ensuring adequate facilities and space for the number of people occupying an HMO. In the case of new development, the Council considers that the high space standards set out in Table 3.5 of the Development Management policies (please see below) should be met.

Table 3.5 Non-self contained HMO standards

| Non-self contained sleeping accommodation | Minimum room size (m ²) |
|---|-------------------------------------|
| Single room without kitchen | 12 |
| Single room with kitchen | 16 |
| Double room without kitchen | 17 |
| Double room with kitchen | 21 |

Table 1: Excerpt from Islington’s DMP (2013) of minimum room size requirements.

| Room | Size (m ²) | Shower/WC Size (m ²) |
|-----------|------------------------|----------------------------------|
| Bedroom 1 | 13 | 3 |

| | | |
|---------------------|------|-----|
| Bedroom 2 | 13 | 3.1 |
| Bedroom 3 | 12.5 | 3.2 |
| Bedroom 4 | 14.4 | 3.5 |
| Bedroom 5 | 15.4 | 3.7 |
| Bedroom 6 | 14 | 3.2 |
| Bedroom 7 | 14.5 | 3.2 |
| Bedroom 8 | 13 | 3 |
| Bedroom 9 | 15.5 | 3.2 |
| Communal Lounge | 13 | - |
| Communal Kitchen | 11 | - |
| Accessible Bathroom | 6.72 | - |

Table 2: Proposed room sizes (in m²).

9.34 Following amendments, the resulting HMO is considered to provide accommodation of acceptable shape and layout with due consideration to aspect, outlook from habitable rooms, noise, ventilation, privacy and light. As noted above the HMO would comprise a shared kitchen. The resulting nine bedrooms with sizes ranging from 12sqm to 15.5sqm would accord with the minimum room size requirement of 12sqm for single rooms without a kitchen. The proposal would also comply with the HMO standards minimum room size of bedrooms which requires the maximum number of occupants in a room with a shared kitchen facilities in a separate room is 8sqm per one person and 11sqm per 2 persons.

9.35 The floor to ceiling height of the resulting HMO would be 3.24m at first floor level, 2.53m at second floor level and 1.80m – 2.97m at roof level. The area below 2.3m is less than 25% of the floor area at roof level. The floor to ceiling height of the first-floor accommodation would comply with the minimum floor to ceiling height of 2.6m required by Policy DM3.4 of the Development Management Policies. The floor to ceiling height of 2.53m of the second floor falls below the required 2.6m, however this would be marginal, and it is to an existing floor level with proposed accommodation acceptable in all other respects. The floor to ceiling height at top floor level would largely be in accordance with requirements. In addition, the floor to ceiling height of the resulting HMO on the whole would accord with the HMO standards requirement of the floor to ceiling height to be a minimum of 2.3m over 75% floor area.

| Number of sharers | Minimum size of Kitchen |
|-------------------|-------------------------|
| Up to 3 | 5.5 m ² |
| 4-5 | 7.5 m ² |
| 6-7 | 9.5 m ² |
| 8-10 | 11.5 m ² |

Table 3: The HMO standards minimum sizes of kitchens (excerpt).

9.36 The HMO standards stipulate that a separate set of kitchen facilities will be required for every five residents sharing and no more than two sets of kitchen facilities can be provided in one room. The resulting communal kitchen will provide two sets of kitchen facilities for the proposed nine rooms in line with the requirements of the HMO standards. However, as noted above the communal kitchen is slightly undersized, it is 11.28m² and the HMO standards require it to be 11.5m² for 8 – 10 people. Although, the kitchen is marginally undersized, Environmental Health have stated that they have discretion to permit this do so where the difference is 10% or less. In this case they could permit nine people to occupy this property provided there were double

cooking facilities in the kitchen. The amended drawings were submitted show double cooking facilities provided in the shared kitchen. The size and layout of shared kitchen would allow sharing facilities to store, prepare and cook food safely as required by the Environmental Health Standards.

- 9.37 Essentially, the HMO licence would be for a maximum of 10 people, which is limited by the kitchen facilities provided on the plan. Although each bedroom is large enough for two people, there would be a maximum of 10 permitted in total. Therefore, if all nine bedrooms were let then eight would have to be for one person only, and the ninth could be for a couple.
- 9.38 Policy DM3.5 Part A seeks to ensure *all new residential development and conversions will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens*. There is no private amenity space provision for the future residential occupants. It is accepted that the creation of balconies and roof terraces would be harmful to the host historic building of architectural merit located in such a prominent corner.

Noise

- 9.39 Policy DM3.7 *Noise and vibration (residential uses) of the Development Management Policies* states
- A. All residential development proposals shall demonstrate how potential adverse noise impact on and between dwellings will be mitigated by housing layout, design and materials.*
- B. The layout of adjacent dwellings and the location of lifts and circulation spaces is required to limit the transmission of sound to noise sensitive rooms within dwellings.*
- C. Sufficient sound insulation with reasonable resistance to airborne sounds and impact sounds shall be installed in all walls and floors between and within dwellings, and between dwellings and public and/or communal areas.*
- D. Residential developments should be adequately separated from major sources of noise, such as road, rail and certain types of development. Mitigation will be required where the noise environment necessitates this. Noise exposure categories will be used to assess applications. New residential development should wherever possible be sited away from noise generating land uses.*
- E. Proposals for residential development adjacent to railway lines (or other sites that may be subject to vibration) should incorporate adequate mitigation to ensure a good standard of amenity for future occupants.*
- 9.40 Policy DH5 (Agent-of-change, noise and vibration) of the draft Islington Local Plan states that *Proposals for any new development – new build, extensions and conversions – in proximity to an existing use(s) which may be adversely impacted by the new use must follow the agent-of-change principle.*
- 9.41 Paragraph 3.80 *Noise is a major cause of stress in cities, particularly when an individual has no control over it. Traffic, neighbours and even other occupants within a home can all be sources of excessive noise. There is a disproportionate effect on elderly and disabled people and those with young children. Some residential developments built in noisy locations have a high level of acoustic insulation; however, once a window is opened the impact of noise can be excessive. Adequate regard should be given to noise transmission and the provision of sufficient natural or mechanical ventilation.*

- 9.42 Paragraph 3.81 *The National Planning Policy Framework (NPPF)* aims to avoid significant adverse impacts on health and quality of life from noise, and mitigate and minimise its lesser adverse impacts, as a result of new development. The adopted Noise Policy Statement for England (2010) recognises that noise exposure can cause annoyance and sleep disturbance, both of which impact on quality of life and give rise to adverse health effects.
- 9.43 The initial submission looked at noise insulation between the ground floor public house and proposed residential accommodation above. The Council's Acoustic Officer stated that the report did not include an assessment of noise from the external areas of the public house, the rear terrace and the front conservatory type areas (now demolished) which have led to complaints in the past. It appears that the public house was not in operation at the time of the survey. It was highlighted that this report referred to another report which looked at noise from kitchen extraction and mechanical plant which has led to complaints in the past too but this was not included. With the lack of information provided on the assessment of impacts, the EPPP team objected to the proposal.
- 9.44 Following on-going discussion with the Acoustic Officer, during the course of the application a plant noise assessment was included in the report. The Acoustic Officer highlighted that the plant noise report was included as part of a previous application which they objected to and was refused. It was stated that whilst the plant does not form part of this application, it is in close proximity to and will clearly have some impact upon the proposed HMO accommodation. It was required that any noise report should address the points raised in the previous refusal in assessing the impact for the new HMO accommodation.
- 9.45 It was further stated that the assessment of noise from the conservatory also uses the background sound survey from the position facing onto Green Lanes and may be higher and therefore unrepresentative of the background sound level at the rear façade, with screening from the traffic noise. In para 7.2.3 it assumes that human voice is L_{Aeq} 60dB at 1m. From Lazarus and the "Prediction of Noise from Small to Medium Sized Crowds" paper the figure of 66dB is stated as a raised voice which seems more representative of person in a restaurant/bar environment.
- 9.46 It is acknowledged that the assessment uses a more stringent criteria of 10dB below the background sound level rather than 5dB. It was also noted that the separation between the ground floor public house/restaurant and first floor residential has been tested and provides a reasonable level of sound insulation for a public house. However, the assessment is against the lower 8233 standards rather than Islington's guidance for licensed premises. It was advised that any assessment is revised in line with this. With the number of issues with the noise report, the Acoustic Officer maintained their objection to the proposal.
- 9.47 A fresh acoustic report was submitted, this addressed issues with the original and assessments were in line with Islington's guidance for licensed premises. It was noted that there is an upgraded floor structure between the ground floor commercial and residential above, this will need to remain in place, without alterations to increase flanking transmission and reduce the performance. The report suggests fitting acoustic enclosures around the two fans for the kitchen extract system, two condensers and two chiller units to mitigate mechanical plant noise. A condition is recommended to this effect.
- 9.48 Following a formal re-consultation of the application, the Acoustic Officer also commented that although the noise report looks at noise transfer through the separating floor and from the conservatory it does not necessarily address this. It is stated that ultimately this is something that the licensee will need to manage.
- 9.49 It was also stated that the report does highlight that the plant is likely to have an adverse impact at the nearest residential i.e. the HMO units proposed here. There will need to be mitigation to

manage this impact and the report makes suggestions for this. A condition is therefore recommended requiring the submission of a verification report after these works have been completed.

- 9.50 Although the report picks up on a failed sound test between the first floor and second floor residential accommodation, the Acoustic Officer noted that this would be addressed through the Building Regulations.
- 9.51 With regard to the agent of change principles, whether the proposed residential use above the commercial use would impact the operation of this needs to be addressed. However, it should be noted that the existing premises are located in very close proximity to neighbouring residential properties and that there appears to have historically been some residential use of the upper floors, with the bar/restaurant use continuing to operate. The bar/restaurant use, inclusive of external seating, is subject to licensing controls that protect residential amenity. Given this, the provision of residential accommodation above is not considered result in more stringent noise limitations in particular to the operation of the associated outdoor seating. The proposal is therefore not considered to contravene with Policy DH5 of the Emerging New Plan which requires, proposals for any new development – new build, extensions and conversions – in proximity to an existing use(s) which may be adversely impacted by the new use [to] follow the agent-of-change principle.
- 9.52 Given the above assessment, recommended mitigation measures and conditions attached to the application, it is considered that occupants of the proposed residential accommodation would not be disturbed by noise nuisance from their fellow occupants, nearby neighbours or the outside environment. As such, it is considered that the resulting residential accommodation would ensure an acceptable level of residential amenity for occupants and would accord with the requirements of policy DM3.7 of the Development Management Policies.

NEIGHBOUR AMENITY

- 9.53 The Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy D3 requires the design-led approach which requires development proposals to deliver appropriate outlook, privacy and amenity.
- 9.54 Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 9.55 The proposed HMO use is considered to be compatible with the surrounding predominantly residential uses. Due to its residential nature, it is not considered to result in unacceptable noise levels or disturbance to neighbouring residential properties. Furthermore, the number of residential occupiers at the site would be reduced, albeit from the current unlawful use. The HMO would also require an Environmental Health Licence, with the terms of the License including further protection.
- 9.56 Representations have been received regarding the proposed roof extension detrimentally impacting nearby residential occupiers. Given its size, location at roof level within the envelope of the existing building and the setbacks, the proposed roof extension would not result in unacceptable impacts to neighbouring residential amenity.
- 9.57 The associated proposed alterations to create an accessible entrance, provision of new cycle storage and mobility scooter parking space, due to their small scale and appropriate location would not detrimentally impact neighbouring residential amenity.

INCLUSIVE DESIGN AND ACCESSIBILITY

- 9.58 Policies D5, D6 and D7 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.
- 9.59 In accordance with the requirement of Policy DM2.2 of the Development Plan, the proposal would need to provide accessible accommodation as set out in the Inclusive Design SPD. The proposal would need to deliver minimum standards for Part M (4) Category 2 housing, in line with London Plan policy D7 (Accessible Housing).
- 9.60 Policy DM3.9 of the Development Management Plan requires that 10% of bedspaces must be designed to be wheelchair accessible and this is supported by policy DM3.4 of the Development Management Plan.
- 9.61 Concerns were initially raised regarding the access to the proposed units. Subsequently, revised plans were submitted proposing ramped access from the street to the main entrance. The proposed ramped access would incorporate handrails and a kerb on the open side as required. The gradient, length and rise of the proposed ramps are considered acceptable. The widened door with level threshold is also welcomed.
- 9.62 Amended drawings also detail a platform lift extending to the 1st floor. While this would only provide access to the floor level, the physical configuration of the ground floor is such that a second evacuation lift could not reasonably be located here. The space allocated for the platform lift is an existing goods lift which is no longer in use. It is proposed to re-use the shaft for the platform lift as such no space has been taken out from the bar/ restaurant at ground floor level. While the proposal does not include an accessible bedroom, noting the constraints and that a second lift for evacuation cannot be provided, that the proposal is a conversion this is considered to be reasonable in this case.
- 9.63 A WC/shower at first floor level is designed in accordance with the requirements of the Inclusive Design SPD, with an accessible cycle parking space and provision of a facility to store and charge mobility scooters also proposed.
- 9.64 The entrance to the building features an Entryphone with audio-visual communication, at wheelchair user height linked to latching system, which is appropriate.
- 9.65 Representations have been received regarding the door widths proposed not being sufficient. As noted above, the proposal relates to an existing building and a number of improvements to accessibility are proposed throughout the scheme. Noting this, and the requirement for the proposal to meet Part M of the Building Regulations, it is considered that the level of accessibility proposed is acceptable in this case.

HIGHWAYS AND TRANSPORT

- 9.66 The site has good access to public transport modes with a Public Transport Accessibility Level (PTAL) rating of 3. There are 7 bus routes (Transport for London services 141, 341, 236, 4, 19, 393 and 106) that are within an approx. 8 minute walking distance from the site. The site is also an approx. 12-minute walk from Finsbury Park Station which is served by National Rail, London Underground and London Buses.
- 9.67 Policy DM8.4 and Appendix 6 of Islington's DMP (2013) outline the standards for cycle parking and advise that cycle spaces should be sheltered, secure, accessible and conveniently located in the interests of promoting active travel. In residential developments one cycle space per

bedroom is required. As the proposed development would have 9 bedrooms the minimum standard would be 9 cycle spaces.

- 9.68 A total of six cycle parking spaces are proposed (5 within a vertical cycle rack for standard cycles and one accessible cycle parking space). These would be provided internally adjacent to the proposed entrance to the residential accommodation. One external mobility scooter parking bay with an associated charging point is also proposed that would serve future occupiers.
- 9.69 Officers recognise that there would be a shortfall of 3 cycle spaces below the minimum standard. However, in this specific instance, there would be insufficient space internally to accommodate 3 additional cycle spaces. Furthermore, the introduction of a cycle-store into the front forecourt area to accommodate further cycle spaces would also have implications for local visual amenity by adding visual clutter as well as blocking the public highway. The forecourt space has been designed to accommodate refuse storage and servicing, the mobility scooter parking bay and the accessible ramp into the development. As such, there is little space to accommodate further secure cycle parking. In light of these site-specific constraints and as the proposed six cycle parking spaces would be secure, sheltered and accessible and as a mobility scooter parking bay is also proposed, the shortfall in the number of spaces provided is considered to be acceptable on balance.
- 9.70 Within the objection comments received, concerns have been raised regarding increased parking stress from the future occupiers of the proposed HMO. Policy CS10(H) of Islington's CS (2011) requires all new residential development to be car free meaning that future occupiers would not be able to receive parking permits (with the exception of parking catering for the needs of disabled individuals). A condition is recommended to secure that the development would be car free in the interests of mitigating the impact to the highway and ensuring that the development would be car free.

REFUSE AND RECYCLING

- 9.71 Waste storage facilities are required to be provided in order to fit current and future collection practices and targets. Facilities must be accessible to all in accordance with Islington's Core Strategy CS11. Development Management Policy DM8.6 seeks details of refuse and recycling collection to be submitted indicating locations for collection vehicles to wait and locations of refuse and recycling bin stores. A copy of the council's 'Refuse and Recycling Storage Requirements' (2008) document is required to be referred to when designing-in appropriate refuse and recycling requirements.
- 9.72 Recycling and Refuse Storage Requirement guidance requires size of unit total storage capacity of at least 200 litres for 1 no. bedroom and a further 140 litres for each additional bedroom recycling. At least 50% of total storage capacity must be allocated for recycling.
- 9.73 Under the guidance and based on nine bedrooms the total capacity that would be required is 1320L which breaks down to 660L refuse and 660L recycling. The current scheme seeks to provide one refuse bin 1100L, one communal kitchen waste bin (for caddies) 140L. This meets Islington Recycling and Refuse Storage Requirement guidance. It is also confirmed that the Refuse and Recycling storage shown on Detail 02 of drawing 0188(20)m-401 is existing and it is only for the residential accommodation.

SUSTAINABILITY

- 9.74 It is the Council's and the Mayor's objective that all developments meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change.

- 9.75 Policy DM7.1 of Islington's DMP (2013) requires new developments to integrate best practice sustainable design standards during the design, construction and operation of the development.
- 9.76 Given that the proposed development relates to the conversion and extension of an existing building, it would not be reasonable to seek the new build standards of an on-site reduction of 25% in comparison with regulated emissions over Part L of the Building Regulations.
- 9.77 Within the submitted Design and Access Statement stated he proposed mansard roof extension will incorporate water saving measures and equipment including rainwater harvesting and dual potable and grey water recycling systems. The scheme will apply a maximum water use target by occupants of max.110 litres per person per day. A condition is recommended requiring details of how the development will meet this water consumption target to be submitted to the local planning authority prior to first occupation to ensure that this target is met.
- 9.78 Subject to the recommended condition, the proposed development would achieve an appropriate degree of compliance with Policy DM7.1 of Islington's DMP (2013).

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 9.79 The proposed development would be liable for both the Mayoral and Islington CIL. An informative has been attached to this effect.

OTHER MATTERS

- 9.80 Representations have been received raising concerns regarding works to the existing building including unauthorised works. This application seeks to remove unauthorised works at roof level and introduce more appropriate development. Other works that have been undertaken at the subject site are outside the scope of the application and where relevant are subject to Planning Enforcement investigation and/or action.
- 9.81 While the ground floor use is not subject to any proposals as part of the application, it should be noted that the reference in the Noise Report noting that the premises are not licenced for live or amplified music is not wholly correct. Music is deregulated before 2300, however, a condition of the licence is that "Music will be restricted to ambient background levels of sound."
- 9.82 Representations have also been received raising concern regarding the management of the commercial use of the property resulting in unacceptable impacts on the community, the premises continuous flouting of the license and public health laws, anti-social behaviour, waste management and parking issues. The application relates to the proposed residential uses of the upper floors and a roof addition, it does not relate to the commercial use. Notwithstanding this, the commercial use and associated development is subject to Planning Enforcement investigation and/or action.
- 9.83 Representations have also questioned profits from illegal building. The unauthorised glazed enclosures at the site were subject to Enforcement action and have been dismantled and removed from the site. The current application seeks to remove the unauthorised roof extension and replace this with an appropriately designed addition.
- 9.84 Representations have noted discrepancies between the Design and Access Statement and proposed plans. The application has been subject to amendments during the assessment of the proposal, inclusive of an updated Design and Access Statement consistent with the proposed layout.

10. SUMMARY AND CONCLUSION

Summary

- 10.1 The proposal is considered to be acceptable, subject to conditions, and would not result in harm to the character or appearance of the local area. The proposal has been carefully considered from the pre-application stage, with a number of amendments to the design secured by officers to ensure the proposed mansard roof extension is of satisfactory design and appearance within this prominent location.
- 10.2 The proposed conversion to an HMO is acceptable from a land use perspective as an HMO is appropriate in this location and the conversion of the upper floors would not undermine the commercial function and viability of the retained Public House. This would achieve an appropriate degree of compliance with policies DM3.9 and DM4.10 of Islington's Development Policies (2013).
- 10.3 Following the receipt of amended drawings, the proposed mansard and external alterations would be acceptable in design terms subject to conditions and would comply with National Planning Policy Framework (NPPF) 2021, Policies D1, D4 and HC1 of the London Plan (2021); policies CS8 and CS9 of the Islington's Core Strategy (2011), Policy DM2.1 of the Islington's Development Policies (2013) and the guidance contained within the Islington Urban Design Guide (2006).
- 10.4 The proposal is also not considered to adversely impact on the residential amenity of neighbouring residential properties in line with policy DM2.1 of the Development Management Policies 2013.
- 10.5 The proposed HMO would provide acceptable levels of accommodation complying with policy CS12 of Islington Council's Core Strategy 2011, Policy DM3.4 Islington's Development Management and Policy D6 of the London Plan 2021 as well as Technical Housing Standards-Nationally Described Space Standards (March 2015) and the NPPF 2021.
- 10.6 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 and the Islington Development Management Policies and should be approved accordingly.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

| | |
|----------|--|
| 1 | COMMENCEMENT (CONSENT PERIOD) |
| | <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p> |
| 2 | APPROVED PLANS LIST |
| | <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>0188 (20) M-201, 0188 (25) M-201, 0188 (20) M – 401 J, 0188 (25) M – 402 – C, Design, Access and Planning Statement Rev. 4 & Noise Impact Assessment Dreams Group LTD – 11 August 2021.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p> |
| 3 | MATERIALS (DETAILS) |
| | <p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none">a) Roofing and flashings;b) Window treatments; andc) Any other materials to be use <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard and preserves the character and appearance of the surrounding area.</p> |
| 4 | SOUND INSULATION (DETAILS) |
| | <p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets:</p> <p style="text-align: center;">Bedrooms (23.00-07.00 hrs) 30 dB $L_{Aeq,8\text{ hour}}$ and 45 dB $L_{max\text{ (fast)}}$ Living Rooms (07.00-23.00 hrs) 35 dB $L_{Aeq, 16\text{ hour}}$ Dining rooms (07.00 –23.00 hrs) 40 dB $L_{Aeq, 16\text{ hour}}$</p> |

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| | <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To secure an appropriate internal residential environment.</p> |
| 5 | FIXED PLANT NOISE (DETAILS) |
| | <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014+A1:2019.</p> <p>REASON: To protect the amenity of future occupiers of the proposed residential units and neighbouring residential properties.</p> |
| 6 | VERIFICATION REPORT (DETAILS) |
| | <p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the existing mechanical plant serving the ground floor restaurant to demonstrate when operating the cumulative noise level $L_{Aeq Tr}$ arising from the existing plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. The report shall include site measurements of the plant insitu. The report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the HMO use hereby approved and any noise mitigation measures shall be permanently retained thereafter.</p> <p>REASON: To protect the amenity of future occupiers of the proposed residential units and neighbouring residential properties.</p> |
| 7 | FIXED PLANT MAINTENANCE (COMPLIANCE) |
| | <p>CONDITION: New and existing plants should be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained and that the noise doesn't increase or develop an annoying character like tones, intermittencies or impulses. It is also advised that the plant is checked upon installation and regularly checked, maintained and serviced to ensure noise levels do not rise or acoustic character such as tonality, intermittency, impulsivity or other acoustic character develop.</p> <p>REASON: In the interest of protecting future residential amenity and the appearance of the resulting building(s).</p> |
| 8 | INCLUSIVE DESIGN (COMPLIANCE) |
| | <p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design. To achieve this the development shall incorporate/install:</p> <ul style="list-style-type: none"> a) An external wheelchair accessible ramp. b) A platform lift providing access to the first floor. |

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| | <p>c) An Entryphone at wheelchair height.</p> <p>d) A wheelchair accessible WC/shower room at first floor level.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p> |
| 9 | LIFT (COMPLIANCE) |
| | <p>CONDITION: The lift serving the HMO hereby approved shall be installed and operational prior to the first occupation of the HMO use hereby approved.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that adequate access is provided to the residential units at all floors.</p> |
| 10 | REFUSE/RECYCLING PROVIDED (COMPLIANCE) |
| | <p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. 0188 (20) M 401 Rev. J shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p> |
| 11 | CYCLE PARKING PROVISION (COMPLIANCE) |
| | <p>CONDITION: The bicycle storage area(s) hereby approved, which shall be covered, secure and provide for no less than 5 no. bicycle spaces and 1 no. accessible bicycle space shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p> |
| 12 | WATER EFFICENCY (DETAILS) |
| | <p>CONDITION: Prior to occupation of the development hereby permitted, details showing how the development shall achieve the water efficiency target (110litres/person/day) shall be submitted to the local planning authority and approved in writing. The measures shall be implemented in full and retained thereafter.</p> <p>REASON: In the interests of sustainable development and efficient water use.</p> |
| 13 | CAR FREE DEVELOPMENT (COMPLIANCE) |
| | <p>CONDITION: All future occupiers of the HMO hereby approved shall not be eligible to obtain an on street residents' parking permit except:</p> <p>i) In the case of disabled persons;</p> |

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| | <p>ii) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>REASON: To ensure that the development does not contribute towards traffic and congestion to the local highway</p> |
| 14 | REMOVAL OF ROOF EXTENSION AND IMPLEMENTAION OF ROOF ADDITION (COMPLIANCE) |
| | <p>CONDITION: Notwithstanding Condition1 of the permission hereby approved, the existing roof extension shall be removed from the site and the hereby approved roof extension shall be completed within 12 months of the date of this permission being granted.</p> <p>REASON: To protect and conserve the character of the host building and local area.</p> |

List of Informatives:

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| 1 | Construction works |
| | <p>INFORMATIVE: Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p> |
| 2 | Highways Requirements |
| | <p>INFORMATIVE: Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. All agreements relating to the above need to be in place prior to works commencing. Can be gained through streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing. Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk.</p> |
| 3 | Highways (Additional) |
| | The Public footpath should not be obstructed at site entrance. |
| 4 | Environmental Health |
| | <ol style="list-style-type: none"> 1. The property would be subject to Property licensing and the applicant should apply for a licence prior to letting out the rooms (https://propertylicensing.islington.gov.uk) 2. The applicant should have regard to the council's HMO standards (<u>A4 Word - Logo and thread only (islington.gov.uk)</u>) 3. In particular the permitted number of people and households in the property based on the plans provided would be 9 people and 9 households. This is due to the number of bathroom and WC facilities indicated on the plans. |

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| | <p>4. The applicant should also have regards to the council's HMO conditions which apply to all licensed HMOs. https://www.islington.gov.uk/~/_media/sharepoint-lists/public-records/communityandliving/information/adviceandinformation/20202021/20201027hmoconditionsapril2020.pdf</p> <p>5. In particular the applicant should put the following fire safety measures in place to ensure compliance with the LACORS fire safety guidance (Lacors Fire Safety Guide.pdf (dashservices.org.uk):</p> <ul style="list-style-type: none">• Grade A LD2 automatic fire detection and alarm system comprising of interlinked smoke alarm on each level as well as in the living room and laundry room and heat detector in each bedroom. All detectors and alarms should be mains wired with battery back up.• A separate Grade D smoke alarm in each bedroom (mains wired with battery back up) but not interlinked to the other bedrooms.• Fire doors with 30 minutes fire resistance, overhead self-closers, smoke seals and intumescent strips to all bedrooms and to the living room.• Fire blankets in all kitchens• Signage indicating the means of escape in a fire• Emergency lighting to each level of the residential accommodation• 60 minute fire separation between the commercial and residential areas |
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APPENDIX 2 - RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE

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

1. National and Regional Guidance

The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- NPPF (2021)

2. Development Plan

The Development Plan is comprised of the London Plan 2021, 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 2021 - Spatial Development Strategy for Greater London

Policy D1 London's form, character and capacity for growth
Policy D3 Optimising site capacity through the design-led approach
Policy D4 Delivering good design
Policy D5 Inclusive design
Policy D6 Housing quality and standards
Policy D7 Accessible Housing
Policy HC1 Heritage conservation and growth
Policy H6 Affordable housing Tenure
Policy H9 Ensuring the best use of stock
Policy HC7 Protecting public houses
Policy T5 Cycling

B) Islington Core Strategy 2011

Policy CS8 Enhancing Islington's character
Policy CS9 Protecting and Enhancing Islington's Built and Historic Environment

C) Development Management Policies June 2013

Policy DM2.1 Design
Policy DM2.2 Inclusive Design
Policy DM3.5 Private outdoor space
Policy DM3.7 Noise and vibration (residential uses)
Policy DM3.9 Houses in Multiple Occupation, Hostel and Student Accommodation
Policy DM8.4 Walking and cycling

3. Designations

The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

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

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

The following SPGs and/or SPDs are relevant:

London Plan

- Accessible London (2016)
- Character and Context (2014)

Islington

- Urban Design Guide
- Inclusive Design
- HMO Standards

- Refuse and Recycling Storage Requirements

5. Emerging Policies

Draft Islington Local Plan (2019)

Emerging policies relevant to this application are set out below:

Policy H1 Thriving communities

Policy H2 New and existing conventional housing

Policy H4 Delivering high quality housing

Policy H5 Private outdoor space

Policy H10 Houses in Multiple Occupation (HMOs)

Policy SC1 Social and Community Infrastructure

Policy SC4 Promoting Social Value

Policy R11 Public Houses

Policy S1 Delivering Sustainable Design

Policy S2 Sustainable Design and Construction

Policy T2 Sustainable Transport Choices

Policy T3 Car-free development

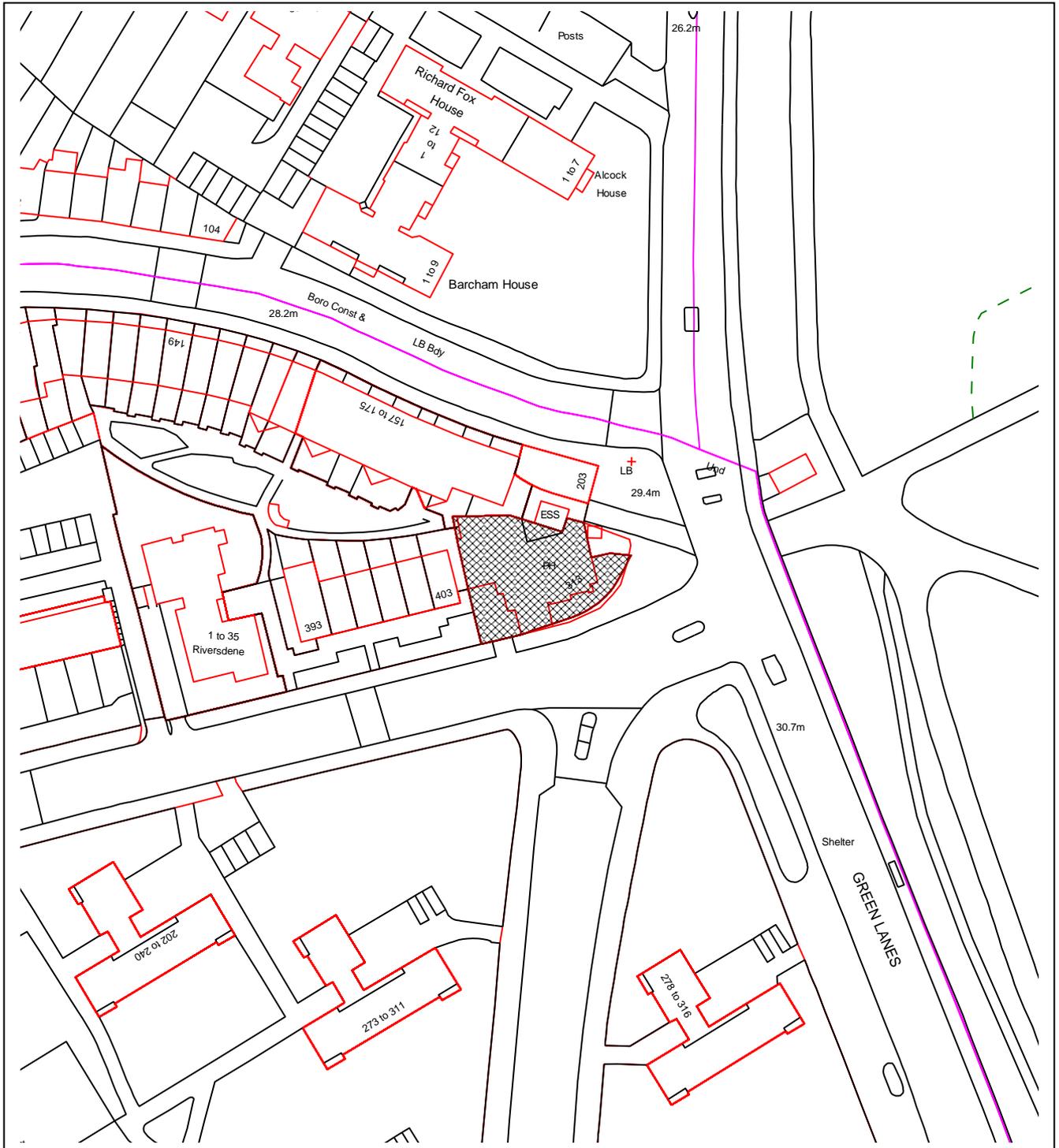
Policy DH1 Fostering innovation and conserving and enhancing the historic environment

Policy DH2 Heritage assets

Policy DH5 Agent-of-change, noise and vibration

Policy ST2 Waste

Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Community Wealth Building

| | | |
|---------------------------------|-------------------------------|--|
| PLANNING SUB-COMMITTEE A | | |
| Date: | 11 th October 2022 | |

| | |
|--------------------------|---|
| Application number | P2021/3732/FUL |
| Application type | Full Planning Application |
| Ward | Clerkenwell |
| Listed building | No |
| Conservation area | Clerkenwell Green |
| Development Plan Context | Archaeological Priority Area (Clerkenwell) Core Strategy Key Area (Bunhill & Clerkenwell) Central Activities Zone Employment Priority Areas (Finsbury Local Plan Policy BC8) Finsbury Local Plan Area Local View (from Archway Road - LV4) Local View (from Archway Bridge - LV5) Local View (from Amwell Street - LV6) Local View (from Dartmoth Park Hill - LV7) Mayor's Protected Vistas (Kenwood viewing gazebo to St Paul's Cathedral - LLAA5) Within 100m TRLN Road |
| Licensing Implications | None |
| Site Address | Land at Turk's Head Yard, 75a Turnmill Street, EC1M 5SY |
| Proposal | Proposed erection of new four storey building providing office (Class E) floorspace, with associated landscaping and servicing |

| | |
|--------------|----------------|
| Case Officer | Mr Jake Shiels |
| Applicant | C/o Agent |
| Agent | Mr Matt Bailey |

1. RECOMENDATION

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

2. SITE PLAN (site highlighted in red)



Image 1: Site Plan

3. PHOTOS OF SITE

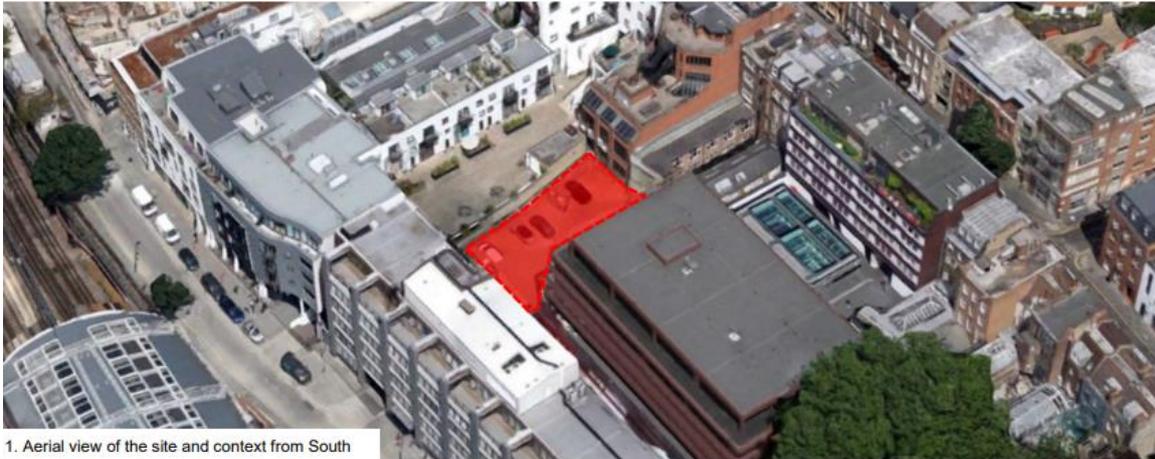


Image 2: Aerial views of site



Image 3: View of site from Turnmill Street undercroft access



Image 4: View of site looking north



Image 5: View of site looking east

4. SUMMARY

- 4.1 The proposal seeks planning permission for the erection of a new four storey building providing office (Class E) floorspace, with associated landscaping and servicing.
- 4.2 The site has been the subject of three applications in recent years, the first scheme, dismissed at appeal in January 2014 (P2013/0976/FUL) proposed a total of seven residential units within a four storey (five including basement) building, comprising 1 x three bed unit, 4 x 2 bed units and 2 x 1 bed units.
- 4.3 Following on from the appeal decision a revised application was submitted (application ref (P2014/1808/FUL). The current proposal follows the general design, scale, mass and bulk of this residential scheme which was granted permission (in April 2016) for the construction of a three storey over basement building comprising six new residential units (3 x 3 bed flats, 2 x 2 bed flats and 1 x 1 bed flat) with associated amenity space and landscaping.
- 4.4 A new scheme (P2016/4298/FUL) was proposed in 2016, this was again following the scope, massing and design of the previous proposal, however this proposed 1,083sqm B1(a) floorspace, with associated landscaping, servicing and parking instead of residential properties. This was approved following support for a recommendation to grant approval at Planning Committee on 01/10/2018. Both of the applications are expired but are considered to be a material consideration to the proposals being assessed under the current application.
- 4.5 The office use (Class E(g)) of the site is suitable within the site location. The proposal is considered to be acceptable, and would provide improved, accessible and additional office space within the Central Activities Zone and Employment Priority Area.
- 4.6 The proposed building is not considered to result in demonstrable harm to neighbour amenity nor introduce a quantum of floorspace that would adversely impact the public highway in line with policy DM2.1 of the Development Management Policies 2013.
- 4.7 The proposal is considered to be acceptable, subject to conditions, and would not result in harm to the character nor appearance of the Conservation Area, nor adversely impact on neighbour amenity. The proposal accords with policies DM2.1 and DM2.3 of the Development Management Policies 2013, policies CS8 and CS9 of the Core Strategy 2011, policies BC4, BC7 and also BC8 of the Finsbury Local Plan (2013) and the Clerkenwell Green Conservation Area Design Guidelines (2002) as well as the NPPF (2021).
- 4.8 The application is referred to the Planning Sub-committee because it is recommended for approval and it involves the creation of more than 250sqm (but less than 999sqm) of new office floorspace where relevant planning objections have been received by the proper officer.

5. SITE AND SURROUNDING

- 5.1 The application site is a 0.08 hectare piece of undeveloped land located to the rear of 75 Turnmill Street which falls on the east side of Turnmill Street and is a six storey building with residential flats above. The site is surrounded on 3 sides by buildings and to the northwest by a retaining wall. Adjoining the site to the west is a six storey office building which fronts onto Turnmill Street and a residential block known as Thackery Court. Further to the south is Layden House which is a seven storey office building, and of which has been developed further following permission granted in 2016 for extensions and refurbishment including a two storey roof extension.
- 5.2 Adjoining the site to the north is Dickens Mews, which is a 3 storey residential development and a private communal outdoor amenity area immediately adjacent to the boundary. To the east of

the site lie offices and residential units at 17-20 Britton Street and to the south is a five storey office building (24 Britton Street).

- 5.3 The site has most recently been in use as a car park for surrounding offices and is accessed via an underpass onto Turnmill Street, adjacent to number 76. There are currently no buildings on the site. While the site is generally level, there is a slight slope of less than 1m from east to west.
- 5.4 The site is located within the Clerkenwell Green Conservation Area and is within an Archaeological Significance Area, Rail Safeguarding Area, Employment Priority Area (General), the Farringdon/Smithfield Intensification Area and Central Activities Zone (CAZ). Farringdon Underground Station is in close proximity to the site to the west.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks full planning permission for the erection of a new four storey building providing office (Class E) floorspace (997sq.m), with associated landscaping and servicing.
- 6.2 The building would be located up against the boundary to the west, south and east and set off the boundary to the north which is splayed. The lower ground floor level would contain a paved courtyard area to the south which sets it back from the boundary, whilst internally serving WCs, changing rooms and a plant room. The ground floor above would be cut back to allow an opening above the lower ground floor, setback 6m-6.3m from the western boundary. The ground floor also contains a garden and bike store next to the courtyard below and so is setback from the south elevation also, whilst internally the floor area would include a reception from the west elevation, lift and stair access and bike storage connected to the north elevation. The first, second and third floors are reduced in mass compared to the floors below and are set in from the south and east boundary although set on a similar building line as the lower ground floor to the west and north. The roof area would contain a plant area enclosed by a metal acoustic louvre screen attached to 75 Turnmill Street. A lift overrun and rows of Solar Panels are also proposed.
- 6.3 The proposed development would be of a flat roof design and primarily brick built with fritted glass louvres to the south elevation.
- 6.4 The site has been the subject of three applications in recent years, the first scheme, dismissed at appeal in January 2014 (P2013/0976/FUL) proposed a total of seven residential units within a four storey (five including basement) building, comprising 1 x three bed unit, 4 x 2 bed units and 2 x 1 bed units.
- 4.9 Following on from the appeal decision a revised application was submitted (application ref (P2014/1808/FUL). The current proposal follows the general design, scale, mass and bulk of this residential scheme which was granted permission (in April 2016) for the construction of a three storey over basement building comprising six new residential units (3 x 3 bed flats, 2 x 2 bed flats and 1 x 1 bed flat) with associated amenity space and landscaping.
- 6.5 A new scheme (P2016/4298/FUL) was proposed in 2016, this was again following the scope, massing and design of the previous proposal however this proposed 1,083sqm B1(a) floorspace, with associated landscaping, servicing and parking. This was approved following support for a recommendation to grant approval at Planning Committee on 01/10/2018. Both of the applications are expired but are considered to be a material consideration to the proposals being assessed under the current application.

Amendments during the application

6.6 During the application process a number of amendments to the scheme were negotiated by officers, including:

- Following comments from the Inclusive Design Officer, ground floor modifications were made to include a mobility scooter with electric charging point, 3no. accessible cycle spaces, flush entrance access point, ramped area instead of steps to northern boundary.

7. RELEVANT HISTORY:

7.1 P2013/0976/FUL: Creation of a 4 storey plus basement building comprising seven new dwellings- 2 x three bed flats, 4 x two bed flats and 1 x one bed flat, with associated landscaping. **Appealed due to non-determination.** This was appealed under reference APP/V5570/A/13/2203832. Following a full assessment the LPA would have been minded to refuse the application for five reasons. Of these the inspector stated that the proposal was then of an inappropriate size, height and footprint and therefore had a detrimental effect on the Clerkenwell Conservation Area.

REASON: The proposed development, by reason of its size, height and footprint, would detract from the appearance of the surrounding area and would fail to preserve or enhance the character of the Clerkenwell Green Conservation Area, contrary to policies CS8 and CS9 of the Islington Core Strategy 2011, policies DM2.1 and DM2.3 of the Islington Development Management Policies 2013, the Clerkenwell Green Conservation Area design guidance and the Urban Design Guide (2006).

REASON: The proposed development, by reason of the inadequate levels of light, outlook and significant sense of enclosure that would be afforded to the future occupiers of the basement units, would provide an unacceptable substandard residential accommodation contrary to policies DM2.1 and DM3.4 of the Islington Development Management Policies 2013.

REASON: The site lies within an area of high archaeological potential within the precinct of a heritage asset of national significance. The proposed development, by reason of the failure of the applicant to provide an adequate desk based assessment or archaeological evaluation, would be likely to cause harm to the heritage assets of archaeological interest, contrary to paragraph 128 of the National Planning Policy Framework 2012, policy 7.8 of the London Plan 2011, policy CS9 of the Islington Core Strategy 2011 and policy DM2.3 of the Islington Development Management Policies 2013.

REASON: The applicant has failed to provide an adequate contribution sought by the Islington Affordable Housing Small Sites Contributions SPD or to submit an agreed viability assessment to demonstrate that the full contribution is not viable and that instead a lesser contribution should be made. As such, the proposal is contrary to policy CS12 Part G of the Islington Core Strategy 2011 and the Islington Affordable Housing Small Sites Contributions SPD.'

REASON: The applicant has failed to submit written confirmation of an agreement to pay the full contribution sought by the Islington Environmental Design SPD for carbon offsetting, contrary to policy CS12 Part A of the Islington Core Strategy 2011, policy DM7.2 of the Development Management Policies 2013 and the Environmental Design SPD.'

7.2 The appeal was dismissed on the 29/01/14 for one reason. The Inspector concluded the following:

"Although I have found no harm, on the basis discussed above, in relation to archaeology or living conditions, I consider that this is outweighed by the harm in relation to character and appearance. The proposal would make more efficient use of an urban brownfield site and add to the Borough's housing stock through provision of seven sustainably designed dwellings in a

sustainable location. However, while acknowledging the importance of these matters, I do not consider that they would outweigh the harm that I have found in this case.

Similarly, while the harm to the significance of the Conservation Area itself would be less than substantial, this would not be outweighed by the benefits just outlined. For the reasons given above and having regard to all other matters raised, including third party representations, I conclude that the appeal should be dismissed”.

- 7.3 P2014/1808/FUL: Construction of a three storey over basement building comprising six new residential units (3 x 3 bed flats, 2 x 2 bed flats and 1 x 1 bed flat) with associated amenity space and landscaping. **Approved with conditions and legal agreement at Planning-Sub Committee A** on 14/04/16.
- 7.4 P2016/4298/FUL: Erection of new three storey office (plus basement) building providing 1,083sqm B1(a) floorspace, with associated landscaping, servicing and parking. **Approved with conditions and legal agreement** at Planning Committee on 01/10/2018.

CONSULTATION

Public Consultation

- 7.5 Letters were sent to occupants of **182** adjoining and nearby properties on Turnmill Street, Britton Street, Dickens Mews and Clerkenwell Road on 13/01/22.
- 7.6 A total of **7** objections were received and 1 comment was received from the Islington Swift Group.

OBJECTIONS

Design, Scale and Conservation

- The application is not too dissimilar to the application that has been refused previously
- The proposal will increase the massing in a conservation area which is already heavily built
- It would be a pity if Turk's Head Yard as a heritage asset established in the early 19th century was to be removed by the development
- Proposed building is too tall
- The density of the development is too high
- Does not meet the Clerkenwell Green Conservation area planning requirements.
(**paragraphs 9.32-9.51**)

Neighbouring amenity

Privacy

- Overlooking towards communal courtyard
- Overlooking towards windows in Dickens Mews
- North-west elevation windows should be obscured if permission is granted.
(**paragraphs 9.69-9.71**)

Outlook and enclosure

- Plant should be re-located to ground level so as to reduce height close to residential properties.
(**paragraphs 9.72-9.73**)

Daylight and sunlight

- Loss of daylight and sunlight to surrounding residential buildings
- Loss of daylight and sunlight to communal residential courtyard
- Cumulative impacts from recent developments should be taken into account.
(**paragraphs 9.74-9.82**)

Noise and disturbance

- Increase in noise levels from new plant
- Noise assessment is flawed using assessment from 2016
- Noise assessment does not consider impact on all residential receptors
- No cumulative impact made on other plant recently approved in addition with noise from proposed plant
- Noise from new courtyard and garden spaces to surrounding residential properties is concerning
- Noise assessment does not cover new roof terrace (courtyard/garden)
- Concern with construction site amidst residential properties
- Construction hours should be kept to regulated minimum.
(**paragraphs 9.83-9.87**)

Basement impact

- Serious concerns about the proposed excavations for the lower floor and foundations of the proposed development if it is permitted immediately next to the boundary wall as intended and there effect on the neighbouring properties
- The development must ensure that the vaults below are unaffected.
(**paragraphs 9.88-9.94**)

Other

- It is unclear how Islington Council then felt it was appropriate to approve a commercial development on the site with over 1,083sqm
- Concern with even more commercial space being proposed in Clerkenwell when considering existing levels
- Planning Committee should visit the site prior to making a decision.

Officer comment: In regard to a site visit, this will be at the discretion of the Chair and Committee members.

COMMENTS

Islington Swift Society

- We welcome the proactive inclusion of a green wall and ground floor garden, as stated in the SDC Statement (Biodiversity section), and request that this is a biodiverse type in accordance with the Islington Biodiversity Action Plan.
- This development is close to areas where swifts (on the RSPB red list due to rapidly declining numbers) are currently nesting and will potentially nest (recorded on the national RSPB swifts survey database).
- We therefore request that integrated swift nestbox bricks are installed near roof level which would provide an aesthetically acceptable and zero maintenance way to provide a long-term

resource to protect this species and improve the local biodiversity, in line with Islington Council's guidance on this issue (Biodiversity Action Plan and new Local Plan).

Officer comment: A condition shall be attached to ensure swift boxes are implemented.

Internal Consultees

- 7.7 **Design and Conservation Officer:** Recommends approval subject to conditions.
- 7.8 **Inclusive Design Officer:** No objections.
- 7.9 **Public Protection Officer:** No objection subject to 2no. conditions, firstly for a plant noise limit and secondly for a control on the hours of operation in line with the assumption of the report.
- 7.10 **Sustainability Officer:** No objections.

External Consultees

- 7.11 **Crossrail:** No comments to make.
- 7.12 **Historic England (GLASS):** Original comments stated that the submission included a desk based archaeological assessment by the Museum of London Archaeology (MOLA) which was 8 years year old and therefore needed updating. Further to GLASS's comments, a Written Scheme of Information Archaeological Evaluation was submitted (May 2021) by Mills Whipp Projects. GLASS reviewed the submission details stating that they were happy for the archaeological work to be done by condition.
- 7.13 **Network Rail:** No objections.
- 7.14 **Transport for London (TfL):** No objections subject to Construction Logistics Plan (CLP) to confirm impacts on the surrounding transport network and swept path drawings to be submitted. Additionally, TfL stated that in order to assist with the minimising of work-related car trips to the development, the applicant should be excluded from being able to apply for business parking permits in line with the London Mayors Transport Statement.

8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

- 8.1 Islington Council (Planning Sub 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).
 - To determine the application in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paying special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
- 8.2 National Planning Policy Framework 2021 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.

- 8.3 The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 8.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of 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.
- 8.9 The Development Plan is comprised of the London Plan 2021, 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.
- 8.10 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

Emerging Policies

Draft Islington Local Plan 2019

- 8.11 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 now in progress. As part of the examination consultation on pre-hearing modifications took place between is taking place from 19 March to and 9 May 2021. The Matters and Issues have now been published and hearings took place between 13 September and 5 October.

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

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

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

Policy SP1 Bunhill and Clerkenwell
Policy B1 Delivering business floorspace
Policy B2 New business floorspace
Policy S1 Delivering Sustainable Design
Policy S2 Sustainable Design and Construction
Policy T2 Sustainable Transport Choices
Policy T3 Car Free Development Parking
Policy T5 Delivery, Servicing and Construction
Policy DH1 Fostering innovation and conserving and enhancing the historic environment
Policy DH2 Heritage Assets
Policy DH3 Building heights
Policy ST2 Waste

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use / New office space
- Design and Conservation
- Archaeology
- Impact on the amenity of neighbouring residents
- Accessibility
- Highways
- Sustainability
- CIL.

Land Use

9.2 The London Plan (2021) highlights that The CAZ is an internationally and nationally significant office location, complemented by the Northern Isle of Dogs and Tech City. Given their strategic importance, as a general principle, offices and other CAZ strategic functions are given greater weight relative to new residential development in the Zone (with exceptions set out in policy). The principle of greater weight is designed to ensure that the agglomerations of offices and other CAZ strategic functions are not compromised by new residential development.

- 9.3 Policy CS13 of the Core Strategy sets out how the Council will provide and enhance employment space throughout the Borough. New business floorspace will be encouraged in the CAZ and town centres, where access to public transport is greatest. New business space will be required to be flexible to meet future business needs and will be required to provide a range of unit types and sizes, including those suitable for SMEs. Development should provide jobs and training opportunities, including through a proportion of small, micro and/or affordable workspace or affordable retail space.
- 9.4 The site is vacant and currently used as a car park, surrounded by existing commercial and residential properties. The site appears to have been mostly vacant for a number of years and under previous applications it has been established that the site is considered to have an established sui-generis land use as a car park.
- 9.5 The principle of redevelopment for B1 office use is strongly has been supported by the Council's Planning Policy Team as per the previous permissions. The site is located in the Central Activities Zone and in an Employment Priority Area (General) in the Finsbury Local Plan. The key policy is BC8 in the Finsbury Local Plan, which sets out that for developments within Employment Priority Areas, proposals should incorporate the maximum amount of business floorspace reasonably possible on the site.



Image 6: Previous approval (P2016/4298/FUL) for 1,083sq.m office floorspace

- 9.6 The proposal would result in the erection of a new four storey building providing office (Class E) floorspace (997sq.m) only. The scheme proposes 100% business floorspace, and it can

reasonably be said to be providing the maximum amount of office floorspace reasonably possible on site without having any undue impact on the amenity of neighbouring properties with regard to height, mass and scale. The scheme is also comparable in scale to previous permissions (P2014/1808/FUL and P2016/4298/FUL) which have established parameters around an appropriate height and massing taking into consideration general design principles and the impact on the character and appearance of the Clerkenwell Green Conservation Area.

9.7 During the application, more information was required to understand the requirements of the proposal and to understand the reduction from the previously consented proposal. A clear detailing of the previous applications and approved plans and elevations were also provided.

9.8 A number of constraints had been identified following the failed implementation of P2016/4298/FUL which was as a result of combined legal issues and taking into account the new relationship between the site and Layden House (76-86). In addition to the necessary aesthetic changes, a number of other site-specific constraints had become evident from the legal discussions and consultant advice, including:

- Legal requirement to provide ramped access from the rear of 17 Britton Street (North-East of the site). For this reason (coupled with the introduction of accessible bike spaces to the rear of the site) the applicant considered it necessary to set-back the rear elevation to provide clear access across the site to comply with the deed;
- Structural amendments to align thickened basement perimeter walls with ground floor walls (and also to avoid complete oversailing of sewer across the whole site). Following advice from structural engineers the scheme was adjusted at ground floor level to allow for appropriate emergency egress, and that the basement construction should follow the same footprint to ensure the integrity of the building above, therefore resulting in reductions in basement space and
- Repositioning of basement lightwell to provide improved amenity for office occupiers.

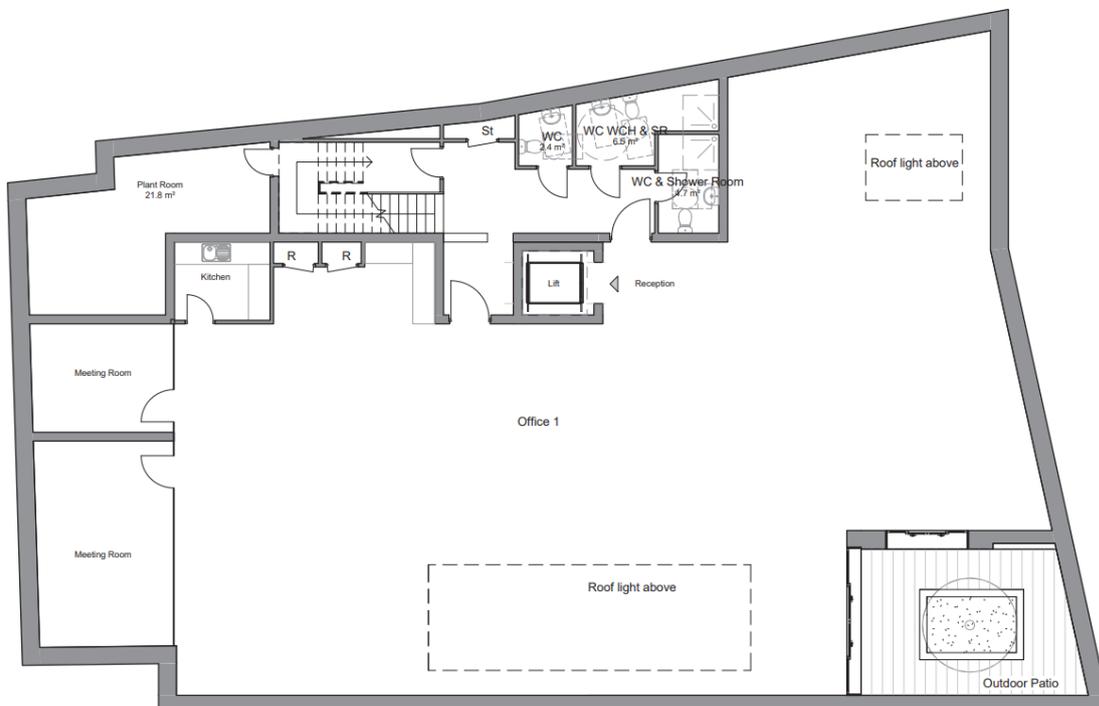


Image 7: Previously consented basement

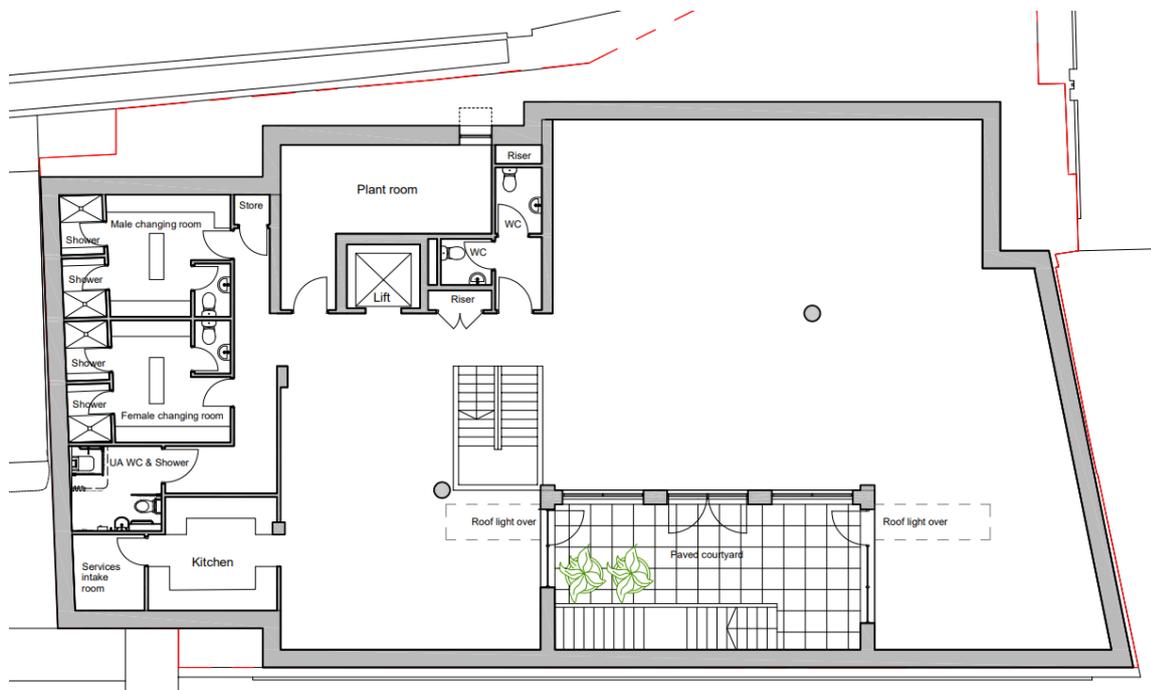


Image 8: Proposed basement

- 9.9 As detailed on the basement plan, the previously proposed basement engulfed all but the 'outdoor patio' area at this level. As proposed, there is a clear setback from the red boundary line to the north.
- 9.10 It has been considered, based on the information and evidence provided that the applicant has robustly set out how and why the development proposed is at the threshold it is at. Detailed information on issues that have arisen since the previous permission, along with annotated plans, title extracts and floorspace schedules have been submitted and reviewed. Overall, this is considered a justified position on the total amount of business floorspace provided.
- 9.11 No objection is raised in regard to the principle of the use given the site is within the Central Activities Zone (CAZ). A condition will be placed upon the permission to ensure the development provides Class E(g) floorspace and for no other purpose (including any other use within Class

E) of the Schedule to the Town and Country Planning (Amendment)(England) Regulations 2020, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. This condition is proposed to be implemented to enable the Local Planning Authority to retain control over the development, in order to protect the supply of office floorspace in this Employment Area and Central Activities Zone location and retain control over the change of use of the building in the future. Due to the small and constrained nature of the borough, performance against the spatial strategy within the Development Plan is vitally important to ensure that targets to increase employment continue to be met.

Class E

9.12 The Town and Country Planning (Use Classes) Order 1987 was updated on 1 September 2020 to introduce a new use Class E and omit a number of former use classes. New Use Class E amalgamates a number of formerly separate uses and broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(3) including:

- E (a) Display or retail sale of goods, other than hot food
- E (b) Sale of food and drink for consumption (mostly) on the premises
- E(c) Provision of:
 - i. Financial services,
 - ii. Professional services (other than health or medical services), or
 - iii. Other appropriate services in a commercial, business or service locality
- E (d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
- E (e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- E (f) Creche, day nursery or day centre (not including a residential use)
- E (g) Uses which can be carried out in a residential area without detriment to its amenity:
 - i. Offices to carry out any operational or administrative functions,
 - ii. Research and development of products or processes
 - iii. Industrial processes

9.13 The proposal would result in the building across all floors containing Class E (Office) floorspace having a combined total floorspace of 997 sqm. However, not all the uses encompassed by the new Use Class E would be appropriate at this site or can be adequately assessed on the basis of the limited information submitted.

Specifically:

Retail

- 9.14 As noted above, given the sites location within the CAZ (Central Activities Zone) Policy DM4.4 is most relevant. Part A seeks to ensure *applications for more than 80m² of floorspace for uses within the A Use Classes, D2 Use Class and for Sui Generis main Town Centre uses should be located within designated Town Centres.*
- 9.15 Part B of this policy is relevant. *Applications for such uses within the Central Activities Zone must demonstrate that:*
- i. the development would not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability of Town Centres within Islington or in adjacent boroughs, or prejudice the prospect for further investment needed to safeguard their vitality and viability;*
 - ii. proposed uses can be accommodated without adverse impact on amenity; and*
 - iii. the proposal would support and complement existing clusters of similar uses within or adjacent to the Central Activities Zone, particularly important retail frontages.*
- 9.16 Whilst an assessment of the amenity impact is detailed below, given this policy, together with the existing flexibility of Class E which would allow for this change and the site designations it could be considered appropriate for a retail use to be permitted in this location. However, the site has very limited access for servicing and delivery, and the site is close to existing residential properties. Therefore in the absence of information to confirm this would be acceptable, it is considered that a retail use would not be appropriate.

Food and drink

- 9.17 Paragraph 4.4 of the Development Management Policies 2013 states that in addition to retail uses, Town Centres are also the focus for entertainment, leisure and night-time uses within the borough; these uses perform an important function but require careful management to ensure their location or concentration does not result in adverse impacts. It also confirms that parts of the Central Activities Zone (CAZ) possess qualities similar to Islington's Town Centres.
- 9.18 Policy DM4.2 states that entertainment and night time activities are generally inappropriate outside Town Centres and where proposed outside Town Centres applicants will need to demonstrate that such uses will not result in adverse impacts, including cumulative impacts as assessed in relation to Policy DM4.3. Policy DM4.3 states that proposals for cafes and restaurants will be resisted where they would result in negative cumulative impacts; would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area.
- 9.19 The site is within the CAZ and there are other entertainment uses within the immediate context. However, the site is within close proximity to sensitive receptors with residential properties nearby. These types of uses would also require regular servicing and delivery. The application does not provide any information to demonstrate that such uses will not result in adverse impacts on the surrounding area. These types of uses would also likely require extraction or other external plant equipment, which would require planning permission, none of which have been proposed.
- 9.20 As such, it is considered that café/restaurant uses would not be appropriate at the site.

Financial, professional and other services

- 9.21 This can include banks, building societies and estate agents and betting shops. Paragraph 4.6 of the Development Management Policies (2013) confirms that these types of non-retail

businesses can help to support shopping areas and provide services and jobs for local residents and other businesses. As such, these types of uses are often considered to function akin to an office use, but with slightly more visiting public. However, given the restricted access even with a modest increase in visiting public these uses are not considered to be acceptable within this location given the sites proximity to residential and commercial uses.

Indoor sport, recreation or fitness

9.22 As noted above in the retail assessment of this section, Policy DM4.4 Part B of the Development Management Policies seeks to ensure that for applications proposing more than 80m² of floorspace within the A Use Classes, D2 Use Class (subsumed within Class E) and for Sui Generis main Town Centre uses within the Central Activities Zone, Part A does not apply. Applications for such uses within the Central Activities Zone must demonstrate that:

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

9.23 Given the restricted access and proximity to residential properties, and how sport/recreation or fitness uses have potential noise and disturbance issues associated with the frequency of visits to such uses, the amount of patrons, the trading hours, the nature of use with potential noisy equipment and/or events, and the potential for future mechanical ventilation. Without the submission of appropriate documentation to submit and assess these potential noise issues the Local Planning Authority is not able to fully assess the potential impact upon neighbour amenity. As such, they are not supported in this location in the absence of such detail.

Medical or health services

9.24 Part C of policy DM4.12 states that new social infrastructure and cultural facilities must be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes; provide buildings that are includes, accessible and flexible; be sited to maximise shared use of the facilities; and complement existing uses and the character of the area and avoid adverse impacts on the amenity of surrounding uses. The glossary confirms that community and social facilities include health facilities and early years providers.

9.25 Medical and health facilities have potential noise and disturbance issues associated with the frequency of visits to such uses, the amount of patrons, the trading hours, the nature of use with potential noisy equipment and/or events, and the potential for future mechanical ventilation.

9.26 Without the submission of appropriate documentation to submit and assess these potential noise issues the Local Planning Authority is not able to fully assess the potential impact upon neighbour amenity.

Creche, day nursery or day centre

9.27 Part C of Policy DM4.12 states that new social infrastructure and cultural facilities must be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes; provide buildings that are includes, accessible and flexible; be

sited to maximise shared use of the facilities; and complement existing uses and the character of the area and avoid adverse impacts on the amenity of surrounding uses. The glossary confirms that community and social facilities include health facilities and early years providers.

- 9.28 Crèche, nursery and day centre facilities have potential noise and disturbance issues associated with the frequency of visits to such uses, the amount of patrons, the trading hours, the nature of use with potential noisy equipment and/or events, and the potential for future mechanical ventilation. There are also concerns regarding specific design requirements for such users and noise spill which has not been submitted / no detailed designs have been put forward. Without the submission of appropriate documentation to submit and assess these potential noise issues the Local Planning Authority is not able to fully assess the potential impact upon neighbour amenity.

Employment

- 9.29 Policy CS13 of the Core Strategy states that new employment floorspace should be located in the CAZ and town centres; should be flexible to meet future business needs and should provide a range of unit types and sizes.
- 9.30 It is considered that the nature of (g)(i)'offices', (g)(ii) 'research and development' and (g)(iii) 'industrial processes' within Class E should be acceptable on this site, as by definition these have to be able to be 'carried out in a residential area without detriment to its amenity'. There are however, potential noise and disturbance issues associated with servicing and access for vehicles, potential noisy equipment, and the potential for future mechanical ventilation for any 'research and development' and 'industrial processes' and therefore these uses (g)(ii) and (iii) are not considered appropriate.

Land Use Summary

- 9.31 Overall, it is considered that sufficient information has been provided on the suitability of Class E (g) (i) office but not other uses detailed within Class E. A condition is recommended to restrict the proposed Class E floorspace to office use only. The applicant would be required to submit a planning application in the event that the proposed building was used for any other uses or as residential units with a further condition is recommended, to remove permitted development rights to change from office (Class E use) to residential (Class C3 use).

Design and Conservation

- 9.32 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 create better places in which to live and work and helps make development acceptable to communities. Paragraph 134 of the NPPF (2021) states that in determining applications, great weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 9.33 The Islington Core Strategy (adopted 2011) identifies this site as being located within the Bunhill and Clerkenwell key area. As such, policy BC7 applies, and also BC4 and BC8 of the Finsbury Local Plan.

- 9.34 Core Strategy Policy CS8 states that the scale of development will need to reflect the character of the area. The businesses and shops which provide the mixed use character of Islington will be maintained through employment, retail and design policies.
- 9.35 Core Strategy Policy CS9 states that the Islington's heritage assets and historic environment will be conserved and enhanced whether they are designated or not. All development will need to be based on coherent street frontages and new buildings need to fit into the existing context of facades.
- 9.36 Development Management Policies DM2.1 requires all forms of development to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics.
- 9.37 Development Management Policies DM2.3 states that development that makes a positive contribution to Islington's local character and distinctiveness will be encouraged. Harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Substantial harm to the significance of a conservation area will be strongly resisted. It is worth noting that the council will have to paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 9.38 In addition to these borough-wide policies, the host property sits within the Finsbury Local Plan area. Policy BC7 Historic Clerkenwell of the Finsbury Local Plan supports heritage-led development that provides 'New buildings of high architectural quality and local distinctiveness, of a height, scale and massing that respects and enhances the immediate and wider context, consistent with the predominant building height.' The policy requires that new development should reflect long established building lines, street frontages and plot widths. Roof extensions, plant rooms and lift overruns should conform to prevailing building heights and should not harm the character and appearance of the existing building as seen from streets and public open spaces.
- 9.39 The site falls within the Clerkenwell Green Conservation Area and it is considered that the proposed development would have an impact towards the character and setting of the Conservation area. The site is within an area with the longest history of any part of the borough and which is recognised as having a special character which is of importance to London as a whole. The area has developed incrementally since Norman times and has a tightly-built and fine grained pattern of development. There are several listed buildings in the vicinity of the site but none immediately adjacent.

Scale and Layout

- 9.40 The **Clerkenwell Green Conservation Area Design Guidelines (2002)** contains special policies regarding extensions in the conservation area, stating the following:

1.20 New buildings and roof extensions to existing buildings should conform to the height of existing development in the immediate area

1.21 Most buildings in the area are between three and five storeys high. There are very few buildings over five storeys and most of these detract from the appearance of the area. Normally no new building or extension will be permitted above five storeys (about 18 metres above ground level). All plant rooms and lift overruns should be located so as to be invisible from the street including long views from adjacent streets. On many sites new buildings may need to be lower, perhaps three or four storeys high, in order to fit into the existing scale of the street, to conform with prevailing parapet heights and to respect their neighbours.

1.24 New development should conform to the scale of existing buildings in the area.

- 9.41 The application site is located within the Clerkenwell Green Conservation Area, and is also located within an Archaeological Priority Area.
- 9.42 The immediate surrounding buildings are all of a scale that range from three to seven storeys in height, including a three-storey residential mews development to the immediate north side of the application site, with higher buildings fronting Turnmill Street.
- 9.43 The design of the current proposals has been significantly led by those for the previously approved schemes (P2014/1808/FUL and P2016/4298/FUL). The proposed building has a near identical footprint, along with near identical massing, height and scale (Maximum height 14.10m and height of 10.8m from ground level). The height change is an increase of 0.4m as depicted on the most recent drawings received, with the previous height dashed in red. It is considered that the proposed building form is acceptable as it has been previously established under previous planning permissions, which has been taken as a material consideration as part of the application being assessed here. It is acknowledged that Layden House, to the south-east of the application site, has been extended by the addition of 2 extra storeys since the previous consent and thus the surrounding context and scale of buildings can be said to have changed. Overall, it is not considered that the proposed building mass is out of context with the surroundings.

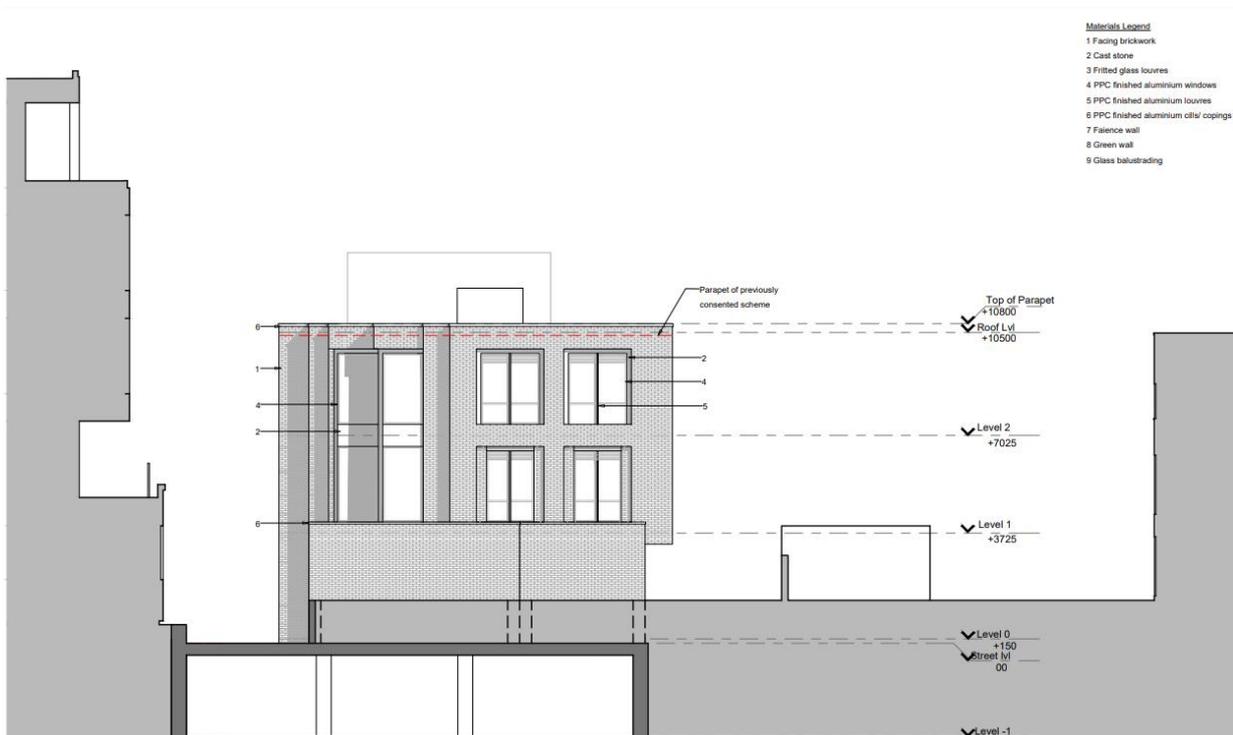


Image 9: North-East Elevation showing massing in context of neighbouring properties



Image 10: South-East Elevation showing massing in context of neighbouring properties

Roof level plant and other roof structures

9.44 One change from the previous permission other than a small increase in the height is to the roof area. This would contain a plant area enclosed by a metal acoustic louvre screen attached to 75 Turnmill Street. A lift overrun and rows of Solar Panels are also proposed.

9.45 On the subject of roof structures such as railings, plant and lift overruns the IUDG states:

5.192 Roof structures that are not an integral part of the building such as plant or railings should normally be avoided, particularly if they are visible from the public realm or would undermine residential amenity. If space for plant machinery is required, this should be accommodated within the building envelope.

5.193 Lift overruns that project above the roofline should be avoided. If this is not possible, they should be incorporated on the rear part of the roof, where they are not visible from the street. Additionally, the proposals include doors onto the flat roofs created by the stepped extensions. Parapet/roof-edge treatments will increase the perceived massing of the building and the use of the terraces as office amenity space has the potential to add visual clutter at roof level which would be unacceptable in the conservation area. Details of this element of the proposals would be required before a full assessment can be made.

9.46 Whilst this addition is noted, the enclosure which has a height of 2.4m would be sited against the five storey rear projection of Layden House. The plant area does not cover a significant area of the roof and as per the proposed building would not appear prominent within the context of much taller buildings, therefore not having an adverse impact on the Conservation Area.

9.47 The scheme has been reviewed by the Design and Conservation Team who raise no objection to the proposals. The case officer notes that some dimensions would be larger than the previously approved buildings, but the additional mass is not enough to be of concern or to increase its visibility or impact on the character of the area. It would still not be visible in street views and given that the immediate context of the site is quite mixed (with some larger modern buildings immediately adjacent) it would not appear incongruous and would still satisfy the CADG guidance above.

- 9.48 Conditions are recommended in order to ensure that all external materials, including brickwork, are submitted to and approved by the Local Planning Authority prior to works commencing on site.

Elevation treatment and materiality

1.32 On redevelopment and refurbishment schemes the Council will normally require the use of vernacular materials.

1.33 The existing character and appearance of the area depends largely on the survival of a range of vernacular building materials, such as brick, render, stone, timber windows, slate and tile roofing. It is important that new buildings and refurbishment of existing buildings blend in with and reinforce this character...Alterations and extensions to existing buildings should respect the building's materials, architectural style and proportions.

- 9.49 The proposed development would be formed by a building with a predominantly brick façade, with recessed windows within deep reveals, and fritted glass louvres serving the proposed offices. The proposed building would step up in height from the southern boundary of the application site, away from the existing office development at 24 Britton Street, incorporating courtyard at lower ground and garden at ground floor facing the south of the application site. This is as opposed to the balconies previously proposed.

- 9.50 As with the previously approved scheme, the articulation in the building's brick façade, glazing and fritted glass louvres provide relief from the proposed massing. The development would be contemporary in design terms and it is considered that it would not detract from the character and appearance of this part of the Clerkenwell Conservation Area, by reason of the position of the plot of land being landlocked by existing buildings, in effect being screened by these existing buildings which have a similar height or are taller.



Image 11: South-East Façade showing detailed design

Conclusion

- 9.51 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 Conservation Area.
- 9.52 Given the above, the proposal is considered to enhance the character and appearance of the current site and is a well-designed and acceptable form of development that sits respectfully and comfortably within this context. The application therefore complies with the NPPF 2021, policies D4 and HC1 of the London Plan 2021, Policy CS8 and CS9 of the Islington Core Strategy 2011, policy DM2.1 and DM2.3 of the Islington Development Management Policies 2013, the guidance contained within the Urban Design Guide 2017 and the Conservation Area Design Guidelines 2002.
- 9.53 Overall, the proposal is considered acceptable subject to conditions and complies with Policies CS8 and CS9 of Islington's Core Strategy (CS) 2011, Policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013 and London Plan 2021 policies D3 and D4 and to accord with the National Planning Policy Framework (NPPF) 2021.

Basement Development

- 9.54 Paragraph 7.17 of the Islington Basement SPD (2016) states that *'Areas of basement should respond to the scale, function and character of the site and its surrounds. Where large basement extensions are proposed, the resulting intensity of basement use may be out of keeping with the domestic scale, function and character of its context.'*
- 9.55 Paragraph 8.2 of the Basement Development SPD (2016) states that *Basement development and associated structures may affect the character and appearance of a conservation area. Applications for basement development within a CA should have regard to applicable Conservation Area Design Guidelines, Development Management Policy DM2.3 and the Islington Urban Design Guide.* The following criteria is also relevant:
- DI.2 A basement should not involve excavation of more than one (1) storey below the lowest original habitable floor level*
- DI.3 The height of a basement should not exceed 3m floor to ceiling height.*
- 9.56 The proposal includes a basement level as per the previous permission for office development in 2016. The basement area would be under the footprint of the office above. Whilst the basement area would occupy a large area of the site area, it would be over an existing car park area, therefore not appearing out keeping with the character of the area or prominent from public views.
- 9.57 The basement would comply with both DI.2 and DI.3 of the above guidance in regard to its depth below ground level and complying generally with the floor to ceiling heights.
- 9.58 The basement area would not be prominent within the Conservation Area and even from private views would be limited in their visibility.

Archaeology

- 9.59 NPPF (2021) Section 16 and the London Plan (2021) policy HC1 make the conservation of archaeological interest a material planning consideration. Paragraph 194 of the NPPF states that applicants should be required to submit appropriate desk-based assessments (DBA), and

where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision.

- 9.60 The application site lies within the Clerkenwell Archaeological Priority Area (APA1) as defined in Islington's Local Plan. The site lies in an area of high archaeological potential.
- 9.61 A desk based archaeological assessment has been provided with this application by the Museum of London Archaeology (MOLA). This report is identical to that submitted with the previously approved permission. This report concluded that it is unlikely that there would be any significant buried heritage assets beyond 19th/20th century development on the site, however there is a chance there could be evidence of earlier development in parts of the site.
- 9.62 Historic England (GLASS) made comment on the assessment, stating that since the desk-based assessment was submitted in 2013 additional archaeological fieldwork has taken place in the vicinity since this was produced and needs to be taken into account when assessing the potential significance of the archaeological remains on the site. The applicant was updated on this.
- 9.63 Further to this correspondence a Written Scheme of Information Archaeological Evaluation was submitted (May 2021) by Mills Whipp Projects. GLASS reviewed the submission details stating that they were happy for the archaeological work to be done by condition.
- 9.64 GLASS stated that the developer should be aware that if archaeological remains are found in the trenches, then a second phase of archaeological fieldwork will be required, which will require a second WSI to be submitted and approved. The scope of these works will need to be agreed with GLASS in advance. Time will need to be allowed in the developers programme for the preparation of a report on the archaeological trenches and for the submission of the Stage 2 WSI, and then for the actual second stage of fieldwork. This fieldwork may comprise an open-area excavation down to formation level to take place before construction work starts, or a watching brief on contractor's groundworks.
- 9.65 With the condition above in place it is considered that there would be no conflict with the objectives of London Plan Policy HC1, Islington Core Strategy Policy CS9 or Islington Development Management Policy DM2.3.

Neighbouring Amenity

- 9.66 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. The proposal is subject to London Plan Policy D6 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy D6 requires for buildings to provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.
- 9.67 As per the design assessment, the current proposals have been significantly led by those for the previously approved schemes (P2014/1808/FUL and P2016/4298/FUL). The proposed building has a near identical footprint, along with near identical massing, height and scale (Maximum height 14.10m and height of 10.8m from ground level). The height change is an increase of 0.4m as depicted on the most recent drawings received, with the previous height dashed in red. objections have been received on some aspects of the proposal on amenity grounds. However, it should be noted that the amenity impacts as detailed below are comparable to these consented schemes.

- 9.68 Adjoining the site to the southwest is a 6 storey office building and a residential block known as Thackery Court, which front onto Turnmill Street. Adjoining the site to the northwest is Dickens Mews, a 3 storey residential development with small 'pods' on top and an outdoor amenity area immediately adjacent to the shared boundary. To the southeast of the site lies the rear of offices with residential flats at 17-20 Britton Street and to the south the 5 storey office building behind Montford House. It is these sites that have the potential to experience harmful impacts on amenity.

Overlooking and Loss of Privacy

- 9.69 Paragraph 2.14 of the Development Management Policies 2013 states that '*there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.*' A number of objections have been received in regard to overlooking and the loss of privacy levels to neighbouring properties.
- 9.70 An objection has again been raised with regard to the impact from overlooking on the adjacent premises to the north-west of the application site where Dickins Mews is located. The distance between the proposed development and the existing residential use fails to meet the 18 metre distance between windows serving habitable rooms. However, as per the previous application the windows are proposed to serve office space during working hours and would not serve habitable rooms so as to conflict with DM2.1. There are windows that face the residential building and there has been a request to obscure the windows should the application be approved. While it is unlikely that these windows will cause any significant overlooking or loss of privacy to neighbouring residential properties, amended plans were received in agreement with the applicant to ensure the first and second floor windows (ground floor windows face retaining wall) would be obscured. A condition is attached to ensure that this takes place.
- 9.71 Concerns have been raised in regards to courtyard and amenity garden for office workers and any overlooking towards Dickens Mews. As per the details within the plans, these spaces are located to the south side of the development. Users of these spaces would therefore be unable to overlook the residential properties and vice versa given their location on the otherside of the 4 storey building.

Outlook and enclosure

- 9.72 As per the previous assessment, the proposed development would be enclosed by buildings either on a higher land level and/or are encircled by taller office and mixed use buildings whereby residential spaces on upper floors. As per the floor plans submitted, the first and second floors which would be the most visible parts of the development however the massing is much reduced in mass in comparison to the lower parts, set in from the south and east boundary although set on a similar building line as the lower ground floor for the west and north. When considering the
- 9.73 Overall, the proposal would not have a detrimental impact, outlook, privacy and overlooking and would therefore be in compliance with policies DM2.1 of the Development Management Policies 2013 and the guidance set out in the Urban Design Guide 2017.

Daylight and Sunlight

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

development upon the levels of sunlight and daylight provided to neighbouring properties. A number of objections have been raised to the proposal based on loss of daylight and sunlight.

9.75 The applicant has provided a Sunlight and Daylight analysis to support the proposal, which has assessed the impact of the proposal on the windows and the rooms they serve that could potentially be affected at the adjoining properties:

- Dickens Mews ‘Thackery Court’ (North of site)
- 19 Britton Street (East of site – and appear to be in office use from public and planning searches)
- 20 Britton Street (East of site – and appear to be in office use from public and planning searches).

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

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

9.77 For daylight (VSC), all windows are fully BRE compliant.

| Daylight Assessment (VSC) | Existing | Proposed | PR/EX (Loss) | Meets BRE Guidance |
|-------------------------------------|----------|----------|--------------|--------------------|
| Window R3-W3 (Ground Floor-Unknown) | 21.16 | 19.03 | 10.10% | Yes |
| Window R3-W4 (Ground Floor-Unknown) | 21.56 | 19.43 | 9.74% | Yes |

9.78 All windows pass the daylight distribution test, bar a single set of windows to the ground floor of Thackery Court which will experience a 31% reduction over existing levels (R3), the previous impact was 22%. Whilst there is an increase, the dwelling’s windows pass in VSC and are also not detrimentally impacted in regard to sunlight. The dwelling is served by upper floor windows and terrace area which is not impacted. It is considered that as the previous planning permission had a similar scale and mass to the proposed scheme, along with the only fail observed, the impact is acceptable and not significant enough to justify refusal acknowledging passes in all other areas.

| Daylight Assessment (NSC) | Existing | Proposed | PR/EX (Loss) | Meets BRE Guidance |
|----------------------------------|----------|----------|--------------|--------------------|
| Room R3 (Ground Floor-Unknown) | 249.4 | 170.44 | 31.77% | No |

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

than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting to the existing dwelling may be adversely affected. This will be the case if the centre of the window;

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

9.80 In regard to ASPH all windows pass.

9.81 Objections have been received on the impacts the development may have on the central courtyard which is to the frontage of Dickens Mews. This is a communal courtyard space. Whilst no assessment has been made on this area, it is not private amenity space which would be detrimentally impacted. The properties have private terrace spaces which would be unaffected as per the upper floor levels of these properties.

9.82 Objections have also been made that the daylight and sunlight assessment has not considered the existing site context and the most recently extended areas adjacent to the site such as Layden House. The applicant has responded to these points stating that the assessment is fully up to date and that the existing circumstance including new extensions is contained within the models contained within latest report, including the new Layden House massing.

Noise

9.83 The roof area of the development as proposed would contain a plant area enclosed by a metal acoustic louvre screen attached to 75 Turnmill Street. The application is supported by a Mechanical Plant Noise Assessment (December 2021) to support the proposals which include 4 Daikin condenser units.

9.84 Objections have been received from residents who are concerned with the roof plant proposed under this application. The noise report is dated last year, however as noted by residents the surveys are from 2016.

9.85 The Council's Public Protection Officer (Noise) was consulted and was asked for their thoughts on the issues raised. The office states that from the noise report with the previous application ref: P2016/4298/FUL the plant is shown as in two locations with a dry cooler at first floor east side of site and ground floor wall mounted condenser units. This survey from 2016 for 0800-2100 (the proposed operating hours of the plant), with a lowest measured L_{A90} of 48dB (with a 15 minute time period). With the P2014/1808/FUL report they also carried out a background sound survey, which had an average weekday L_{A90} 53dBA daytime and 46dBA night time and weekend L_{A90} 50dBA daytime and 46dBA night time. Therefore, both surveys, although they date back a few years, have similar results. The site itself is a back lands site away from major transport sources as detailed by the office. The applicant's noise consultant details that given the "backland" position of the site away from the road and the station there is unlikely to have been any change to noise levels since the previous study, the Public Protection officer has not confirmed that there has been any significant changes to the site area to alter the soundscape or background sound level since those previous surveys. Notwithstanding this, the plant enclosure is specified to meet a certain noise reduction level so officers can specify a noise level to which the enclosure must comply.

9.86 The Public Protection officer notes that the acoustic enclosure is a full enclosure with solid sides and a roof with inlet and outlet ventilation and the noise criterion should be achievable. The officer has no objections with the following conditions. Firstly, for a plant noise limit and secondly

for a control on the hours of operation (08:00 to 21:00 Monday to Friday only) in line with the assumption of the report.

- 9.87 In regard to concerns regarding noise from occupants using the amenity space provided from the development, the Public Protection Officer notes that the proposed four storey building will block all line of sight from the terrace and screen any significant noise impact and that a full noise impact assessment for this is not required.

Basement Impacts

- 9.88 Paragraph 6.5 of the Basement SPD (2016) seeks to ensure for all basement development a Structural Method Statement (SMS) must be submitted in support of any such application, and this must be signed and endorsed by a Chartered Civil Engineer or Chartered Structural Engineer with relevant experience, appointed by the applicant.
- 9.89 The SMS should contain the findings of early site investigations, and clearly articulate how these findings have influenced the design that is proposed. At each stage of the design and construction process a suitably qualified person with relevant experience in the construction of basements relevant to the type of basement (i.e. residential or large scale commercial) proposed should be appointed and retained by the applicant as both a designer and construction monitor.
- 9.90 Appendix B of the Basement SPD identifies the key issues that a SMS should contain, and should be submitted in the form of a report and supporting drawings. The level of detail will depend on the site context, site constraints and the scale of the basement.
- 9.91 Paragraph 6.4 of the SPD confirms that structural stability is a material consideration for the Local Planning Authority insofar as the requirement to consider the potential risk and effects a proposal may have upon property, infrastructure and the public, as set out in Planning Practice Guidance. For clarity, this does not require the council to approve a technical solution for a development proposal, but rather to confirm that these issues have been sufficiently evaluated and responded to in a design and ensure that this process has been undertaken by a suitably qualified and experienced professional.
- 9.92 The application is supported by a Feasibility Report / Basement Impact by Heyne Tillett Steel (December 2021) which considers effects on neighboring amenity, nearby infrastructure and flood risk. It also states that the proposed works, correctly executed by a competent contractor, would have no significant adverse effect on the integrity and stability of adjacent structures. It is also noted that the previous planning permissions allowed for an identical basement, and notwithstanding this issues surrounding structural integrity (that fall outside the scope of the Islington Basement Development SPD) are considered to be a civil matter.
- 9.93 It is anticipated that movements of adjacent structures would be monitored at an appropriate frequency during construction to see that the predictions are borne out in practice. Furthermore, provisions for repairs, making good and the like, if necessary, will be set out in accordance with the requirements of the Party Wall etc. Act 1996.
- 9.94 There is therefore no objection to the scope of the works proposed, and a condition would be applied to adhere to the documentation submitted.

Conclusion

- 9.95 Overall, the application is considered to have acceptable amenity impacts and would comply with policy DM2.1 of the Development Management Policies 2013.

Accessibility

- 9.96 Local Plan policy DM2.2 and the Inclusive Design SPD remains a material consideration to any development.
- 9.97 Policy DM2.2 states that A. All developments shall demonstrate that they:
- i) provide for ease of and versatility in use;*
 - ii) deliver safe, legible and logical environments;*
 - iii) produce places and spaces that are convenient and enjoyable to use for everyone, and*
 - iv) bring together the design and management of a development from the outset and over its lifetime.*
- 9.98 Following comments from the Inclusive Design Officer, ground floor modifications were made to include a mobility scooter with electric charging point, 3no. accessible cycle spaces, flush entrance access point, ramped area instead of steps to northern boundary. This is in addition to a lift with access to all floors of the building.
- 9.99 Overall, the proposal seeks to adhere to the requirements of Policy DM2.2.

Highways

Car Free Development and Delivery and Servicing

- 9.100 Islington policy identifies that all new development shall be car free. Policy DM8.5, Part B stipulates that Non-residential parking (for all uses not falling within Use Class C3) will only be allowed for non-residential developments where this is essential for operational requirements and therefore integral to the nature of the business or service (e.g. car hire, Use Class B8 storage and distribution uses). In such cases, parking will only be permitted where an essential need has been demonstrated to the satisfaction of the council and where the provision of parking would not conflict with other council policies. Normal staff parking will not be considered essential and will not be permitted.
- 9.101 The application site has the best high PTAL rating of 6b. The proposed development would be generally car-free with employees expected to visit the site on foot, by bicycle or by using other means of public transport (including Farringdon Station, which is less than 50m from the application site), however four existing parking spaces are proposed to be retained for an existing commercial occupant of a neighbouring building. Therefore, it is considered that the proposal would not result in a material increase in parking pressure on surrounding roads. It is considered that the proposed development would not have a material impact on highway safety or the free flow of traffic on surrounding roads.
- 9.102 Islington policy identifies that all new development shall be car free. Policy DM8.5, Part B stipulates that Non-residential parking (for all uses not falling within Use Class C3) will only be allowed for non-residential developments where this is essential for operational requirements and therefore integral to the nature of the business or service (e.g. car hire, Use Class B8 storage and distribution uses). In such cases, parking will only be permitted where an essential need has been demonstrated to the satisfaction of the council and where the provision of parking would not conflict with other council policies. Normal staff parking will not be considered essential and will not be permitted.
- 9.103 It is noted that as existing the site contains a number of vehicles associated with the car parking use of the site. TfL in their consultation comments stated that in order to assist with the minimising of work-related car trips to the development, the applicant should be excluded from being able to apply for business parking permits in line with the London Mayors Transport Statement. The proposal would be car free as detailed within the Transport Statement and would therefore comply with the above policies.

- 9.104 As per the previous assessment, the servicing is proposed to be largely carried out through the existing 3.4m high undercroft entrance to Turnmill Street. It is envisaged that the commercial use would be serviced predominantly by small and 'Transit' sized vans, which would have the ability to access and egress the site in forward gear. It can be serviced at street level from the kerbside on Turnmill Street, via a barrier controlled undercroft access as per the existing car park.
- 9.105 TfL made comments on the application in regard to the impacts on the road network stating that the predicted additional trips to the local transport network will not have a substantial negative impact due to the small amount of trips which will take place.
- 9.106 The servicing and delivery arrangements are considered to be acceptable and are considered to be compatible with the size of the site and the existing road network.

Construction Management

- 9.107 No objections have been made by TfL subject to a Construction Logistics Plan (CLP) to confirm impacts on the surrounding transport network and swept path drawings to be submitted. Officers consider a Construction and Environment Management Plan to be required by condition and this would be required to be detailed in accordance with the guidance of the Code of Construction Practice for Construction Sites (CoPCS) 2018. A condition requiring a Construction Logistics Plan shall also be applied to satisfy TfL's requests.

Cycle storage

- 9.108 The provision of secure, sheltered and appropriately located cycle parking facilities will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines' and Policy DM8.4 and Appendix 6 of the Development Management Policies 2013. In accordance with Appendix 6, 1 bicycle space is required per 80sq.m of B1a (Now Class E) office space.
- 9.109 The proposal details 15 (2no. are accessible) cycle spaces for the building (987sq.m), which would surpass the 12 that would be required based on the floorspace. A condition would be attached requiring further details including sections and elevations of the cycle storage area, including detail on accessible cycle spaces (including accessible cycle spaces).

Refuse and recycling

- 9.110 Paragraph 5.2 of the Islington Street Environment Services 'Recycling and Refuse Storage Requirements' provides advice in relation to acceptable refuse and recycling provision for new residential units.
- 9.111 Refuse collection would be carried out from Turnmill Street itself as the headroom of the undercroft would not allow for refuse vehicles to pass through, however this would be identical to the arrangement previously agreed under the residential and previous office proposals. 2 x 1100 litre wheeled Eurobins would be provided at the ground floor of the building, and wheeled out as necessary to a private refuse collection company.
- 9.112 The arrangements are acceptable in principle, however further details including plans and sections and details on the private collection service shall be provided subject to a condition for the approval of the Local Planning Authority prior to occupation of the development.

Sustainability

- 9.113 Policy DM7.1 provides advice in relation to sustainable design and construction, stating 'Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development'. The proposed development should be maximised in terms of energy efficiency and carbon emission reduction, in accordance with policy DM7.2.
- 9.114 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF. Further planning policies relevant to sustainability are set out in chapter 5 of the London Plan, Core Strategy policy CS10 and chapter 7 of the Development Management Policies. Islington's Environmental Design SPD is also relevant.
- 9.115 It is the council's and the Mayor's objective that all developments meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in CO₂ emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise CO₂ emissions. In this regard, it is policy that the feasibility of providing Combined Heat and Power (CHP) / Combined Cooling Heat and Power (CCHP) be fully explored.
- 9.116 The application is supported Sustainable Design and Construction Statement by dsa engineering (December 2021).
- 9.117 The applicant seeks to provide exemplary buildings with an environmentally responsible design that conserves energy and enhances the environment which has been supported by a Sustainability Sustainable Design and Construction Statement. The scheme as detailed within the note is to be designed in accordance with the Be Lean, Be Clean and Be Green energy measures as set out within Policy 5.2 of the Development Management Policies Document (2013) which requires development proposals to make the fullest contribution to minimising carbon dioxide emissions. This is to ensure sustainable standards of design in the interest of addressing climate change and to secure sustainable development. In terms of drainage and surface water run-off levels at the site, details on how the scheme is designed to ensure no net increase in surface water drainage from the site post development is achieved would be conditioned in accordance with the standards stipulated by policy DM6.6.
- 9.118 The results of the statement recommend the installation of a highly efficient air source heat pump system providing the space heating and cooling for the proposed development. Solar PV panels will be installed on the roof to maximise on-site savings from renewable energy technologies. The proposal also features a Heating, ventilation, and air conditioning (HVAC) louvred area at second floor. The statement notes that highly efficient HVAC equipment will be specified for this development, and wherever practically possible equipment from the government's Energy Technology List will be selected.
- 9.119 Through energy efficiency techniques as well as the implementation of renewable technologies as mentioned above, the proposed development will reduce annual carbon emissions by 6.4 tonnes of CO₂. This accounts for a reduction of approximately 32% of the proposed development's expected regulated energy carbon emissions, and although not required as this is considered a minor development, meets the minimum 35% carbon reduction target in line with the London Plan and London Borough of Islington's requirements. The Sustainability Officer states that the carbon reductions, proposed air source heat pump system, soft landscaping and green wall and solar panels are welcomed. However, notes that no green roof is proposed and this should be considered. Whilst this has been considered and advised to be included to the

applicant, a green roof was not proposed in light of this advice. Whilst this is noted, the application would not be refused on this matter when considering the details provided and overall, the details are considered satisfactory.

Community Infrastructure Levy

- 9.120 The Community Infrastructure Levy will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2019 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. Both LBI and London Mayoral CIL will apply to the scheme. The payments would be chargeable on implementation of the development.
- 9.121 The Islington CIL was adopted on 1 September 2014 and all applications determined after this date are liable for an Islington CIL payment.

10. SUMMARY AND CONCLUSION

Summary

- 10.1 The proposal is considered to be acceptable, subject to conditions, and would not result in harm to the character or appearance of the Conservation Area nor adversely impact on neighbour amenity. The proposal accords with policies DM2.1 and DM2.3 of the Development Management Policies (2013), policies CS8, CS9, C10 and CS13 of the Core Strategy 2011, policies BC4, BC7 and also BC8 of the Finsbury Local Plan (2013) and the Clerkenwell Green Conservation Area Design Guidelines (2002).
- 10.2 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 the Finsbury Local Plan and should be approved accordingly.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECCOMENDATION A

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

List of Conditions:

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| 1 | <p>COMMENCEMENT (3 YEAR CONSENT PERIOD)</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p> |
| 2 | <p>APPROVED PLANS LIST</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>A-090 Rev A, A-100 Rev B, A-101 Rev A, A-102 Rev A, A-103 Rev A, A-200 Rev A, A-201 Rev A, A-202 Rev A, A-300 Rev B, A-301 Rev D, A-302 Rev B, A-303 Rev B, Archaeological desk-based assessment (March 2012) by Museum of London Archaeology, Written Scheme of Information Archaeological Evaluation (May 2021), Daylight and Sunlight Report by Lumina (July 2021), Delivery & Servicing Management Plan by Transport Planning Consultants (Undated), Design and Access Statement by hamiltons architects (December 2021), Energy Statement by dsa Engineering (December 2021), Feasibility Report / Basement Impact by Heyne Tillett Steel (December 2021), Mechanical Plant Noise Assessment by Paragon Acoustic Consultants (December 2021), Planning and Heritage Statement by Planning Sense (October 2016), Sustainable Design and Construction Statement (December 2021) Rev 00, Transport Statement by Transport Planning Consultants (October 2016), Draft Site Waste Management Plan (SWMP) (undated) and Travel Plan by Transport Planning Consultants (October 2016).</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p> |
| 3 | <p>MATERIALS (DETAILS)</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 works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Facing brickwork and cast stone for the main elevations b) Windows (PPC finished aluminium) and door treatment (including sections and reveals); c) Fritted glass louvres (PPC finished aluminium); d) Louvres (PPC finished aluminium); e) Balustrading and f) any other materials to be used. |

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| | <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard and preserves the character and appearance of the Conservation Area.</p> |
| 4 | CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (DETAILS) |
| | <p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP should refer to Islington's Code of Practice for Construction Sites (2018) and include details and arrangements regarding:</p> <ul style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance; f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works; g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.) h) Details of any proposed external illumination and/or floodlighting during construction, including positions and hours of lighting; i) Details of measures taken to prevent noise disturbance to surrounding residents; j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site; k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception) l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic at all times, including emergency service vehicles; m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and n) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area. o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. |

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| | <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads. The report should contain detailed information on the minimizing of noise, demolition methods and best practice measures in line with Islington's Code of Practice for Construction Sites (2018).</p> <p>The demolition and development shall thereafter be carried out in accordance with the approved details and measures.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p> |
| 5 | ARCHAEOLOGY (DETAILS) |
| | <p>CONDITION: No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.</p> <p>If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:</p> <ul style="list-style-type: none"> A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works B. Where appropriate, details of a programme for delivering related positive public benefits C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI. <p>REASON: To safeguard the archaeological interest on this site.</p> |
| 6 | FIXED PLANT NOISE (COMPLIANCE) |
| | <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried</p> |

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| | <p>out in accordance with the methodology contained within BS 4142: 2014+A1:2019.</p> <p>REASON: To protect the amenity of neighbouring residential properties.</p> |
| 7 | PLANT HOURS OF OPERATION (COMPLIANCE) |
| | <p>CONDITION: Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the plant to between the hours of 08:00 to 21:00 Monday to Friday only. The plant shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p> <p>REASON: To protect the amenity of neighbouring residential properties.</p> |
| 8 | TfL CONSTRUCTION LOGISTICS PLAN (DETAILS) |
| | <p>CONDITION: A Construction Logistics Plan which provides details of proposed construction access arrangements should be provided to TfL in the form of a Construction Logistics Plan (CLP) to confirm impacts on the surrounding transport network. Please note that any impact/changes to TfL Assets/Infrastructure will require approval from TfL.</p> <p>REASON: To ensure no adverse impact to Transport for London services.</p> |
| 9 | BASEMENT MONITORING (COMPLIANCE) |
| | <p>CONDITION: The Chartered Structural Engineer (BEng (Hons) CEng FStructE) certifying the Structural Method Statement (SMS) dated December 2021 submitted to support the hereby approved development shall be retained (or a replacement person holding equivalent qualifications shall be appointed and retained) for the duration of the development to monitor the safety of the construction stages and to ensure that the long term structural stability of the existing buildings and other nearby buildings are safeguarded, in line with the supporting Structural Method Statement. At no time shall any construction work take place unless a qualified engineer is appointed and retained in accordance with this condition.</p> <p>REASON: To ensure that the construction work carried out is in accordance to the submitted Structural Method Statement for the duration of the construction and maintain compliance with the Islington Basement Development SPD (2016).</p> |
| 10 | REFUSE/RECYCLING (DETAILS) |
| | <p>CONDITION: The refuse / recycling storage and collection arrangements shall ensure that storage bins do not obstruct the public highway. The dedicated refuse/recycling enclosure(s) approved shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p> |
| 11 | CYCLE PARKING AND SERVICES (DETAILS) |
| | <p>CONDITION: Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) for the site shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the hereby approved</p> |

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| | <p>development. The storage area(s) shall be secure and provide for no less than 15 for the commercial use hereby approved.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport</p> |
| 12 | WATER EFFICIENCY REQUIREMENTS (DETAILS) |
| | <p>CONDITION: Prior to the occupation of the hereby approved development, details shall be submitted and approved in writing, demonstrating compliance with the water efficiency requirements of Part G of Policy 7.4 of Development Management Policies (2013) and Environmental Design SPD. The approved measures shall be implemented in full and retained thereafter.</p> <p>REASON: To ensure the water efficiency of the development.</p> |
| 13 | DRAINAGE (DETAILS) |
| | <p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximize water quality, amenity and biodiversity benefits. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will achieve a no net increase in surface water run-off from the site post-development.</p> <p>The drainage system shall be installed/operational prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the sustainable management of water.</p> |
| 14 | CARBON EFFICIENCY (DETAILS) |
| | <p>CONDITION: The hereby approved development shall prior to commencement, demonstrate through the submission of an Energy Strategy, how the development will achieve a minimum on-site reduction in total (regulated and unregulated) emissions of at least 27 per cent beyond Part L of the Building Regulations. The development (non-residential) must achieve at least 15 per cent out of the overall reduction target through energy efficiency measures in order to reduce energy demand, unless such provision is demonstrated not to be feasible.</p> <p>REASON: In the interest of securing sustainable development.</p> |
| 15 | LIGHT POLLUTION (DETAILS) |
| | <p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties and an accompanying Management Plan</p> |

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| | <p>shall be submitted to and approved in writing by the Local Planning Authority. The details and management plan shall be submitted to the Local Planning Authority prior to occupation of the extensions hereby approved. The light mitigation measures shall include:</p> <p>(a) Automated roller blinds; (b) Lighting strategies that reduce the output of luminaires closer to the façades; (c) Light fittings controlled through the use of sensors.</p> <p>The Management Plan shall address the implementation of measures to mitigate light pollution through tenant arrangements and leases.</p> <p>The building shall thereafter be operated strictly in accordance with the approved measures to mitigate light pollution and the approved Management Plan unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</p> |
| 16 | RESTRICTED USE (COMPLIANCE) |
| | <p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Amendment)(England) Regulations 2020, the development hereby approved shall be used only as an Office (Class E(g)) (or the equivalent use within any amended/updated subsequent Order) hereby approved, shall be limited to those uses and for no other purpose (including any other use within Class E) of the Schedule to the Town and Country Planning (Amendment)(England) Regulations 2020, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.</p> <p>REASON: For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development, in order to protect the supply of office floorspace in this Employment Area and Central Activities Zone location and retain control over the change of use of the building in the future. Due to the small and constrained nature of the borough, performance against the spatial strategy within the Development Plan is vitally important to ensure that targets to increase employment continue to be met.</p> |
| 17 | RESTRICTION OF PD RIGHTS – CLASS E TO RESIDENTIAL (COMPLIANCE) |
| | <p>CONDITION: Notwithstanding the provisions of Schedule 2, Part 3, Class MA the Town and Country Planning (General Permitted Development) Order 2021 (or any order revoking and re-enacting that Order with or without modifications), no change of use of the new floorspace hereby approved from Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) shall take place without an express grant of planning permission.</p> <p>REASON: For the avoidance of doubt and to ensure that the Local Planning Authority can restrict the use of the building to this specific use only, in order to protect the supply of office floorspace in this location and retain control over the change of use of the building in the future. Due to the small and constrained nature of the borough, performance against the spatial strategy within the Development Plan is vitally important to ensure that targets to increase</p> |

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| | employment continue to be met. Additionally, windfall sites are rare and a loss of opportunity to negotiate affordable housing within such proposals would significantly undermine the borough's ability to address critical housing need again due to the small and constrained nature of the borough. |
| 18 | BAT/BIRD BOX (COMPLIANCE) |
| | <p>CONDITION: A minimum of 6 no. bat and/or bird nesting boxes / bricks shall be installed prior to the first occupation of the approved additional office floorspace, and shall be retained into perpetuity.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and bio diversity enhancements.</p> |
| 19 | OBSCURE GLAZING (COMPLIANCE) |
| | <p>CONDITION: As per the elevation drawing A-301 Rev D, all windows upon the 1st and 2nd floor shall be purpose made obscure glazing.</p> <p>REASON: To protect the amenity of residential properties.</p> |
| 20 | TERRACE HOURS/USE (COMPLIANCE) |
| | <p>CONDITION: The courtyard hereby approved can only be used in conjunction with the use as Class E (g) (Office) and for no other use within the planning use class without prior written consent from the LPA.</p> <p>It shall not operate outside the hours of:</p> <p>0800 to 2100 hours Monday to Friday.</p> <p>REASON: To protect the amenity of nearby residential properties.</p> |
| 21 | DELIVERY AND SERVICING PLANS (DETAILS) |
| | <p>CONDITION: Prior to the occupation of the hereby approved development details of the Delivery and Servicing Arrangements shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To protect the local public highway network.</p> |
| 22 | SECTION 278 (COMPLIANCE) |
| | <p>CONDITION: Prior to any excavation or demolition works commencing on site, the owner shall enter into a S278 agreement with London Borough of Islington Highways to secure the re-instatement of the footway and repairs in the event of any damage during the construction phase. Works to be undertaken by Islington Council Highways and costs paid for by the applicant.</p> <p>REASON: This is to mitigate the impact of the development and protect the streetscape, safeguarding the free and safe movement of pedestrians.</p> |
| 23 | FIRE SAFETY (COMPLIANCE) |
| | CONDITION: The hereby approved development shall in every aspect adhere to the submitted document titled 'Fire Safety statement' by mu.studio Issue – 01 |

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| | <p>(7th June 2022) and retained thereafter into perpetuity unless otherwise agreed in writing.</p> <p>REASON: To ensure safety of future occupiers of the development.</p> |
| 24 | CODE OF EMPLOYMENT AND TRAINING (COMPLIANCE) |
| | <p>CONDITION: The hereby approved development shall in every respect adhere to the Employment and Training Code.</p> <p>REASON: To improve job opportunities for local residents.</p> |
| 25 | EMPLOYMENT AND TRAINING-CONSTRUCTION BASED WORK PLACEMENT: 1 (COMPLIANCE) |
| | <p>CONDITION: The hereby approved development shall ensure that at all times during the Construction Phase no fewer than one (1) construction trade apprentice shall be employed at the Development always ensuring that each apprentice shall be;</p> <ul style="list-style-type: none"> a) A resident of the London Borough of Islington; b) Recruited through the Council's Learning, Skills and Employment Service; c) Employed during the Construction Phase with each such apprentice to be employed for not less than 26 weeks and paid at a rate not less than the London Living Wage; d) Supported through pay day release to undertake relevant training; and e) Provided with on the job training and supervised on site by an experienced operative in a trade related to their training needs. <p>To facilitate compliance with the requirements above, the applicant shall at all times work in partnership with the Council's Learning, Skills & Employment Service.</p> <p>REASON: To improve job opportunities for local residents.</p> |
| 26 | CODE OF LOCAL PROCUREMENT (COMPLIANCE) |
| | <p>CONDITION: The hereby approved development shall in every respect adhere to the Council's Code of Local Procurement.</p> <p>REASON: To maximise the opportunities available to local business and property developments taking place in Islington both during and after the construction phase.</p> |
| 27 | CONNECTION TO LOCAL ENERGY NETWORK (DETAILS) |
| | <p>CONDITION: The hereby approved development shall if technically and economically viable (burden of proof will be with the developer to show inability to connect) connect to a local energy network. In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.</p> <p>REASON: In the interest of securing sustainable development.</p> |

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| 28 | GREEN PERFORMANCE PLAN (COMPLIANCE) |
| | <p>CONDITION: A Green Performance Plan shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works.</p> <p>REASON: In the interest of securing sustainable development.</p> |
| 29 | TRAVEL PLAN (DETAILS) |
| | <p>CONDITION: a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority no later than six months after first occupation of the Development.</p> <p>REASON: To protect the local public highway network.</p> |
| 30 | NO TERRACE TO FLAT ROOF (COMPLIANCE) |
| | <p>CONDITION: The rear flat roof area at first floor level, shall not in any case be used as amenity, terrace or sitting out area for future occupiers.</p> <p>REASON: In order to protect the privacy of adjoining neighbours.</p> |

List of Informatives:

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| 1 | Construction works |
| | <p>INFORMATIVE: Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p> |
| 2 | Highways Requirements |
| | <p>INFORMATIVE: Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. All agreements relating to the above need to be in place prior to works commencing. Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing. Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk. Compliance with sections 59 and 60 of the Highway Act, 1980 – "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk. Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk.</p> |
| 3 | Highways (Additional) |

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| The Public footpath should not be obstructed at site entrance. |
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APPENDIX 2 - RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE

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

1. National and Regional Guidance

The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- NPPF (2021)

2. Development Plan

The Development Plan is comprised of the London Plan 2021, 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 2021 - Spatial Development Strategy for Greater London

Policy SD4 The Central Activities Zone

Policy SD5 Offices, other strategic functions and residential development in the CAZ

Policy D4 Delivering good design

Policy D5 Inclusive design

Policy D14 Noise

Policy E1 Offices

Policy E2 Providing suitable business space

Policy HC1 Heritage conservation and growth

Policy HC3 Strategic and Local Views

Policy HC4 London View Management Framework

Policy SI 1 Improving air quality

Policy SI 2 Minimising greenhouse gas emissions

Policy SI 3 Energy infrastructure

Policy T1 Strategic approach to transport

Policy T3 Transport capacity, connectivity and safeguarding

Policy T4 Assessing and mitigating transport impacts

Policy T5 Cycling

Policy T7 Deliveries, servicing and construction

B) Islington Core Strategy 2011

Policy CS7 Bunhill and Clerkenwell

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) Development Management Policies June 2013

Policy DM2.1 Design

Policy DM2.2 Inclusive Design

Policy DM2.3 Heritage

Policy DM5.1 New Business Floorspace

Policy DM6.1 Healthy development

Policy DM6.3 Protecting open space

Policy DM7.1 Sustainable Design and Construction

Policy DM7.2 Energy efficiency and carbon reduction in minor schemes

Policy DM8.2 Managing transport impacts

Policy DM8.4 Walking and Cycling

Policy DM8.5 Vehicle Parking

Policy DM8.6 Delivery and servicing for new developments

3. Designations

The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

- Archaeological Priority Area (Clerkenwell)
- Core Strategy Key Area (Bunhill & Clerkenwell)
- Central Activities Zone
- Employment Priority Areas (Finsbury Local Plan Policy BC8)
- Finsbury Local Plan Area
- Local View (from Archway Road - LV4)
- Local View (from Archway Bridge - LV5)
- Local View (from Amwell Street - LV6)
- Local View (from Dartmoth Park Hill - LV7)
- Mayor's Protected Vistas (Kenwood viewing gazebo to St Paul's Cathedral - LLAA5)
- Within 100m TRLN Road

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

The following SPGs and/or SPDs are relevant:

London Plan

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction
- Planning for Equality and Diversity in London

5. Emerging Policies

Draft Islington Local Plan (2019)

Emerging policies relevant to this application are set out below:

Policy SP1 Bunhill and Clerkenwell

Policy B1 Delivering business floorspace

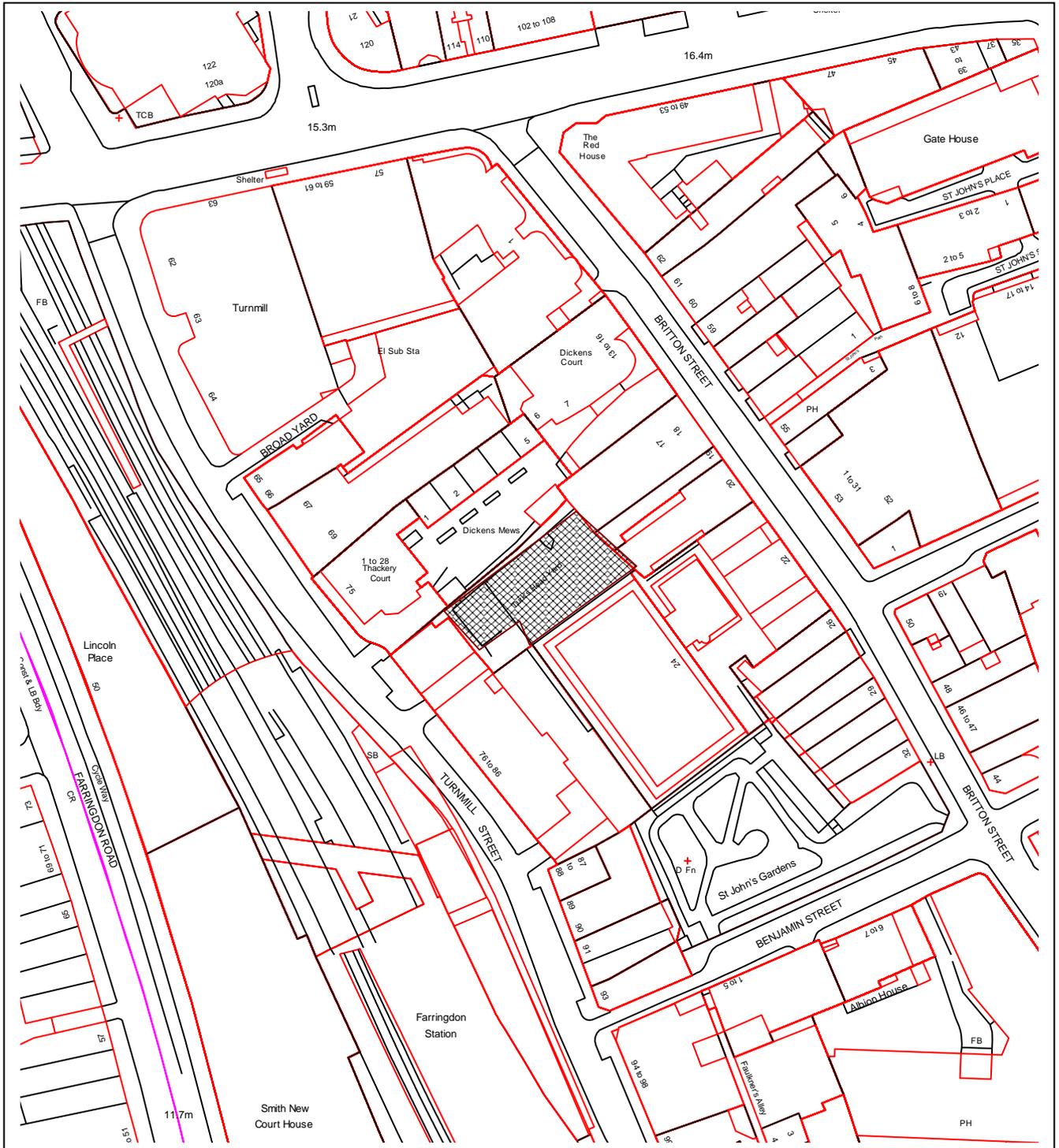
Policy B2 New business floorspace

Policy S1 Delivering Sustainable Design

Policy S2 Sustainable Design and Construction
Policy T2 Sustainable Transport Choices
Policy T3 Car Free Development Parking
Policy T5 Delivery, Servicing and Construction
Policy DH1 Fostering innovation and conserving and enhancing the historic environment
Policy DH2 Heritage Assets
Policy DH3 Building heights
Policy ST2 Waste

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