

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department
 PO Box 333
 222 Upper Street

PLANNING SUB COMMITTEE A		
Date:	30 January 2017	NON-EXEMPT

Application number	P2015/2533/S73
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Not Listed
Conservation area	Hat and Feathers
Development Plan Context	<ul style="list-style-type: none"> - Archaeological Priority Areas 170914 - Bunhill & Clerkenwell Core Strategy Key Areas 170914 7 - Hat and Feathers Conservation Areas - Central Activities Zone - Employment Priority Areas (General) - Finsbury Local Plan - Finsbury Local Plan Area - Bunhill & Clerkenwell
Licensing Implications	None
Site Address	33-41 Dallington Street & 2-6 Northburgh Street Islington London EC1V 0BB
Proposal	Section 73 application to vary Condition 2 (Drawings and Details) of application ref. P2013/4399/S73 dated 13 March 2014. The amendments are: Reduction of the size of the approved addition at roof level and use of the remainder of flat roof area where the roof addition previously extended to the corner of Dallington Street and Pardon Street as a terrace enclosed with 2.1m high obscurely glazed privacy screens.

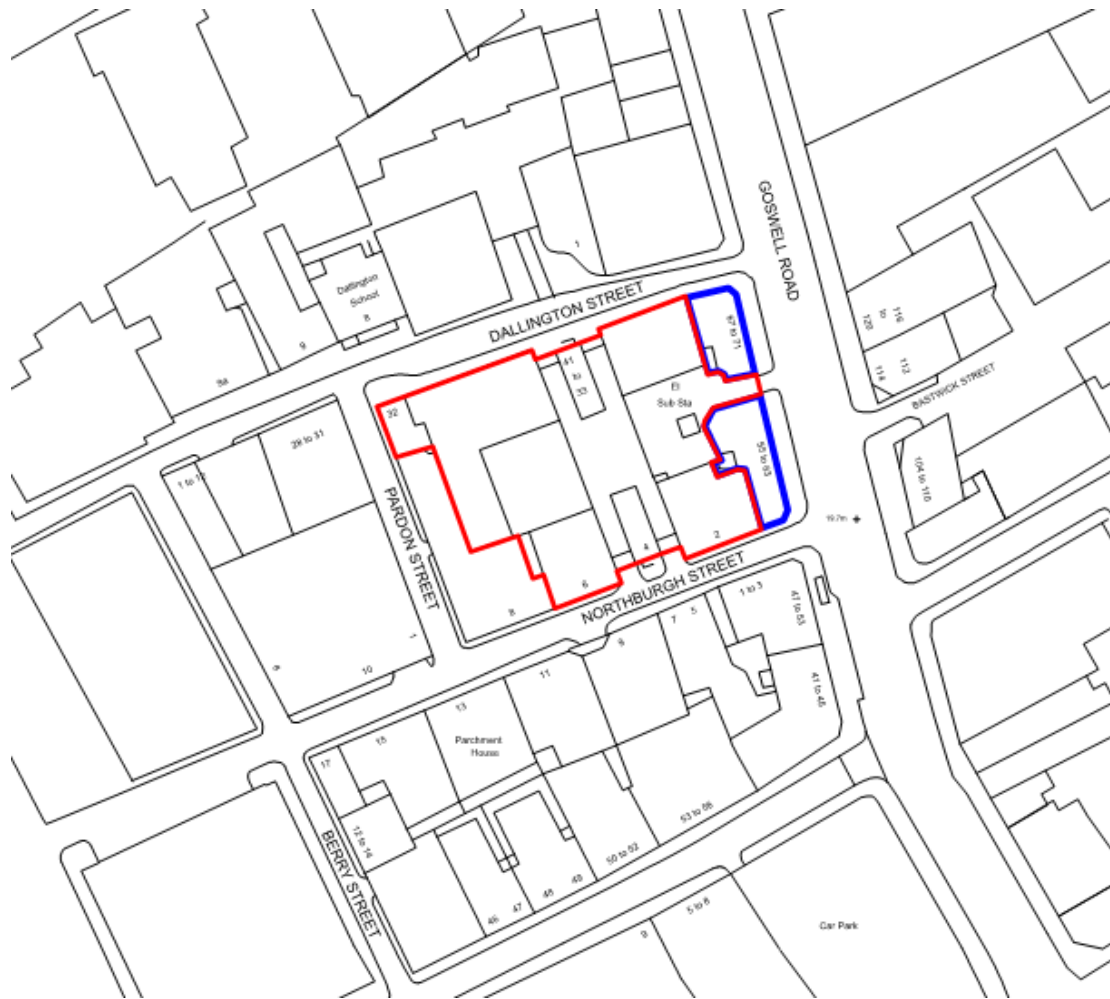
Case Officer	Sandra Chivero
Applicant	Northburgh House Ltd

Agent	Michael Sanders – Archer Architects
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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 black)



3. PHOTOS OF SITE/STREET



Image 1: Street View – Dallington Street Frontage

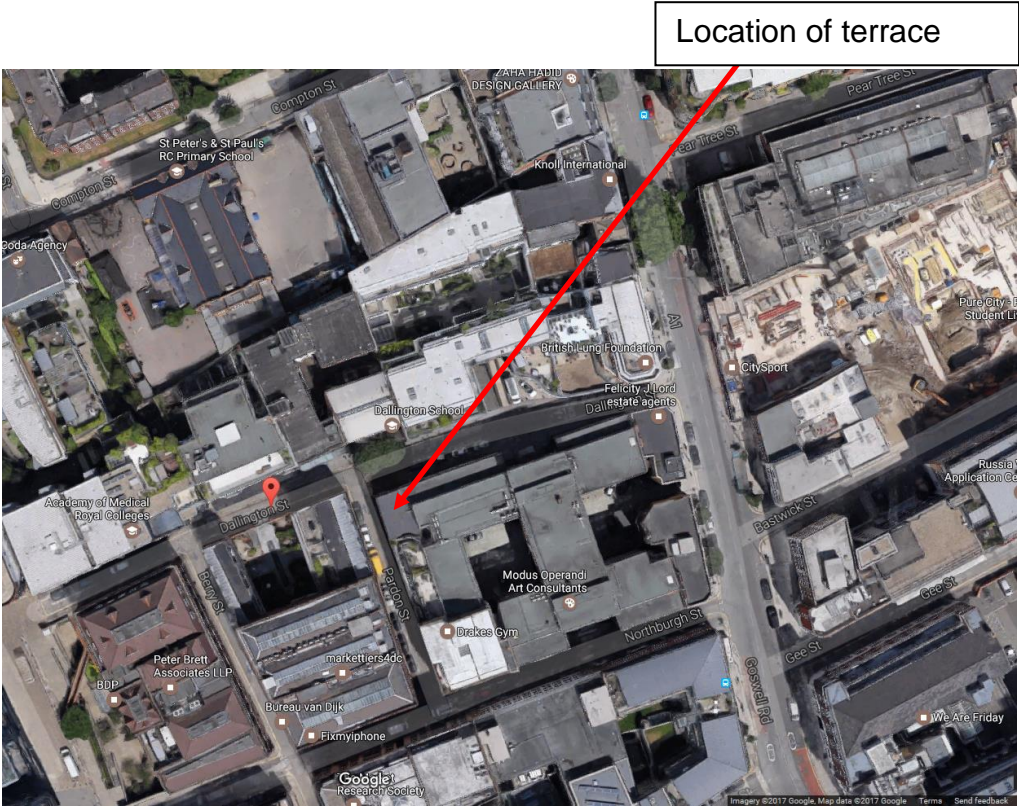


Image 2: Aerial View of site

4. SUMMARY

- 4.1 It is proposed to reduce the size of the previously approved addition at roof level. The remainder of the flat roof area where the roof addition previously extended to would be used as a roof terrace enclosed with 2.1m high obscurely glazed privacy screens. The reduction in size over the previously approved scheme and installation of obscurely glazed privacy screens is considered acceptable and would not significantly harm the character and appearance of the host property, or the conservation area, over what was previously consented.
- 4.2 The proposed changes are considered to be minor in scale and will have no significant further impact on the amenity of neighbouring properties in terms of access to daylight and sunlight and outlook or loss of privacy compared to the approved scheme. Concerns were also raised regarding overlooking to neighbouring properties including Enclave Court and Dallington School. These properties are located across the highway. In addition, during the course of the application amended drawings were submitted showing privacy screens installed to the perimeter of the roof terrace. This is considered to minimise overlooking to neighbouring properties.
- 4.3 Overall, the proposed development is considered to be acceptable with regards to design and neighbour amenity and would be in accordance with relevant planning policy.

5. SITE AND SURROUNDING

- 5.1 The existing building is a large part 5 part 6 storey building occupying most of the city block. The existing building has principal elevations facing Dallington Street and Northburgh Street, and is accessed from Dallington Street, Northburgh Street and by a vehicular access on Goswell Road. The majority of the city block is covered by the building footprint, with an internal courtyard.
- 5.2 The building is comprised of an 'H' shaped block constructed from a concrete frame, faced with brick with central staircases serving each block (Dallington and Northburgh). The site was formerly occupied by printers and bookbinders, and currently houses a number of office occupiers.
- 5.3 The building is located within the Hat and Feathers Conservation Area. The building is not statutory listed or locally listed.

6. PROPOSAL (IN DETAIL)

- 6.1 Section 73 application to vary Condition 2 (Drawings and Details) of application ref. P2013/4399/S73 dated 13 March 2014. The amendments are: reduction of the width of the approved addition (Unit 5.1) at roof level 5.6m and use of the remainder of flat roof area where the roof addition previously extended to the corner of Dallington Street and Pardon Street. The terrace

would be 53.1sqm (5.6m x 9m) and would be enclosed with 2.1m high obscurely glazed privacy screens to the north and east. The privacy treatment in question will take the form of a translucent interlayer that will be fully encapsulated within the glass screen. To the west the terrace would be bounded by the new roof addition (Unit 5.1) reduced in size and to the south the terrace would back on to the plant enclosure.

Revisions

6.2 Revised drawings were received during the course of the application are as follows:

- Revised drawings nos. 5106.6/02/105 rev PL-1, 120 rev PL-3, 5106.6_02_300 received on 22 June 2016. The amendments include 2.1m high privacy screens to the Dallington Street and Pardon Street perimeter of the roof terrace.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

7.1 September 2015: Planning Application (Ref. P2015/2534/FUL) Refused for formation of roof terrace on existing fourth floor roof.

REASON: The proposed use of the existing 5th floor roof area (roof of the fourth floor, Northburgh Street elevation as a terrace would be likely to cause excessive noise and disturbance, lead to a loss of privacy and have a serious adverse effect on the amenities of the occupiers of the adjoining and surrounding residential properties, and would be contrary to policy DM2.1 (x) of the Development Management policies 2013, and policy CS9 of the Core Strategy 2011.

7.2 August 2015: Planning Application (Ref. P2015/2532/FUL) Refused for conversion of two existing 3rd floor roof decks to terraces including installation of 1.1m high glass balustrades and associated alterations to the existing fenestration.

REASON: The proposed use of the existing roof decks as amenity spaces (terraces) would be likely to cause excessive noise and disturbance, lead to a loss of privacy and have a serious adverse effect on the amenities of the occupiers of the adjoining and surrounding residential properties, and would be contrary to policy DM2.1 (x) of the Development Management policies 2013, and policy CS9 of the Core Strategy 2011.

7.3 August 2015: Planning Application (Ref. P2015/2531/FUL) Refused for the conversion of an existing 5th floor roof area into a terrace (Northburgh Street elevation), and including a glass balustrade.

REASON: The proposed use of the existing 5th floor roof area as a terrace would be likely to cause excessive noise and disturbance, lead to a loss of privacy and have a serious adverse effect on the amenities of the occupiers of the adjoining and surrounding residential properties, and would be contrary to policy DM2.1 (x) of the Development Management policies 2013, and policy CS9 of the Core Strategy 2011.

- 7.4 March 2014: Section 73 application (Ref. P2013/4399/S73) Approved to vary the plans attached to Condition 2 (Plans and Details) of planning application P002805 dated 11 November 2004 including alterations to the scale and appearance of the previously approved scheme. The alterations are: An increase in height of the 5th and 6th floor extensions by 0.5m and 0.74m respectively, a reduction of the proposed increase in gross internal B1 (office) floor area from 801m² to 722m², a change in size of the 5th floor extension located on Dallington Street (labelled on the proposed plans as unit 5.2) to provide an alternate means of escape, extending the proposed building to the existing stair core at the eastern end of the block, the provision of a new WC core at 6th floor level, a change of external materials to provide curtain glazing with silver anodised surrounds, the introduction of an external spiral stair to serve the 6th floor addition and roof access, improvements to the thermal envelope of the proposed development as a result of the new materials proposed and the incorporation of a photovoltaic array at roof level.
- 7.5 March 2014: Planning Application (Ref. P2013/4472/FUL) Approved for extension of existing B1 accommodation by 357msq comprising of infilling of existing lightwell and the extension into an existing internal courtyard. The replacement of existing steel single glazed windows with new high performance double glazed units. The replacement of the masonry and single glazed windows to two elevations within the internal courtyards for high performance curtain walling. The construction of a new roof top plant enclosure.
- 7.6 November 2009: Planning Application (Ref. P091876) Approved for the installation of one additional air-conditioning unit to the roof level.
- 7.7 June 2008: Planning Application (Ref. P050706) Refused for Infill extension to link buildings at 1st-3rd floors and new mansard 4th floor across the combined buildings.

REASON: The unusual curved parapets on the existing buildings make a distinctive contribution to the appearance of this part of the Hat and Feathers Conservation Area and demarcate a clear upper limit to the buildings. The imposition of the proposed 4th floor on the buildings would mean that the parapets would no longer be seen against the sky and that their impact on the streetscape would be seriously diminished. The proposal would fail to preserve the appearance of this part of the Conservation Area and would conflict with Policies D19, D25 and CS6 of Islington's Unitary Development Plan 2002, and with paragraph 1.22 of the Design Guidelines for the Clerkenwell Green, Charterhouse and Hat and Feathers Conservation Areas.

REASON: Forming the proposed new storey as a mansard would be alien to the architectural style of the original buildings. The mansard storey would be unsympathetic to the character of the buildings and would conflict with Policies D4, D25 and CS6 of Islington's Unitary Development Plan 2002, and with paragraph 1.22 of the Design Guidelines for the Clerkenwell Green, Charterhouse and Hat and Feathers Conservation Areas.

REASON: The failure to give the proposed 1st to 3rd floor level infill link an architectural treatment which would clearly identify it as a new and different element would blur the distinction between the original buildings. In doing so, it would create the impression of a single monolithic building occupying the entire frontage of the street block. This would erode the character of the Conservation Area and conflict with Policies D19 and CS7 of Islington's Unitary Development Plan 2002.

- 7.8 November 2008: Planning application (Ref. P002805) Approved for extensions to B1 building - new sixth floor on part of central section, new set-back fifth floor over part of existing fourth floor areas on Northburgh Street and Dallington Street frontages.

ENFORCEMENT:

- 7.9 July 2011; Enforcement Case (Ref. E10/05105) relating to unauthorised air conditioning units. Closed.

PRE-APPLICATION ADVICE

- 7.10 February 2013: Pre-application enquiry (Ref. Q2013/0408/MJR) submitted in relation to a single storey extension to the 4th floor of the west elevation facing Northburgh Street, a single storey extension at 5th floor level of the west elevation fronting Northburgh Street, a single storey extension at 5th floor level facing Dallington Street, a two storey set back extension at 5th floor level facing Dallington Street and a 5 storey partial infill extension to an existing courtyard in the centre of the site. Concerns were raised relating to the proposed bulk, scale and design.

8. CONSULTATION

Public Consultation

- 8.1 Two consultations were carried out, a second round of consultation was carried out upon receipt of the amended. Originally, consultation letters were sent to occupants of 191 adjoining and nearby properties on Bastwick Street, Dallington Square, Dallington Street, Northburgh Street, Goswell Road, Berry Street on 18 August 2015. Following receipt of amended drawings, the application was reconsulted on 20 July 2016. A site and a press advert were displayed on 28 July 2016. The re-consultation period ended on the 18 August 2016, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 At the time of the writing this report a total of 12 responses had been received from the public with regard to the application. 6 objections were received following the first consultation period and 4 duplicate objections and 2 new objections were received following the reconsultation on the amended application. The concerns raised are summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Overlooking and loss of privacy (Paragraph 10.8, 10.9, 10.11)
- Impact on amenity including parties, noise, smoke and disturbance to schools and neighbours (Paragraph 10.8 - 10.11)
- Condition to previous application restricting use of flat roof area as terrace recognises the impact of such terraces on amenity and privacy (Paragraph 10.8, 10.9)
- Loss of light (Paragraph 10.8, 10.11)
- Increase in height of building (Paragraph 10.6)

Internal Consultees

8.3 **The Design and Conservation Officer:** The Design and Conservation officer does not object to the amended scheme.

9. RELEVANT POLICIES

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

National Guidance

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

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

Development Plan

9.4 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), 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.

Designations

9.5 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Archaeological Priority Areas
- Bunhill & Clerkenwell Core Strategy Key Areas
- Hat and Feathers Conservation Areas
- Central Activities Zone
- Employment Priority Areas (General) - Finsbury Local Plan
- Finsbury Local Plan Area - Bunhill & Clerkenwell

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Design and conservation impacts
- Neighbouring Amenity

Evaluation

10.2 Section 73 of the Town and Country Planning Act 1990 concerns 'Determination of application to develop land without compliance with conditions previously attached'. It is colloquially known as 'varying' or 'amending' conditions. Section 73 applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under s73 is granted, the effect is the issue of a new permission and the notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.

10.3 Alterations to planning policy and other material considerations since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the previous paragraphs and the fact that the structure itself is constructed.

10.4 The National Planning Policy Framework (NPPF) has been considered in the assessment of this application.

Design and Conservation

10.5 Islington's Planning Policies and Guidance encourage high quality design which complements the character of an area. In particular, policy DM2.1 of Islington's Development Management Policies requires all forms of development to be high quality, incorporating inclusive design principles while making a positive contribution to the local character and distinctiveness of an

area based upon an understanding and evaluation of its defining characteristics.

- 10.6 The proposed changes to the previously approved scheme would reduce the size of the approved addition at roof level. It is proposed to use the remainder of the flat roof area, where the addition at roof level previously extended, as a terrace enclosed with 2.1m high obscurely glazed privacy screens. The reduction in size of the roof addition over the previously approved scheme and installation of obscurely glazed privacy screens would maintain the same bulk, scale and massing as approved but would result in reduction of height. The current proposal is therefore considered acceptable and would not significantly harm the character and appearance of the host property, or the conservation area, over what was previously consented. The proposed changes to the previously consented scheme include changes to the design ethos and previously approved materials. The proposed development has been reviewed by the Council's Design and Conservation Team, who are satisfied that the proposed changes are in keeping with the host property and its surrounds, and would preserve and enhance the character of the Hat and Feathers Conservation Area. A further condition seeking details and samples of the materials as proposed is recommended.
- 10.7 Given the above, the proposal is considered to be consistent with the aims of the Council objectives on design and in accordance with policies 7.4 (Character) of the London Plan 2015, CS8 (Enhancing Islington's character) of the Core Strategy 2011 and Development Management Policy DM2.1.

Neighbouring Amenity

- 10.8 The proposed changes are considered to be minor in scale and will have no significant further impact on the amenity of neighbouring properties in terms of access to daylight and sunlight and outlook. Concerns were also raised regarding overlooking to neighbouring properties including Enclave Court and Dallington School. Neighbouring residents have brought attention to the conditions which restricted use of the flat roof areas created by the approved extensions at fourth, fifth and sixth floor levels as terrace, applied to planning permission ref. P002805 approved November 2004 and application ref. P2013/4399/S73 Approved in March 2014.
- 10.9 The new 2.1m high screens would have a privacy treatment applied, in the form of a translucent interlayer that will be fully encapsulated within the glass screen. The privacy treatment would minimise overlooking to neighbouring properties including the properties at Enclave Court and Dallington School located across the highway. The previous condition requiring the flat roof areas of the approved extensions at fourth, fifth and sixth floors levels not be used as outdoor amenity space would remain in place. The approved extension at roof level incorporates full height curtain wall glazing, and the degree of overlooking will not exacerbated by the current proposals.
- 10.10 With regards to noise and general disturbance, the proposal is for use as a terrace ancillary to the office use. This is not considered to be a noise

generating use that would warrant a refusal of permission. However, should neighbouring properties experience any noise disturbance this can be reported to the Council Noise Team. In addition, a condition has been attached limiting the hours of use of the terrace.

- 10.11 Overall, the proposal is considered to accord with policy DM2.1 which requires development to provide good level of amenity including consideration of noise, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed changes to the previously approved scheme are considered acceptable due to the minimal impact over and above the scheme previously permitted. The scale and bulk of the proposed development visible from street level will be reduced.
- 11.2 The proposed changes are considered to be of a minor enough scale to have no significant further impact on the amenity of neighbouring properties in terms of access to daylight and sunlight and outlook or loss of privacy. The proposed privacy screens will to minimise overlooking to neighbouring properties.
- 11.3 Subject to conditions, the proposal is considered to accord with relevant policies.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	<p>Approved Plans List</p> <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>A416/001, 002, 006, 007, 008, 010, 011, 015, 040, 041 (LBI Reg. No: 28051), A416/017 (LBI Reg. No: 28052), A416/02C, 027D, 028D, 030D, 031B, 035D (LBI Reg. No: 28057) as amended by 5106.6/00/001, 5106.6/02/002, 5106.6/02/105 rev PL-1, 5106.6/02/106, 5106.6/02/107, 5106.6/02/120 rev PL-3, 5106.6/02/121, 5106.6_02_125, 5106.6/02/300.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
2	<p>Materials to Match (Details)</p> <p>CONDITION: Details of all facing materials (including the external staircase hereby approved, windows and doors) shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of decision.</p> <p>REASON: To ensure that the Authority may be satisfied with the external appearance of the building.</p>
3	<p>No loading or vehicles or delivery or setting down of material</p> <p>CONDITION: No loading or vehicles or delivery or setting down of material, pursuant to the development hereby permitted shall take place in Dallington Street between the hours of 08:30 to 09:30, 11:30 to 13:30 and 15:30 and 16:00 on any Monday to Friday when the Dallington Street School is in session.</p> <p>REASON: In order to avoid endangering pupils arriving at or leaving the school premises at the beginning or end of the school day or at lunchtimes.</p>
4	<p>Flat Roof Not Used As Amenity Space (Compliance)</p> <p>CONDITION: The roof areas created by the extensions hereby approved at fourth, fifth and sixth floor levels shall not be used other than for essential maintenance or repair, or for escape in the case of an emergency and shall not be used as an amenity or sitting out space of any kind whatsoever without first obtaining written permission from the Local Planning Authority.</p> <p>REASON: In order to avoid overlooking of neighbouring properties and to protect the privacy and amenity of neighbouring occupiers.</p>

5	Commencement
	<p>S73 - CONSENT LIMITED TO THAT OF ORIGINAL PERMISSION: The development hereby permitted shall be begun not later than the expiration of 17 March 2017.</p> <p>REASON: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on dated 13 March 2014 [LBI ref: P2013/4399/S73]. Furthermore, 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>
6	Privacy Screens
	<p>Condition: The details and samples of the approved privacy screens shall be submitted to and approved in writing by the Local Planning Authority within three months of the decision.</p> <p>The development shall be carried out and operated strictly in accordance with the details so approved. The physical enclosures shall be provided prior to the first use of the terrace and shall be maintained as such thereafter.</p> <p>REASON: In order to avoid overlooking of neighbouring properties and to protect the privacy and amenity of neighbouring occupiers.</p>
7	Hours of use of terrace
	<p>CONDITION: The roof terrace, shown on plan reference 5106.6/02/105 rev PL-1, shall only be in use between 08:00am until 20:00pm Mondays to Fridays and shall not be occupied outside of those times.</p> <p>REASON: To protect the residential amenity of adjoining and nearby properties.</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
2	COMMUNITY INFRASTRUCTURE LEVY (CIL)
	COMMUNITY INFRASTRUCTURE LEVY (CIL) (GRANTING CONSENT):

	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil.</p>
3	SUSTAINABLE SOURCING OF MATERIALS
	<p>SUSTAINABLE SOURCING OF MATERIALS: Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

The National Planning Policy Framework 2012 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.

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

2. Development Plan

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2015 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

Policy CS10 (Sustainable Design)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Conservation Area Design Guidelines
- Urban Design Guide
- Inclusive Design SPD

London Plan

- Accessible London: Achieving and Inclusive Environment