

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration
Department

PLANNING SUB-COMMITTEE B		AGENDA ITEM NO : B3
Date:	16 th July 2019	NON-EXEMPT

Application number	P2019/0187/FUL
Application type	Full Planning Application
Ward	Holloway
Listed building	Nearby Grade II Listed Building (no. 451 Caledonian Road) 20m to the south east
Conservation Area	Nearby St Mary Magdalene Conservation Area 400m to the south east
Development Plan Context	<ul style="list-style-type: none">- Kings Cross & Pentonville Road Core Strategy Key Area- Cycle Routes (Local)- Within 100m of SRN (Strategic Road Network)- Rail Land Ownership – National Rail Surface- Rail Land Ownership – TfL Tunnels- London Underground Zone of Interest- Article 4 Direction – office to residential- Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	No
Site Address	Highland House, 6 - 10 Market Road, London N7 9PW
Proposal	Rebuilding parts of the existing elevations including alterations to the existing fenestration, with new glazed entrance doors to the south elevation. Infilling ground floor car park to provide additional office accommodation and internal refurbishment and reconfiguration. Proposed roof terraces to first and second floors to rear elevation. Installation of new plant equipment and associated enclosures at roof level (following removal of existing roof level structures).

Case Officer	Daniel Jeffries
Applicant	SDI (Market Road) Limited
Agent	Ms Kate Outterside – DP9 Limited

1. RECOMMENDATION

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

- 1.1 The conditions set out in Appendix 1;

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET

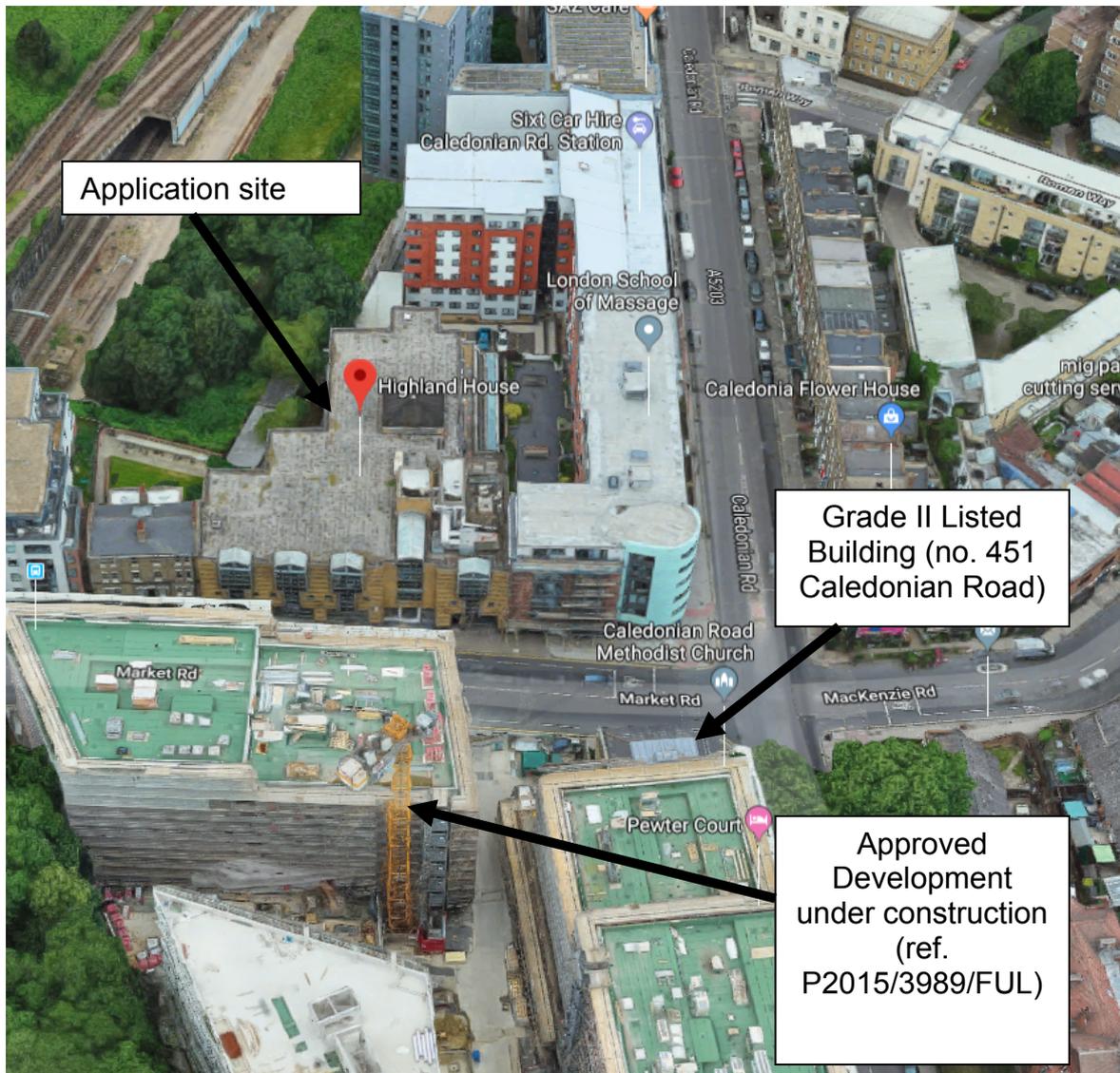


Image 1: Aerial view in northerly direction



Image 2: Photograph showing existing south elevation of host building and relationship with the streetscene in a westerly direction



Image 3: Photograph from top floor within nos. 453-455 Caledonian Road showing part of existing east elevation and roof level

4. SUMMARY

- 4.1 Planning permission is sought for alterations including the rebuilding of parts of the existing elevations (all building elevations). This would include alterations to the glazed entrance doors to the south elevation, and changes to the double height bay windows on the upper floors. The proposal would also result in an additional (104 sqm) of office floorspace by the infilling of the existing ground floor car park and

would also include internal refurbishment and reconfiguration of the existing building.

- 4.2 The proposal includes roof terraces at the first and second floors to the rear along the west, east and north elevations. However, due to the proximity to the residential properties, within nos. 453-455 Caledonian Road, a condition has been recommended to prevent the use of the proposed roof terraces along the east elevation. At roof level, the application proposes the installation of new plant equipment and an associated enclosure in the form of a metal screening, this is following the removal of existing roof level structures.
- 4.3 The issues arising from the proposal are the principle of the additional office floorspace in land use terms, design (including its impact on the setting of the Grade II Listed Building no. 451 Caledonian) its impact on amenity of neighbouring properties (noise, loss daylight/sunlight and privacy), as well as its acceptability in regard to sustainable design, inclusive design and the surrounding public highway network.
- 4.4 The proposed increase in office floorspace (104 sqm), as result of the loss of the ground floor car park, is considered to be compliant with the Council's policies.
- 4.5 The proposed façade changes would be an improvement on the existing situation and are considered to be in keeping with the character of the wider streetscene. The roof top plant enclosure has been designed so that it is restricted in height, and set away from the front elevation and from the nearest residential properties, meaning that it would not be readily visible from the public realm. It is therefore considered that the design of the proposal is acceptable and would preserve the setting of the Grade II Listed Building at no. 451 Caledonian Road. It is therefore compliant with Islington Core Strategy (2011) policies CS8 and CS9, policies DM2.1 and DM2.3 of the Development Management Policies (2013) and the Urban Design Guide (2017).
- 4.6 The proposal is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of light, outlook or increased sense of enclosure. The submitted Daylight/Sunlight Report has confirmed that the proposal would be compliant with BRE requirements in regards to any daylight/sunlight impacts on habitable windows to neighbouring properties, and any impact on the communal amenity space.
- 4.7 Following the submission of a Noise Impact Assessment in support of the application, the Council's Acoustic Officer has been consulted and subject to conditions is of the opinion the proposal would not result in any significant noise to neighbouring properties over and above the existing situation. Conditions have also been recommended to ensure that the noise levels comply with Islington's Development Management Policies (2013) acoustic requirements. It is therefore considered to be compliant with policy DM2.1 of Islington's Development Management Policies (2013).
- 4.8 In addition, conditions have been recommended relating to the removal of the existing crossover and the submission of Construction and Environmental Management Plan.

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

5. SITE AND SURROUNDINGS

5.1 The application site is a mid-terraced three storey building located to the north side of Market Road. The existing building comprises of 5,238 sqm (GIA) of office floorspace (B1 use) and is currently occupied by the charity Scope. The building, which slopes away to the east, was converted from a printworks into office use in the 1990s with Scope the sole occupier since its conversion.

5.2 The site includes an on-site car park (for 6 spaces) with cycle spaces at ground floor level which are accessed via Market Road from the south elevation. There is an additional vehicular access to an on-site loading bay from the south elevation, to the southeast of the site. The main pedestrian access to the building is also from Market Road to the south elevation, from the southwest of the site near the access to the car parking.

5.3 The surrounding area is predominantly residential with a mix of other uses, including commercial, student accommodation and ground floor retail. Positioned immediately to the east and west of the site there are a number of residential buildings, ranging from 4-6 storeys along the northern side of Market Road. The nearest residential properties are positioned adjacent, with no. 453-455 Caledonian Road, which is an L-shaped building with a communal garden, to the first floor roof, positioned along the east elevation. The east facing windows of these residential properties are 9m away from the shared boundary.

5.4 On the southern side of Market Road, to the south west is Market Road Gardens and Lumpy Hill adventure playground. To the south east, and on the corner of Caledonian Road, there is the Grade II Listed Building (no. 451 Caledonian Road). Adjacent to this Listed Building, and immediately to the south of the site there is a recently approved major development (ref. P2015/3989/FUL) which is currently under construction. This is a mixed use development and includes new buildings ranging from 1-11 storeys, as well as providing 252 residential units, in addition to a floorspace for a number employment, retail and community uses (B1a-c, A1-A3, and D1 uses). The approved development also incorporates a new central vehicular and pedestrian access route through the site from Market Road to Brewery Road.

5.5 Whilst the site is subject to a number of designations, the nearest conservation area, the St Mary Magdalene Conservation Area, is located 400m away to the south east. The site is also located within Kings Cross & Pentonville Road Core Strategy Key Area, and is subject to Article 4 directions restricting development, for office to residential and A1 to A2 uses. In terms of its transport designations, the site is within close proximity of cycle routes (Local), and within 100m of a SRN (Strategic Road Network). The site is also within close proximity to an area with rail land ownership, being national rail surface and TfL (Transport for London) tunnels and London Underground Zone of Interest, being within close proximity to existing rail tracks and the Caledonian Road London Underground Station.

6. PROPOSAL (in Detail)

- 6.1 Planning permission is sought to allow the rebuilding of parts of the existing elevations including alterations to the existing fenestration, with new glazed entrance doors to the south elevation. The infilling of the ground floor car park to provide additional office accommodation, and the internal refurbishment and reconfiguration throughout. The introduction of roof terraces and balconies to first and second floors to the rear elevation is also proposed, as well as the installation of new plant equipment and associated enclosures at roof level, as well as lift overruns.
- 6.2 In terms of the south elevation, which fronts Market Road, the proposal would result in changes to the windows and doors. The proposal would replace the irregular shaped overhangs with double height rectangular bay windows on the first and second floors. It would also alter the frontage at ground floor level, resulting in glazed panelled windows and doors underneath the projecting bay windows, as well as an emergency exit door and loading gate towards the east of the elevation. The other alterations to the existing façade include part of the existing buff brickwork being painted grey, and being part rebuilt with new brickwork which would also be grey in colour. The double height projecting bays and ground floor windows would use a curtain wall system, and the access gate would have a powder coated finish, and metal gates, all of which would be grey in colour.
- 6.3 The remaining north, east and west elevation would largely follow the proposed arrangement to the south elevation. The alterations would result in the painting and rebuilding of the existing brickwork, which would consist of both brickwork and glazed panels. The proposal would include balconies and roof terraces along the recessed elements of the first and second floors, along the north, east and west elevations. The roof terraces and balconies would benefit from metal balustrades, being grey in colour. A condition has been recommended to remove the proposed roof terraces along the east elevation at first and second floor level.
- 6.4 The proposal would result in the infilling of the existing ground floor car park used by the office employees, as well as a plant room. This is located towards the southwest of the building, and includes 6 no. car parking spaces and 15 no. cycle racks for 30 no. cycles. The proposal would result in the creation of 104 sqm of additional office floorspace, and the loss of all of these 6 no. car parking spaces.
- 6.5 At roof level the proposal would result in the installation of screening, which would enclose the proposed plant equipment, at roof level. The screening would be positioned towards the front of the building at roof level, being set back approximately 7m (alters due to the shape of front façade) from the front elevation, with the rear aligning with rear of the lift core, it would measure 2.6m in height, and would be constructed using metal PPC louvre screen and would be grey in colour. The specific details of the proposed plant equipment are yet to be provided, as this is dependent on the needs of the future occupier. The plant equipment is proposed to operate continuously, 24 hours per day. This is following removal of existing roof level and structures, including all existing plant bases, lift motor room, stair enclosure, coping to external wall, existing glazed atriums, and plant enclosure columns.

- 6.6 The proposal has been amended following officer's advice in relation to the extent of the plant enclosure at roof level. The plant screening has been reduced in height (by 0.725m) and the separation distance from the south (Market Road) by 1.2m, north (rear), and east (towards nos. 451-453 Caledonian Road) by 2.27m, and a total area of the enclosure has been reduced by 110 sqm in order to reduce its visibility. The area now proposed measures 230 sqm.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

6 and 10 Market Road

- 7.1 881279 - Redevelopment to provide a 3 storey B1 Business Use Class building. Approved with conditions on 07/02/1989.
- 7.2 891441 - Installation of canopy over main entrance and six flags attached to building at first floor level. Withdrawn on 18/05/1990
- 7.3 921281 – The installation of a steel canopy at fascia height. Approved with conditions on 08/03/1993
- 7.4 990032 - Erection of boundary fencing to rear of nos. 6-10 Market Road car park and courtyard area. Approved with conditions on 25/02/1999
- 7.5 P040969 - Relocation of front entrance and other minor alterations to front elevation. Approved with conditions on 21/06/2004
- 7.6 P080666 – Erection of plant at roof level. Approved with conditions on 13/08/2008.
- 7.7 P120562 - The installation of a galvanised freestanding safety handrail system for access to the roof area for periodic maintenance. Approved with conditions on 12/06/2012.
- 7.8 P121674 - Installation of air conditioning condenser plant at rooftop level. Approved with conditions on 21/09/2012.
- 7.9 P2017/4957/FUL - Refurbishment of existing office building and erection of two-storey roof extension with plant enclosure to provide additional office floorspace (Use Class B1); the external re-modelling of the existing building; infill of existing terraces and ground floor car park; re-location of main entrance at ground floor; provision of new cycle and refuse store and other associated works incidental to the development. Withdrawn on 06/02/2019.
- 423-425, 429-435 [odd] Caledonian Road; 1-11 Balmoral Grove; 4-6 [even] Brewery Road & Grove House 1 Market Road,
- 7.10 P2015/3989/FUL - Demolition of all existing buildings on site to provide a mixed use development within new buildings ranging from 1-11 storeys; providing 252 residential units [use class C3]; flexible employment [use class B1a-c]; flexible retail [use class A1-A3]; and community [use class D1] floorspace; together with the creation of a new central vehicular and pedestrian access route through the site from Market Road to Brewery Road and associated highway works; basement car parking; cycle parking; creation of a new pedestrian access into the site from Caledonian Road; and provision of open space and associated works of hard and soft landscaping. Approve with conditions and legal agreement on 09/08/2016. This development is currently under construction.

ENFORCEMENT

7.11 None

PRE-APPLICATION ADVICE:

7.12 Q2017/3702/MJR - Refurbishment, extensions and new street elevation to create additional office accommodation. Referred to Design Review Panel who were generally supportive of the principles of the proposed scheme. They did, however, raise a number of concerns and made a number of recommendations, which they felt should be addressed in order to enhance the proposal. Of particular importance was the treatment of the projecting bays to the remodelled Market Road elevation and the principle of painting the existing brickwork to this frontage, both of which require further consideration and justification. Also provided additional advice in relation to Energy requirements.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to 241 no. occupants of adjoining and nearby properties Caledonian Road, Sterling Way and Market Road on 7th February 2019, and site and press adverts were displayed. Following the submission of amended and additional information, relating to the reduction of the area of the plant enclosure as well as the height of the associated screening, additional consultation letters were sent on 23rd May 2019. The public consultation of the application expired on 6th June 2019.

8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report 6 no. objections in total had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- Design and impact on visual appearance of the area (paragraphs 10.5 to 10.17)
- Noise and disruption due to proposed plant equipment (to occupiers of no. 453 Caledonian Road) (paragraphs 10.40 to 10.44)
- Lack of detail of proposed plant equipment (paragraph 10.42)
- Hours of operation of the plant should be restricted to office hours (paragraph 10.32)
- Noise and privacy issues associated with roof terraces (paragraphs 10.38 and 10.39, and 10.44)
- Loss of daylight/sunlight to neighbouring properties, and communal garden (associated with nos. 453-455 Caledonian Road) as a result of the proposal, including plant enclosure screening, and any potential solid balustrades (paragraphs 10.16 to 10.36, and 10.38)

- Potential noise and disruption caused by construction traffic, (including blocking access to car park of no. 453 Caledonian Road) (paragraph 10.46)
- Requests reflective (rather than transparent) angled rooflight to improve daylight/sunlight to communal garden and that the goods lift is repositioned and reduce extent and height of plant enclosure at roof level (paragraph 10.60)
- Lack of bird and bat boxes/bricks (paragraph 10.50)

Internal Consultees

- 8.4 **Design and Conservation Officer:** raised no objections to the proposal.
- 8.5 **Pollution Officer:** raised no objections to the proposal, subject to conditions including the details of the plant equipment and sound levels and for a post mitigation installation report to be submitted.

External Consultees

- 8.6 **London Underground Zones of Interest:** confirms that they have no comment to make.
- 8.7 **Network Rail:** raised no objections to the proposal providing the applicant ensures that their proposal, both during construction and after completion of the works on site, does not impact their network. They have requested that the applicant is informed about a number including those relating to the future maintenance, drainage, use of plant and materials, scaffolding, piling, fencing, lighting and noise and vibration.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

- 9.1 Islington Council (Planning Sub-Committee B), 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.) and;
 - As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- 9.2 National Planning Policy Framework (NPPF): Paragraph 11 states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be

seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...

- 9.3 At paragraph 8 the NPPF states: “that sustainable development has an economic, social and environmental role”.
- 9.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.9 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

- 9.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.11 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Kings Cross & Pentonville Road Core Strategy Key Area
 - Cycle Routes (Local)
 - Within 100m of SRN (Strategic Road Network)
 - Rail Land Ownership – National Rail Surface
 - Rail Land Ownership – TfL Tunnels
 - London Underground Zone of Interest
 - Article 4 Direction – office to residential
 - Article 4 Direction A1-A2 (Rest of Borough)
 - Nearby Grade II Listed (no. 451 Caledonian Road) 20m to the south east

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

- Land use
- Design and Conservation
- Neighbouring Amenity including sunlight/daylight and noise
- Sustainability
- Inclusive Design
- Highways

Land use

- 1.1 The host building consists of 5,238 sqm (GIA) of existing office floorspace, which consists of an internally located car park at ground floor. This car park currently in sole use by the current occupiers of the office building. Therefore, whilst the proposal would result in an increase in the use part of the ground floor being used as an office (104 sqm), the proposal would not result in any change of use of the building as this is an ancillary car park, associated with the function of the use of the building. However, Islington Core Strategy (2011) policy CS6 confirms that the King's Cross area is expected to accommodate growth in jobs from B-use floorspace.
- 1.2 Notwithstanding the above, the removal of the existing ground floor car park would comply with policy requirements of Part B of Policy DM8.5 relating to non-residential parking. It notes that *parking will only be allowed for non-residential developments*

where this is essential for operational requirements and therefore integral to the nature of the business or service.

- 1.3 Given that the policy also confirms that *normal staff parking will not be considered essential and will not be permitted*. Given the existing car parking is used as a staff car park, the loss of this area for parking is considered compliant with this policy, and acceptable in land use terms, subject to all other material considerations.

Design and Conservation

- 1.4 The site is not located within a conservation area, and the nearest conservation area is St Mary Magdalene Conservation Area (400m away). However, the site is within close proximity to a Grade II Listed Building (no. 451 Caledonian Road) being 20m to the south east. Therefore, the proposal is required to pay special regard to the statutory duty (S66 (1)) for the preservation or enhancement of this heritage asset. Therefore, in terms of assessing the acceptability of the design of the proposal, it is important to consider the NPPF, Development Management Policies (2013) DM2.1 and DM2.3, Islington Core Strategy Policies (2011) CS6 and CS9, and the guidance found within the Urban Design Guide (UDG) 2017.
- 1.5 Core Strategy Policy CS9 states that ‘high quality architecture and urban design are key to enhancing and protecting Islington’s built environment, making it safer and more inclusive’.
- 1.6 Policy DM2.1 states ‘All forms of development are required 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’.
- 1.7 In relation to heritage, Policy DM2.3 states ‘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’.
- 1.8 The UDG provides guidance on how urban design principles should be applied to ensure that new development successfully contributes to making the borough a better place. It is applicable to all new developments, including alterations and extensions to existing buildings. The proposal includes a number of different elements which are assessed below.

Rebuilding and alterations to fenestration of existing elevations

- 1.9 Paragraphs 5.89 to 5.130 of the UDG provides advice in relation to elevational treatment to buildings. On a general basis it recommends that the elevation must work in terms of its relationship to its neighbours, to the public realm and its own architectural integrity. To deliver a successful design, consideration needs to be given to a range of detailed design elements including:
- Defining the roofline.
 - Treatment of the ground floor.
 - Appropriate articulation of fenestration.
 - Passive design principles such as solar shading.
 - Choice of materials/detailing

- 1.10 Paragraphs 5.91 to 5.98 of the UDG provides more specific advice in relation to fenestration design, noting that *'windows are a key component of the façade that help define a building's character and their arrangement is an important element in breaking down the scale of building frontages. Care needs to be taken to ensure that the windows are of an appropriate scale to the façade and that windows in the façade have some relationship with each other'*.



Image 4: Proposed south elevation fronting Market Road

- 1.11 In terms of the proposed works to the façade of the south elevation, which fronts Market Road. Views are possible from the public highways of Market Road, and the junction with Caledonian Road and McKenzie Road to the east, and to the south further along Caledonian Road.
- 1.12 The proposed alterations to the existing fenestration are considered to be in keeping with the wider streetscene. The projecting double height windows are considered to provide the front elevation with a more consistent appearance and an improvement of the existing situation, removing the overly small windows that fail to offer rhythm to the elevation. The proposed rebuilding and painting of the existing brickwork to be grey in colour is considered to be acceptable, given the surrounding buildings which are relatively contemporary in nature. The other external alterations to the facades, to the north, east and west elevations, whilst not visible from the public realm would be visible from the adjacent residential properties, and the existing external communal area associated with no. 453-455 Caledonian Road. The proposed façade alterations are limited in their scope and refresh its appearance than altering it any substantial way, with the proposal largely retaining its existing solid to void ratio, and is considered to be acceptable, and provide the building with a consistent visual appearance.

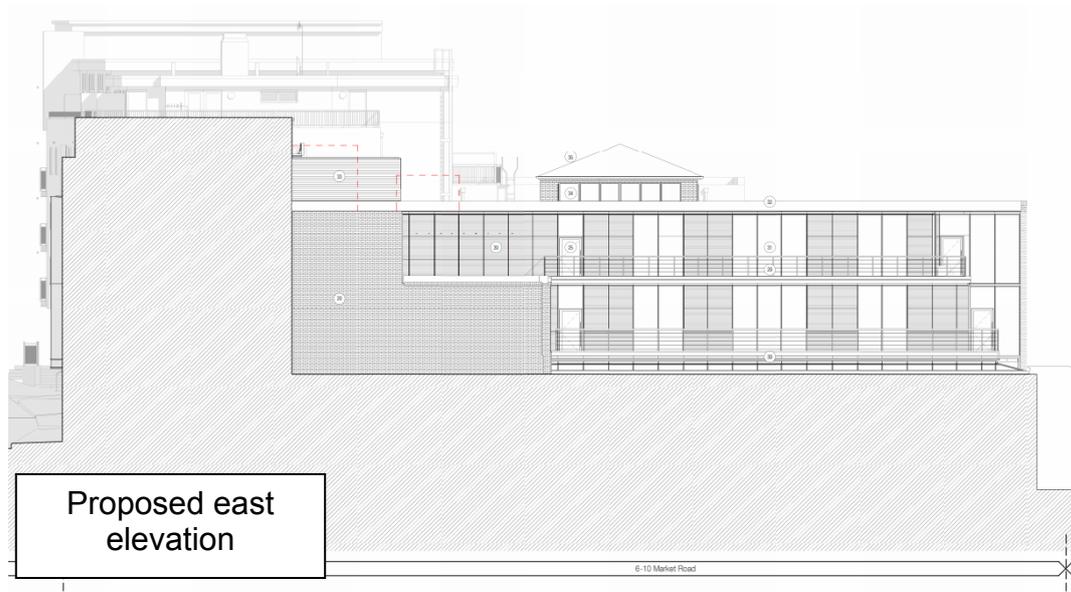


Image 5: Proposed east elevations

Roof terraces and balconies

- 1.13 Paragraphs 5.171 to 5.173 of the UDG provide advice in relation to the design considerations for proposed roof terraces and balconies. It advises that when considering the introduction of a roof terrace or balcony, the main considerations should be:
- The scale and visual prominence.
 - The impact on the established townscape and architectural style.
 - The impact on neighbouring properties (overlooking and visual amenity).
- 1.14 The proposed roof terraces and balconies would be located to the rear of the host building, along the first and second floors along the east and north elevations, and within recessed corners, to the north and west elevations at first floor, as well as a terrace at lower ground floor. In terms of the principle of a roof terrace on the host building the drawings associated with the approved application for plant equipment showing the second floor area, to the east and north elevation, as an existing roof terrace (Ref. P121674).
- 1.15 Notwithstanding these drawings, planning permission has not been granted for their use, and therefore their acceptability should be assessed against the criteria set out with paragraphs 5.171 and 5.173 of the UDG. Whilst all of the roof terraces and would not be visible from the public realm, it is important to consider the visual impact from private views. The roof terraces and balconies would be highly visible from the residential flats immediately opposite and adjacent, within nos. 453-455 Caledonian Road, being 9m and 7m respectively, and the associated communal area. Any views of the other roof terraces to the north and west elevations would largely be obscured due to their position and relationship with neighbouring properties. However, the acceptability of the proposed terraces would be dependent on the amenity impact of this close relatively close relationship.
- 1.16 However, whilst none of the terraces and balconies would be visible from the public realm it is important to consider the visual impact from residential properties,

particularly the east elevation where clear views would be possible from the residential flats and communal garden associated within nos. 453-455 Caledonian Road. As such a condition has been recommended for the removal of the proposed east roof terraces at first and second floor levels, given their close proximity to neighbouring properties.

Roof level plant and enclosure

- 1.17 Paragraphs 5.182 to 5.185 provide design advice in relation to building service and equipment. It notes that any plant or machinery associated with the operation of a commercial flue should be located within the building if possible. If it is necessary to install plant on the outside of the building, it should be located at a low level (preferably within a courtyard or rear garden area) and either obscured from view by existing structures such as parapet walls or housed within a suitably designed enclosure.
- 1.18 The proposal would result in the use of an area at roof level for the proposed plant equipment. Whilst specific details of the amount and type of plant equipment proposed has not been provided, as the applicant has confirmed that this will be dependent on the needs of the future occupier of the building, the proposal seeks to erect a screen to enclose the plant area, which would contain any future plant equipment.

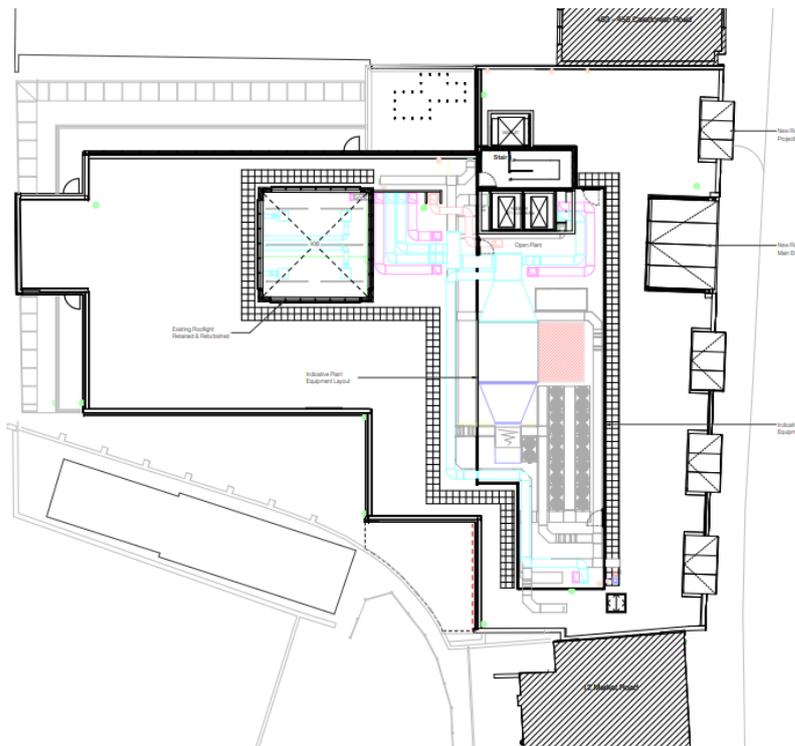


Image 6: Roof Plan showing proposed plant enclosure

The host building has a number of roof level structures, including the lift and stair overrun, a large projecting rooflight, as well as plant equipment which has already been approved (some of which would be removed including all existing plant bases, lift motor room, stair enclosure, coping to external wall, existing glazed atriums, and plant enclosure columns). The acceptability of the additional roof level plant and

associated enclosure is dependent on the impact on the surrounding area, including the streetscene.

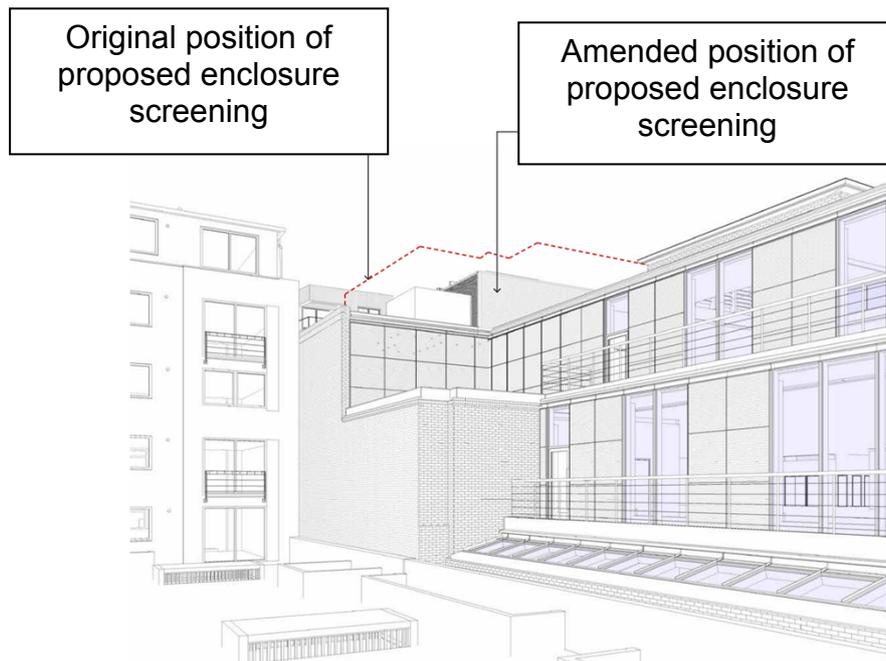


Image 7: Visual drawing showing the east elevation in a southerly direction from the communal amenity space associated with nos. 453-455 Caledonian Road

- 1.19 Private views are afforded from nearby residential properties, views from the east would largely be obscured given its position adjacent to the existing lift overrun, from the east. The views from the west, would be largely obscured by the roof of the adjacent property, no. 12 Market Road.



Image 8: Visual drawing showing south elevation along Market Road, towards the junction with Caledonian Road

- 1.20 The proposed enclosure screen would be visible from the streetscene. However, given the restricted height at 2.6m and the setback of the screening (approximately 7m) from the south elevation along Market Road, views would be limited to small sections of the top of the enclosure, from between the recessed elements of the front façade.

- 1.21 This includes the assessment of the impact of the approved, and currently under construction, mixed use development opposite (ref. P2015/3989/FUL). The development is immediately to the south of the site and immediately opposite, to the south side of Market Road, and consists of single to 11 storey buildings that is currently under construction and includes a pedestrian and vehicle access route, connecting Market Road and Brewery Road.

Setting of the Grade II Listed Building

- 1.22 The application site is located within the setting of the Grade II Listed Building (no. 451 Caledonian Road) which is located 20m away to the south east, and on the south west corner of Market Road and Caledonian Road. As noted above, the proposal is required to preserve the visual appearance and historic character of this heritage asset.
- 1.23 The proposed external alterations to the existing elevations are considered to be in keeping with the visual appearance of the wider area, and would be an improvement of the existing situation, in terms of relationship with the properties along Market Road. The height and setbacks are considered to ensure that the proposed plant enclosure screening would be largely obscured from views when inside or immediately adjacent to the listed building. Furthermore, the proposed roof terraces and balconies would be located towards the rear of the building away from this building and any views from the public realm. In addition, a condition has been recommended to ensure that the materials used in the proposal would be submitted and approved in writing.
- 1.24 Therefore, it is considered that the proposed elevation changes would preserve the visual appearance and historic character of the setting of this Grade II Listed Building (no. 451 Caledonian Road).
- 1.25 Overall, given the above assessment that the proposal would preserve the visual appearance and historic character of the host building and the setting of the nearby Grade II Listed Building (no. 451 Caledonian Road), and is considered acceptable in design terms.

Neighbouring Amenity including Noise

- 10.13 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.14 London Plan policy 7.6 (part Bd) states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. Policy 7.15 (part B) states that development proposals should seek to manage noise by mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development; separating new noise sensitive development from major noise sources through the use of distance, screening or internal layout in preference to sole reliance on sound insulation; controlling and mitigating potential adverse effects through the application of good acoustic design principles; and

promoting new technologies and improved practices to reduce noise at source and on the transmission path from source to receiver.

- 10.15 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

BRE Guidance: Sunlight and Daylight

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

- 10.17 BRE Guidelines (2011) paragraph 1.1 states: "People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by". Paragraph 1.6 states: "The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design...In special circumstances the developer or local planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings".

BRE Guidance: Daylight to existing buildings

- 10.18 The BRE Guidelines stipulate that the diffuse daylighting of the existing building may be adversely affected if either:

- the VSC (Vertical Sky Component) measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value (or reduced by more than 20%), known as "the VSC test".
- the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value (or reduced by more than 20%), known as the "No Sky Line" (NSL) or "Daylight Distribution" (DD) test.

- 10.19 At paragraph 2.2.7 of the BRE Guidelines it states:

"If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time."

- 10.20 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 10.21 At paragraph 2.2.8 the BRE Guidelines state: “Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the ‘no sky line’ in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside”.
- 10.22 Paragraph 2.2.11 states: “Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.” The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.
- 10.23 The BRE Guidelines at its Appendix F gives provisions to set alternative target values for access to skylight and sunlight. It sets out that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. An example given is: “in a mews development within a historic city centre where a typical obstruction angle from ground floor window level might be close to 40 degrees. This would correspond to a VSC of 18% which could be used as a target value for development in that street if new development is to match the existing layout”

BRE Guidance: Sunlight to existing buildings.

- 10.24 The BRE Guidelines state in relation to sunlight at paragraph 3.2.11: “If a living room of an existing dwelling has a main window facing within 90 degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected.” 10.40 This will be the case if the centre of the window:
- Receives less than 25% of annual probable sunlight hours (APSH), or less than 5% of annual (winter) probable sunlight hours between 21 September and 21 March (WPSH) and;
 - Receives less than 0.8 times its former sunlight hours (or a 20% reduction) during either period and;
 - Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

- 10.25 The BRE Guidelines state at paragraph 3.16 in relation to orientation:

“A south-facing window will, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and westfacing windows will receive sunlight only at certain times of the day. A

dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit.”

10.26 The Guidelines go on to state (paragraph 3.2.3):

“... it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun.”

10.27 The nearest residential properties to the host building are located immediately adjacent, being the self-contained flats within nos. 453-455 Caledonian Road and 12 Market Road, to the east and west respectively.

10.28 In this instance, the proposed external facades and the alterations associated with the roof terraces are not considered to result in any additional amenity issues in terms of any loss of daylight/sunlight or outlook to neighbouring properties.

10.29 Notwithstanding the above, a Daylight and Sunlight Assessment has been submitted of the application. The report has assessed the impact of the development to all neighbouring residential properties using the VSC (Vertical Sky Component), Daylight Distribution and APSH (Annual Probable Sunlight Hours) tests as recommended by the BRE guidance. The report has assessed the impact on the residential properties found within nos. 453-455 Caledonian Road, nos. 457-463 Caledonian Road, nos. 1-9 Market Road, no. 12 Market Road, and no. Xchange Point, 14-22 Market Road.

10.30 The submitted report, which has assessed the whole of the proposal including the goods lift, has identified that all windows tested meet the BRE Guidelines in terms of VSC and Daylight Distribution. The VSC assessment has identified that the facing windows of nos. 1-9 Market Road and 453-455 Caledonian Road to the south and east of the site, respectively, are located very close to the proposed development and are the most sensitive to any change in massing on the development site. The assessment has shown that the largest reduction in daylight levels for nos. 453-455 Caledonian Road is 4.2%, relating to a second floor bedroom, whereas for nos. 1-9 Market Road the largest reductions relating living/kitchen/dining areas at first (7.7%) and second floor (7.4%). The BRE guidance suggests anything less than 20% would not be noticeable to occupants, this loss is considered acceptable.

10.31 In terms of Daylight Distribution, the submitted report has identified that whilst all of the windows and rooms tested achieve the BRE guidelines criteria. In terms of nos. 453-455 Caledonian Road, the biggest losses can be found within a second floor kitchen (7.5%) and a first floor kitchen (6.4%) and bedroom (5.9%). The 2 no. habitable windows within no. 1-9 Market Road to the south would result in a loss to 2 no. bedrooms at first floor (12.6% and 5.5%).

10.32 It is noted that all of the windows and rooms tested achieve the criteria set within the BRE Guidance in terms of VSC and Daylight Distribution (NSL).

Sunlight

- 10.33 In terms of loss of sunlight, the applicant has undertaken Annual Probable Sunlight Hours (APSH) testing against BRE Guidance. It is recommended within BRE Guidance that windows should not receive less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March (winter). It also mentions that windows should not receive less than 0.8 times its former sunlight hours during either period or have a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours. The guide suggests that sunlight is most important in main living rooms and that kitchens and bedrooms are less important. Furthermore, only windows which face within 90 degrees of due south are relevant for consideration.
- 10.34 The report has identified that all of the neighbouring properties that have windows within 90 degrees of due south will receive very little impact to sunlight and all retain the existing levels in excess of the BRE recommendations.
- 10.35 The submitted Daylight/Sunlight Report has not provided any assessment of the existing communal garden associated with nos. 453-455 Caledonian Road. However, given the proposed setbacks from the shared boundary of the proposed rooftop plant enclosure and associated structures, and the relationship with the height of the surrounding existing buildings, it is considered that the proposal would have an acceptable impact in comparison to the existing situation.
- 10.36 Overall, it is considered that the daylight/sunlight testing undertaken by the applicant demonstrates that the proposed development at nos. 6-10 Market Road will not cause unreasonable harm to the amenities of neighbouring occupiers in terms of loss of daylight and sunlight.

Privacy

- 10.37 The alterations to the existing facades, as well as the plant enclosure at roof level, are not considered to result in any loss of privacy to neighbouring properties over and above the existing situation.
- 10.38 The nearest residential properties to the proposed roof terraces at first and second floor are nos. 453-455 Caledonian Road to the east, and no. 12 Market Road to the west, which are both positioned immediately adjacent. The existing communal garden associated with nos. 453-455 Caledonian Road is positioned between the shared boundary and immediately opposite the main part of the east elevation of the building, measuring 9m. rear and south elevations could result in additional privacy issues. It is acknowledged that nearest flat to the roof terraces is located approximately 7m away, views from this amenity space into the existing windows are largely obscured by the shape of and relationship with the host building. The roof terrace at first floor towards the west elevation also benefits from a similar relationship, being located at the same distance away and in a recessed area of the building, which is considered to obscure views.

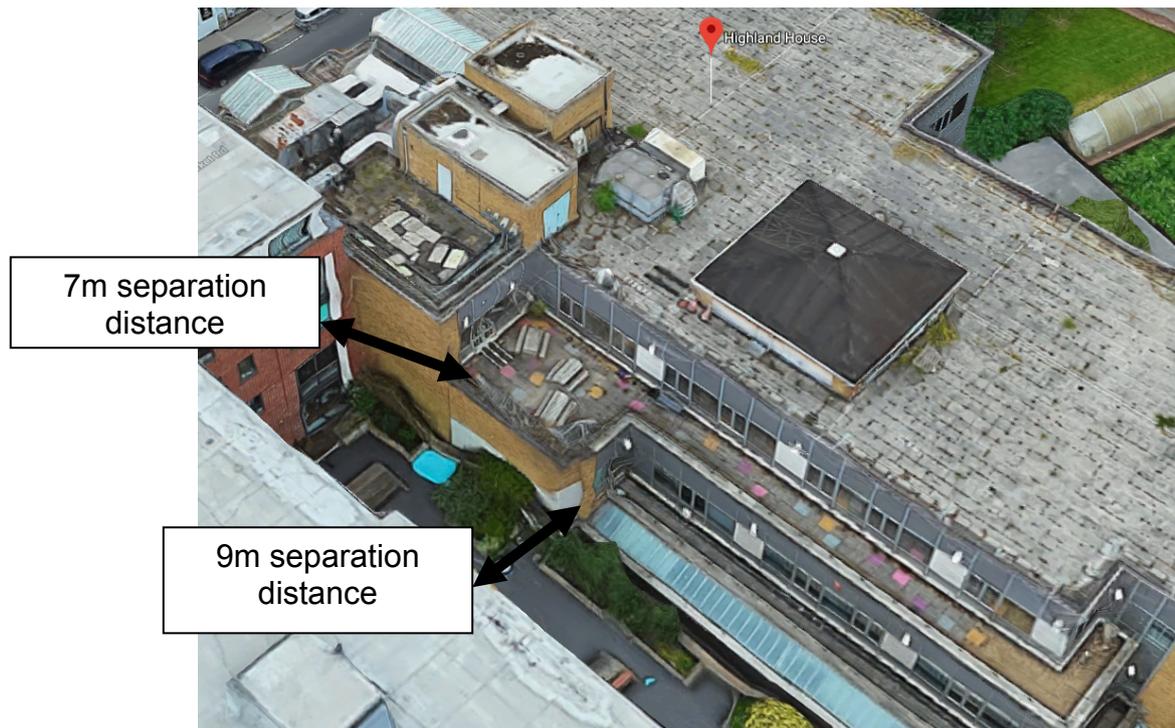


Image 10: Aerial photograph showing east elevation

10.39 Notwithstanding the above, a condition has been recommended in relation to details of proposed balustrades to ensure this element of the proposal would not result in any significant overlooking issues. A condition has also been recommended to remove the proposed east roof terraces at first and second floor levels. No planning permission has been given for establishment of the use of the roofs as amenity areas or terraces and the condition to remove the proposed east roof terraces at first and second floor levels is considered necessary given the close relationship of the site to the neighbouring properties.

Noise

10.40 The application was accompanied by the submission of a Noise and vibration planning report (ref. 17443-R02-C) produced by Sandy Brown and dated 10th January 2019. This report was carried out to determine the existing background and ambient sound levels in the area, and to set the appropriate plant noise limits in line with the requirements of the Council.

10.41 The report has identified all plant must be designed such that the cumulative noise level at 1 m from the worst affected facade of the nearby noise sensitive premises that face towards the railway does not exceed LAeq 39 dB during the daytime and LAeq 37 dB during the night. For the facades that overlook Market Road noise egress from building services should not exceed LAeq 45 dB during the daytime and LAeq 35 dB during the night.

10.42 The specific details of the plant equipment will be dependent on the needs of the future occupier of the host building, and a condition has been recommended for the submission and approval of their details. However, the applicant has provided information in relation to the type of plant equipment proposed within the enclosure,

including air handling units, gas fired VRF units, toilet extract fan unit and control panel GRP enclosures. This equipment varies in height between 2.35m to 2m and would sit within the enclosure, which would help mitigate the noise, as well as the visual impact of the proposal.

- 10.43 Concerns have been raised in relation to the proposed hours of use of the plant equipment. Whilst the applicant seeks to use the equipment continuously, 24 hours a day, a condition has been recommended to restrict their use to 0800 to 2000 hours, Monday to Friday only, which is consistent with the restrictions associated with the existing approved (ref. P121674) plant at roof level. Furthermore, the review of the submitted report by the Council's Pollution (Acoustic) Officer concluded that there are no objections to the proposal, subject to conditions in the event that the application was approved. These conditions relate to the sound levels and for a post mitigation installation report to be submitted to demonstrate compliance.
- 10.44 In addition to the above, it is noted that the proposed roof terraces may result in increased noise to surrounding area. As such conditions are recommended to restrict the hours of use of these areas between 900 hours to 1800 hours, Monday to Saturdays only, to protect the amenity of neighbouring properties.
- 10.45 It is therefore considered that given the comments received by the Council's Pollution Officer, and recommended conditions relating to the specific details of the plant equipment, restriction of noise levels, post installation mitigation report, the requirement of the installation of the acoustic louvres prior to the operation of any plant, are considered acceptable.
- 10.46 In addition, especially given the other development in the area and in order to minimise noise and disruption during the construction period, and associated impacts on the local highway network, a condition has been recommended to secure a Construction and Environmental Management Plan prior to the commencement of the development.
- 10.47 In summary the proposal would not conflict with Policy DM2.1 of the Islington's Development Management Policies with regards to the protection of neighbouring amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential amenity and is therefore acceptable in this regard.

Sustainable Design

- 10.48 Policy DM7.1 seeks to ensure development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development.
- 10.49 The application has identified a number of matters to ensure that the development uses passive and low energy demand and minimise CO2 emissions followed by the application of low carbon technologies. It is considered that the proposal is acceptable in this regard, and a condition has been recommended to ensure that these measures are implemented in full (including providing a high degree of thermal insulation within the new walls, floor and roof areas, mechanical supply and extract ventilation with integral high efficiency heat recovery, high efficiency air source heat

pumps, low building air leakage rate, low energy LED lighting, automatic lighting control system with occupancy and daylight dimming controls, and building management system to provide energy efficiency controls).

- 10.50 A letter of representation has raised concerns relating to the lack of bat and bird nesting boxes and bricks. A condition has been recommended to ensure this is included within the development.

Inclusive Design

- 10.51 Policy DM2.2 seeks to ensure all developments provide for ease of and versatility in use and deliver safe, legible and logical environments.
- 10.52 The host building benefits from level access to all floors, with 2 no. new lifts (4 no. in total), as well as accessible WC's to all floors. It is acknowledged that the loss of the existing car park would result in the building being less accessible for disabled persons. However, there are 4 no. disabled car parking spaces to the front of the building. The site is also in a highly accessible location, with very good levels of public transport. Overall, it is considered to be acceptable in providing accessible accommodation to future occupiers.

Highways

- 10.53 The site is in a highly accessible area with very good (PTAL – 5) levels of public transport accessibility. The site is within walking distance to Caledonian Road Underground Station, and there are a number of bus routes in close proximity to the site.
- 10.54 Development Management Policy DM8.4 (Walking and cycling), Part D requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, stepfree and accessible cycle parking.
- 10.55 Appendix 6 of the Development Management Policies (2013) requires 1 cycle storage space per 80 sqm of office floorspace, which would mean that a minimum of 66 no cycle spaces. The proposal would result in provision at basement level for 69 no. cycle storage spaces, including 3 no. accessible bays, 2 no. mobility scooter spaces. A condition has been recommended to ensure this is provided.

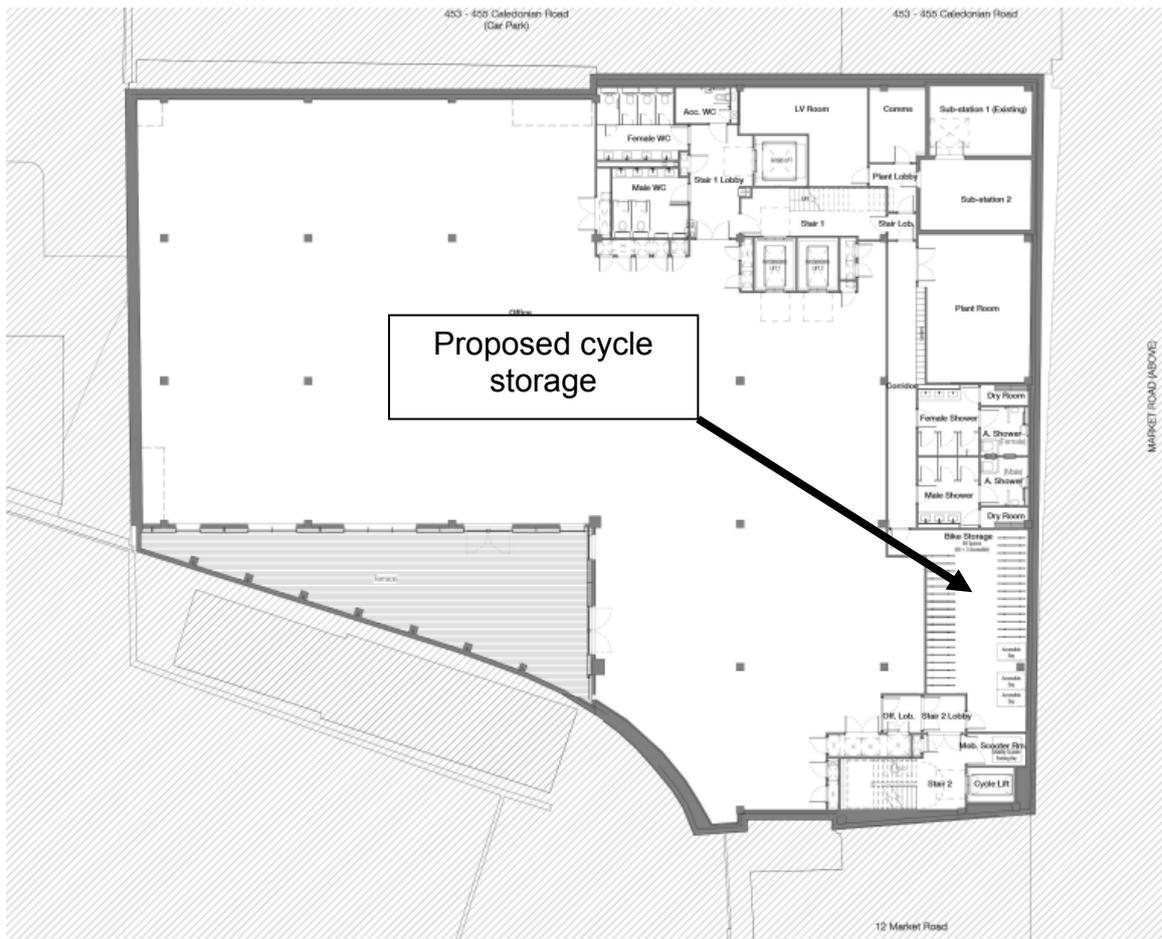


Image 11: Proposed lower ground floor plan

- 10.56 As noted above, the proposal would result in the loss of the existing car park, whilst this is compliant with the Council’s car-free development policies, it would result in the host building less accessible for disabled users. However, as noted in the Inclusive Design assessment above, there are 4 no. disabled parking bays along Market Road near the entrance. The application site is also in a highly accessible location for public transport provision.
- 10.57 The applicant has confirmed proposed servicing and refuse collection arrangements are that the majority of deliveries will be undertaken from the on-site loading bay which can accommodate up to a 4.6 tonne Panel Van. Larger vehicles would make use of the single yellow line on the site frontage. Also waste will be stored in a dedicated area at ground floor level and will be collected from the kerbside of Market Road, as per the existing situation. Given the nature of the office use, which would retain the existing servicing and refuse collection arrangements, the additional floorspace (104 sqm) is not considered to result in any significant additional requirements, over and above the existing situation.
- 10.58 The existing vehicular access at the southeast of the building will be closed as part of the development, and the applicant has confirmed that the existing crossover will be removed with the footway reinstated. It is anticipated that these works will be secured by a Section 278 agreement and such a condition has been recommended so that the existing crossover would be removed prior to the occupation of the additional office floorspace.

Other Matters

- 10.59 As part of the consultation for the application, Network Rail identified a number of matters relating to the nearby railway track. An informative has been recommended to make the applicant aware of these comments.
- 10.60 The letters of representation raised alternative proposals and suggested changes. The assessment of the application is based on the submitted details by the applicant and its acceptability against adopted policy guidance and other material considerations.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 Planning permission is sought for alterations including rebuilding of parts of the existing elevations of the host building. This would include alterations to the glazed entrance doors to the south elevation, and changes to the upper floors. The proposal would also result in an additional 104 sqm of office floorspace by the infilling of the existing ground floor car park and would also include internal refurbishment and reconfiguration throughout.
- 11.2 The proposal also includes roof terraces to first and second floors. At roof level, the application proposes the installation of new plant equipment and associated enclosure in the form of a metal screening, this is following removal of existing roof level structures.
- 11.3 The application is brought to committee because of 6 no. objections received, raising valid planning matters and previous Member interest in the site.
- 11.4 The issues arising within consultation responses include the design of the proposal, its impact on amenity of neighbouring properties, in terms of loss of daylight/sunlight and privacy, noise impacts, as well as the impact on the surrounding area during the construction period, including noise and disruption.
- 11.5 The proposed increase in office floorspace, as result of the loss of the ground floor car park, is considered to be compliant with the Council's policies. In addition, conditions have been recommended relating to the removal of the existing crossover and the submission of Construction and Environmental Management Plan.
- 11.6 The proposed façade changes are considered to be an improvement on existing situation and are in keeping with the character and appearance of the wider streetscene. The plant enclosure has been designed so to that it is restricted in height, and set away from the front elevation and from the nearest residential properties, meaning that it would not be readily visible from the public realm. It is therefore considered that design of the proposal is acceptable and would preserve setting and historic character of the surrounding heritage asset, being the Grade II Listed Building (no. 451 Caledonian Road). It is therefore compliant with Islington Core Strategy (2011) CS8 and CS9 policies, DM2.1, DM2.3 of the Development Management Policies (2013), the Urban Design Guide (2017).

- 11.7 The proposal is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of daylight or sunlight, outlook, privacy or increased sense of enclosure. The submitted Daylight/Sunlight Report has confirmed that the proposal would be compliant with BRE requirements in regards to daylight/sunlight impact on habitable windows and rooms to neighbouring properties, and the impact on the communal amenity space, associated with no. 453-455 Caledonian Road, is not considered to be significant given the setbacks and the scale of the surrounding buildings.
- 11.8 Given the close relationship with the residential flats within nos. 453-455 Caledonian Road, a condition has been recommended to prevent the use of the terraces and balconies on the east elevation being used as private amenity space. However, the proposed roof terraces to the north and west are considered to have acceptable amenity impact on neighbouring properties, and conditions relating to hours of use and details of the balustrades are recommended.
- 11.9 Overall, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for approval subject to conditions.
- 11.10 Following the submission of a Noise Impact Assessment, in support of the application, the Council's Acoustic Officer concludes that subject to conditions, the proposal would not result in any unacceptable noise to neighbouring properties over and above the existing situation. Conditions have also been recommended to ensure that the noise levels comply with the Development Management Policies (2013) acoustic requirements. It is therefore considered to be compliant with policy DM2.1 of Islington's Development Management Policies (2013).

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Existing drawings: 2017-165/0100/Rev.A, 2017-165/0101/Rev.A, 2017-165/1020/Rev.A, 2017-165/1021/Rev.A, 2017-165/1022/Rev.A, 2017-165/1023/Rev.A, 2017-165/1024/Rev.A, 2017-165/1025/Rev.A, 2017-165/1026/Rev.A, 2017-165/1027/Rev.A, 2017-165/1028/Rev.A, 2017-165/1029/Rev.A, 2017-165/1030/Rev.A</p> <p>Proposed drawings: 2017-165/2150/Rev.A, 2017-165/2151/Rev.A, 2017-165/2152/Rev.A, 2017-165/2153/Rev.A, 2017-165/2154/Rev.C, 2017-165/2160/Rev.A, 2017-165/2161/Rev.A, 2017-165/2180/Rev.A, 2017-165/2174/Rev.C, 2017-165/2173/Rev.C, 2017-165/2172/Rev.C, 2017-165/2171/Rev.C, 2017-165/2175/Rev.A, 2017-165/2176/Rev.A, 2017-165/2177/Rev.A, 2017-165/2178/Rev.A</p> <p>Documents: Ventilation and Extraction Statement (ref. 4265) Issue 4 by Watkins Payne dated January 2019, Design and Access Statement dated January 2019, Employee Travel Plan and Transport Plan by Caneparo associates dated January 2019, Planning Statement dated January 2019, Noise Assessment (noise and vibration planning report) by Sandy Brown ref. 17443-R02-C dated 10 January 2019, Letter from eb7 dated 19th March 2019 with Daylight and Sunlight Assessment, Plant Screen Update 2017-165 dated May 2019</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>

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 work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Bricks (including colour of paint, texture and method of application); b) Window treatment (including sections and reveals); c) Screening for plant enclosure (including colour) d) Balustrades (roof terraces and balconies) e) Any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard</p>
4	Plant Enclosure
	<p>CONDITION: Notwithstanding the details hereby approved, the screening for the plant enclosures, shown in drawing nos. 2017-165/2154/Rev.C (roof plan) and 2017-165/2170/Rev.C (south elevation) shall be installed prior to the first operation of the hereby approved plant equipment and retained thereafter.</p> <p>REASON: In order to protect the amenity of neighbouring properties in terms of noise and ensuring adequate mitigation is provided</p>
5	Noise Levels
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: In order to protect the amenity of neighbouring properties in terms of noise</p>
6	Post Installation Noise Report
	<p>CONDITION: Within 3 months of the installation of new items of fixed plant a report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 5. 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 and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter. In the event</p>

	<p>REASON: In order to protect the amenity of neighbouring properties in terms of noise</p>
7	<p>Details of Plant Equipment</p>
	<p>CONDITION: Prior to the commencement of the hereby approved development details of the plant equipment shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained as such thereafter.</p> <p>REASON: In order to protect the amenity of neighbouring properties in terms of noise</p>
8	<p>Hours of use/timer</p>
	<p>CONDITION: Prior to the first use for the hereby approved plant equipment, submitted for condition 7, a timer shall be installed limiting the operation of the units to between the hours of 08:00 to 20:00 Monday to Friday only. The units shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>
9	<p>Hours of use (roof terraces)</p>
	<p>CONDITION: The hereby approved roof terraces (to the north at first and second floor and west elevations at lower ground and first floors) shall only be in use between the hours of:</p> <ul style="list-style-type: none"> - 0900 to 1800 on Monday to Friday only - The roof terraces shall not be used on weekends or on bank holidays. <p>The roof terraces shall not be accessed outside of these permitted house except in case of emergencies and for essential maintenance and repair purposes.</p> <p>REASON: To protect the amenity of neighbouring properties.</p>
10	<p>CEMP (details)</p>
	<p>CONDITION: Prior to the commencement of the hereby approved development a Construction and Environmental Management Plan (CEMP) shall be submitted in writing the Local Planning Authority. The CEMP shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned 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 using Market Road at all times, including emergency service vehicles;
 - m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and
 - n) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.
 - o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. The report shall assess the impacts during the construction phase 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 development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.

11	Removal of existing crossover
	<p>CONDITION: Prior to the occupation of the approved additional floorspace (formerly used as a car park) at ground floor the crossover situated immediately to the south of the site shall be removed and the pavement reinstated pursuant to an agreement with the local highway authority under Section 278 of the Highways Act 1980.</p> <p>REASON: In the interests of ensuring the redundant feature to the street scene as a direct result of the development is removed and the highway reinstated for pedestrian safety.</p>
12	Cycle storage
	<p>CONDITION: The cycle storage shown on drawing no. 2017-165/2150/Rev.A shall be provided prior to the occupation of the approved additional floorspace (formerly used as a car park) as a result of an infill extension at ground floor. The cycle storage shall be implemented in full and retained thereafter.</p> <p>REASON: To provide adequate cycle storage provision and encourage the use of sustainable forms of transport.</p>
13	Bat/bird boxes
	<p>CONDITION: A minimum of 2 no. bat and/or bird nesting boxes / bricks shall be installed prior to the first occupation of the approved additional office floorspace (formerly used as a car park) as a result of an infill extension at ground floor, 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>
14	Sustainable design measures
	<p>CONDITION: The sustainable design measures identified within the hereby approved Planning Statement dated January 2019 (including thermal insulation, ventilation measures, automatic lighting controls etc) shall be implemented in full prior to practical completion of the works hereby approved, and retained into perpetuity.</p> <p>REASON: To ensure the development is sustainable, minimises CO2 emissions.</p>
15	No permission for roof terraces to east elevation
	<p>CONDITION: Notwithstanding the hereby approved drawings, no permission is granted for the creation of roof terraces at first and second floor levels on the east elevation.</p> <p>REASON: To protect residential amenity from unreasonable overlooking and loss of privacy due to the units being single aspect and a distance of 9m away.</p>

	INFORMATIVES
1	Network Rail
	<p>The developer must ensure that their proposal, both during construction and after completion of works on site, does not:</p> <ul style="list-style-type: none"> • encroach onto Network Rail land • affect the safety, operation or integrity of the company's railway and its infrastructure • undermine its support zone • damage the company's infrastructure • place additional load on cuttings • adversely affect any railway land or structure • over-sail or encroach upon the air-space of any Network Rail land • cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future <p><u>Future maintenance</u></p> <p>The development must ensure any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand-off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.</p> <p><u>Drainage</u></p> <p>Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's</p>

property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 - 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on

	<p>approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.</p> <p><u>Noise and Vibration</u></p> <p>The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.</p>
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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 2018 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

The Development Plan is comprised of the London Plan 2019, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

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

Policy 5.3 Sustainable design and construction
 Policy 7.4 Local Character
 Policy 7.6 Architecture
 Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 6 – Kings Cross

Policy CS 8 – Enhancing Islington's character

Policy CS 9 - Protecting and enhancing Islington's built and historic environment

Policy CS 10 – Sustainable Design

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 DM6.5 – Landscaping, trees and biodiversity
- Policy DM7.1 – Sustainable design and construction
- Policy DM8.2 – Managing transport impacts
- Policy DM8.4 – Walking and cycling
- Policy DM8.5 – Vehicle parking

3. Designations

Kings Cross & Pentonville Road Core Strategy Key Area

Cycle Routes (Local)

Within 100m of SRN (Strategic Road Network)

Rail Land Ownership – National Rail Surface

Rail Land Ownership – TfL Tunnels

London Underground Zone of Interest

Article 4 Direction – office to residential

Article 4 Direction A1-A2 (Rest of Borough)

Grade II Listed (no. 451 Caledonian Road) within 20m to south east

4. SPD/SPGS

Urban Design Guidelines

Inclusive Design SPD

Environmental Design SPD