

PLANNING SUB-COMMITTEE A		
Date:	14 th December 2021	NON-EXEMPT

Application number	P2020/3206/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	No
Conservation area	None
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Bunhill & Clerkenwell Finsbury Local Plan Area Central Activities Zone Employment Priority Area (General) Within 50m of St Luke's Conservation Area Article 4 Direction (A1-A2 (Rest of Borough) and B1(c) to C3) Heathrow Safeguarding Area
Licensing Implications	N/A
Site Address	44 Pear Tree Street, London EC1V 3SB
Proposal	The upward extension, refurbishment and recladding of the existing building to create a new second and third floor and mezzanine level, associated with the use of the building for Class E purposes, together with the provision of plant equipment and a roof terrace at roof level and the provision of refuse, recycling and cycle parking facilities at ground floor level.

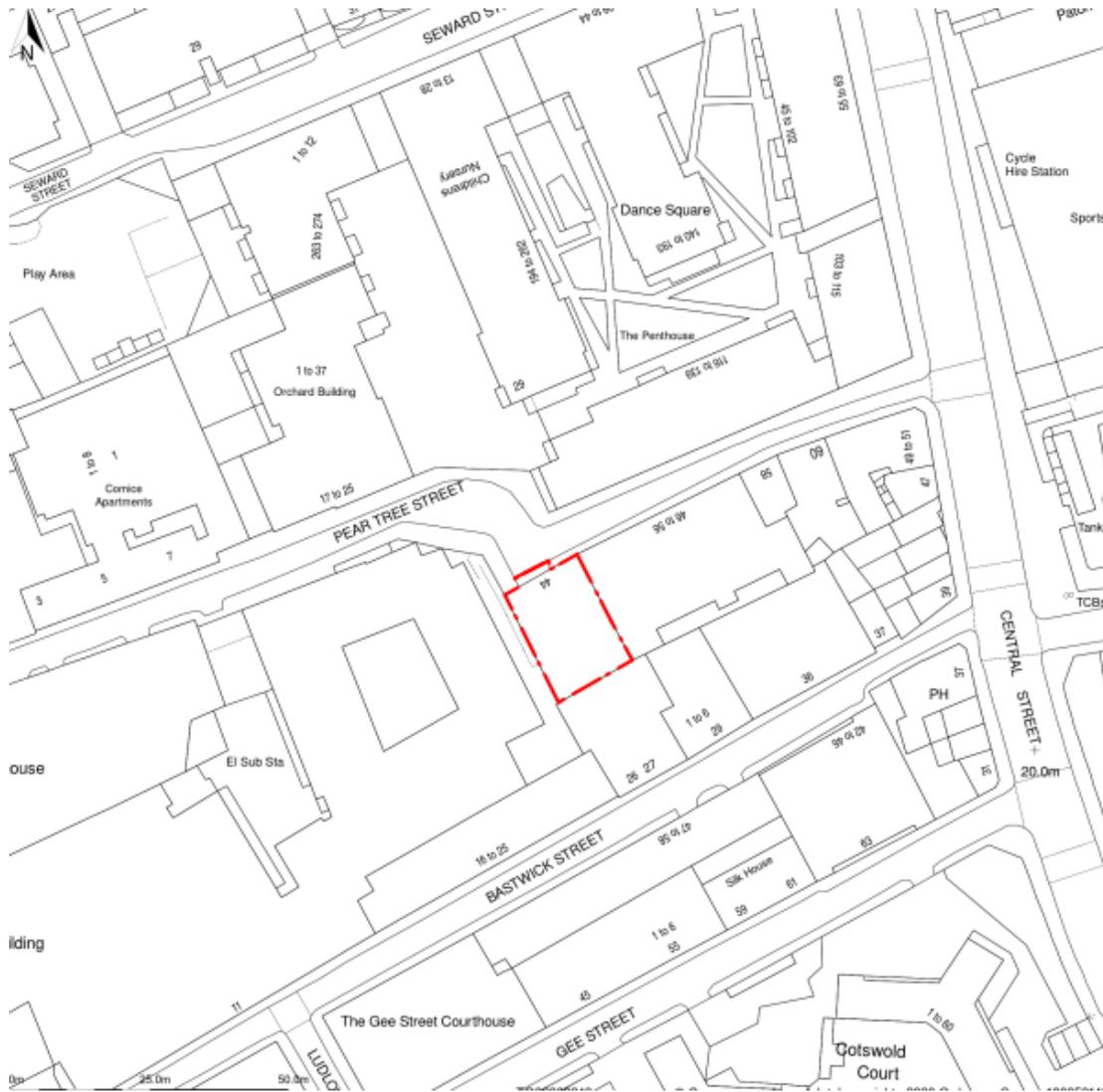
Case Officer	Daniel Jeffries
Applicant	Ms E Lewis
Agent	Mr Lewis Westhoff - Icen Projects

1. RECOMMENDATION

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

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

SITE PLAN (SITE OUTLINED IN RED)



3. PHOTOS OF SITE/STREET

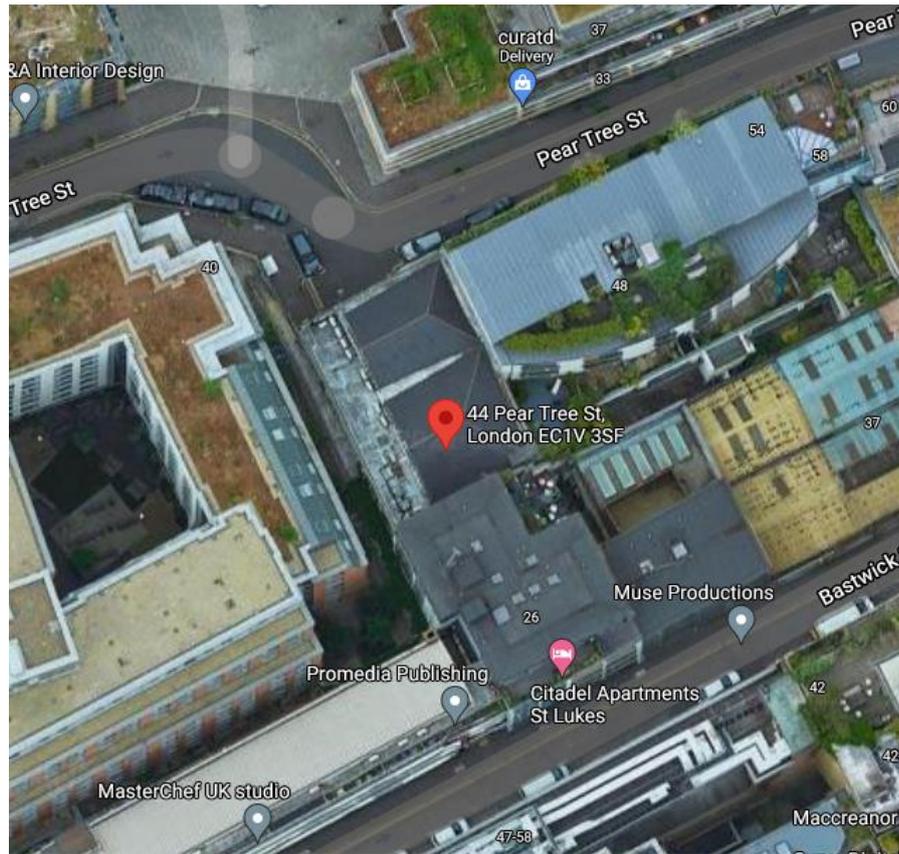


Image 1: Aerial view facing north



Image 2: Streetview photo showing existing front elevation facing south



Image 3: Streetview photo showing existing front elevation of building facing southwest



Image 4: Photo showing existing relationship with student accommodation to the east of the site



Image 5: View of the site from the rear facing windows an existing flat in the Pietra Lara Building



Image 6: View of the site and the rear of 26 Bastwick Street to the south of the site taken from the Pietra Lara Building

4. SUMMARY

- 4.1 The application seeks planning permission for the upward extension, refurbishment and recladding of the existing building to create a new second and third floor and mezzanine level, associated with the use of the building for Class E purposes, together with the provision of plant equipment and a roof terrace at roof level and the provision of refuse, recycling and cycle parking facilities at ground floor level.
- 4.2 The principle of providing additional employment floorspace is considered acceptable, given its location within the Employment Priority Area (General), the Central Activities Zone (CAZ), as well as both the Bunhill & Clerkenwell Core Strategy Key Area and Finsbury Local Plan Area. The proposed use of the host building for office accommodation (as existing) is acceptable in land use terms. Following the change to the Use Class Order with the introduction of Class E, the existing floor area of the host property have greater flexibility in terms of uses, with the applicant confirming their intention to use the ground and basement level as an office or retail showroom. The application seeks to use the additional floorspace created as a result of the extension as an office. This use is considered acceptable and consistent with the Council's land use policies, and the additional floorspace would be restricted to office use.
- 4.3 The proposal is considered to be of an appropriate scale. The general design and proposed fenestration are considered to be in keeping with the visual appearance of the host building and wider area. A condition has been recommended for details of the proposed materials and balustrades to be submitted to ensure they are appropriate. The site has also been subject to a previous planning permission for an upwards extension, plant equipment and roof terraces. The proposal is considered to be compliant with policies D1, and D4 of the London Plan (2021), policies CS7, CS8 and CS9 of the Islington Core Strategy (2011), policies DM2.1 of Development Management Policies (2013) the Urban Design Guide (2017)
- 4.4 The proposal is considered to not unacceptably impact the amenity of the occupiers of neighbouring properties in terms of loss of daylight/sunlight, outlook or privacy. The submitted Daylight/Sunlight report does confirm transgressions of the BRE Guidelines, however, the majority of these relate to bedrooms within student accommodation within a property that has an established close proximity across a narrow lane to the existing building. The BRE Guidance details that bedrooms have less need for light. The other breaches relating to daylight are considered to be minor. The reduction in height of the building and removal of the upper floor residential units, and associated roof terraces from the previously approved schemes, together with the use of obscure glazed and non-opening windows are considered, on balance, to ensure that the proposal would not have an unacceptable impact on neighbour's privacy nor create an unacceptable sense of enclosure. Conditions are recommended for the plant equipment, the retail showroom, the roof terrace and in relation to construction to protect the amenities of neighbouring occupiers. Subject to the recommended conditions, the proposal is considered acceptable in amenity terms.
- 4.5 Conditions have been recommended to ensure the proposal is acceptable in terms of sustainability, highways and refuse and recycling, as well as a number of obligations secured by legal agreement.
- 4.6 It is recommended that the application be approved subject to the recommended conditions and Heads of Terms within a s106 legal agreement.

5. SITE AND SURROUNDINGS

- 5.1 The application site presently accommodates a two storey commercial building over basement, which occupies the complete footprint of the site. The massing and appearance of No. 44 Pear Tree Street are notable in contrast to the surrounding taller and generally more modern properties, the majority of which are in commercial uses at ground floor level with residential dwellings at the upper floor levels.

- 5.2 To the west of the site is a 6 storey building comprising student accommodation for students of City University. This neighbouring building projects further forward than the application site building and also projects to the same depth as 26 Bastwick Street, a 5 storey building located to the south of the application site. The Pietra Lara building is located to the east of the site and comprises a four storey building with a curved rear elevation which is angled towards the application site. Located directly to the north of the site, on the opposite side of the road, is Dance Square, a residential development comprising a series of modern buildings ranging between four and ten storeys in height.
- 5.3 The application site is not located in a conservation area and the property is not listed. However, the site is within 50 metres of the adjacent St Luke's Conservation Area. The site is also located within the London Plan designated Central Activities Zone (CAZ), and within the Finsbury Local Plan designated: Bunhill & Clerkenwell Core Strategy Key Area and is also designated as an Employment Priority Area (General).

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks planning permission for the upward extension, refurbishment and recladding of the existing building to create a new second and third floor, inclusive of a mezzanine level, associated with the use of the building for Class E purposes, together with the provision of plant equipment and a roof terrace and the provision of refuse, recycling and cycle parking facilities at ground floor level.
- 6.2 The proposal would result in an uplift of 722 sqm (GIA) of additional commercial floorspace at the host building, which is currently in office use (Class E(g)), and would result in the building having a total floorspace of 1,557 sqm. Whilst the proposal would result in some floorspace changes across the basement (increase of 44sqm), ground (increase of 10 sqm) and first floor (decrease of 14 sqm), the main changes relate to the extension to the upper floors, at second (267 sqm) and third (282 sqm) floor levels, as well as a mezzanine floor (133 sqm).
- 6.3 The applicant has confirmed that the proposed additional floorspace would be used for office purposes (Class E (g)). The applicant has confirmed that in addition to the existing office use, they intend to use the ground and basement levels of the development as a retail showroom (Class E (a)) which is possible without the necessity of planning permission following the changes to the Use Class Order. However, the applicant has agreed to a condition to restrict its use to office or to a retail showroom.
- 6.4 The proposal would result in external alterations to the building inclusive of a roof terrace and inset balconies towards the north west corner at first and second floors. The proposal would include plant equipment at lower ground floor, as well as within the third mezzanine floor, which would include louvres adjacent to a lift overrun. The proposal would result in internal changes throughout the building including the refurbishment of the existing office floorspace as well as the provision of refuse and recycling, and cycle storage at ground floor.

7. RELEVANT HISTORY:

44 Pear Tree Street

PLANNING APPLICATIONS

- 7.1 830811 – Change of use of ground floor and first floor from warehousing to light industrial purposes. Approved on 14/12/1983
- 7.2 P2014/3178/FUL – Demolition of the existing building and the construction of a new 6 storey building comprising of 775m² B1(a) floor space on the lower ground, ground and first floor with 8no. residential units on the second, third and fourth floors. Appeal for non-determination. Appeal Dismissed on 07/03/2016.

7.3 P2017/0865/FUL – Demolition of the existing building and the redevelopment of the site to include the construction of a 5 storey including basement level mixed use development containing 863sqm office floorspace GIA (Class B1) on the lower ground, ground and first floors and 8 residential units (Class C3) on the second, third and fourth floors (6 x 2 beds, 2 x 3 beds). Provision of refuse & recycling facilities and cycle parking facilities on the ground floor and associated alterations. Approved subject to legal agreement on 29/11/2017. (See Appendix 3)

7.4 The host building was subject to a now expired permission (Ref. P2017/0865/FUL) from 29th November 2017, which was subject to conditions and a legal agreement for the following development description:

Demolition of the existing building and the redevelopment of the site to include the construction of a 5 storey including basement level mixed use development containing 863sqm office floorspace GIA (Class B1) on the lower ground, ground and first floors and 8 residential units (Class C3) on the second, third and fourth floors (6 x 2 beds, 2 x 3 beds). Provision of refuse & recycling facilities and cycle parking facilities on the ground floor and associated alterations.

7.5 Whilst this permission was not implemented, the main differences between the previously approved development (now expired) and this scheme are as follows:

- The general design of the now expired scheme included a 5 storey flat roofed building (whereas this scheme includes a pitched roof 4 storey building with a mezzanine floor).
- The use of projecting front elevation balconies at second and third floors, as well as terraces across the full width of the front elevation at roof (fourth floor) level, and to the south east corners at third floor and roof (fourth floor) associated with the residential units of the previous permission.
- The current proposal includes roof terraces/balconies only to the south west corner at roof level, and inset balconies to north west corner at first and second floor.
- In addition to removing the second and third floor roof terraces to the south east corner, the current proposal alters the design of the recess. The recess changes in design removing the projecting chamfered side elevation, but reduces the length from the rear by 2.1m, and by 0.6m from the side elevation.
- The now expired scheme included a projecting plant enclosure above the roof of the building.
- The plant equipment is integrated within the proposed building with external louvres at roof level.
- The now expired scheme included the provision of 8 no. residential units. No residential units are proposed within this scheme.
- The now expired scheme resulted in an increase of 863sqm of office floorspace. This proposal seeks to deliver 722 sqm of Class E.



Image 7: CGI of previous front and rear elevations of approved development - Ref. P2017/0865/FUL (now expired).

7.6 The previously approved scheme was submitted following the refusal of another previous application (ref. P2014/3178/FUL) which was subject to an appeal that was dismissed on 7th March 2016. The description of that development was as follows:

Demolition of the existing building and the construction of a new 6 storey building comprising of 775m² B1(a) floor space on the lower ground, ground and first floor with 8no. residential units on the second, third and fourth floors.

7.7 In the Appeal Decision the Inspector raised no objections to the design nor impact on the visual appearance of the surrounding area. However, the Inspector concluded in paragraph 29 of the Appeal Decision that *the proposal would harmfully effect the living conditions of the occupiers of adjacent residential buildings (Pietra Lara Building), with particular reference to outlook and privacy and would fail to provide acceptable living conditions for future occupiers of flats P01, P04 and P07 with regard to privacy.*

7.8 The associated Committee Report (found in Appendix 3) for the approved (now expired) scheme outlined the main differences (paragraph 6.7) between that scheme (ref. P2017/0865/FUL) and the refused scheme (ref. P2014/3178/FUL) which are summarised below:

- The separation distance between the shared boundary with the Pietra Lara Building and the application site has increased by 1 metre (at second, third and fourth levels).
- The location of the windows and balconies on the east elevation no longer overlook the Pietra Lara building and are angled away from them. These facing windows in the Pietra Lara building serve open plan living/dining/kitchen rooms.
- The inclusion of obscurely glazed fins on the east elevation to minimise the mutual overlooking and loss of privacy between the application site and the Pietra Lara building.
- The relationship between the application site and 26 Bastwick Street – the proposal no longer projects beyond the neighbouring building line.
- The layout of the residential accommodation, especially at the fourth floor level which provides improved living arrangements for future occupiers of these units with the main living rooms located to the front of the building facing Pear Tree Street and the bedrooms located to the rear. This has resulted in the removal of the balcony to the fourth floor, and reduction in the height of the obscurely glazed fins.
- The flank wall adjacent to the lowest flat of the Pietra Lara building reduced by 0.3m in height.
- The proposed balconies to the south of the site have been recessed by additional 1m, and the rear wall reduced in depth by 0.3m.
- The overall dimensions of the approved development in comparison to the appealed scheme. The approved development measured 15.3m in width (reduced to 13m towards the rear of the site), 22.5m in depth (including projecting balconies), and 15.9m in height to the top of the roof and 18.3m in height including stair overrun.

PRE-APPLICATION

- 7.9 Q2020/1878/MIN – Refurbishment and recladding of existing two storey building used for office accommodation (B1a) with part two, part four storey extension, with mezzanine floor to create additional office accommodation. Installation of plant equipment and creation of roof terrace at roof level and other associated alterations. Provision of refuse & recycling facilities and cycle parking facilities on the ground floor and associated alteration

Officers response:

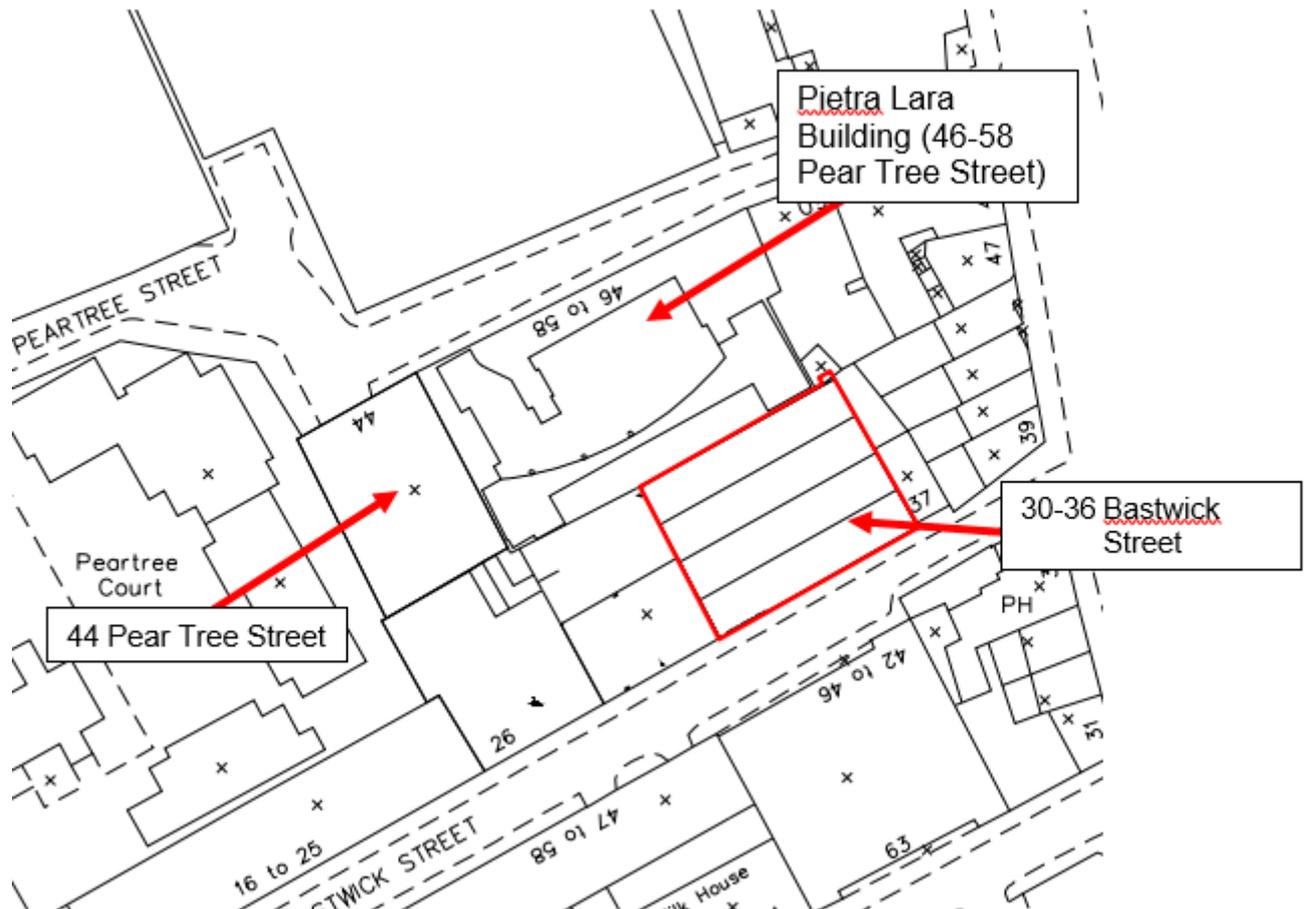
- *In land use terms the principle of providing additional office accommodation to an existing office building is welcomed, and would accord with the Council's land use policies in this regard.*
- *The upcoming changes to the Use Class Order from the 1st September 2020, will result in existing buildings or land currently in A1, A2, A3 or B1 use automatically transition to Class E on 1 September 2020. Therefore, given the host building is currently B1a use, the change of use to A1, A2 or A3 uses would not require planning permission after this date. Therefore, unless the applicant is agreeable to a condition restricting the permitted development, the assessment of any proposal would consider the impact of all of these uses permitted under revised Use Class changes. You are advised to specify the proposed uses within Class E and confirm whether you are agreeable to a condition restricting permitted changes as this may result in objections from local residents for other uses which you are not intending on using.*
- *In design terms the proposal is considered generally acceptable in terms of its scale and form and general design, taking into consideration the design advice within the Islington Urban Design Guide 2017. It is advised that any application should be accompanied with further details of the materiality and colour of the proposal, ensuring they take into consideration the local context and wider streetscene.*
- *The proposal should ensure that it demonstrates it would not have a detrimental impact in regards to amenity of neighbouring properties, in terms the loss of daylight/sunlight, outlook, noise and privacy. Any application would be expected to be submitted with a Daylight/Sunlight Report demonstrating that it would meet BRE guidelines, and that the outlook and privacy of the occupiers of the adjacent properties would not significantly harmed. A noise report should be submitted in support of the application to ensure an increase in noise from the plant equipment and use of the roof terraces are not detrimentally impacted.*

ENFORCEMENT

- 7.10 E/2019/019 - Noncompliance with condition 4 and 5 (pre-commencement materials and construction management plan) of planning application reference P2017/0865/FUL. Case closed on 04/11/2019 as planning permission not implemented.

30 -36 Bastwick Street

- 7.11 P2021/1692/FUL Demolition of existing building and construction of a four-storey building (with basement levels) comprising Office use (Class E) with associated works. **Under Consideration.**



CONSULTATION

Public Consultation

- 7.12 Letters were sent to occupants of 1043 no. adjoining and nearby properties at Bastwick Street, Central Street, Pear Tree Street, Goswell Road, Dance Square and Gee Street on 9th December 2021, and site and press adverts were displayed. Additional consultation letters were sent on 12th April 2021 and 9th June 2021, following the receipt of amended drawings for design changes and additional information including a roof terrace management plan, revised Daylight/Sunlight Report, as well as information relating to fire safety and accessibility. The consultation period ended on 23rd June 2021.
- 7.13 At the time of the writing of this report a total of 31 no individual responses had been received from the public, with regard to the application, with 1 letter of support and 30 of these responses raising objections to the proposal, including 1 from the Dance Square Residents Association. The issues raised in the objections can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Land use

- Concerns about an unrestricted Class E use
- Requests that the building is restricted to Class E (g) – office
(See Paragraphs 9.11 to 9.30)

Design and Conservation

- Visual appearance and impact on the surrounding area
- Concerns about scale, bulk and massing of the host building including height
- Concerns that it is overdevelopment of the site
- Concerns about choice of materials
(See Paragraphs 9.33 to 9.65)

Neighbouring Amenity

- Loss of daylight/sunlight and outlook to neighbouring properties
- Criticism of daylight/sunlight report
- Noise and disruption to surrounding properties during construction period
- Increased noise and anti-social behaviour from use of external amenity areas
- Noise from use of the plant equipment
- Concerns about hours of use of building
- Light pollution (requesting diffuse blinds to windows and rooflights)
- Loss of privacy from external amenity spaces and side elevation windows (requesting obscure glazing and non-opening)
- Cumulative daylight/sunlight impact from proposed development on Pietra Lara Building from proposal and development under consideration at 30 Bastwick Street
(See Paragraphs 9.66 to 9.146)

Highways

- Requests reinstatement of highway
- Lack of assessment of construction management plan
- Requests that Pear Tree Street is single lane of traffic
(See Paragraphs 9.161 to 9.177)

Refuse and Recycling

- Requests that collections are made during the day
(See Paragraphs 9.178 to 9.181)

Other Matters

- Community Infrastructure Levy funding should be ring-fenced for works for improvements to Pear Tree Street area
- Requests that security alarms are controlled
(See Paragraphs 9.191 to 9.192)

External Consultees

- 7.14 **London Fire Brigade:** No response received.
- 7.15 **Metropolitan Police Secured by Design:** No response received.

Internal Consultees

- 7.16 **Design and Conservation Officer:** considered that the proposal was a significant improvement on the design of the existing building, similar in scale to the approved development and in keeping with the streetscene. Whilst supportive of the proposal generally, amendments were requested to the size of the upper floor front elevation windows, to ensure fenestration hierarchy was maintained. Reservations regarding appropriateness of the proposed grey colour of the materials, and advised that the colour and materials should be secured by condition.
- 7.17 **Environmental Health Pollution Officer:** raised no objections to the proposal but noted that there has been extensive redevelopment of the area in the last few years. As such, the officer recommends that construction traffic and logistics will need to be carefully planned and coordinated alongside other developments, and recommends a condition requiring the submission of a Construction Management Plan.
- 7.18 Concerning the roof level plant, the submitted noise report includes predictions, which achieve compliance with the Council's noise criteria. Conditions recommended in relation to noise levels to mitigate the impact on occupiers of the student accommodation and residential properties, and to restrict hours of operation of plant to 08:00 and 20:00 hours each day only, with the installation of a timer, which shall be retained thereafter.

- 7.19 No objections raised to the use of roof terrace between 0800 to 1800 Monday to Friday but had concerns about the later use to 2000. However, following the submission of a Draft Management Plan, the officer raised no objection to the roof terrace use between 0800 to 2000 hours Monday to Friday.
- 7.20 **Inclusive Design Officer:** generally supportive of the proposal. The applicant has provided additional information to address initial concerns regarding access. The Inclusive Design Officer welcomed these changes, including the increase in floor to ceiling height in the mezzanine to 2.4m, the revised WC accommodation, but recommended that a platform lift be secured by condition for through floor access.
- 7.21 **Highways Officer:** concerns raised on level of information provided in terms of the impact on the local highway network and advises that additional information be secured through conditions and legal agreement.
- 7.22 **Building Control Officer:** following the submission of additional information, including a Fire Strategy raised no objection to the proposal.

8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES

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

National Guidance

- 8.1 Islington Council (Planning Sub-Committee A), in determining the planning application has the main following statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990)
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- 8.2 National Planning Policy Framework 2021 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 8.3 The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

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

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

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

Development Plan

8.9 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, the Islington Development Management Policies 2013 and the Islington Finsbury Local Plan Area 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Designations

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

- Bunhill & Clerkenwell Core Strategy Key Area
- Bunhill & Clerkenwell Finsbury Local Plan Area
- Central Activities Zone
- Finsbury Local Plan Policy BC8 - Employment Priority Area (General)
- Within 50m of St Luke's Conservation Area
- Article 4 Direction (A1-A2 (Rest of Borough) and B1(c) to C3)
- Heathrow Safeguarding Area

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Emerging Policies

Draft Islington Local Plan 2019

- 8.12 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress. As part of the examination consultation on pre-hearing modifications took place between is taking place from 19 March to and 9 May 2021. The Matters and Issues have now been published and hearings took place between 13 September to 5 October 2021.
- 8.13 In line with the NPPF, Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 8.14 Emerging policies that are relevant to this application are set out below in **Appendix 2**. The emerging policies are considered to be consistent with the current policies.

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use
- Design
- Neighbouring Amenity
- Sustainability
- Accessibility and Fire Safety
- Highways
- Refuse and recycling
- Obligations
- Other matters

Land Use

- 9.2 The proposal seeks planning permission for the upward extension, refurbishment and recladding of the existing building to create a new second and third floor with mezzanine level, associated with the use of the building for Class E (retail showroom, financial and professional services and offices) purposes, together with the provision of plant equipment and a roof terrace at roof level and the provision of refuse, recycling and cycle parking facilities at ground floor level.
- 9.3 The site is located within the Finsbury Local Plan Employment Priority Area (General) and Central Activities Zone (CAZ).
- 9.4 Islington Core Strategy (2011) policy CS7 Part A seeks to ensure *'employment development within Bunhill and Clerkenwell will contribute to a diverse local economy which supports and complements the central London economy. Employment-led development will be largely concentrated south of Old Street and Clerkenwell Road'*.
- 9.5 Finsbury Local Plan (2013) policy BC8 Part A seeks within Employment Priority Areas (General and Offices) that there should be:

- i. *No net loss in business floorspace will be permitted, either through change of use or redevelopment, unless exceptional circumstances can be demonstrated, including through the submission of clear and robust evidence which shows that there is no demand for the floorspace. This evidence must demonstrate that the floorspace has been vacant and continuously marketed for a period of at least two years. In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable. In addition, the loss of business floorspace will only be permitted where:*
 - a. *The proposal would not have a detrimental individual or cumulative impact on the area's primary business role and would not compromise economic function/growth, or*
 - b. *It can be demonstrated to the council's satisfaction that the site is no longer suitable for the provision of similar uses.*
- ii. *Proposals should incorporate the maximum amount of business floorspace reasonably possible on the site.*

9.6 Part B of this policy seeks to ensure that the *employment floorspace component of a development or change of use proposal should not be unfettered commercial office (B1(a)) uses, but, where appropriate, must also include retail or leisure uses at ground floor, alongside:*

- i. *A proportion of non-B1 (a) business or business-related floorspace (e.g. light industrial workshops, galleries and exhibition space), and/or*
- ii. *Office (B1 (a)) or retail (A1) floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management, and/or*
- iii. *Affordable workspace, to be managed for the benefit of occupants whose needs are not met by the market.*

9.7 Part I of this policy seeks to ensure *new business floorspace must be designed to allow for future flexibility for a range of uses, including future subdivision and/or amalgamation for a range of business accommodation; and should provide full separation of business and residential floorspace where forming part of a mixed use residential development.*

9.8 Policy B1 of the Emerging Local Plan (EIP 2019) states that the Council has an aim to deliver an inclusive economy based on a diverse and vibrant economic base through a range of workspace types and unit sizes. New business floorspace should be provided within the CAZ and the Bunhill and Clerkenwell Area Action Plan Area.

9.9 Policy B2 of the Emerging Local Plan (EIP 2019) states that the Council would seek to direct new business floorspace to the specified locations including the CAZ and AAP Area. In this area, office uses are the priority in order to support London's strategic role. A range of workspace typologies would be sought including Grade A offices, serviced offices, coworking spaces, hybrid workspace and other types of flexible workspace and lower specification office space suitable SMEs and business services.

9.10 The proposal includes a net increase of commercial floorspace of 722 sqm (GIA) to the existing office building. The principle of providing additional commercial floorspace at the host building is considered acceptable in land use terms, given the current use of the host building is an office and the site's location within an Employment Priority Area (General). It is also consistent with the objectives of the emerging local plan. As noted above, Part A (ii) of Policy BC8 seeks to ensure developments incorporate the maximum amount of business floorspace reasonably possible on site. However, this policy advises (in Part I) that this is dependent on flexibility of this additional space to allow for a range of uses, including subdivision and/or amalgamation. Whilst the proposed additional floorspace would be for office, the existing floorspace has a degree of flexibility which is discussed below, and the applicant has confirmed that the ground and basement levels would be used for a showroom or professional and financial services, which is considered to be compliant with the aims of Part B of Policy BC8. In addition the building would provide open floor plans, a central lobby and stairwell providing access to each floor for maximised flexibility.

Class E Uses

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

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

9.12 The proposal would result in the ground and basement levels having a combined total floorspace of 594 sqm (296 sqm and 298sqm respectively). However, not all the uses encompassed by the new Use Class E would be appropriate at this site or can be adequately assessed on the basis of the limited information submitted. Specifically:

Retail

9.13 Given the sites location within the CAZ (Central Activities Zone) Part B of Policy DM4.4 is most relevant, seeks to ensure *that for applications proposing more than 80m2 of floorspace within the A Use Classes, D2 Use Class (subsumed within Class E) and for Sui Generis main Town Centre uses within the Central Activities Zone, Part A does not apply. Applications for such uses within the Central Activities Zone must demonstrate that:*

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

9.14 Policy BC8 Part B of the Finsbury Local Plan also encourages the introduction of ground floor retail uses within the Employment Priority Area (General) alongside office floorspace. Whilst the assessment of the amenity impact is assessed below, given this policy, together with the existing flexibility of Class E which would allow for this change, the site is considered appropriate for a retail use to be permitted in this location.

Food and drink

9.15 Whilst the site is located within an Employment Priority Area (General), where Policy BC8 Part G details that entertainment uses can be accommodated, this policy also notes that in order to avoid an unacceptable concentration of such uses, Development Management Policies will be used to assess their acceptability.

- 9.16 Paragraph 4.4 of the Development Management Policies 2013 states that in addition to retail uses, Town Centres are also the focus for entertainment, leisure and night-time uses within the borough; these uses perform an important function but require careful management to ensure their location or concentration does not result in adverse impacts. It also confirms that parts of the Central Activities Zone (CAZ) possess qualities similar to Islington's Town Centres.
- 9.17 Policy DM4.2 states that entertainment and night time activities are generally inappropriate outside Town Centres and where proposed outside Town Centres applicants will need to demonstrate that such uses will not result in adverse impacts, including cumulative impacts as assessed in relation to Policy DM4.3. Policy DM4.3 states that proposals for cafes and restaurants will be resisted where they would result in negative cumulative impacts; would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area.
- 9.18 The site is not within a town centre and there are no other entertainment uses within the immediate context, and the site is within close proximity to sensitive receptors with both student accommodation and residential properties nearby. The application does not provide any information to demonstrate that such uses will not result in adverse impacts on the surrounding area. These types of uses would also likely require extraction or other external plant equipment, which would require planning permission, none of which have been proposed.
- 9.19 As such, it is considered that café/restaurant uses would not be appropriate at the site.

Financial, professional and other services

- 9.20 This can include banks, building societies and estate agents and betting shops. Paragraph 4.6 of the Development Management Policies (2013) confirms that these types of non-retail businesses can help to support shopping areas and provide services and jobs for local residents and other businesses. As such, these types of uses are often considered to function akin to an office use, but with slightly more visiting public. These uses are considered to be acceptable within this location in proximity to residential and student accommodation uses.

Indoor sport, recreation or fitness

- 9.21 As noted above in the retail assessment of this section, Policy DM4.4 Part B of the Development Management Policies seeks to ensure *that for applications proposing more than 80m² of floorspace within the A Use Classes, D2 Use Class (subsumed within Class E) and for Sui Generis main Town Centre uses within the Central Activities Zone, Part A does not apply. Applications for such uses within the Central Activities Zone must demonstrate that:*
- i. the development would not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability of Town Centres within Islington or in adjacent boroughs, or prejudice the prospect for further investment needed to safeguard their vitality and viability;*
 - ii. proposed uses can be accommodated without adverse impact on amenity; and*
 - iii. the proposal would support and complement existing clusters of similar uses within or adjacent to the Central Activities Zone, particularly important retail frontages.*
- 9.22 Policy BC8 Part B of the Finsbury Local Plan also encourages the introduction of ground floor leisure uses within the Employment Priority Area (General) alongside office floorspace. Therefore the principle of the introduction of this type of use could be acceptable.
- 9.23 However, sport/recreation or fitness uses have potential noise and disturbance issues associated with the frequency of visits to such uses, the amount of patrons, the trading hours, the nature of use with potential noisy equipment and/or events, and the potential for future mechanical ventilation. Without the submission of appropriate documentation to submit and assess these potential noise issues the Local Planning Authority is not able to fully assess the potential impact upon neighbour amenity. As such, they are not supported in this location in the absence of such detail.

Medical or health services

- 9.24 Part C of policy DM4.12 states that new social infrastructure and cultural facilities must be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes; provide buildings that are includes, accessible and flexible; be sited to maximise shared use of the facilities; and complement existing uses and the character of the area and avoid adverse impacts on the amenity of surrounding uses. The glossary confirms that community and social facilities include health facilities and early years providers.
- 9.25 Medical or health facilities have potential noise and disturbance issues associated with the frequency of visits to such uses, the amount of patrons, the trading hours, the nature of use with potential noisy equipment and/or events, and the potential for future mechanical ventilation.
- 9.26 Without the submission of appropriate documentation to submit and assess these potential noise issues the Local Planning Authority is not able to fully assess the potential impact upon neighbour amenity.

Creche, day nursery or day centre

- 9.27 Part C of Policy DM4.12 states that new social infrastructure and cultural facilities must be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes; provide buildings that are includes, accessible and flexible; be sited to maximise shared use of the facilities; and complement existing uses and the character of the area and avoid adverse impacts on the amenity of surrounding uses. The glossary confirms that community and social facilities include health facilities and early years providers.
- 9.28 Crèche, nursery or day centre facilities have potential noise and disturbance issues associated with the frequency of visits to such uses, the amount of patrons, the trading hours, the nature of use with potential noisy equipment and/or events, and the potential for future mechanical ventilation. There are also concerns regarding specific design requirements for such users and noise spill which has not been submitted / no detailed designs have been put forward. Without the submission of appropriate documentation to submit and assess these potential noise issues the Local Planning Authority is not able to fully assess the potential impact upon neighbour amenity.

Employment

- 9.29 Policy CS13 of the Core Strategy states that new employment floorspace should be located in the CAZ and town centres; should be flexible to meet future business needs and should provide a range of unit types and sizes. Policy BC8 seeks to ensure that proposals should incorporate the maximum amount of business floorspace reasonably possible on the site.
- 9.30 It is considered that the nature of (g)(i)'offices', (g)(ii) 'research and development' and (g)(iii) 'industrial processes' within Class E should be acceptable on this site, as by definition these have to be able to be '*carried out in a residential area without detriment to its amenity*'. There are however, potential noise and disturbance issues associated with servicing and access for vehicles, potential noisy equipment, and the potential for future mechanical ventilation for any 'research and development' and 'industrial processes' and therefore these uses (g)(ii) and (iii) are not considered appropriate.

Land Use Summary

- 9.31 Overall, it is considered that sufficient information has been provided on the suitability of Class E (g) (i) office and (a) retail uses, but not other uses detailed within Class E. A condition is recommended for the proposed additional floorspace to be used for office accommodation only, with the existing lower floors retaining existing flexibility to introduce the proposed retail unit or office at ground and basement floor levels.

9.32 Therefore, the proposal is considered acceptable in land use terms, subject to its acceptability in all other respects, including design, amenity, accessibility and fire safety which is discussed later within this report.

Design and Conservation

9.33 The site is not within a conservation area, nor is the host building a listed building. The St Luke's Conservation Area is within 50m of the site, to the east and south. However, given the existing buildings located in-between the site and the conservation area, the application site is not considered to be within the setting of this heritage asset. However, it is important that the proposal would be in keeping with the visual appearance of the host building and wider streetscene.

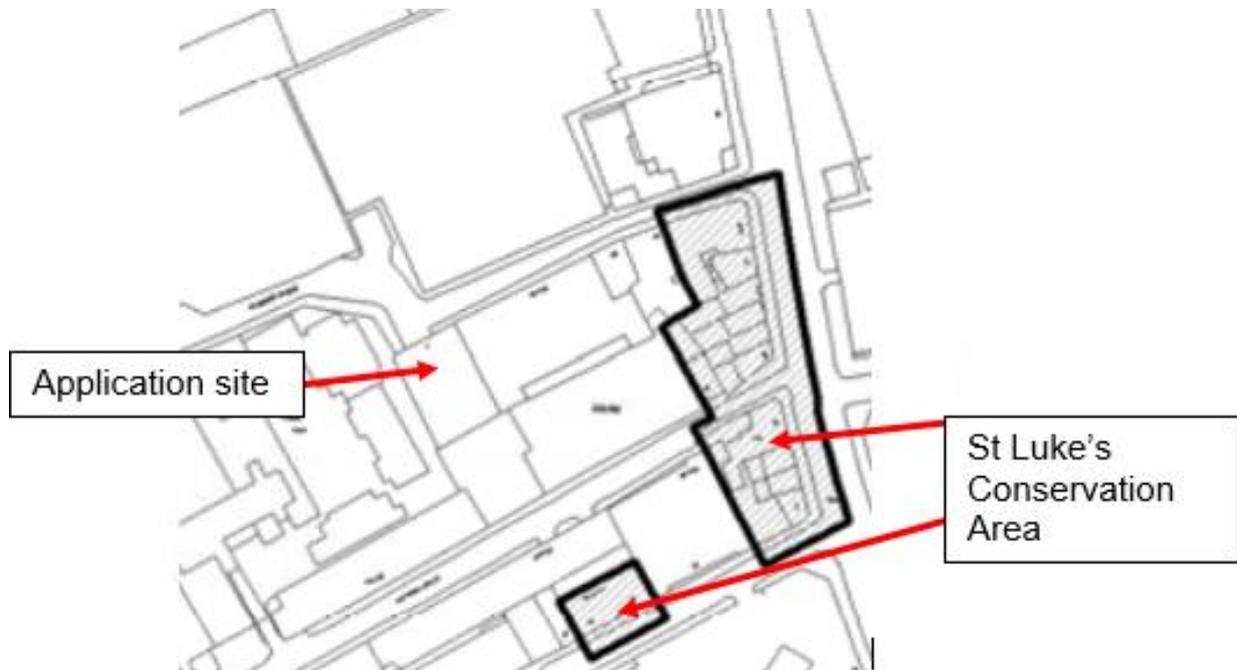


Image 8: Location of site in proximity to St Luke's Conservation Area

9.34 The design advice found within the Islington Design Urban Guide 2017 should be taken into consideration in the design assessment.

Upward extensions

9.35 Paragraphs 5.84 to 5.88 of the UDG provide advice in relation to rooflines, advising that *in addition to responding to distinctive local building forms and patterns of development, new buildings must also respect the height of the surrounding context.* It advises that *there is usually more scope for change in the roofline and facades within streets where there are a variety of frontages and building heights, particularly where the height of frontages is relatively low in proportion to the width of the street.*

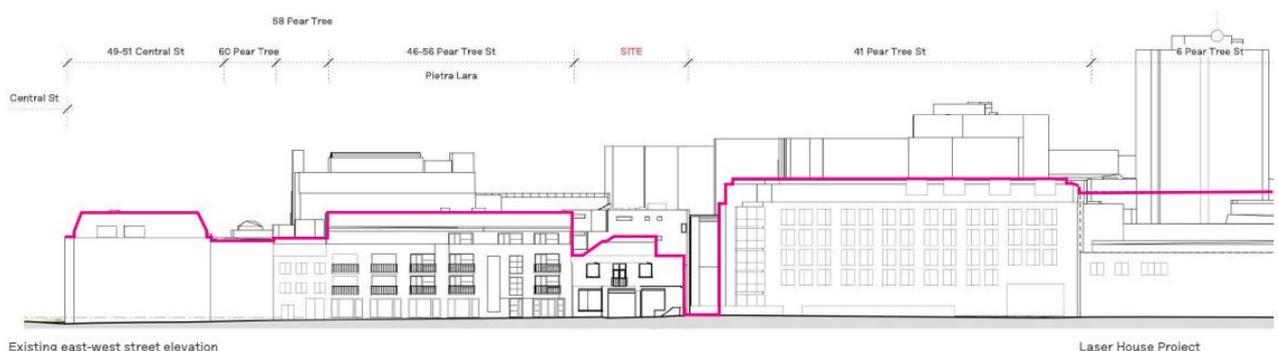


Image 9: Existing Streetscape showing variation in building height

9.36 As shown in the image above (Image 9) there is an existing variation in building heights along this section of Pear Tree Street, therefore as advised by the UDG advice, there is more scope for a change in the roofline. However (as advised by UDG paragraph 5.86), *even where there are existing variations in building heights, an alteration to the existing roofline is likely to be unacceptable where:*

- *It adversely impacts on views and landmarks.*
- *It impacts adversely on the topography of the street.*
- *It causes a canyon effect and/or unduly overshadows the street.*
- *It impacts adversely on the character of an open space or the public realm.*
- *The existing street frontages and roof profile have historical and/or architectural importance and/or contribute to an area's individual character. This will include listed buildings, conservation areas and sometimes other buildings that do not have this status.*
- *The alteration to a façade or roofline impacts adversely upon the architectural integrity and quality of the existing or neighbouring buildings.*
- *A change to the roofline or façade would be out of scale with its neighbours and undermines the rhythm of the street frontage.*
- *It creates an imbalance in height between opposite sides of the street. This may not be relevant where there is scope for the redevelopment of the opposite side too, or on wide streets.*
- *Large blank flank walls would be created at the junction between buildings.*

9.37 Paragraphs 5.87 and 5.88 of the UDG provides further supporting advice that *rooflines should normally respond to the articulation of the rest of the façade. It should be possible to read the width of the plot divisions from the bottom to the top of the building. The roofline should also reflect the rhythm, harmony and scale of the longer street frontage. Stepped or sculptured rooflines can appear monolithic particularly where the shape of the roof does not pick up the sub division of the façade.*

9.38 The proposal would result in the existing two storey building, with sloped roof above, being extended to create a new second and third floor and mezzanine level above. The alteration to the roofline would result in a four storey building with an additional sloped roof level above. Whilst it is acknowledged that the increase in height of the existing building would result in the increase in the scale, mass and prominence of the host building along the streetscene, it is important to understand the context to which the host building relates.

9.39 The site is located between a number of buildings of varying heights and designs. The Pietra Lara Building which is located immediately to the east, is a four storey building, which includes a setback roof level from the front and rear elevations. To the west, no. 40 Pear Tree Street is a much larger building, being five storeys in height with a setback roof level above, which also has a larger footprint than the host building. The relationship between the existing building to the south side of Pear Tree Street is shown in Image 9. The building to the rear, no. 26 Bastwick Street is a part five, part four storey building. These buildings have a variety of frontages, and building heights and the host building has a smaller footprint and height in its current form than these adjacent buildings

9.40 As advised in the UDG, *there is usually more scope for change in the roofline and facades within streets where there are a variety of frontages and building heights, particularly where the height of frontages is relatively low in proportion to the width of the street.* Given this context, the principle of extending the host building in height is considered acceptable.

9.41 In addition, the principle of extending the height of the building has previously been considered to be acceptable following the granting of planning permission (Ref. P2017/0865/FUL) at the site which included an upward extension for a five storey building with plant enclosure. The approved (now expired) development resulted in a flat roofed building at 16m in height, with a centralised plant enclosure at 2.6m above. The design of the current revised proposal has included a pitched roof. The maximum height of the building would be 17.75m along the central ridge of the building. This would represent an increase in height of 1.75m in comparison to the flat roofed part of the approved building, but would be 0.85m lower when combined with the height of the plant enclosure

above. Therefore, there is a material and comparative correlation between the previously approved scheme and the current scheme in design and visual terms.

- 9.42 Given the design changes, the height along the side elevations of the proposed building would be reduced in comparison to the approved (now expired) development, along the west elevation, the eaves height would be 14.1m, which is also replicated along the majority of the east elevation, with the exception of towards the south east corner where it would be 14.75m. The eaves of the proposed building along the west elevation would match the height of the adjacent Pietra Lara Building.
- 9.43 The design changes would result in a reduced scale, bulk and massing in comparison to the approved (now expired) development (Ref. P2017/0865/FUL), and would help integrate the host building within the wider streetscene.



Image 10: CGI visual drawings showing approved development

- 9.44 In this context, the increase in height of the building is considered acceptable, particularly in the Bunhill & Clerkenwell Finsbury Local Plan and Key Strategy Area, which is in part characterised by larger multi-storey development.



Image 11: CGI visual drawings showing proposed development

Elevational Treatment

- 9.45 Paragraphs 5.89 to 5.100 of the UDG provides advice in relation to elevational treatment including the window arrangement and style. It advises that *the way in which building elevations are treated can contribute to an appropriate sense of rhythm, scale and proportion. The elevation must work in terms of its relationship to its neighbours, to the public realm and its own architectural integrity. The internal (functional) and the external design requirements must be reconciled.* It advises that *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.*

- 9.46 Paragraphs 5.91 to 5.95 of the UDG provides advice in relation to window arrangement and style, advising 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. Key to this is identifying the appropriate shape, position and size of the windows.*
- 9.47 The submitted application details how the applicant has developed the window arrangement and articulation of the proposed front (north) elevation, which is most visually prominent from the streetscene and provides the entrance to the building. The submitted Design and Access Statement explains the evolution of the design, including how historical features of the Clerkenwell area have been integrated into the scheme including identifying the use of gable ended façades, a commercial frontage at ground floor, the window articulation and hierarchy, as well as articulated façades through banding, corncing and lintels.
- 9.48 The study identified that the gable end façade was characteristic of the area, but the ornamentation, scale and detail varied depending on the building position within the street: terraced, end of terrace, or corner condition. In this instance, the principle of a gable ended façade is considered to help the building visually integrate with the buildings within the surrounding area, and reflect its historical context. However, this is dependent on the integration of the façade fenestration details.
- 9.49 In terms of the ground floor fenestration, paragraphs 5.194 to 5.217 of the UDG provides advice in relation to shopfront design. Whilst it is acknowledged that the proposal does not strictly follow the principles of shopfront design, it does *comprise of a sizeable shop window, to provide visual interest from window displays that animate a shopping street and provide passive surveillance*, with glazed shopdoors. The window design also includes some basic elements of traditional shopfront design which is advised in the UDG. The ground floor fenestration details are also similar in design to those found within the streetscene, and the context of the host building. It should also be noted the existing ground floor shopfront does not conform to the UDG advice, and provides limited active frontage or natural surveillance to the area. It is considered that the proposal would represent a significant improvement to the existing situation.
- 9.50 The Design and Access Statement explains how the strong horizontal lines break down the overall height of the building against the surrounding buildings, which is characteristic of buildings within the Clerkenwell area. The proposal would result in two bands of 5 no. windows on both first and second floor, which align with each other (with 2 no. windows on setback from the front elevation within inset balconies), and the third floor having 4 no. windows positioned between those in the floors below.
- 9.51 The design of the front elevation has been altered during the course of the assessment of the application with the number and size of windows, including the width and height of the third floor windows being reduced following advice from the Council's Design and Conservation Officer. This change is considered to ensure the proposal achieves a better rhythm between the upper and lower floors and maintains the fenestration hierarchy.

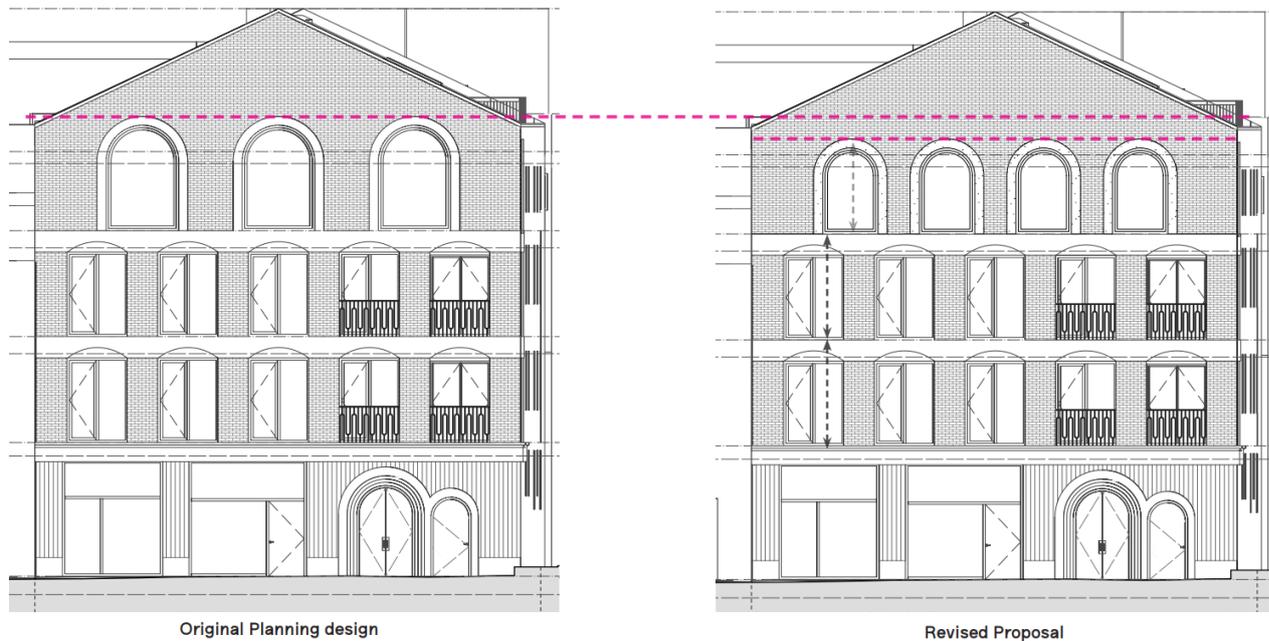


Image 12: Comparison of design of the front elevation originally proposed and following changes

- 9.52 Whilst the flank (east and west) elevations of the proposal would not be as visible from the public realm, in comparison to the front elevation, the proposed fenestration details are considered to be consistent and in keeping with the visual appearance of the host building and wider streetscene.
- 9.53 The only other additional openings are the proposed rooflights located within a recess in the south east corner. Given that they would be horizontal and would be within the footprint of the floors below, they would only be visible from the floors below. The restricted size is considered to ensure they are a discreet addition, whilst allowing daylight/sunlight to the rear part of the first floor and are considered acceptable in design terms.

Materials

- 9.54 Paragraphs 5.111 to 5.126 of the UDG provide advice in relation to the materials. It advises that *the use of materials needs to be considered in terms of their innate qualities (including in relation to thermal performance), their relationship with the surrounding built environment, the articulation of the façade, and their durability and the appearance of durability.* It also advises that *the choice of materials in any new development must take account of its context. Care needs to be taken to ensure that the new material is sympathetic with the local vernacular. Any new building should have a harmonious visual relationship with its neighbours; consistency and continuity are important.*
- 9.55 The submitted Design and Access Statement provides an analysis of the materials and colours used in neighbouring buildings to understand the context of the host building. It confirms that *a monochromatic palette was selected to allow the building to have a strong presence whilst remaining harmonious with its neighbours.* It confirms that lighter grey brickwork would be used on the upper storeys with light mortar and charcoal grey fluted cladding on the lower floors.



Image 13: Details of proposed materials

- 9.56 The proposed use of brickwork is considered to be consistent with the UDG advice, which notes that *brick is the most widely used material in Islington's built environment. It is a robust and durable material, with excellent weathering properties. The choice of colour, texture, bond and pointing is crucial to achieving good quality brickwork.* Whilst the use of cladding can be successfully used as advised by the UDG, *the detailing and finishing needs to be carefully considered to avoid the common pitfalls associated with these materials (for example demanding onerous maintenance requirements, poor weathering properties).*
- 9.57 Whilst supportive of the proposal in terms of its scale, bulk and massing as well its general design, the Council's Design and Conservation Team raised reservations about the grey palette proposed, with the adjacent buildings along the streetscene being a mixture of shades of brown brickwork and white render. However, it is considered it could be a good contrast to the existing buildings. However, this will be very much dependent upon the detailing. In order to ensure that the proposal would be constructed using appropriate high quality materials and in colour that would be appropriate within the wider streetscene, a condition has been recommended to require details of the materials proposed to be submitted to and approved in writing to the Local Planning Authority prior to the commencement of the development.

Roof terraces and balconies

- 9.58 Whilst it is acknowledged that the advice within paragraphs 5.171 to 5.173 of the UDG are more focused towards residential balconies and roof terraces, the advice is still considered relevant for commercial building such the host building. It advises that 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).*

- 9.59 The UDG also advises that *where roof terraces are acceptable, care should be taken to minimise the visual clutter created by balustrades and privacy screening.*
- 9.60 The proposal includes a terrace located at roof level, to the south west corner inset within the roof, and balconies at first and second floor, to the north west corner inset within the building. The roof terrace measures an area of 42sqm, whereas the balconies both measure 14sqm.
- 9.61 Whilst the impact on the neighbouring properties (including overlooking and visual amenity) is assessed within the relevant section within this report, the principle of private amenity space on the upper floors is considered to have been established. There are several buildings within close proximity to the site that have roof terraces and balconies, and the Clerkenwell area is in part characterised by external amenity space for residential and commercial developments.
- 9.62 The proposed external spaces include metal balustrades to both the front and side elevations. It is acknowledged that these balustrades would be visible from the streetscene, particular those to the front elevation of the inset balconies. Whilst clear views of the balustrades to the side (west) elevation would be largely obscured and restricted from the streetscene, particularly those associated with the proposed terrace at roof level. They would be highly visible from private views from the neighbouring building to the west, no. 41 Pear Tree Street, currently used as student accommodation. In order to ensure that the balustrades would be in keeping with the host building and wider streetscene a condition has been recommended requiring the details of the balustrades to be submitted to and approved in writing by the Local Planning Authority prior to its first use.

Plant equipment

- 9.63 Paragraphs 5.182 to 5.185 provide advice in relation to building services and equipment, advising *that it is important to consider, from the outset, where cables, pipes, flues, gas meters, alarms, air conditioning equipment and other building services equipment will be located and that commercial extraction equipment should be located to the rear of commercial properties and should not be visible from public views.*

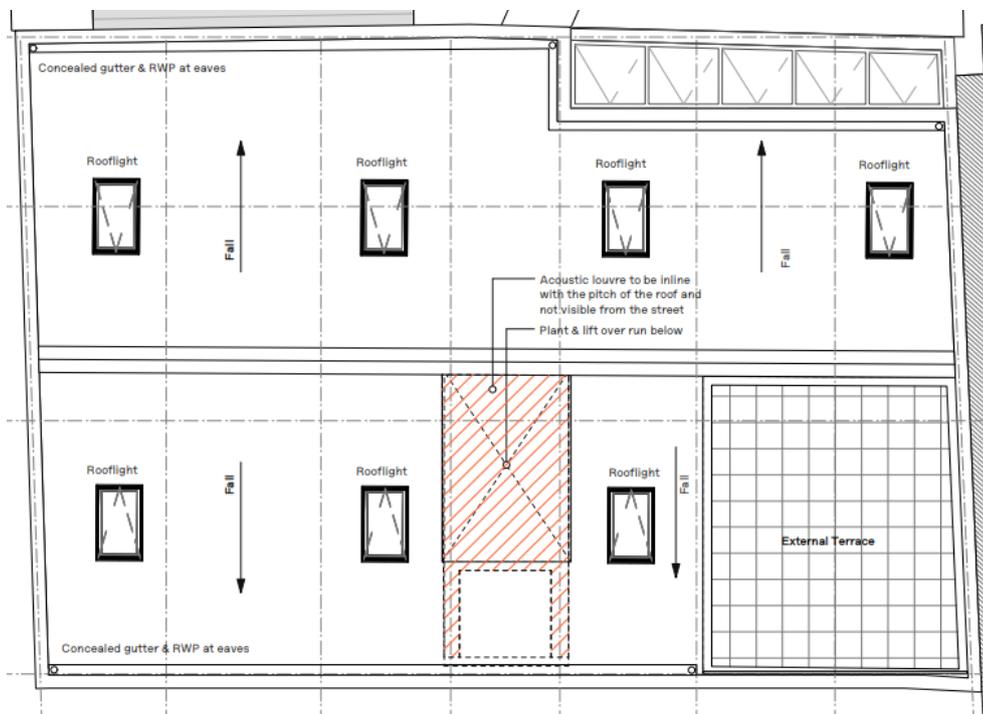


Image 14: Proposed roof plan with roof terrace and louvers for plant equipment

9.64 The proposed plant equipment would be located internally within the roof, as shown on image 14, with the louvres for the equipment positioned to the middle part of the west elevation roofslope, which would sit alongside the lift overrun. The louvres and lift overrun would be located within the roof profile and are therefore not considered to be readily visible from the wider streetscene, which is shown in Image 15 below. The integration of the plant equipment, which is also found at basement level, as well as the lift overrun within the building envelope without any external protrusions visible from the public realm is welcomed and is considered to accord with the design advice.

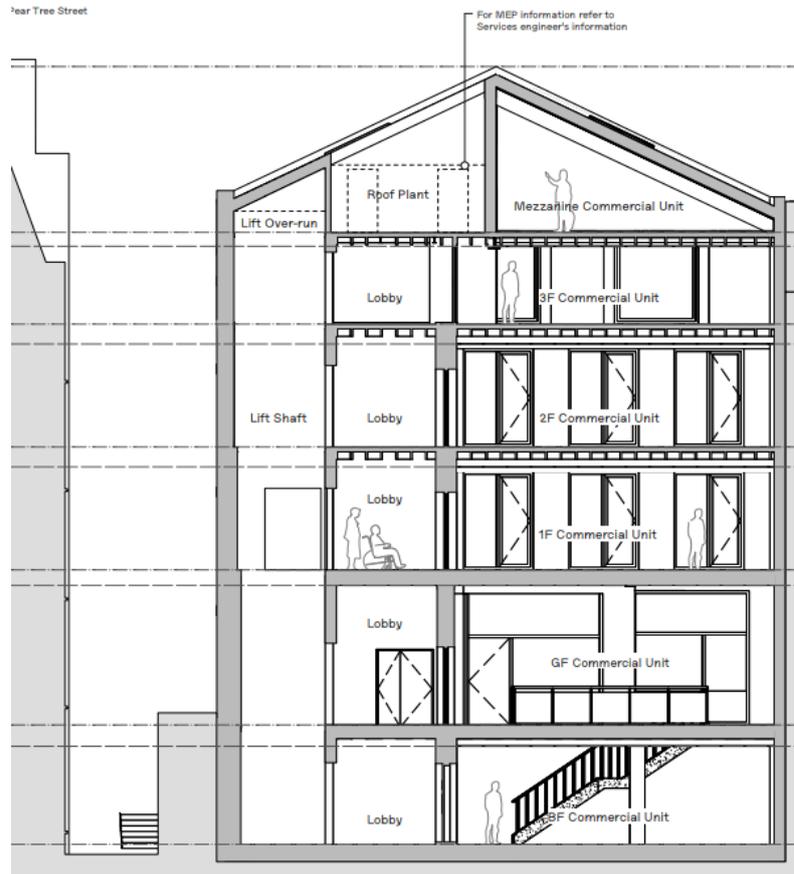


Image 15: Proposed section showing internally located plant equipment and lift overrun

9.65 Overall, the proposal is considered to be in keeping with the visual appearance of the host building and wider streetscene. The application site is not visible from the nearby conservation area due to the positioning of buildings relative the CA boundary line and would not affect its setting. The proposal is therefore considered compliant with policies D1 and D4 of the London Plan (2021), policies CS7 and CS8 of the Islington Core Strategy (2011), policies DM2.1 of Development Management Policies (2013) the Urban Design Guide (2019) and is considered acceptable in design terms.

Neighbouring Amenity

- 9.66 The Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy D14 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing.
- 9.67 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.
- 9.68 Policy D14 (part A) of the London Plan 2021 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.
- 9.69 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.

Daylight/Sunlight and outlook

- 9.70 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) Guidelines are 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. BRE Guidelines paragraph 1.1 states:

“People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by”.

- 9.71 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”.

- 9.72 Daylight: the BRE Guidelines stipulate that... *“the diffuse daylighting of the existing building may be adversely affected if either:*
- the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value*
 - the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.” (No Sky Line / Daylight Distribution).*

9.73 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value achievable is almost 40% for a completely unobstructed vertical wall. At paragraph 2.2.7 of the BRE Guidelines it states:

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

9.74 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”.

9.75 Sunlight: The BRE Guidelines (2011) 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° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:

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

Analysis of Daylight Impact on Affected Properties:

9.76 A Daylight & Sunlight Report has been submitted in support of the application by Calfordseaden (Ref. K170354A/PS/G3 dated March 2021). The report considers the impact on all the surrounding residential windows facing the application site, which include dwellings on Pear Tree Street, Bastwick Street, and Dance Square.

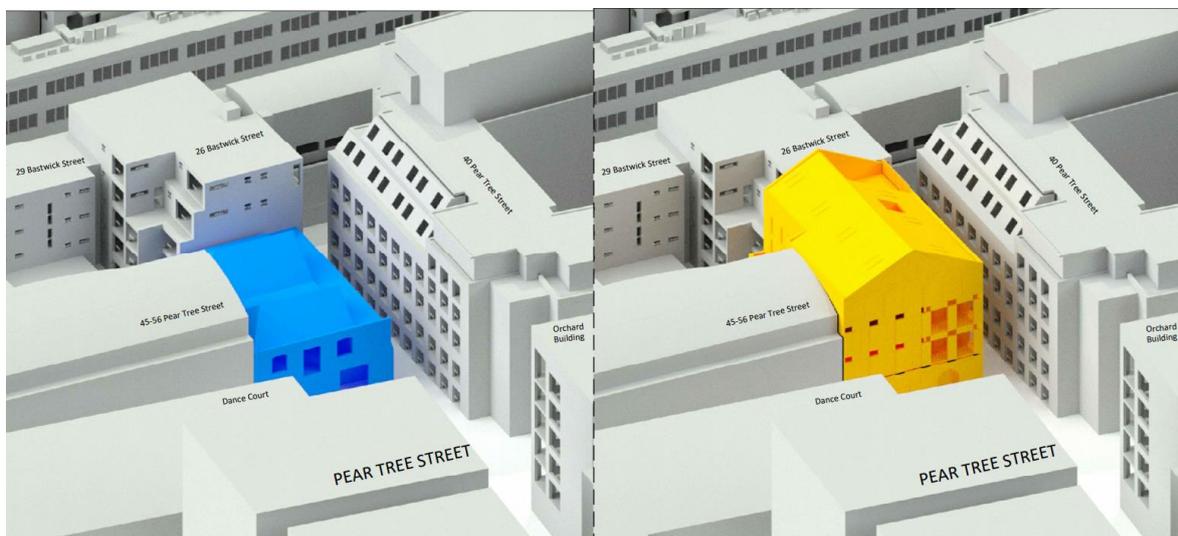


Image 16: Existing (left/blue) and proposed (right/yellow) massing CGI drawing from submitted Daylight/Sunlight Report

Dance Square

9.77 The report has assessed the potential impact on the five storey building of Dance Square to the north side of Pear Tree Street and to the north east of the site. It confirms that two of the eight windows tested fail to comply with the VSC levels set within BRE Guidelines.. However, the existing VSC levels are considered to be low, the report also confirms that the windows are all located under deep overhanging balconies. The report also confirms that they have managed to obtain plans for this building and can confirm that these are secondary windows to the living room, which is supported by the NSL (DD) performance being very good.

Dance Square			Vertical Sky Component			No Sky Line (Daylight Distribution)		
	Room number/ Window number	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC	Existing (sqm)	Proposed (sqm)	Percentage reduction
First floor	R1/W2	Living/ Kitchen /Dining	0.27	0.03	89%	23.78	22.93	4%
Second floor	R1/W2	Living/ Kitchen /Dining	1.37	0.45	67%	29.96	24.83	17%

Table 1: Impact on Dance Square in terms of VSC and DD from the proposed scheme

9.78 The report confirms that the BRE covers this scenario in the guidelines where it states that "if a window were to meet the guidelines without a balcony in place, this would show the presence of the balcony, rather than the size of the new obstruction, was the main factor in the relative loss of light."

9.79 The report confirms that when the analysis is carried out without the balconies, the results show that all windows will meet the BRE recommendations for daylight with the report concluding that the design of the Dance Square building itself is the main factor in the loss of light rather than the new obstruction of the proposal. However given the significant loss of VSC relates to a secondary window to a living room, which maintains very good daylight within the room itself, these impacts are considered to be acceptable.

9.80 The Daylight and Sunlight report for the previously approved development (Ref. P2017/0865/FUL) at the application site does not appear to have assessed the impact on Dance Square against the BRE guidelines in regards to VSC and Daylight Distribution levels. However, given the general compliance it is considered to have an acceptable impact in this regard.

Bastwick Street

9.81 The report has assessed the impact on the neighbouring properties of no's 26-27 and 29 Bastwick Street, located to the immediately to the rear, and south east of the site, in regards to Vertical Sky Component and Daylight Distribution.

26-27 Bastwick Street

9.82 The report confirms that 6 of the 30 windows tested at 26-27 Bastwick Street fail to comply with the BRE criteria in respect of Vertical Sky Component. Two of these windows relate to hallways which would not have an expectation of daylight as outlined with the BRE guidelines. The report confirms that there would be no change to the four habitable rooms in respect of Daylight Distribution. The tables below show the impact of the proposal on this property, in comparison to the consented scheme (Ref. P2017/0865/FUL) in terms of VSC levels and No-Sky Line (Daylight Distribution). The table below details a comparison between the previously approved scheme and the current proposal:

26-27 Bastwick Street				Vertical Sky Component				
	Room number	Window number	Room use	Existing (%)	Consented (%)	Proposed (%)	Percentage reduction in VSC (Consented)	Percentage reduction in VSC (Proposed)
Third floor	R006	W014	Unknown	29.69	22.62	25.1	24%	15%
		W015		21.51	15.55	17.66	28%	18%
	R007	W017	Unknown	32.89	29.32	30	>27%	>27%
		W016		25.10	24.46	24.56	3%	2%
		W023		31.58	0.15	0.33	99%	99%
	R011	W025	LKD	30.10	0.15	0.29	99%	99%
Fourth floor	R009	W021	Unknown	33.59	33.25	33.25	>27%	>27%
		W022		36.83	32.97	32.97	>27%	>27%
		W027		34.70	0.24	0.61	99%	98%
	R008	W020	Unknown	35.46	33.56	32.93	>27%	>27%
	R012	W028	LKD	34.07	0.30	0.56	99%	98%
	R013	W029	LKD	33.62	0.33	0.79	99%	98%
		W030		9.70	9.45	9.65	1%	1%

Table 2: Impact on 26-27 Bastwick Street in terms of VSC comparing the approved and proposed schemes

26-27 Bastwick Street				No Sky Line (Daylight Distribution)					
	Room number	Window number	Room use	Room number	Existing sqm)	Consented (sqm)	Proposed (sqm)	Percentage reduction in DD (Consented)	Percentage reduction in DD (Proposed)
Third floor	R006	W014	Unknown	R006	19.70	19.46	19.70	1%	0%
		W015	Unknown						
	R007	W017	Unknown	R007	29.81	29.09	29.05	2%	1%
		W016							
		W023							
R011	W025	LKD	R011	15.7	11.96	11.96	24%	24%	
Fourth floor	R009	W021	Unknown	R009	22.04	21.35	21.34	2%	3%
		W022							
		W027							
	R008	W020	Unknown	R008	19.7	19.7	19.7	0%	0%
	R012	W028	LKD	R012	5.64	0	0	100%	100%
	R013	W029	LKD	R013	15.7	13.34	13.56	15%	14%
W030									

Table 3: Impact on 26-27 Bastwick Street in terms of DD comparing the approved and proposed schemes

9.83 The previously approved development (Ref. P2017/0865/FUL) at the application site was considered acceptable in terms of its impact on the occupiers of this adjacent property in terms of daylight/sunlight.

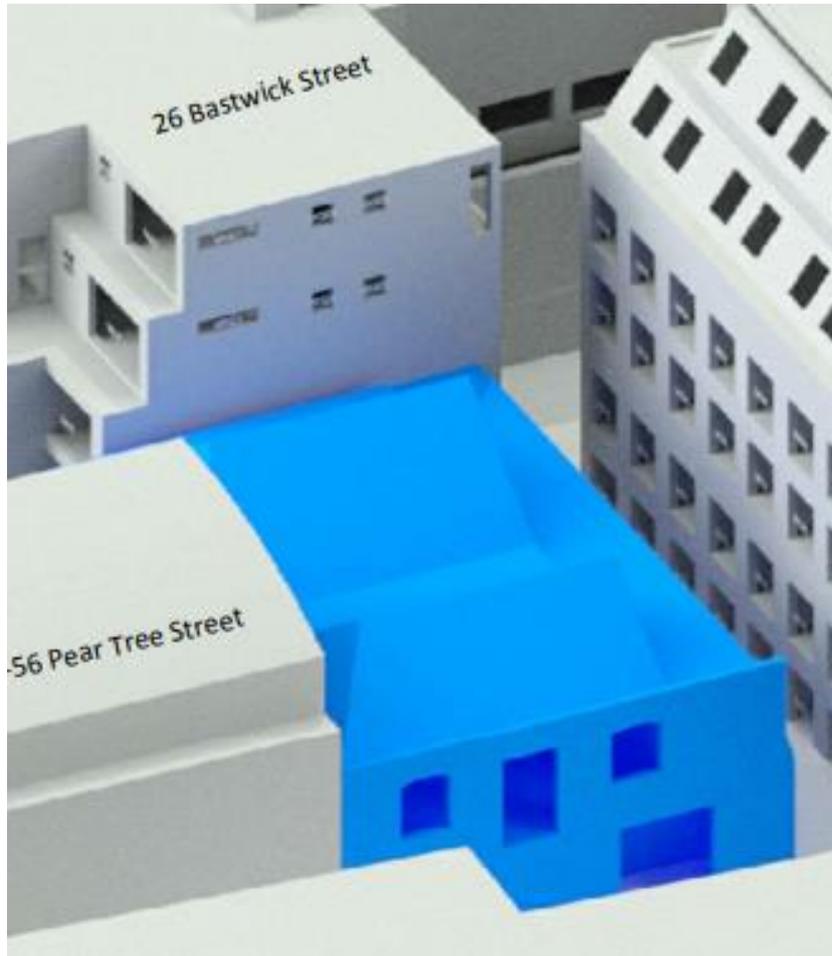


Image 17: Relationship of 6 windows in 26-27 Bastwick Street with existing host building

- 9.84 The submitted report has noted that six windows have been identified which are the worst affected, two of these serve hallways which would not have an expectation of daylight as stated in the BRE guidelines. The remaining four windows serve as secondary windows to Living/Kitchen/Dining rooms (LKD) at third and fourth floors. Therefore whilst the four windows show large reductions in VSC, the main windows to the LKDs remain unaffected and therefore the levels of light within these rooms (DD) are considered to be acceptable.

29 Bastwick Street

- 9.85 The report confirms that all 26 windows tested fully comply with the VSC BRE criteria. It is acknowledged that the one room (R005) at first floor level which is a LKD would result in a reduction of 32% in respect of Daylight Distribution. However, whilst this would be noticeable this room is served by four windows of which only one window has a reduction in VSC levels which would be comfortably within the BRE guidelines. The previously approved development (Ref. P2017/0865/FUL) at the application site was considered acceptable with regard to the reductions in VSC and Daylight Distribution levels for this property.



Image 18: Relationship of windows in 29 Bastwick Street with host building

29 Bastwick Street			Vertical Sky Component			No Sky Line Daylight Distribution)		
	Room number/ Window number	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC	Existing (sqm)	Proposed (sqm)	Percentage reduction
First floor	R005/W008	Living/ Kitchen /Dining	1.93	1.93	0%	8.07	5.48	32%
	R005/W009		12.66	12.66	0%			
	R005/W005		21.18	19.40	8%			
	R005/W006		0	0	0%			

Table 4: Impact on 29 Bastwick Street in terms of VSC and DD

Pear Tree Street

9.86 The report has assessed no's 40 (City University), 45-56 (Pietra Lara Building) and the Orchard Building along Pear Tree Street where 80 no. windows were tested. The report confirms that all of the windows with a requirement for daylight pass the Vertical Sky Component (VSC) test along Pear Tree Street, with the exception of some of the windows at no's 40 and 45-56 Pear Tree Street.

40 Pear Tree Street – City University

9.87 No 40 Pear Tree Street is located to the west, with a separation distance of 4.1m and consists of a total of six storeys, with the roof levels stepped back, with a mix of sloped and flat roofs. The report confirms that out of the 60 windows tested 38 windows show transgressions in VSC within the BRE Guidelines. This is similar to the impact from the consented scheme (Ref. P2017/0865/FUL) which identified that 39 of the windows tested failed to comply with the BRE Guidelines in terms of VSC requirements.

9.88 The impact in terms of VSC levels has been reduced in comparison to the previously consented scheme, with only three windows having a greater impact in terms of VSC levels. The windows are W032 (from 25% to 27%) at first floor and W021 (25% to 26%) and W022 (from 17% to 20%) at ground floor level. These changes are relatively modest changes in actual VSC levels from 24.66 in the consented scheme to 23.97 in the proposed scheme (W032), from 20.15 to 19.86 (W021) and 23.15 to 22.33 (W022).

9.89 Whilst the remaining windows would transgress BRE Guidelines the impact would be a reduction in comparison to the consented scheme. The greatest reduction is found to the second floor. Whilst all (11 no.) of the windows fail to meet BRE Guidelines, nine of these windows would have this impact reduced by between 4% (W042 from 32% to 28%) and 18% (W038 from 69% to 51%) of the percentage loss of VSC levels. The comparison to the consented scheme is shown in the table below

40 Pear Tree Street				Vertical Sky Component				
	Room number	Window number	Room use	Existing (%)	Consented (%)	Proposed (%)	Percentage reduction in VSC (Consented)	Percentage reduction in VSC (Proposed)
Lower Ground	R009	W009	Bedroom	18.61	12.53	14.78	33%	21%
	R010	W010	Bedroom	21.4	17.19	17.21	20%	20%
	R011	W011	Bedroom	23.36	19.81	19.31	15%	17%
	R003	W003	Bedroom	8.2	2.23	2.77	73%	66%
	R004	W004	Bedroom	8.98	2.34	2.9	74%	68%
	R002	W002	Bedroom	7.19	2.15	2.62	70%	64%
	R001	W001	Bedroom	5.93	2.07	2.48	65%	58%
	R008	W008	Bedroom	12.37	6.19	7.10	50%	43%
	R007	W007	Bedroom	10.46	3.69	4.37	65%	58%
	R005	W005	Bedroom	9.52	2.54	3.09	73%	68%
Ground floor	R006	W006	Bedroom	9.92	2.88	3.47	71%	65%
	R019	W019	Bedroom	21.09	7.36	8.68	65%	59%
	R018	W018	Bedroom	20.08	4.77	5.85	76%	71%
	R020	W020	Bedroom	25.15	14.13	16.89	44%	33%
	R022	W022	Bedroom	28	23.15	22.33	17%	20%
	R021	W021	Bedroom	26.88	20.15	19.86	25%	26%
	R017	W017	Bedroom	19.71	3.89	4.91	80%	75%
	R013	W013	Bedroom	13.89	3.25	4.14	76%	70%
	R012	W012	Bedroom	11.09	3.21	3.9	71%	65%
	R014	W014	Bedroom	15.94	3.28	4.32	79%	73%
	R016	W016	Bedroom	18.86	3.54	4.6	81%	76%
	R015	W015	Bedroom	17.58	3.37	4.45	81%	75%
	R030	W030	Bedroom	32.26	10.29	12.1	68%	62%

First floor	R029	W029	Bedroom	31.55	7.27	9.48	77%	70%
	R031	W031	Bedroom	32.45	18.73	20.47	37%	37%
	R033	W033	Bedroom	32.81	27.53	26.71	16%	19%
	R032	W032	Bedroom	32.66	24.66	23.97	25%	27%
	R028	W028	Bedroom	30.42	6.34	8.71	79%	71%
	R024	W024	Bedroom	23.1	5.96	8.14	74%	65%
	R023	W023	Bedroom	17.76	6.15	7.65	65%	57%
	R025	W025	Bedroom	25.55	5.85	8.46	77%	67%
	R027	W027	Bedroom	29.21	6	8.61	79%	71%
	R026	W026	Bedroom	27.35	5.87	8.58	79%	69%
Second floor	R041	W041	Bedroom	36.02	15.86	19.16	56%	47%
	R040	W040	Bedroom	35.89	12.34	17.32	66%	52%
	R042	W042	Bedroom	36.10	24.55	26.08	32%	28%
	R044	W044	Bedroom	35.95	31.84	31.34	>27%	>27%
	R043	W043	Bedroom	36.08	29.43	29.16	>27%	>27%
	R039	W039	Bedroom	35.64	11.37	17.22	68%	52%
	R035	W035	Bedroom	28.9	11.62	16.26	60%	44%
	R034	W034	Bedroom	23.19	12.60	15.4	46%	34%
	R036	W036	Bedroom	32.4	11.09	16.81	66%	48%
	R038	W038	Bedroom	35.13	11.06	17.26	69%	51%
R037	W037	Bedroom	34.18	10.99	17.14	68%	50%	

Table 5: Impact on 40 Pear Tree Street in terms of VSC comparing the approved and proposed schemes

- 9.90 At first floor level out of the 11 windows, eight windows which breach BRE Guidelines would result in a reduced impact in comparison to the consented scheme between 6% (W030 from 68% to 62%) and 10% (W026 from 79% to 69%). In terms of the remaining three windows at this level, one window would experience an increased impact in comparison to the previous scheme which would breach BRE Guidelines which is explained above. It is noted one window would experience an increased impact (W033) but this would not breach BRE Guidelines. The remaining window would experience the same impact in comparison to the previous scheme (W031).
- 9.91 At ground floor nine of the 11 windows tested would result in a reduced impact on VSC levels, between 5% (W018 from 76% to 71%) and 11% (W020 from 44% to 33%), the remaining window would experience a 3% increase (W022) which is explained above.
- 9.92 Out of the 11 windows at lower ground floor level, one window would be in compliance with BRE Guidelines (W011) even though it would result in an increased impact and one window would have the same impact (W010). The remaining windows would have a reduced impact in comparison to the consented scheme, ranging from 12% (W009 from 33% to 21%) to 5% (W007 from 73% to 68%).
- 9.93 Whilst it is acknowledged that the proposal would result in noticeable reductions to VSC levels within the bedrooms of this building as noted in the submitted Daylight and Sunlight report, many of these windows currently have low levels, especially the lower ground floor rooms, with existing VSC levels as low as 5.93% (W001). However, overall the revised proposal would have a reduced impact on the occupiers of the rooms with the adjacent building.

Daylight Distribution

- 9.94 The proposal would result in transgression in terms of Daylight Distribution, with 44 rooms assessed, 29 rooms would have a percentage reduction of 30% or more. However, in the consideration of the acceptability of these transgressions, as with the VSC levels it is important to take into consideration the impact within the consented scheme. The consented scheme resulted in 31 rooms have a percentage reduction of 30% or more. The comparison between the consented and proposed impact is shown in the table below.



Image 19: Relationship of windows in 40 Pear Tree Street with host building

40 Pear Tree Street				No Sky Line (Daylight Distribution)					
	Room number	Window number	Room use	Existing (%)	Existing (sqm)	Consented (sqm)	Proposed (sqm)	Percentage reduction in DD (Consented)	Percentage reduction in DD (Proposed)
Lower Ground	R009	W009	Bedroom	18.61	9.07	8.6	8.69	5%	4%
	R010	W010	Bedroom	21.4	9.47	9.05	9.07	4%	4%
	R011	W011	Bedroom	23.36	9.79	9.73	9.72	1%	1%
	R003	W003	Bedroom	8.2	1.86	0.19	0.28	90%	85%
	R004	W004	Bedroom	8.98	1.87	0.21	0.33	89%	83%
	R002	W002	Bedroom	7.19	1.73	0.19	0.27	89%	84%
	R001	W001	Bedroom	5.93	1.63	0.5	2.45	69%	-50%
	R008	W008	Bedroom	12.37	4.2	3.47	3.66	17%	13%
	R007	W007	Bedroom	10.46	2.3	1.32	2.64	43%	-15%
	R005	W005	Bedroom	9.52	1.89	0.43	0.56	77%	70%
	R006	W006	Bedroom	9.92	1.92	0.72	1.45	63%	25%
Ground floor	R019	W019	Bedroom	21.09	6.34	3.7	4.16	42%	34%
	R018	W018	Bedroom	20.08	5.85	1.44	3.31	75%	43%
	R020	W020	Bedroom	25.15	9.67	8.66	8.79	10%	9%
	R022	W022	Bedroom	28	9.79	9.79	9.79	0%	0%
	R021	W021	Bedroom	26.88	9.77	9.54	9.47	2%	3%
	R017	W017	Bedroom	19.71	5.84	0.8	1.57	86%	73%
	R013	W013	Bedroom	13.89	5.59	0.46	0.65	92%	88%
	R012	W012	Bedroom	11.09	5.08	1	2.56	80%	50%
	R014	W014	Bedroom	15.94	5.67	0.37	0.59	94%	90%
	R016	W016	Bedroom	18.86	5.8	0.52	0.91	91%	84%
R015	W015	Bedroom	17.58	5.41	0.33	0.54	94%	90%	
First floor	R030	W030	Bedroom	32.26	9.77	4.05	4.57	59%	53%
	R029	W029	Bedroom	31.55	9.8	1.83	4.28	81%	56%
	R031	W031	Bedroom	32.45	9.79	9.03	8.98	8%	8%
	R033	W033	Bedroom	32.81	9.79	9.79	9.79	0%	0%
	R032	W032	Bedroom	32.66	9.77	9.77	9.73	0%	1%

	R028	W028	Bedroom	30.42	9.79	1.26	1.59	87%	84%
	R024	W024	Bedroom	23.1	9.8	1.13	1.53	89%	84%
	R023	W023	Bedroom	17.76	8.87	1.83	3.47	79%	61%
	R025	W025	Bedroom	25.55	9.80	1.04	1.52	89%	84%
	R027	W027	Bedroom	29.21	9.79	1.06	1.52	89%	84%
	R026	W026	Bedroom	27.35	9.80	1.01	1.52	90%	84%
Second floor	R041	W041	Bedroom	36.02	9.83	5.35	5.14	46%	47%
	R040	W040	Bedroom	35.89	9.8	3.09	3.69	69%	61%
	R042	W042	Bedroom	36.10	9.8	9.77	9.34	1%	5%
	R044	W044	Bedroom	35.95	9.8	9.79	9.79	1%	1%
	R043	W043	Bedroom	36.08	9.77	9.77	9.77	0%	0%
	R039	W039	Bedroom	35.64	9.8	2.17	3.85	78%	61%
	R035	W035	Bedroom	28.9	9.8	2.77	3.89	72%	60%
	R034	W034	Bedroom	23.19	9.16	3.86	5.34	58%	42%
	R036	W036	Bedroom	32.4	9.80	2.42	3.87	75%	61%
	R038	W038	Bedroom	35.13	9.80	2.18	3.86	78%	61%
	R037	W037	Bedroom	34.18	9.80	2.2	3.88	78%	60%

Table 6: Impact on 40 Pear Tree Street in terms of DD comparing the approved and proposed schemes

- 9.95 As detailed above the proposal would result in some significant losses of daylight levels at the neighbouring building. However, it should be noted that the proposal would generally result in an improved level of daylight being received at the neighbouring property when compared to the previously consented scheme. In assessing the reductions in daylight to this property it needs to be considered that the impacted rooms are bedrooms, where the BRE Guidelines note that there is less requirement for access to light, while the property provides student accommodation, which is generally transient in nature, with residents changing year-to-year and for reduced periods of occupation. This neighbouring property does not constitute more traditionally laid out permanent self-contained residential accommodation.
- 9.96 The relationship between the buildings also needs to be understood. The student accommodation faces directly onto the flank of the application site and is located in close proximity, being only 4.1m metres across a narrow footpath. This existing relationship is atypical and means that any development at the application site is likely to impact upon the daylight levels received within the student accommodation. Furthermore, the site represents one of the lowest building within an area dominated by higher built form, such that some level of harm should be expected to result from any development of the site that is contextual.

9.97 As shown in the comparative tables above, it should be noted that the previously approved development (Ref. P2017/0865/FUL) that has since expired also resulted in transgressions in relation to BRE Guidelines to the student accommodation. Whilst expired there has been no material change to planning policies relating to amenity nor has updated sunlight/daylight guidance been published by BRE. As detailed in the tables above, the design changes associated with the current scheme have resulted in reductions in the level of impact on the neighbouring property.

9.98 In this context, whilst it is regrettable that the proposal would result in transgressions in relation to BRE Guidelines, on balance and in particular having regard to the existing relationship between the site and the neighbouring building, the proposal is considered to not result in an unacceptable impact to the occupiers of this neighbouring building.

45-56 Pear Tree Street – Pietra Lara Building

9.99 No's 45-56 Pear Tree Street located immediately adjacent to the east, consists of a four storey building. Out of the 11 windows tested, two windows have failed BRE Guidelines in relation to VSC criteria located to the rear elevation. However, all of the rooms tested would pass the Daylight Distribution (DD) criteria. The impacts on daylight for this property have been assessed and are shown in the table below.

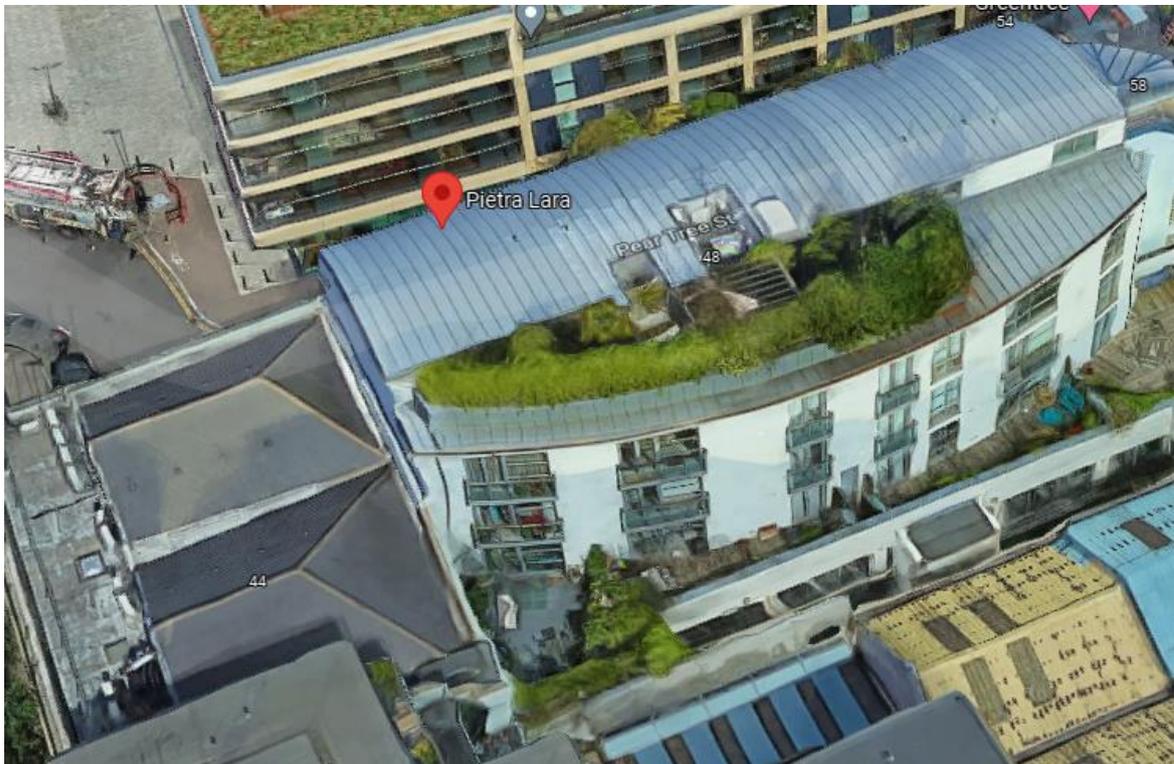


Image 20: Aerial photograph showing Pietra Lara Building to the east of the application site

46-56 Pear Tree Street				Vertical Sky Component				
	Room number	Window number	Room use	Existing (%)	Consented (%)	Proposed (%)	Percentage reduction in VSC (Consented)	Percentage reduction in VSC (Proposed)
First floor	R004	W004	LKD	24.75	17.68	18.95	29%	23%
Second floor	R007	W007	LKD	30.04	22.42	23.36	25%	22%

Table 7: Impact on 45-56 Pear Tree Street in terms of VSC comparing the approved (now expired) and proposed scheme

Whilst it is acknowledged that two windows have failed BRE Guidelines in regards to VSC criteria, it should be noted that this is a marginal failure, and the proposal would pass the Daylight Distribution criteria (shown in tables above and below). The previously approved (now expired) development (Ref. P2017/0865/FUL) had a similar (but slightly greater level of impact) on the two windows. The proposal would therefore represent a marginal improvement in comparison to the impact created by the previously approved (now expired) development.

46-56 Pear Tree Street				No Sky Line (Daylight Distribution)				
	Room number	Window number	Room use	Existing (sqm)	Consented (sqm)	Proposed (sqm)	Percentage reduction in DD (Consented)	Percentage reduction in DD (Proposed)
First floor	R004	W004	LKD	21.07	20.69	20.69	1%	1%
Second floor	R007	W007	LKD	29.57	29.4	29.45	1%	1%

Table 8: Impact on 45-56 Pear Tree Street in terms of DD comparing the approved and proposed schemes

9.100 Concerns have been raised by occupiers of the Pietra Lara Building regarding the cumulative impact on the occupiers of this building in regards to daylight/sunlight as a result of this development and the other application at 30 Bastwick Street (Ref. P2021/1692/FUL) for the 'Demolition of existing building and construction of a four-storey building (with basement levels) comprising Office use (Class E) with associated works'. As shown in the relevant history section above, whereas the host building is immediately adjacent to the Pietra Lara Building, to the west, this application relates to a building further along Bastwick Street to the east of the application site and to the south of the eastern half of this building. The distance between the eastern boundary of the application site and the west boundary of 30 Bastwick Street is 13.5m.

9.101 The representations requested that the proposal is redesigned with greater setbacks to ensure full compliance with the BRE Guidelines. The applicant has confirmed that the setbacks provided to the proposed development at 44 Pear Tree Street have been informed by the existing building lines of the Pietra Lara Building and 26-27 Bastwick to the south of the site. The applicant has considered that aligning the setbacks in this way would see all three buildings have a consistent building alignment which they consider to be of design and townscape benefit, and is similar to the setbacks in the previously approved (now expired) development at the site. Changes to the setbacks have the potential to result in a poor design outcome, resulting in awkward steps between the three buildings.

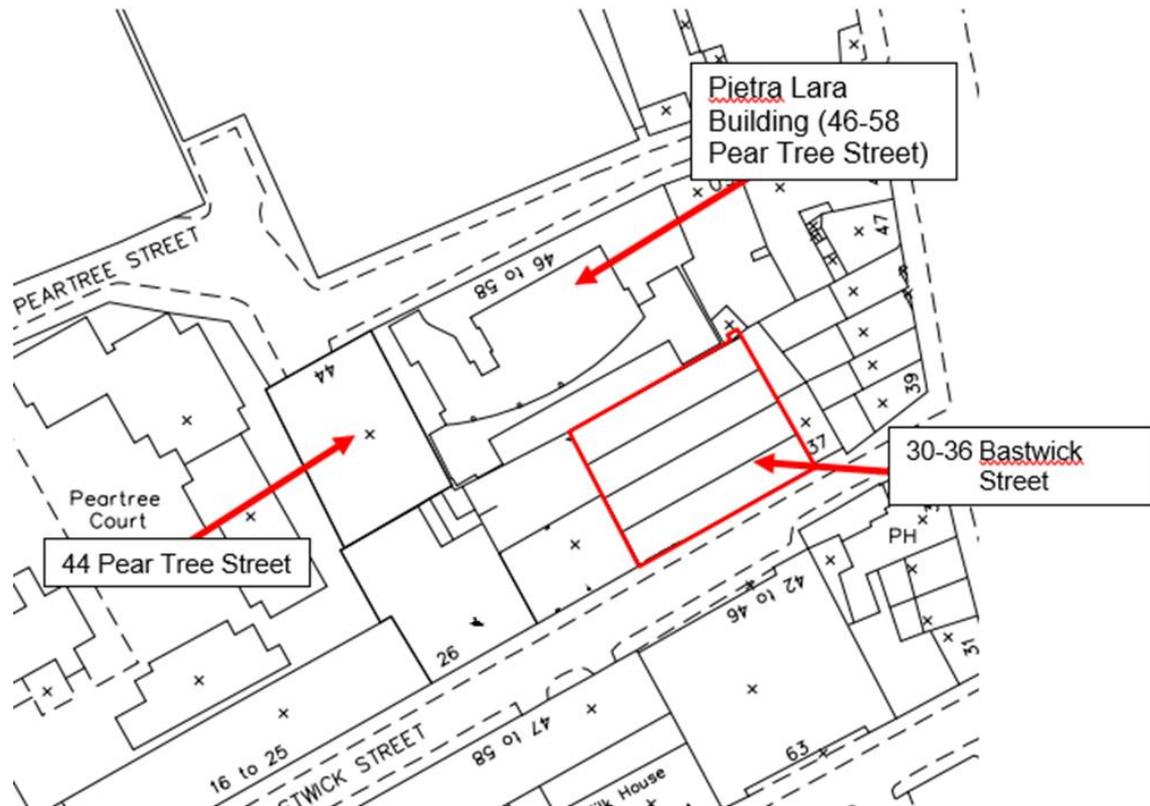


Image 21: Site Location Plan from 30 Bastwick Street

- 9.102 While there would be minor VSC transgressions to two windows within the Pietra Lara Building, these transgressions are less than the consented (now expired) scheme and the rooms that these windows serve would also pass the No Sky Line (Daylight Distribution) test, ensuring that each room would continue to receive high levels of daylight. All windows to the Pietra Lara Building would also pass the Annual Probable Sunlight Hours (APSH) tests, demonstrating that each room would also retain good levels of sunlight. Whilst it is acknowledged any breaches of the BRE Guidelines in regards to VSC criteria is regrettable, the proposal is considered to achieve an acceptable level of BRE compliance for a central, urban location such as this and making changes to the design of the building is not considered appropriate particularly due to the poor design outcome this would lead to.
- 9.103 In order to demonstrate the design implications of a scheme which is fully compliant with BRE Guidelines, the applicant has provided images comparing the existing building, a fully BRE compliant scheme and the proposal. Given the tight nature of the two sites, any additional massing would cause higher percentage reductions to the student accommodation windows at lower floors, meaning that the ability for additional massing under a BRE compliant scheme is severely limited. The compliant scheme presented in the analysis shows that only a partial increase in massing of approximately 3m in height on the eastern portion of the existing building. The applicant has noted that when considering appropriate roof level build-ups and space for services, the floor to ceiling height of this space would likely be 2m in height, creating space that would have poor practical utility, would not be readily usable and would not be flexible. The compliant scheme would also create a poor quality design outcome that would not relate to the existing building, the heights and roof forms of surrounding buildings and existing context and townscape overall. It is considered that a fully BRE compliant scheme would result in a poor outcome in townscape and design terms, and its integration within the streetscene particularly given the host buildings visual prominence.

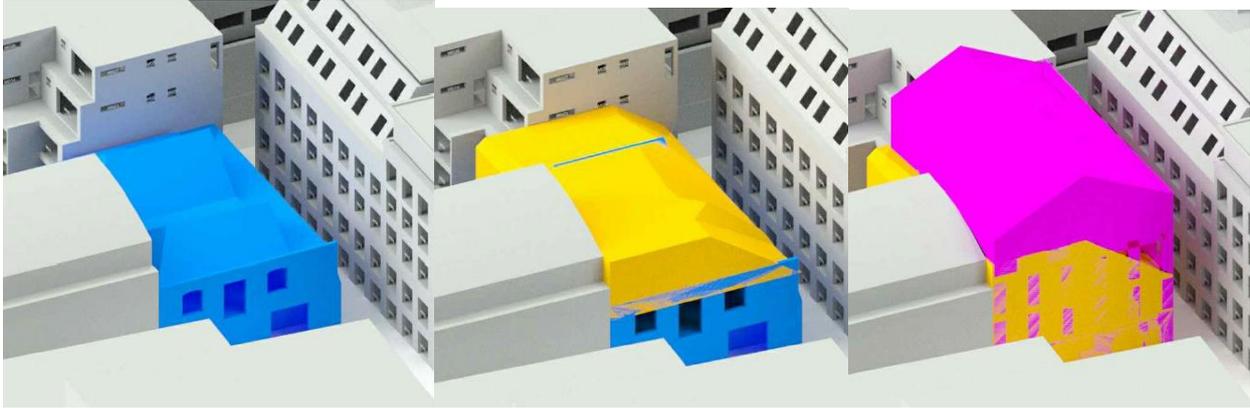


Image 22: CGI massing diagrams showing the existing (left), BRE compliant scheme (middle) and proposed scheme (right).

9.104 Therefore given this analysis a fully BRE compliant scheme, particularly with respect to the impact on the student accommodation in the adjacent building would not be a feasible proposition and would preclude development.

Cumulative impact with 30 Bastwick Street

9.105 The application consultation has resulted in the representations Building raising concerns about the cumulative daylight/sunlight impacts from both this proposal and the concurrent application under consideration at 30 Bastwick Street (Ref. P2021/1692/FUL) on the occupiers of the Pietra Lara Building. Discrepancies between the Daylight/Sunlight Reports for the two schemes have also been raised in representations. The BRE Guidance notes that when considering the cumulative impact of two developments practitioners should consider developments on other sites that have been approved, rather than those that are still under assessment and may be subject to change. In the Daylight and Sunlight Report for 30 Bastwick Street, the consultants have considered the cumulative impact of the 30 Bastwick Street scheme alongside the consented mixed use scheme at 44 Pear Tree Street (Ref. P2017/0865/FUL), rather than the proposal under consideration (which as noted above, the proposal has a reduced impact than the previous approval). The consented scheme has formed part of the pre-development case.

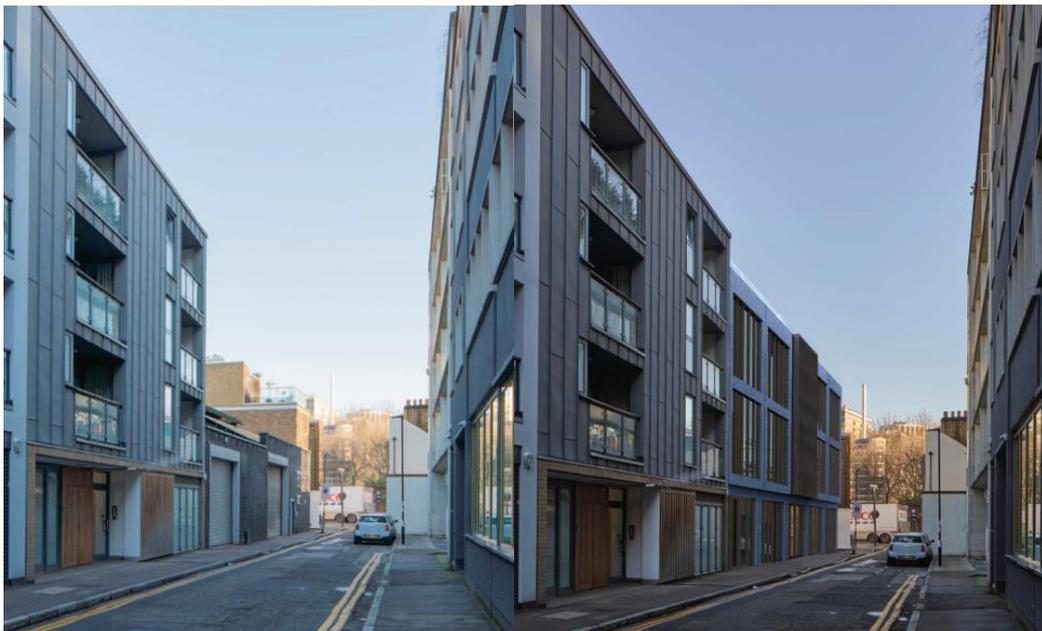


Image 23: Existing and proposed CGI visuals of scheme at 30 Bastwick Street

9.106 The applicant has provided an assessment of the cumulative impact. This notes that the two windows that experience a breach of the BRE Guidelines in terms of VSC are noted as W004 and W007 and are located at first and second floor of the Pietra Lara Building. However, all windows and rooms within the Pietra Lara Building pass the Daylight Distribution and APSH tests with respect to daylight and sunlight.

Daylight

9.107 In the associated Daylight and Sunlight Report for 30 Bastwick Street windows W004 and W007 are referenced as Windows 255 and 263. The report for this application confirms that the impact of this development in terms of VSC on window 255 would result in a reduction of 3% and window 263 would have reduction of 1%. These reductions are considered to be a very minor change that would not have an unacceptable impact on daylight levels. In addition, these windows would have no change in Daylight Distribution levels.

45-56 Pear Tree Street			Vertical Sky Component			
	Window number	Room use	Existing (%)	Proposed (%)	Reduction	Percentage reduction in VSC
Lower Ground	W225	Domestic	3.2	2.3	0.9	28%
	W226	Domestic	4.0	2.7	1.3	32%
	W227	Domestic	2.6	1.6	1.0	38%
	W228	Domestic	3.3	2.4	0.9	27%
	W229	Domestic	5.3	4.1	1.2	23%
Ground floor	W233	Domestic	9.4	6.0	3.4	36%
	W234	Domestic	12.1	7.0	5.1	42%
	W235	Domestic	7.6	4.1	3.5	46%
	W236	Domestic	8.9	5.5	3.4	38%
	W237	Domestic	14.6	10.3	4.3	29%
First floor	W240	L/K/D	28.3	22.3	6.0	21%
	W242	Kitchen	21.3	13.6	7.7	36%
	W243	Bedroom	28.1	20.7	7.4	26%
	W244	Bedroom	21.8	15.4	6.4	29%
	W245	Bedroom	20.4	15.9	4.5	22%
Second floor	W255	Kitchen	17.5	16.9	0.6	3%
Third floor	W263	Kitchen	26.3	26.0	0.3	1%

Table 9: Impact on 45-56 Pear Tree Street from 30 Bastwick scheme

9.108 The 30 Bastwick Street scheme, when considered alongside the consented scheme for 44 Pear Tree Street, results in VSC transgressions to 16 (out of 46) windows assessed within the Pietra Lara Building (window no's 225 to 231, 233 to 237 and 242 to 245). The table above shows these transgressions as well as the 2 no. windows impacted by the proposed development at no. 44 Pear Tree Street, which would be BRE compliant in terms of the scheme at 30 Bastwick Street.

9.109 The submitted Daylight and Sunlight Report for 30 Bastwick Street confirms that in terms of Daylight Distribution that out of the 46 windows assessed, eight windows serving six rooms (rooms served by window no's 240, 241, 242, 244, 245, 248, 249 and 250). These windows are located at first and second floor. None of these windows are windows 255 or 263 which are the two windows that have marginal VSC transgressions for proposed development at 44 Pear Tree Street.

45-56 Pear Tree Street			No Sky Line (Daylight Distribution)		
	Window number	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC
First floor	W240	L/K/D	68	31	37%
	W241	L/K/D	68	31	37%
	W242	Kitchen	84	42	42%
	W244	Bedroom	90	57	33%
	W245	Bedroom	94	65	29%
Second floor	W248	L/K/D	76	48	28%
	W249	L/K/D	76	48	28%
	W250	Kitchen	93	53	40%

Table 10: Daylight Distribution results

Sunlight

9.110 In addition the above, whilst the proposal at 44 Pear Tree Street would be fully compliant with BRE Guidelines in terms Sunlight, the development at 30 Bastwick Street would result in APSH transgressions to 5 of the 46 windows within the Pietra Lara Building (window no's 233 to 237) shown in the table below. These windows (and rooms) are on the eastern side of the Pietra Lara Building and are unaffected by the proposals for 44 Pear Tree Street.

45-56 Pear Tree Street			Annual Probable Sunlight Hours							
	Window number	Room use	Total Sunlight Hours				Winter Sunlight Hours			
			Before (%)	After (%)	Loss (%)	Ratio	Before (%)	After (%)	Loss (%)	Ratio
Ground floor	W233	Domestic	22	15	7	0.68	22	15	7	1.0
	W234		27	16	11	0.59	27	16	11	0.0
	W235		10	0	10	0.0	10	0	10	1.0
	W236		26	20	6	0.77	26	20	6	1.0
	W237		37	22	15	0.59	37	22	15	1.0

Table 11: Impact from proposed development at 30 Bastwick Street in terms of APSH

9.111 Therefore, the acceptability of the impacts to the Pietra Lara Building as a result of the proposed development at 30 Bastwick Street will be considered in assessing the application accordingly.

9.112 Representations received have noted differences between the after-construction lighting values at the Pietra Lara Building in the Daylight and Sunlight Reports for the two schemes under consideration. However, as noted above the reason why the values differ is due to the 30 Bastwick Street development considering the after-construction impacts of the most recently consented (now expired) mixed use development at 44 Pear Tree Street (Ref. P2017/0865/FUL), rather than the scheme under consideration. As set out in the comparative table analysis above, the proposed scheme under consideration has improved daylight and sunlight values to the Pietra Lara Building compared to the consented (now expired) mixed use scheme. The after construction impacts in the Calfordseaden Report (associated with this planning application) are based on this proposed scheme.

- 9.113 The occupiers of the building have raised concerns about the accuracy of the Daylight and Sunlight report and if it has been modelled accurately. The applicant has confirmed that as set out in their Daylight Sunlight Report, the analysis carried out has been based on an accurate 3D model of the site and surrounding buildings, with all windows and building dimensions accurately modeled. It has been prepared in accordance with industry leading best practice and they consider that it is therefore robust. The applicant has confirmed that the analysis carried out by Calford Seaden has been based on the current set of plans that are being assessed by the Council. During the course of the application the Council has requested an updated Daylight and Sunlight Report to reflect the latest model of the scheme which was consulted upon alongside amended drawings.
- 9.114 Overall, whilst it is acknowledged that there are some significant transgression of the BRE Guidelines which is regrettable. However, taken into consideration it would be an improvement on the previously consented scheme which was considered to be acceptable in this regard, and the townscape implications of a BRE compliant scheme, on balance, the proposal is considered to have an acceptable daylight impact on neighbouring properties.

Sunlight

- 9.115 The report confirms the test carried out to assess the impact on neighbouring sunlight is the Annual Probable Sunlight Hours (APSH). The British Standard recommends that at least 25% of annual probable sunlight hours be available at the reference point, including at least 5% of annual probable sunlight hours in the winter months, between Sept 21 and March 21. This is checked using the horizontal equinox line on the sunlight availability indicator. The report confirms it has only analysed windows facing within 90 degrees of due south which is the criteria recommended by the BRE guidelines for sunlight.
- 9.116 The report confirms that all windows and rooms analysed will meet the BRE recommendations for sunlight, both annually and during the winter. The windows to 40 Pear Tree Street all face within 90 degrees of due north and therefore do not require analysis.

Sunlight (Overshadowing) to existing amenity areas

- 9.117 The BRE guidance sets out parameters for assessment of shadow in amenity space and stipulates that at least 50% of the area considered should have the potential benefit of 2 hours of direct sunlight on 21st March each year. If as a result of new development, the area which can receive two hours sunlight on 21 March is reduced to less than 0.8 times its former size, this further loss is significant.
- 9.118 The report confirms that it has analysed the impact on the courtyard to the north of the site, next to the Orchard Building and the results show it will meet the BRE recommendations on the 21st March.

Privacy

- 9.119 Whilst it is acknowledged that the proposal relates to a commercial building, where the importance of overlooking is reduced in comparison to proposed residential development, it is still considered important to consider the impact on the potential privacy issues on neighbouring properties. The main elements of the proposal which could result in privacy issues relates to views from the side elevation windows and the external amenity spaces, which are shown in Images 24 and 25 below.



Image 24: Proposed side (west) elevation

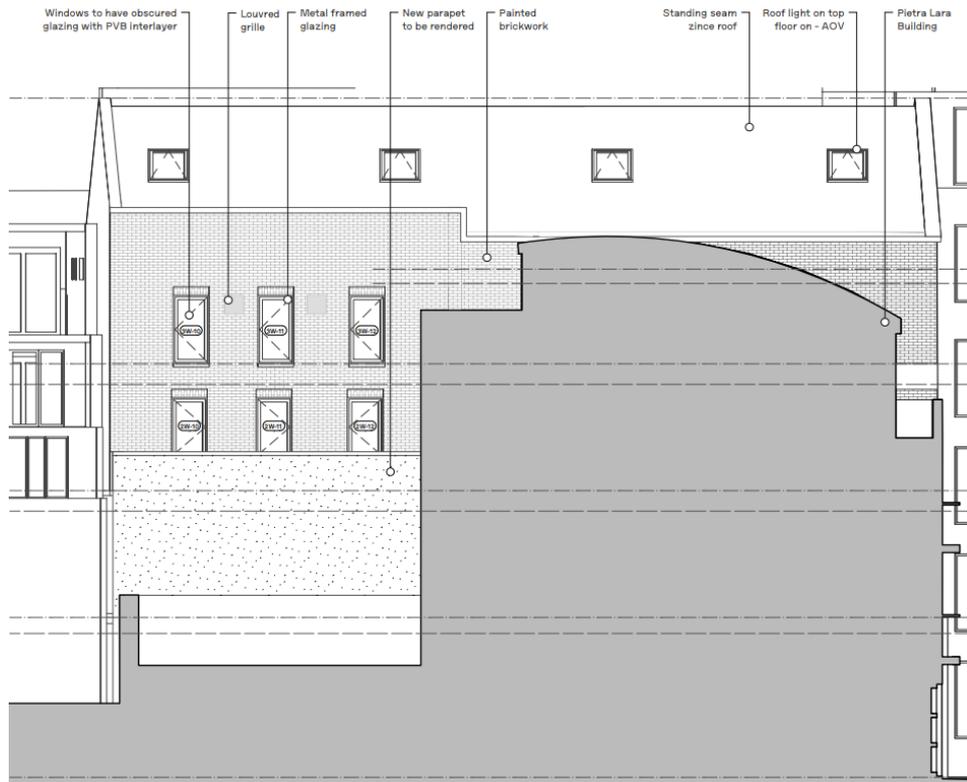


Image 25: Proposed side (east) elevation

9.120 The proposal includes low level metal balustrades along the side elevation of the external amenity spaces, located at first, second and roof level. The height and design of the proposed balustrades are considered to be insufficient to restrict views into the close neighbouring properties to the west of the site. As such, a condition is recommended to secure details of the proposed balustrades to ensure these are appropriately designed to avoid overlooking.

- 9.121 The proposed side elevation windows are labelled to have obscured glazing, a condition has been recommended to ensure the side and rear elevation windows are obscure glazed and have restricted opening capacity. It is considered that subject to these measures, the proposal would have an acceptable impact on neighbouring properties in regards to privacy.
- 9.122 It is noted that within the Appeal Decision for the scheme which was dismissed (Ref. P2014/3178/FU) it was identified that there would be an unacceptable loss of privacy to both the occupiers of the adjacent building and to the future occupiers of the proposed flats within the host building, given the two way relationship from the roof terraces. Given the recommendation for obscure glazing and restricted opening of windows and that there are no residential units now proposed at the application site, the proposal is not considered to result in any significant loss of privacy and is acceptable in this regard.

Noise

- 9.123 A Noise Impact Assessment (Ref. RP01-20607-R1 dated November 2020) by Cass Allen was submitted in support of the application in accordance with the Council's local validation list as the proposal includes proposed plant equipment. The Council's Public Protection Environmental Health Officer reviewed the submitted report and raised no objections to the proposal but noted that there has been extensive redevelopment of the area in the last few years. As such, the Officer recommends that construction traffic and logistics will need to be carefully planned and coordinated alongside other developments, and recommends a construction management plan is conditioned.
- 9.124 In terms of the roof level plant, the submitted noise report includes predictions that achieve compliance with the Council's noise criteria, based upon likely choice of condenser units, albeit the actual plant has not been finalised. As such, conditions are recommended limiting noise levels to mitigate the impact on occupiers of the student accommodation and residential properties. A condition is also recommended restricting the hours of operation of the plant to 08:00 and 18:00 hours each day, with the installation of a timer to control this, which shall be retained thereafter.
- 9.125 The Environmental Health Officer raised no objections to the principle of a roof terrace and external amenity spaces to the host building, citing a number of examples in the area. However, in order to mitigate the potential noise impacts to neighbouring properties, the officer initially recommended its use between 0800 to 1800 hours Monday to Friday only.
- 9.126 The applicant has supported a draft roof terrace management plan in seeking to use the terrace between the hours of 0800 to 2000 hours Monday to Friday. This outlines a number of measures including limits to access a maximum occupancy of 15 people, controls on noise and music (no amplified music) and confirmation that these requirements will be part of the lease terms for the upper floors of the development.
- 9.127 The Environmental Health Officer has reviewed the details and whilst raising no objections to the extended hours of use of the terrace, subject to a revised management plan being secured by condition. The revised management plan should include a complaints procedure, inclusive of key contacts. It is advised that any noise complaint received by the key contacts will be dealt with by the management company/tenant. They will be required to oversee the following procedure:
- All details pertaining to the event will be compiled and the cause investigated, with reference to:
 - the timing of the complaint
 - the activities taking place at the time
 - the number of people using the terraces

- If the complaint is substantiated, feedback will be given to the complainant. If any of the details of this management plan have not been followed, the appropriate actions will be taken. If any changes are required this Roof Terrace Management Plan will be updated accordingly.

- 9.128 Conditions are recommended ensuring the submission of a revised a roof terrace management plan which includes the above requirements, in addition to restricting the hours of use requested.
- 9.129 Notwithstanding the above, the Environmental Health Officer has noted that a solid balustrade to the terrace would further provide acoustic screening/privacy. As noted above, a condition is recommended for the details of the balustrades to be secured by condition.
- 9.130 A condition is recommended requiring the side and rear elevation windows to be obscurely glazed and details provided in terms of restricted opening, which in addition to preventing overlooking it would also further mitigate noise emanating from the building.
- 9.131 Representations have been received raising concern regarding the hours of use of the office/commercial uses. The host building has an existing office use, which is not restricted in terms of its hours of use. It is therefore considered that the restriction on the office use would be unreasonable. However, the proposal also seeks greater flexibility to allow for the introduction of a retail showroom at ground and basement level, as an alternative to the office use. To ensure the use as a retail showroom would not have a detrimental impact on neighbouring properties, in the event this is implemented a condition is recommended restricting the opening hours only between 08:00 to 20:00 hours Monday to Sunday.
- 9.132 It is therefore considered that subject to these conditions, the proposal would not have a detrimental impact on neighbouring properties in terms of noise.

Outlook and sense of enclosure

- 9.133 It is acknowledged that the proposal would result in the change in outlook and sense of enclosure to the occupiers of neighbouring properties, as a result of the upward extension of the building. The assessment of the impact should take into consideration the planning history. The Inspector concluded within Appeal Decision for the application (Ref. P2014/3178/FUL - which was dismissed) that the relationship of the south east corner with neighbouring properties would have an unacceptable impact in terms of the outlook and sense of enclosure in terms of both the future occupiers of the proposed upper floor residential units and the existing occupants of the Pietra Lara Building, as well as the east facing balconies of 26 Bastwick Street.
- 9.134 The design of the proposal in the dismissed scheme was different to the current and included a recess to the south east corner at second floor and above (at 8.4m above the first floor roof in height). The design of this previous scheme had a flat roof at a height of 15.9m, with a 2.6m high plant enclosure above. The separation distance between the middle of the window of the nearest flat at second floor adjacent property of the Pietra Lara Building (which is replicated on the floors above) is 5.6m at its nearest point.
- 9.135 Within paragraphs 26 and 27 of the Appeal Decision for the dismissed scheme the Inspector stated the following:

The appeal proposal is designed to include notable balconies on each of the residential levels at the rear part of the eastern flank elevation. These balconies would serve flats P01, P04 and P07 and would have glazed doors separating the balcony from the main open plan living space to these flats. These would be the only openings to these living spaces. In my judgment, from the submitted plans and from what I observed on site, they would be oppressively close, to similarly large glazed openings to habitable rooms at the Pietra Lara Building.

Notwithstanding the angle of the openings on the Pietra Lara building, I do not find these to be sufficiently oblique. Accordingly, there would be direct inter-visibility at reasonably close quarters so as to be particularly uncomfortable, not only for existing occupants of the Pietra Lara building but also correspondingly for prospective residents of proposed flats P01, P04 and P07. The proximate inter-relationship of large glazed openings combined with the diaphanous qualities of the glazed openings and glass balustrades to the balconies means that the proposed relationship would be unacceptable in terms of the outlook and privacy of the main habitable internal spaces of both sets of residents and as such would be significantly harmful to their respective living conditions. I find this two-way harm would particularly arise from the use of the proposed balconies which provide the only meaningful external space to these flats and as such are likely to be extensively used because of their size and easterly orientation.

- 9.136 The Inspector concluded that the combination of both the inter relationship of the privacy impact between the use of the existing and proposed balconies as well as the proximity to large glazed to habitable rooms of Pietra Lara Building would have a detrimental impact on neighbouring properties.
- 9.137 Following this Appeal Decision, a subsequent application (Ref. P2017/0865/FUL) was submitted and approved with the Council's Officers (in the minutes for the Planning Sub-Committee B dated 31st October 2017) confirming that the revised scheme was considered to adequately address previous amenity concerns for both prospective and adjoining occupiers to an acceptable degree in relation to any material loss of daylight/sunlight, outlook, overlooking, privacy nor any undue sense of enclosure.
- 9.138 The associated Committee Report confirmed that amended drawings were received to south east corner recess, including introducing a projecting glazed chamfered glazed fin to prevent overlooking, as well as changing the design of this recessed corner, with the roof terraces located behind the proposed glazed fin.
- 9.139 The design of the approved scheme was similar to the dismissed appeal, but included some design changes to address the reasons for refusal in relation to the previous schemes impact on the occupiers of the adjacent residential properties. These design changes include the projecting fin which covers across the width of the recess at an angle, which was considered acceptable.
- 9.140 In addition to some significant design changes, including the provision of a pitched roof rather than a flat roof, this proposal has removed the proposed roof terraces/balconies from the south east corner, as well as the removal of the proposed residential units of the upper floors within the host building, found within the previous schemes, reducing the sensitivity of this relationship. As with previous iterations the proposal does include a recessed south east corner. Whilst it is acknowledged that the length and width of this recess is reduced in comparison to the previous schemes, the design changes represent a 1.25m reduction in height along the eaves compared to the previous flat roof. Also the separation distance between the middle of the window of the adjacent property has decreased by 1m in comparison to the proposed fins in the approved scheme. The image below compares the proposal with the previous schemes.

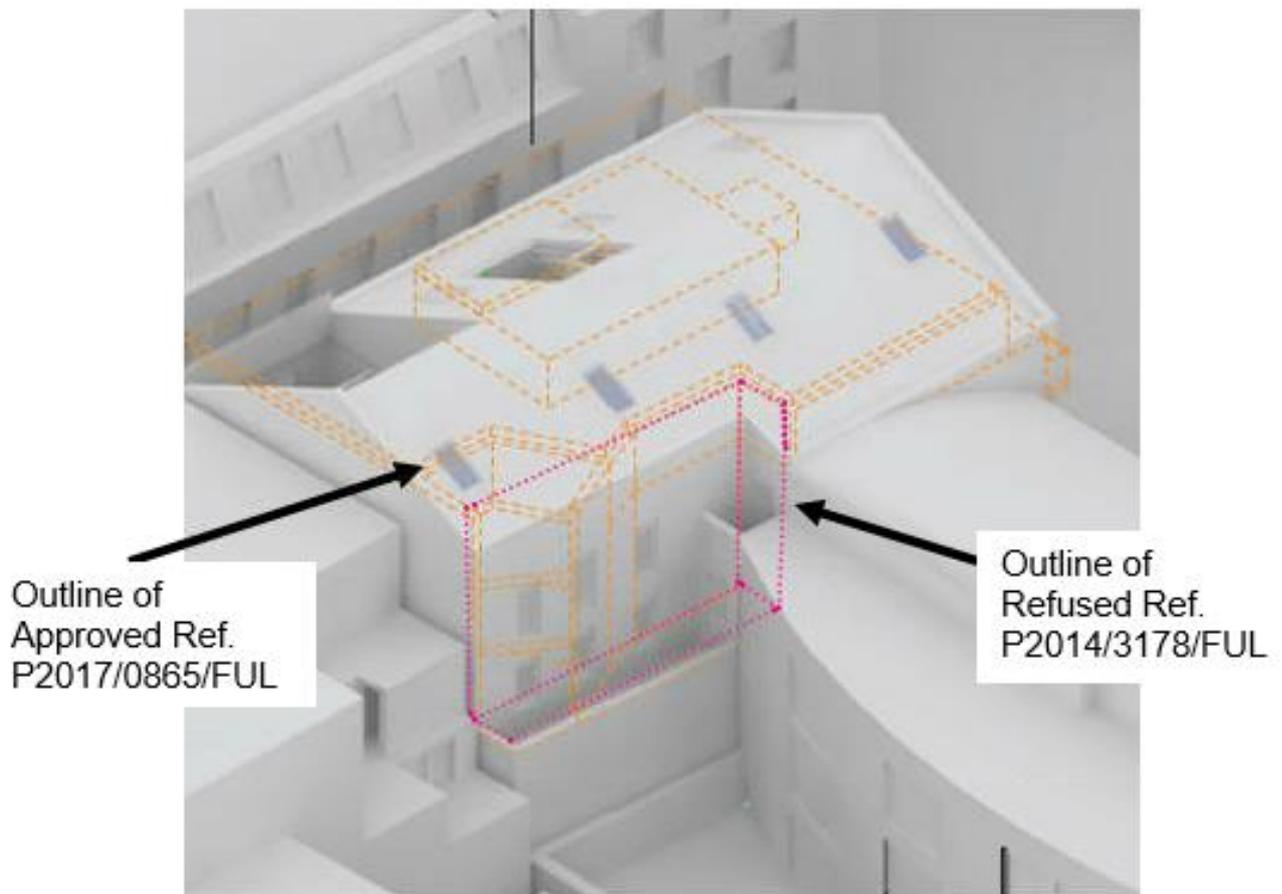


Image 26: CGI visual showing how the proposal to the previous schemes

- 9.141 It is acknowledged that the proposal would result in the development being built adjacent to existing windows on the north elevation of no. 26 Bastwick Road. For the previous approved application (Ref. P2017/0865/FUL) the Planning Officer (in the minutes for the Planning Sub-Committee B dated 31st October 2017) advised that *this loss was to secondary windows on the north elevation facing the application site and not the principle windows to this units main living space which was considered to be acceptable bearing in mind the site specifics and dense urban location*. The associated committee report confirmed that this was following a site visit made by the Officer. Given the proposal would replicate the same situation it is considered acceptable in this regard.
- 9.142 As noted in the daylight assessment, the relationship between the host building and 40 Pear Tree Street needs to be understood. The student accommodation faces directly onto the flank of the application site and is located in close proximity, being only 4.1m metres across a narrow footpath. This existing relationship is atypical and means that any development at the application site is likely to impact upon the levels of outlook and sense experienced by occupiers of the student accommodation at 40 Pear Tree Street. Furthermore, the site represents one of the lowest forms of existing development within an area dominated by higher built form, such that some level of harm should be expected to result from any development of the site that is contextual.
- 9.143 Therefore, in this context whilst it is regrettable that the proposal would result in some loss of outlook and sense of enclosure as a result of the proposal increasing the height of the building, the existing separation distance would be maintained. Noting this and the previously noted site context and uses, the proposal is considered to be acceptable with regard to the impact to this building.

Light Pollution

9.144 Given the proximity to existing residential development, the proposal has the potential to result in increased light pollution to neighbouring properties, particularly in the winter months. As such, a condition has been recommended to ensure details of measures to mitigate light pollution to occupiers of neighbouring properties. It is considered this would ensure the proposal would not have an unacceptable impact on neighbouring properties. The applicant is advised that this should include windows and rooflights and it is recommended diffuse blinds are used.

Conclusion

9.145 Overall, subject to noise and light spill conditions, on balance, the proposal is considered to be compliant with Development Management Policies DM2.1.

Sustainability

9.146 Policy DM7.1 seeks to ensure development integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development.

9.147 Part C of this policy requires minor developments creating commercial units, and extensions of 100 sqm or greater, shall be accompanied by a Sustainable Design and Construction Statement (SDCS), including where relevant an Energy Statement. The SDCS is expected to clearly set out how the application complies with relevant sustainable design and construction policies and guidance.

9.148 The application has been accompanied by a documents titled Sustainable Statement ref. 9.517 by XCO2 dated 11th November 2020 and Energy Statement by XCO2 dated November 2020 to address the relevant sustainability policies.

9.149 The Sustainable Statement confirms that the proposal has been developed to comply with the relevant environmental policies from the London Borough of Islington and the London Plan. The key sustainable design and construction measures incorporated in the proposals are summarised below:

- The re-use of previously developed land;
- Retention and improvement of the existing building on site which minimises embodied carbon of the development, whilst providing a high-quality new build portion as part of the extension scheme;
- Effective site layout in response to the neighbouring context;
- Efficient design of the proposed massing, openings and internal layouts so that office spaces across the building benefit from abundant daylight and sunlight levels for health and wellbeing of future building users, whilst impacts to the neighbouring buildings are kept to a minimum;
- The potential risk of overheating and demand for active cooling will be mitigated by incorporating passive and active design measures; and,
- Effective pollution management and control: the development is not expected to have any significant adverse effects to air, noise, land or watercourses.

9.150 The accompanying Energy Statement provides further sustainability information and assesses the predicted energy performance and carbon dioxide emissions of the proposed development, using the 'be lean', 'be clean' and 'be green' approach.

9.151 It confirms that at the 'Be Lean' approach, the proposed energy efficiency measures include levels of insulation beyond Building Regulation requirements, low air tightness levels, efficient lighting as well as energy saving controls for space conditioning and lighting. The report confirms that the proposed development meets the GLA target of 15% reduction for nondomestic schemes under SAP2012 carbon factors present the methodology followed in determining the on-site and off-site carbon savings.

- 9.152 For the 'Be Clean' approach the report confirms that the site is in close proximity to the Bunhill Energy Network. However, due to the limited heat demand of the building and the need to provide comfort cooling to the scheme, connection to the energy network is not deemed to be suitable for the scheme.
- 9.153 For the 'Be Green' approach the report confirms the development will benefit from an energy efficient building fabric which will reduce the energy consumption of the proposed development in the first instance, and incorporate Air Source Heat Pumps. Whilst the provision of green/biodiverse green/brown roofs were explored, this was not deemed possible given the use of a pitched roof.
- 9.154 Policy DM7.3 requires minor new-build developments located within 100 metres of a District Energy Network will be required to connect to that network including provision of the means to connect to that network. The application site is 75m from the nearest potential pipework connection. Whilst it is acknowledged that the proposal is not a new build, the previously approved development (Ref. P2017/0865/FUL) demonstrated that it was not feasible to link the proposal to the Bunhill District Energy Network, and the Energy Report has identified that it is not appropriate currently. However, in order for the development to be future-proofed so it could be connected to the District Energy Network at a later stage, if necessary, a clause is recommended to be included in a s106 agreement to this effect.

Accessibility and Fire Safety

- 9.155 Policy DM2.2 seeks to ensure that all developments demonstrate that they provide for ease of and versatility in use. Given the position of the plant equipment along the southwest elevation it is important that the proposal does not have a detrimental impact on the existing accessibility of the building, and in particular to ensure that the building maintains safe evacuation in the event of a fire. The submitted Planning Statement includes a section in relation to this matter, as well as a separate Fire Safety Strategy.
- 9.156 The Council's Building Control Service has reviewed the submitted information and raised no objections to the proposal, and has confirmed that whilst the Building Regulations process is likely to require further information in regards to fire safety, the information is sufficient from a planning perspective.
- 9.157 The Inclusive Design Officer confirmed that whilst they were generally supportive of the proposal initially raised concerns in relation to the level of accessible accommodation provided. As such, the applicant provided additional information to address these concerns. The Inclusive Design Officer welcomed these changes, including the increase in floor to ceiling height in the mezzanine to 2.4m and the revised WC. However, they recommended that a platform lift is secured by condition for through floor access, which alongside the accessible measures have been recommended.
- 9.158 Whilst it is discussed later in the report, in the Obligations section, the Council's Planning Obligations SPD outlines the planning obligation requirements for development within Islington. As noted above the Chapter titled 'Accessible parking & transport (standard obligation)' (within paragraphs 6.17 to 6.29) confirms that for non-residential developments, one accessible parking bay is required per 33 employees, with a contribution of £2,000 per bay if this cannot be achieved on site. The applicant has agreed to the obligation (£4,000) in this regard.
- 9.159 It is therefore considered that subject to a condition to ensure these accessible measures are adhered, including a platform lift, as well as an obligation in relation to accessible parking bay, the proposal is acceptable in this regard.

Highways and Transportation

- 9.160 Policy DM8.2 Part A of Development Management Policies (2013) seeks to ensure development proposals *meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. Where the council considers that a development is likely to have a significant negative impact on the operation of transport infrastructure, this impact must be satisfactorily mitigated. In order for developments to be considered acceptable they are required to:*
- i. fully mitigate any adverse impacts upon the capacity of transport infrastructure, including pavements and other walking routes, cycle routes, public transport and roads;*
 - ii. have no negative impacts on the safe and efficient operation of transport infrastructure;*
 - iii. maximise safe, convenient and inclusive accessibility to, from and within developments for pedestrians, cyclists and public transport users;*
 - iv. provide equal access for all people, including inclusive access for disabled people;*
 - v. adequately address delivery, servicing and drop-off requirements, and*
 - vi. have no significant negative impacts from transport arrangements on the local and wider environment.*
- 9.161 Whilst part B of this policy seeks to ensure development includes *the submission of either a Transport Assessment and Travel Plan, or a Transport Statement and Local Level Travel Plan, in accordance with the thresholds outlined in Appendix 5 and any subsequent update to these thresholds. The submitted information is required to be sufficiently detailed and accurate to enable the council to fully assess the development proposal. Construction Logistics Plans and Delivery and Servicing Plans may be required for developments where there may be an impact on roads. These plans should demonstrate how any potential impacts will be mitigated.*
- 9.162 A Transport Assessment and Travel Plan is not required to be submitted for a development of this scale. However, as noted below a Servicing and Delivery Plan will be required, while the legal agreement will secure contributions for any works to reinstate the highway within the immediate context of the site. Given the extensive development being constructed within the surrounding area, the submission of a Construction Management Plan that outlines the proposed arrangements during the construction period is recommended to be secured by condition.

Parking

- 9.163 Part B of Policy DM8.4 relating to non-residential parking (for all uses not falling within Use Class C3) seeks to states that
- i. 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 (e.g. car hire, Use Class B8 storage and distribution uses). In such cases, parking will only be permitted where an essential need has been demonstrated to the satisfaction of the council and where the provision of parking would not conflict with other council policies. Normal staff parking will not be considered essential and will not be permitted.*
 - ii. Any permitted parking is required to be off-street and located to be accessible and convenient in relation to the development and to provide an accessible route from the parking space to the development. Where on-street drop-off, wheelchair accessible parking or other essential parking is proposed details must be submitted to demonstrate the need for on-street provision and to show that arrangements will be safe and will not cause a traffic obstruction or nuisance.*
 - iii. Planning applications for uses that require coach parking ancillary to another use will not be permitted where the coach parking would give rise to adverse impacts on road safety and congestion. Coach parking should be provided on-site, unless the applicant can identify an alternative location which satisfies the council in terms of road safety and congestion and other relevant planning matters.*
 - iv. Planning applications for commercial developments where ongoing use of a vehicle fleet will be required during the operational phase of the development (such as minicab offices, delivery restaurants and couriers) will only be approved if the applicant can demonstrate*

that the transport impacts of the development have been satisfactorily mitigated. Only the minimum necessary provision shall be permitted in the above circumstances.

9.164 Whilst no parking is proposed within the application, Part C of this policy seeks to ensure *wheelchair-accessible car parking is required to be provided in accordance with best practice standards, as set out in the council's Planning Obligations SPD and Accessible Housing SPD, and BS8300:2009. Developments are also required to provide adequate provision for mobility scooter storage and charging. The council will require accessible parking bays to be located on-street where practical; such spaces should be identified and the cost of provision secured by a Section 106 legal agreement to enable the council to install the accessible parking spaces.*

9.165 As noted in the Accessibility section above, there is insufficient space within the site to provide wheelchair-accessible car parking and as such the applicant has agreed to pay a contribution in accordance with the SPD. The details of which are explained within the Obligations section below.

Cycle Parking

9.166 Policy DM8.4C seeks to ensure *minor developments creating new commercial units, and extensions of 100sqm or greater, are required to provide cycle parking in accordance with the minimum standards set out in Appendix 6. Cycle parking is required to be designed to best practice standards and shall be secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible. Cycle parking shall include an adequate element of parking suitable for accessible bicycles and tricycles.*

9.167 The Planning Statement confirms that the proposed development would provide a dedicated area for cycle parking at ground floor level. A space for a total of 20 no cycles would be provided off the main entrance lobby, which also includes provision for an adaptable cycle parking space or mobility scooter parking.

9.168 It is acknowledged that the proposal does not provide the maximum required level of cycle storage in the event that the building was used solely as an office (being 25 spaces) nor does it differentiate between long and short stay, as required by the London Plan 2021. However, it would provide adequate storage for the intended occupation of the ground and basement floors in showroom use. The Council's Highways Officer has also raised concerns in relation to the lack of information in relation of the cycle storage proposed and provisions for mobility scooters. However, as the proposal comprises an extension to existing floorspace, given the general compliance with cycle parking spaces for the intended uses, a condition has been recommended to submit details of the cycle storage to explore further cycle storage within the building.

Servicing and Delivery

9.169 Policy DM8.6A seeks to ensure provision for delivery and servicing should be provided off-street, particularly for commercial developments over 200 sqm gross floor area. In order to ensure proposed delivery and servicing arrangements are acceptable:

- 1. It must be demonstrated that servicing and delivery vehicles can enter and exit the site in forward gear.*
- 2. Details shall be submitted to establish the delivery and servicing needs of developments.*
- 3. Delivery and servicing bays are required to be strictly controlled, clearly signed and only used for the specific agreed purpose.*

9.170 Part B of this policy details that where on-street servicing is proposed details must be submitted to demonstrate the need for on-street provision and that off-street provision is not practical, and to show that arrangements will be safe and will not cause a traffic obstruction or nuisance. Traffic modelling may be required

9.171 The Council's Highways Officer has reviewed the submission and raised concerns in terms of the level of detail submitted. The officer notes that the layout of the highway does not easily provide for servicing and further information is sought. It is noted that the site is constrained in terms of the building footprint and location on a bend in the road. Notwithstanding this, the tight grain built form

of this part of Clerkenwell often requires on-street servicing solutions for minor developments. Subsequently a condition is recommended requiring the submission of a Servicing and Delivery Plan prior to the first use of the site.

Public Realm and the Highway

- 9.172 The Design and Access Statement identifies the need to rationalise the highway layout outside the development site, this includes repairing any damage to the highway during the construction. The Council's Highways Officer has confirmed that this is welcomed by the Council. The extent of these improvements is shown in the image below.

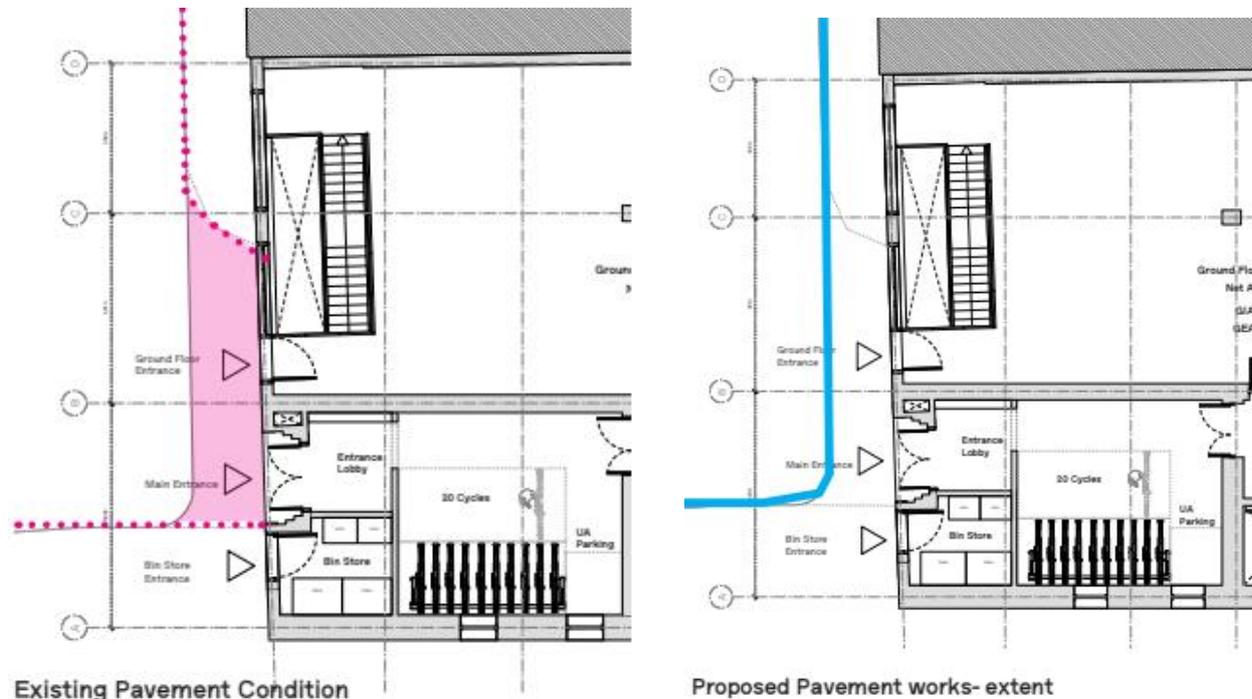


Image 27: Proposed public realm improvements

- 9.173 The submitted Design and Access Statement confirms that the public realm improvements would replace the existing drop kerb outside the existing entrances to the host building. The proposed works seek to infill this portion (approximately 14sqm) of pavement to match the existing levels, and would be constructed using materials to match the existing pavement.
- 9.174 The Council's Highways office requested further information to provide a designed layout taking into account swept paths and pedestrian desire lines and shortfalls in dropped kerbs at pedestrian crossing points. Further detail would be provided and agreed with the Council's Highways Team as part of the recommended Head of Term within the Legal Agreement..
- 9.175 To ensure the works will have an acceptable impact on the local highways network a number of conditions have been recommended and the works to the public realm are secured within the Heads of Terms of the legal agreement, in the event the application is approved. It is therefore considered that the proposal is acceptable in regard to the impact on the local highway network

Refuse and Recycling

- 9.176 Policy CS13 seeks to ensure developments provide waste and recycling facilities which fit current and future collection practices and targets and are accessible to all.
- 9.177 The Planning Statement has outlined the proposed refuse and recycling arrangements, which confirm that facilities are provided at ground floor level, and are in accordance with the Council's Recycling and Refuse Storage Requirements. The Planning Statement confirms 3.4 cubic metres of refuse capacity within the bin store, with 2 x 1.7 cubic metre receptacles provided, split equally between refuse and recycling. The measures would see the management of waste during both the construction and operational phases of the development.

- 9.178 Concerns by neighbours have been raised in relation to noise and disruption by overnight waste collections. The applicant has confirmed the current refuse arrangements see the occupiers of the host buildings place bags or refuse and recycling on street. These are then collected by a private contractor as and when is needed, which is usually once or twice a week.
- 9.179 The applicant has confirmed that in the event the application was approved, future occupiers would use the dedicated proposed refuse storage area at ground floor, so refuse and recycling would be held internally before being collected by a private contractor. Whilst the applicant has confirmed they anticipate that collections would occur once or twice a week in line with the current arrangements, a condition has been recommended for these arrangements including the timings and frequency, as part of the service and delivery arrangements.

Obligations

- 9.180 The Council's Planning Obligations SPD outlines the planning obligation requirements for development within Islington.
- 9.181 The Chapter titled 'Accessible parking & transport (standard obligation)' (within paragraphs 6.17 to 6.29) of the SPD confirms that for non-residential developments, one accessible parking bay is required per 33 employees.
- 9.182 The SPD confirms that '*where this provision is not made as part of the development, a contribution toward the cost of provision will be secured to enable the Council to install the accessible parking spaces. The charge for providing an on-street accessible parking bay is £2,000 per bay*'. The applicant has confirmed that there would be an uplift in 61 employees and therefore 2 bays would be required. Given that this could not be provided on site a contribution of £4,000 (2 x £2,000) would be secured by a legal agreement which the applicant has agreed to.
- 9.183 In addition, paragraph 5.13 of the SPD confirms that '*strategic development proposals should support local employment, skills development and training opportunities, by providing jobs and training opportunities/support as follows:*
- *On-site construction training opportunities from developments of 10 residential units or above, hotels, student accommodation or hostels with 20 or more rooms, or with an uplift in business/employment floorspace of 500m² or greater Gross External Area (GEA) (Core Strategy CS 13); and*
 - *Jobs and training opportunities including apprenticeships from developments with an uplift in business/employment floorspace of 500m² or greater GEA;*
- 9.184 Paragraph 5.20 of the SPD confirms that '*the number of placements that are sought is based on the estimated number of construction jobs likely to be created by a development, based on information provided for completed developments in the borough and the extent of local training and support needs based on unemployment figures*'. The number of construction placements is shown below:

Formula - Construction placements

1 construction training placement per:

20 residential units;

20 student/ hotel/ hostel bedrooms;

1000 sq m (GEA) commercial and employment floorspace (additional and/or replacement)

Image 28: Calculation of construction placements from Islington Planning Obligations SPD.

9.185 The SPD confirms that should it not be possible to provide these placements, the Council will seek an equivalent contribution for construction training, support and local procurement to enhance the prospects of the use of local employment in the development. This is based on the following formula:

- *Formula - Employment and training contribution – Construction Number of construction placements (based on formula above) x cost of providing construction training and support per placement (£5,000) = contribution due*
- *Formula - Employment and training contribution – Operation of development Uplift in occupancy of the development (number of employees) x proportion of Islington residents requiring training and support (6.7%) x cost of training/ support per person (£2,500) = contribution due.*

9.186 The proposed legal agreement would secure the provision of one placement or where this cannot be provided a contribution for the construction phase and towards employment and support.

9.187 As stated in the Highways section above the applicant has agreed to a contribution towards the public highway reinstatement works including any damage during the construction of the development, which would be secured by legal agreement.

9.188 The applicant has agreed to future proof development by agreeing to connect to the Bunhill District Energy Network when this is possible, as outlined in the Sustainability section above.

Other Matters

9.189 A request has been made in the neighbour consultation process that the Community Infrastructure Levy payment liable for the scheme is 'ring-fenced' to be used for improvements to the public realm along Pear Tree Street. The allocation of CiL is determined by the Community Infrastructure Levy Regulations 2010 (as amended) and Part 11 of the Planning Act 2008 (as amended). The CiL liable for this development cannot be 'ring-fenced' as part of this application. Whilst the application can be subject to an obligation within a legal agreement, which requires contributions for public realm improvements that are reasonably required to mitigate the development, this is not considered to be reasonably required in this instance.

9.190 Concerns have been raised in relation to noise and disturbance from the security systems for the host building. Whilst this may be a matter for the applicant to investigate and resolve, this is not a material planning consideration and therefore cannot be considered in the assessment of this application.

10. SUMMARY AND CONCLUSION

Summary

10.1 The principle of providing additional employment floorspace is considered acceptable, given its location within the Employment Priority Area (General), the Central Activities Zone (CAZ), as well as both the Bunhill & Clerkenwell Core Strategy Key Area and Finsbury Local Plan Area. The proposed use of the host building for office accommodation as existing is acceptable in land use terms. The application also seeks greater flexibility at ground and basement level, with the introduction of a retail showroom and financial and professional use, following the changes to the Use Class Order with the introduction of Class E. These uses are considered acceptable and consistent with the Council's land use policies, and the additional floorspace would be restricted to office accommodation only and are controlled by condition.

10.2 Given the planning history at the site, which allowed for upward extensions, plant equipment and roof terraces, the principle of the development is considered acceptable in design terms. The proposal is considered to be of an appropriate scale. The general design and proposed fenestration are considered to be in keeping with the visual appearance of the host building and wider area. A condition has been recommended for details of the proposed materials and balustrades to ensure they are appropriate. The proposal is considered to be compliant with policies D1, and D4 of the

London Plan (2021), policies CS7, CS8 and CS9 of the Islington Core Strategy (2011), policies DM2.1 of Development Management Policies (2013) the Urban Design Guide (2017

- 10.3 The proposal is considered to not unacceptably impact the amenity of the occupiers of neighbouring properties in terms of loss of daylight/sunlight, outlook or privacy. The submitted Daylight/Sunlight report shows transgressions of the BRE Guidelines, however, the majority of these relate to bedrooms within student accommodation within a property that has an established close proximity across a narrow lane to the existing building. The BRE Guidance details that bedrooms have less need for light. The other breaches relating to daylight are considered to be minor. The reduction in height of the building and removal of the upper floor residential units, and associated roof terraces from the previously approved schemes, together with the use of obscure glazed and non-opening windows are considered, on balance, to ensure that the proposal would not have an unacceptable impact on neighbour's privacy nor create an unacceptable sense of enclosure. Conditions are recommended for the plant equipment, the retail showroom, the roof terrace and in relation to construction to protect the amenities of neighbouring occupiers. Subject to the recommended conditions, the proposal is considered acceptable in amenity terms.
- 10.4 Conditions have been recommended to ensure the proposal is acceptable in terms of sustainability, highways and refuse and recycling, as well as a number of obligations secured by legal agreement
- 10.5 The proposal is considered to be acceptable and it is recommended that the application be approved subject to conditions and Heads of Terms within the legal agreement.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

1. 1 Construction Training Placements (or if it can be demonstrated that this is not possible, a £5,000 contribution towards placements elsewhere)
2. A £167.50 contribution towards employment and training opportunities (including apprenticeships);
3. Accessible parking provision contribution of £4,000
4. Future connection to District Energy Contract (DEN)
5. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required. Prior to commencement a reinstatement payment (as calculated by the LBI Highways) is to be made to the Council as a deposit. If this deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council; and
6. Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

That, should the Section 106 Deed of Planning Obligation not be completed within 6 weeks from the date of the Planning committee meeting when a resolution to approve the application is reached (or a future date as agreed by officers and the applicant), the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

ALTERNATIVELY, should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development/Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee

RECOMMENDATION B

List of Conditions:

1	Commencement
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved Plans List
	DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans: 1121 01 0100 P1 – Site Location Plan, 1121 01 0201-0203, 01 400-402 & 01 0500-02 – Existing Drawings, 1121 02 0201 P1 - Proposed Basement Floor Plan, 1121 02 0202 P1 - Proposed Ground Floor Plan, 1121 02 0203 P1 - Proposed First Floor Plan, 1121 02 0204 P1 - Proposed Second Floor Plan, 1121 02 0205 P3 - Proposed Third Floor Plan, 1121 02

	<p>0206 P2 - Proposed Mezzanine Plan, 1121 02 0207 P2 –Roof Plan, 1121 02 0400 P2 - Proposed Front Elevation, 1121 02 0402 P1 – Proposed East Elevation, 1121 02 0401 P1 – Proposed West Elevation, 1121 02 0501 P2 - Proposed Long Section A, 1121 02 0502 P1 - Proposed Section B, 1121 02 0503 P2 - Proposed Long Section C, 1121 02 0504 P2 - Proposed Section E, 1121 01 0801 P4 – Strip Out and Demolition Basement Floor Plan, 1121 01 0802 P4 – Strip Out and Demolition Ground Floor Plan, 1121 01 0803 P4 – Strip Out and Demolition First Floor Plan, 1121 01 0804 P4 – Strip Out and Demolition Roof Plan, 1121 01 0805 P4 – Strip Out and Demolition Front Elevation, 1121 01 0806 P4 – Strip Out and Demolition East Elevation, 1121 01 0807 P4 – Strip Out and Demolition West Elevation, 1121 Area comparison P7, Daylight and Sunlight Letter dated 19 November 2021, Supplemental Design Note dated 9 September 2021, Design and Access Statement (November 2020), Design Addendum (April 2021), Planning Application – Addendums (February 2021), Planning Statement (November 2020), Additional Information Letter (February 2021), Sustainability Statement (November 2020), Energy Statement (November 2020), Overheating Analysis (November 2020), Fire Strategy Report (Rev 1 – November 2020), Noise Impact Assessment (Rev 0 – November 2020), Draft Roof Terrace Management Plan (March 2021), Daylight and Sunlight Report (March 2021)</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials (Details)
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses) b) render (including colour, texture and method of application); c) window treatment (including sections and reveals); d) roofing materials; e) balustrading treatment (including sections) and f) 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	Noise levels (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>
5	Installation of timer (Compliance)
	<p>CONDITION: Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of all rooftop plant to between the hours of 08:00 and 20:00 hours each day only. The plant 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>

6	Balustrades (Details)
	<p>Prior to the first occupation of the first occupation of the approved roof terraces and inset balconies details of the proposed balustrades, including details of the acoustic performance of the proposed materials, shall be submitted and approved in writing to the Local Planning Authority. The approved details shall be implemented in full prior to their first use and retained thereafter into perpetuity.</p> <p>REASON: To protect the amenity of neighbouring properties.</p>
7	Roof Terrace Management Plan (Details)
	<p>CONDITION: Notwithstanding the details stated in the hereby approved 'DRAFT Roof Terrace Management Plan (March 2021), prior to the first occupation of the hereby roof terrace a revised Roof Terrace Management Plan shall be submitted and approved in writing to the Local Planning Authority.</p> <p>The revised Management Plan with details of the complaints procedure including key contacts, how complaints will be dealt with by the management company/tenant, including if the complaint is substantiated, and feedback will be given to the complainant, and if any of the details of this management plan have not been followed, the appropriate actions will be taken</p> <p>The approved details shall implemented in full and retained thereafter into perpetuity unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>
8	Hours of use of roof terrace
	<p>CONDITION: The hereby approved roof terrace and inset balconies shall not operate outside the hours of:</p> <p>0800 to 2000 hours Monday to Friday.</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>
10	Obscure glazed and restricting opening windows (Details)
	<p>CONDITION: Prior to the occupation of the host building the details of obscure glazing and measures to restrict the opening of the side and rear elevation windows (to the south east corner recess shown on drawing numbers 02 0402/P1 and 02 0504/P1) shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented in full as such prior to the first occupation and retained thereafter into perpetuity.</p> <p>REASON: To protect the amenity of neighbouring properties.</p>
11	Hours of operation (retail showroom)
	<p>CONDITION: In the event the ground and basement levels are used for retail purposes (Class E(a)), the premises shall not be open to members of the public other than within the following times, unless otherwise agreed in writing by the Local Planning Authority:</p> <p>0800-2000 Monday to Sunday</p> <p>REASON: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their premises.</p>
12	Delivery and Servicing arrangements (Details)
	<p>CONDITION: Prior to the occupation of the hereby approved development details of the delivery and service arrangements for the hereby approved development shall be submitted to and approved in writing by the Local Planning Authority. The information shall include swept paths and the type of vehicle used and the details of refuse and recycling collections.</p>

	<p>The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To protect the local highway network and amenity of neighbouring properties.</p>
13	Restriction of Use (Compliance)
	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Amendment)(England) Regulations 2020, the extensions hereby approved shall be used only as an Office (Class E(g)) and the ground and basement level be shall only use as an Office (Class E(g)) or retail showroom (Class E(a)) (or the equivalent use within any amended/updated subsequent Order) hereby approved, shall be limited to those uses and for no other purpose (including any other use within Class E) of the Schedule to the Town and Country Planning (Amendment)(England) Regulations 2020, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.</p> <p>REASON: For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development, in order to protect the supply of office floorspace in this Employment Area and Central Activities Zone location and retain control over the change of use of the building in the future. Due to the small and constrained nature of the borough, performance against the spatial strategy within the Development Plan is vitally important to ensure that targets to increase employment continue to be met.</p>
14	Cycle storage (Details)
	<p>CONDITION: Prior to the occupation of the hereby approved development details of the cycle storage requirements shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To provide adequate cycle storage.</p>
15	Platform lift (Details)
	<p>CONDITION: Prior to the commencement of the hereby approved development details of a platform lift between floors shall be submitted to and approved in writing to the Local Planning Authority. The approved details shall be implemented in full, alongside the accessible accommodation and fire safety measures shown on the approved drawings and within the Fire Strategy Report which shall implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To ensure fire safety and accessible accommodation.</p>
16	Construction Environmental Management Plan
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The Construction Statement 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 demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;

	<p>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;</p> <p>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.)</p> <p>h) Details of any proposed external illumination and/or floodlighting during construction;</p> <p>i) Details of measures taken to prevent noise disturbance to surrounding residents;</p> <p>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;</p> <p>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</p> <p>l) Details as to how safe and convenient vehicle access will be maintained for all existing units accessed via Pear Tree Street at all times, including emergency service vehicles;</p> <p>m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised;</p> <p>n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and</p> <p>o) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.</p> <p>p) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. An inventory of all Non-Road Mobile Machinery (NRMM) must be registered on the NRMM register https://nrmm.london/user-nrmm/register prior to the commencement of use of any NRMM at the application site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.</p> <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.</p> <p>The development shall thereafter be carried out in accordance with the details and measures approved in the Method of Construction Statement. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
17	<p>Light pollution (Details)</p> <p>CONDITION: Prior to the first occupation of the hereby approved development, details of measures to prevent light pollution to the occupiers of neighbouring properties shall be submitted to and approved in writing to the Local Planning Authority. The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their premises.</p>
18	<p>Sustainable measures</p> <p>CONDITION: The hereby approved development shall be carried out in accordance with the sustainability measures identified within the hereby approved Sustainable Statement and Energy Statement by XC02 including the following:</p> <ul style="list-style-type: none"> • Incorporating passive and active design measures; and,

	<ul style="list-style-type: none"> • Effective pollution management and control measures including effects to air, noise, land or watercourses. • Meeting the GLA target of 15% reduction for nondomestic schemes under SAP2012 carbon factors including following the methodology followed in determining the on-site and off-site carbon savings. <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure a sustainable development.</p>
19	Restriction of PD rights – CLASS E TO RESIDENTIAL (COMPLIANCE)
	<p>CONDITION: Notwithstanding the provisions of Schedule 2, Part 3, Class MA the Town and Country Planning (General Permitted Development) Order 2021 (or any order revoking and re-enacting that Order with or without modifications), no change of use of the extended floorspace hereby approved from Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) shall take place without an express grant of planning permission.</p> <p>REASON: For the avoidance of doubt and to ensure that the Local Planning Authority can restrict the use of the building to this specific use only, in order to protect the supply of office floorspace in this location and retain control over the change of use of the building in the future. Due to the small and constrained nature of the borough, performance against the spatial strategy within the Development Plan is vitally important to ensure that targets to increase employment continue to be met. Additionally, windfall sites are rare and a loss of opportunity to negotiate affordable housing within such proposals would significantly undermine the borough's ability to address critical housing need again due to the small and constrained nature of the borough.</p>

List of Informatives:

1	S106
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	Superstructure
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012.</p> <p>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:</p> <p>www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p>

4	Car-Free Development
	INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.
5	Roof top plant
	The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application
6	Construction works
	Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction works other than within the hours stated above.
7	Fire safety
	It is recommended that you obtain technical advice regarding compliance with the Building Regulations (and/including matters relating to fire safety and evacuation) prior to any further design work commencing and prior to the selection of materials. In particular, you should seek further guidance regarding the design of the external fabric (including windows) to limit the potential for spread of fire to other buildings. Islington's Building Control team has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Islington Building Control may best advise you regarding compliance with relevant (building control) regulations, please contact Building Control on 020 7527 5999 or by email on Building Control@islington.gov.uk .

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

- National Planning Policy Framework 2021

2. **Development Plan**

The new London Plan was adopted on the 2nd March 2021. The adopted London plan has now full weight and is it is considered a material consideration. The adopted London Plan policies have been fully taken into account.

Therefore the Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2021 - Spatial Development Strategy for Greater London

- Policy SD4 The Central Activities Zone (CAZ)
- Policy SD5 Offices, other strategic functions and residential development in the Central Activities Zone (CAZ)
- Policy D1 London's form, character and capacity for growth
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D12 Fire safety
- Policy E1 Offices
- Policy HC2 Heritage assets
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
-

B) Islington Core Strategy 2011

- Policy CS7 Bunhill & Clerkenwell
- Policy CS8 Enhancing Islington's character
- Policy CS9 Protecting and enhancing Islington's built and historic environment
- Policy CS10 Sustainable design
- Policy CS13 Employment spaces
- Policy CS13 Waste

C) Islington Development Management Policies 2013

- Policy DM2.1 Design
- Policy DM2.2 Inclusive Design
- Policy DM2.3 Heritage
- Policy DM4.3 Location and concentration of uses
- Policy DM4.4 Promoting Islington's Town Centres
- Policy DM5.1 New business floorspace
- Policy DM7.1 Sustainable design and construction
- Policy DM7.4 Sustainable design standards
- Policy DM8.2 Managing transport impacts
- Policy DM8.4 Walking and cycling

D) Islington Finsbury Local Plan 2013

- Policy BC8 Achieving a balanced mix of uses

E) Emerging Islington Local Plan 2019

- Policy PLAN1: Site appraisal, design principles and process
- Policy SP1: Bunhill and Clerkenwell
- Policy B1: Delivering business floorspace
- Policy B2: New business floorspace
- Policy B3: Existing business floorspace
- Policy R1: Retail, leisure and services, culture and visitor accommodation
- Policy S1: Delivering Sustainable Design
- Policy S2: Sustainable Design and Construction
- Policy S3: Sustainable Design Standards
- Policy T3: Car-free development
- Policy T4: Public realm
- Policy T5: Delivery, servicing and construction
- Policy DH1: Fostering innovation and conserving and enhancing the historic environment
- Policy DH5: Agent-of-change, noise and vibration

3. Designations

- Bunhill & Clerkenwell Core Strategy Key Area
- Bunhill & Clerkenwell Finsbury Local Plan Area
- Central Activities Zone
- Finsbury Local Plan Policy BC8 - Employment Priority Area (General)
- Within 50m of St Luke's Conservation Area
- Article 4 Direction (A1-A2 (Rest of Borough) and B1(c) to C3)
- Heathrow Safeguarding Area

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB-COMMITTEE B		
Date:	2 October 2017	NON-EXEMPT

Application number	P2017/0865/FUL
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Not listed
Conservation area	None
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Central Activities Zone Finsbury Local Plan Policy BC8 – Employment Growth Area (General) Finsbury Local Plan Area Within 50m of St Luke’s Conservation Area
Licensing Implications	None
Site Address	44 Pear Tree Street, London, EC1V 3SB
Proposal	Demolition of the existing building and the redevelopment of the site to include the construction of a 5 storey including basement level mixed use development containing 863sqm office floorspace GIA (Class B1) on the lower ground, ground and first floors and 8 residential units (Class C3) on the second, third and fourth floors (6 x 2 beds, 2 x 3 beds). Provision of refuse & recycling facilities and cycle parking facilities on the ground floor and associated alterations.

Case Officer	Emily Benedek
Applicant	North Square Properties (UK) Ltd
Agent	Mr Kieron Hodgson – Icen Projects

1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1.

2. subject to the completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the application site



Image 2: Aerial view in north direction



Image 3: Photo of Application Site



Image 4: Photo of existing relationship with Pietra Lara Building to the east of the site



Image 5: Photo showing existing relationship with student accommodation to the east of the site



Image 6: View of the site from the rear facing windows an existing flat in the Pietra Lara Building to the east of the site

4. SUMMARY

- 4.1 Planning permission is sought for the demolition of the existing building and the redevelopment of the site to include the construction of a 5 storey (including basement level) mixed use development containing 863 sqm office floorspace GIA (Class B1) (resulting in an uplift of 29sqm) on the lower ground, ground and first floors and 8 residential units (Class C3) on the second, third and fourth floors (6 x 2 beds, 2 x 3 beds). Provision of refuse & recycling facilities and cycle parking facilities on the ground floor and associated alterations.
- 4.2 The application is brought to committee because of the number of objections received and because of the quantum of office floorspace created.
- 4.3 The issues arising from the application are the principle of additional office floorspace and new residential dwellings, the quality of the new commercial and residential accommodation, the impact on the character and appearance of the street scene and wider locality, and the impact on the neighbouring amenity of the adjoining and surrounding residential properties.
- 4.4 The design of the proposal is considered to be acceptable and would not detract from the character and appearance of the street scene or wider locality as Pear Tree Street is characterised by contemporary architecture and the introduction of a modern building in this location is contextually appropriate. The principle of the creation of additional office floorspace within the Central Activities Zone and an Employment Growth Area is considered to be acceptable. The new residential units are considered acceptable in terms of their size and design and would provide an acceptable standard of living space for future occupiers. The proposal would not detrimentally impact on the amenity of the neighbouring properties due to the use of recessed and obscurely glazed windows and obscurely glazed fins to protect the amenities of neighbouring occupiers. The development would be car-free and would provide sufficient cycle parking spaces for the commercial and residential accommodation and would comply with transport policies and is considered to be a sustainable form of development. The applicants have agreed to pay full small sites contributions of £480,000 towards affordable housing and £8,000 towards carbon off-setting.
- 4.5 The proposal is therefore considered to be acceptable and it is recommended that the application be approved subject to conditions and the completion of a legal agreement.

5. SITE AND SURROUNDING

- 5.1 The application site presently accommodates a two storey commercial over basement building last used as B1 (a) offices, which occupies the complete footprint of the site and provides 834sqm of floorspace. The massing and appearance of No. 44 Pear Tree Street are notable in contrast to the surrounding taller and generally more modern properties, the majority of which are used for commercial purposes at the ground floor level with residential dwellings at the upper floor levels.
- 5.2 Immediately to the west of the site is a 6 storey building comprising of student accommodation for students at City University (No. 15 Bastwick Street). This neighbouring building projects further forward than the application site and also projects to the same depth as 26 Bastwick Street, a 5 storey building comprising a mix of office (Use Class B1) and residential accommodation located directly to the south of the application site. The Pietra Lara building, is located directly to the east of the site and comprises a four storey building with a curved rear elevation which is angled towards the application site. This building also comprises of office accommodation at the ground floor level (Use

Class B1) with residential units located on the upper three floors. Located to the north of the site, on the opposite side of the road, is Dance Square, a densely populated residential development, with commercial space (Use Class B1) located at the ground floor level, comprising a series of modern buildings ranging between four and ten storeys in height. The prevailing character of the area is buildings measuring 4-6 storeys in height and providing a mix of commercial and residential floor space.

- 5.3 The application site is located on the south side of Pear Tree Street. It is approximately equidistant between Central Street (east) and Goswell Road (west) which form part of the strategic road network. The site is located within 800m of Farringdon Underground and mainline rail station. Barbican and Old Street Underground stations are approximately 700m and 800m away respectively. There are a number of bus and cycle routes serving the area. The site has a Public Transport Accessibility Level (PTAL) of 6a which indicates a very high level of accessibility to local public transport facilities. Pear Tree Street is a narrow street with an enclosed nature created by the building frontages and the kink in the street between Central Street and Goswell Road.
- 5.4 The application site is not located in a conservation area and the property is not listed, however, the site is within 50 metres of the adjacent St Luke's Conservation Area. The site is also located within the London Plan designated Central Activities Zone (CAZ), the Islington designated Bunhill & Clerkenwell Core Strategy Key Area and is also within as an Employment Priority Area (General).

6. PROPOSAL (in Detail)

- 6.1 The application proposes the demolition of the existing building which currently contains 834sqm of B1 floorspace and the redevelopment of the site to include the construction of a 5 storey including basement level, mixed use development containing 863sqm office floorspace GIA (Class B1) on the lower ground, ground and first floors and 8 residential units (Class C3) on the second, third and fourth floors (6 x 2 beds, 2 x 3 beds).
- 6.2 The proposed five-storey building would cover the full footprint of the site at basement, ground and first floor levels. At the upper floor levels (2nd, 3rd and 4th floors) the building will be set in 2.3 metres from the boundary with the Pietra Lara building and will include obscurely glazed fins up to third floor level to prevent overlooking to these neighbouring properties (as shown highlighted in Image 7 below). The building would measure 15.9 metres in height to the top of the fourth floor level with an overall height of 18.3 metres in height including the stair overrun. In terms of design, the proposal would be a contemporary building with full height windows and projecting metal balconies on the front elevation. It is proposed that aluminium cladding will be used at the roof level whilst a mix of reconstituted stone panels and white glazed bricks will be used to clad the main 4 storey elevations. Image 8 below provides a Computer Generated Image of the proposal as viewed from Pear Tree Street. With the exception of the plant room at the fourth floor level, the building will be covered in a green roof. A glazed light well will extend down the side of the building on the first floor towards the rear of the building, to provide additional light to the office accommodation below.

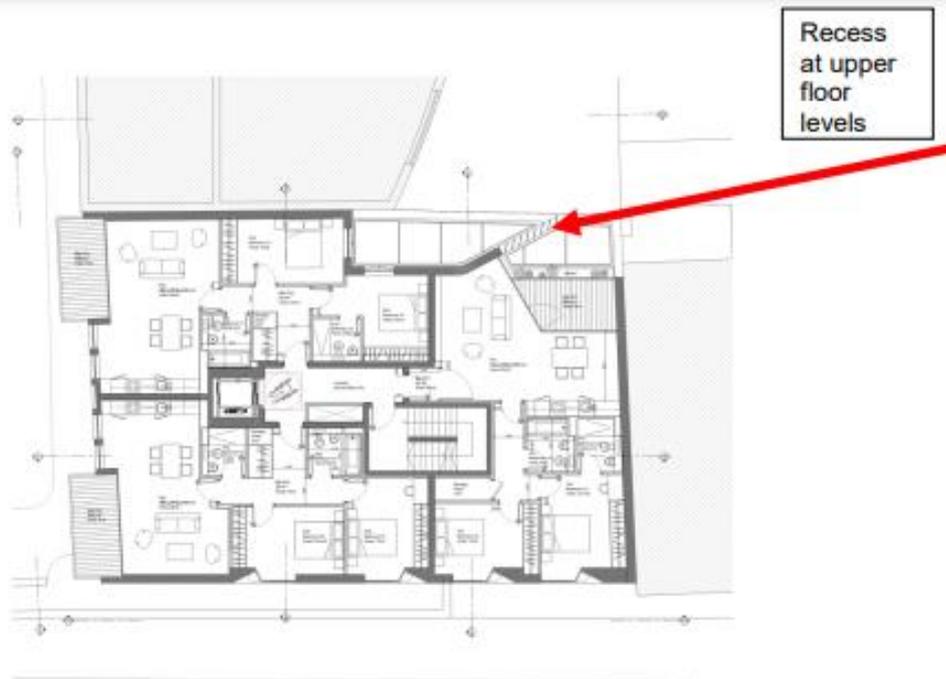


Image 7: Proposed Second Floor Plan highlighting recess at the 2nd to 4th floor levels



Image 8: Computer Generated Image (CGI) of proposed street elevation looking south along Pear Tree Street

- 6.3 With regards to office (B1a) accommodation the building will comprise of 863sqm located at the basement, ground and first floor levels and will include an uplift of 29sqm from the current provision. It should be noted that the existing use of the site is B1(a) offices.
- 6.4 The 8no. residential units will be located at the second, third and fourth floor levels and will provide 6no. 2 bedroom units and 2no. 3 bedroom units. All units will provide a good level of amenity for future occupiers. The self-contained units will be dual aspect and private outdoor amenity space in the form of roof terraces or balconies.

- The flank wall adjacent the lowest flat of the Pietra Lara building has been reduced by 0.3 metres in height compared to the previous scheme.
- The relationship between the application site and 26 Bastwick Street has improved. The proposed balconies to the south of the site have been recessed within the building by an additional 1m and the rear wall of the building has been reduced in depth by 0.3 metres. These measures would ensure there would be minimised from the balconies of the application site to this neighbouring building.
- The overall dimensions of the proposed building are the same as the appeal scheme. The proposed building will measure 15.3 metres in depth (which will be reduced to 13 metres towards the rear of the site), 22.5 metres in depth (including the projecting balconies), 15.9 metres in height to the top of the roof and 18.3 metres in height including the stair overrun.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 P2014/3178/FUL - Demolition of the existing building and the construction of a new 6 storey building comprising of 775m² B1(a) floor space on the lower ground, ground and first floor with 8no. residential units on the second, third and fourth floors.

The application (appeal reference number APP/V5570/W/15/3136609) was dismissed at appeal (07/03/2016). The Inspector considered that the proposal would be acceptable with regards to the character of the area and the impact to the living conditions of the neighbouring properties at 26 Bastwick Street and the student accommodation. However, the Inspector raised concerns with the interrelationship between the flats to the rear of the Pietra Lara building and the three proposed flats located to the rear of the appeal site with regards to overlooking and loss of privacy. It was also considered that the large balconies proposed on the east elevation, by virtue of their close distance to the neighbouring flats in the Pietra Lara building, would cause harm to their existing outlook and result in increased sense of enclosure as well as overlooking to these neighbouring occupiers.

Council's reasons for refusal at appeal:

1. REASON: The proposed development by reason of its inappropriate design, scale, massing, height and bulk is considered to form an over-dominant and visually discordant building when seen from both the public and private realm. The proposed development would fail to respond positively to its surrounding context and would form a visually harmful development to the detriment of the character and appearance of the surrounding urban environment. The proposal is therefore considered to be contrary to London Plan Policies 7.4 and 7.6 of the London Plan (2015) policies CS8 and CS9 of the Adopted Core Strategy (2011), policy DM2.1 of the Adopted Development Management Policies (2013) and Islington's Urban Design Guide (2006).

2. REASON: The proposed development by reason of its detailed design, height, bulk, massing including proposed rear windows and position of the proposed terraces on the flank elevation, is considered to have an adverse material impact on the rear windows of Pietra Lara building (No 50 Pear Tree Street) resulting in loss of outlook, increased overlooking, loss of privacy and an increased sense of enclosure to the occupiers of these neighbouring residential properties. The proposed development is therefore considered to be contrary to London Plan Policies 7.4 and 7.6, policies CS8 and CS9 of the Islington Core Strategy (2011) and policy DM2.1 of the Development Management Policies (2013).

3. REASON: The proposed residential units P01, P04 & P07 by reason of their poor internal layouts and their siting in close proximity to adjoining properties are considered to be unacceptably overlooked by adjoining properties over short distances to the detriment of prospective occupier's outlook levels and privacy levels. The main living spaces of these units and bedrooms would experience severely compromised outlook and privacy levels as a result. The proposed layouts of these units are considered to create sub-standard living environments for future occupiers of these units. The proposed development is therefore considered to be contrary to London Plan Policies 7.4 and 7.6, policies CS8 and CS9 of the Adopted Core Strategy (2011) and policies DM2.1 and DM3.4 of the Adopted Development Management Policies (2013).

A copy of the appeal decision is attached as an appendix to this report and images of the proposed front and rear elevations of the appeal scheme are shown below.



Image 9: Proposed Front Elevation of the previous scheme which was dismissed on appeal



Image 10: Proposed Rear Elevation of the previous scheme which was dismissed on appeal.

NEIGHBOURING PROPERTIES

Orchard Building, 25 Pear Tree Street

- 7.2 P2016/4087/FUL - The erection of two roof extensions and stair walkway over fifth floor level to provide three x self-contained 2 bedroom residential units together with private terraces and a green-brown roof. Resolution to grant at Planning Sub-Committee on 02/10/2017.

Laser House, 132-140 Goswell Road

- 7.3 P2017/1103/FUL - Partial demolition of rooftop structures and retention of the existing building along with the construction of a three-storey extension to the existing building and new three-storey infill building to the corner of Goswell Road and Pear Tree Street resulting in a part 3, part 4, part 5, part 6-storey building including internal reconfiguration and refurbishment of the existing facades to provide for 8,465 square metres (GIA) of office floorspace (Use Class B1(a)), 84 square metres (GIA) of flexible gallery/exhibition/office floorspace (Use Class B1/D1) on the first floor of the new three-storey infill building, and 677 square metres (GIA) of flexible retail/office floorspace (Use Class A1/B1(a)) along with associated access arrangements, cycle parking, refuse storage and ancillary works. Resolution to refuse at Planning Committee (09/10/17). The application was refused because of the detrimental impact on the neighbouring properties as the proposal would have resulted in unacceptable loss of daylight to these neighbouring occupiers.

ENFORCEMENT

- 7.4 None.

PRE-APPLICATION ADVICE:

- 7.5 07/12/2016 - Pre-application Advice (ref: Q2016/3656/MIN) provided in relation to *Demolition of existing two storey building and erection of 5 storey over basement mixed use building containing 770sqm of net internal office floorspace (Use Class B1) on the lower ground, ground and first floors and 8 no. residential units (Use Class C3) on the second, third and fourth floors.*
- 7.6 Advice was provided that the proposed design submitted in this pre-application would be very similar as that previously submitted except for the treatment to the south-eastern part of the building, which is only visible from the private realm and the changes to the design on this elevation has been made in response to the neighbouring amenity impacts of the previous scheme. The Council's Design and Conservation officer reviewed the revised scheme and does not raise any design objections to the proposal, which they considered to be a high quality building.
- 7.7 Advice was also provided that in terms of impact on neighbouring amenity, whilst the installation of louvred screens running the full height of the building was an improvement, there was concern that the screen would still allow some visibility through between the properties that would not sufficiently address the Planning Inspector's reasons for dismissing the appeal. There was also concern of the level of overlooking to Pietra Lara building as the privacy screens did not extend far enough to restrict overlooking and it was noted during the site visit that there was potential of overlooking from where the southern side of the balcony would be.
- 7.8 Further advice was provided that ADF studies would be useful and evidence to prove that a good quality environment can be created overall. Once again there may be scope to reconfigure the internal arrangement of the units to try and distribute the main living spaces of the units from focussing only towards the rear section of the building facing the most sensitive and nearby adjoining residential units.

7.9 Following the pre-application advice, the plans were amended to replace the louvred screens with obscurely glazed fins at the second and third floor levels to ensure there would be no overlooking between the two properties. Further changes to the south-east elevation and internal layout of the proposed fourth floor units were made during the course of the current application, as discussed in section 6.7 of this report.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to 1113 occupants of adjoining and nearby properties at Pear Tree Street, Dance Square, Bastwick Street, Central Street and Goswell Road on 15 March 2017. A site notice was displayed outside the site and the application was advertised in the Islington Gazette on 23 March 2017. The initial public consultation of the application expired on 13 April 2017.

8.2 A second period of public consultation took place on 16 June 2017 following receipt of revised drawings amending the site layout including the relocation of the living space for unit P07 to the front of the building and the removal of the balcony to the rear of the building at fourth floor level. The treatment on the east elevation facing the Pietra Lara building was also amended as the obscurely glazed fins at the fourth floor level were removed. This consultation expired on 30 June 2017.

8.3 A third period of public consultation took place on 2 August 2017 following receipt of a revised Daylight and Sunlight Analysis which reflected the revised layout and the reduction in height of the obscurely glazed fins. This consultation ended on 16 August 2017.

8.4 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 60 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):

- Density of development (10.6-10.8)
- Scale and massing (10.9-10.16)
- Overdevelopment of the site (10.8 and 10.12)
- Height of development (10.9-10.12)
- Impact on neighbouring residential amenity including loss of outlook, over dominance and increased sense of enclosure (10.19-10.38)
- Overlooking (10.19-10.28)
- Loss of privacy (10.19-10.28)
- Loss of sunlight and daylight to neighbouring properties (10.29-10.38)
- Increased traffic congestion (10.58)
- Impact on support services such as refuse collection (10.61)
- Noise and disturbance from increased population (10.50)
- Balconies project onto street (10.14)
- Building should be tiered like surrounding residential developments (10.9-10.12)
- Design inconsistent with Finsbury Plan which acknowledges importance of homogeneity (10.9-10.16)
- Poor quality of living for future occupiers of units P01, P04, P07 & P08 (10.41-10.45)
- Large glazed windows out of character with surrounding properties (10.13)
- Proposal does not meet BRE guidance (10.29-10.38)
- Proposal within 18 metres of multiple neighbours (10.20)
- Concerns about design and maintenance of louvres (8.5 and 10.13)
- Windows in neighbouring Bastwick Street apartment will be blocked (10.25-10.26)

- Boxing in of balconies to Bastwick Street apartments (10.27)
- Lowering of the louvres does not minimise its impact on neighbouring properties (10.20 and 10.35)
- Louvres change the massing of the building and it no longer contributes to the courtyard of the development block which is contrary to what the Inspector deemed acceptable (10.13)
- Proposal taller than recently constructed buildings in Pear Tree Street (10.9)
- Proposal will have a negative effect in this area of predominantly low level street scape (10.9)
- Balcony for commercial unit on first floor should have strict conditions with regards to hours of use (10.50)
- Proposed louvres would provide privacy for No 44 but not Pietra Lara (10.20)
- Noise from plant equipment (10.49)
- Plans are inaccurate and misleading (8.5)
- Amendments to plans do not mitigate impact proposal will have on neighbouring amenity (10.17-10.38)
- Student accommodation will be negatively impacted (10.23-10.24)
- Light pollution from B1 noise (10.64)

Non-planning issues:

- Noise and disturbance from construction works (8.5)
- Impact on structural works to neighbouring building (8.5)
- Lack of prior consultation from the architect (8.5)
- Construction should take place Monday – Friday only so as not to disturb neighbouring students (8.5)

8.5 The plans are submitted in good faith. Officers are satisfied that the plans provide an accurate representation of the site. Noise and disturbance from building works and structural impacts on the neighbouring properties are not material planning considerations that can be taken into account when assessing planning applications and will be considered by the Building Control Act and Party Wall Act. The standard working hours are Monday-Friday 8:00am-6:00pm and Saturdays 8:00am-1:00pm with no works allowed at any other times. Maintenance of the property is not a material planning consideration.

Internal Consultees

8.6 **Planning Policy:** No objection.

8.7 **Design and Conservation Officer:** The design officer acknowledged the planning history including advice given at the pre-application stage and the Inspector's report. No objections are raised to the principle of development including the massing and general form. However, objections are raised to the location of the plant enclosure at the top of the building. It should ideally be integrated to comply with the Islington Urban Design Guide. Suggestions have been made about the composition of the building. The Design officer raised concerns about the projecting balconies. Conditions are seeking further details relating to the projecting balconies, the materials of the building and the details of the treatment of the bin storage on the front elevation.

8.8 **Inclusive Design:** No objections following amendments subject to conditions.

8.9 **Highways:** No objection subject to a Construction Management Plan being submitted including a proposed site layout plan. A condition has been attached to this application should consent be granted.

- 8.10 **Sustainability:** No objection subject to conditions relating to BREEAM (Excellent), Green Roofs and Sustainable Urban Drainage.
- 8.11 **Noise Officer:** No objection subject to conditions.
- 8.12 **Refuse and recycling:** No comment.
- 8.13 **Energy and Energy Efficiency:** No objection subject to a clause in the Unilateral Undertaking ensuring future proofing to the District Energy Network (DEN)

External Consultees

- 8.14 **London Fire and Emergency Planning Authority:** No objection. Recommends sprinkler systems are installed.

9. RELEVANT POLICIES

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

National Guidance

- 9.1 The National Planning Policy Framework 2012 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.

Development Plan

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

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.3 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
- Neighbouring Amenity including sunlight/daylight
- Accessibility
- Amenity for Future Occupiers
- Basements
- Noise
- Sustainability
- Highways and Transportation
- Refuse
- Small Sites Contributions

- Other Matters

Land Use

- 10.2 The application site is situated in a mixed use area within the Central Activities Zone. The premises is currently used as offices at the ground and first floor levels. A mixed use development is proposed including the provision of office B1(a) floor space on the lower ground, ground and first floor levels and residential accommodation on the second, third and fourth floor levels.
- 10.3 The site is designated as an Employment Priority Area (General) within the Finsbury Local Plan. Policy BC8 of this document notes that no net loss of B1 floor space would be permitted through redevelopment of the site. In addition, policy CS13 of the Core Strategy encourages the provision of new business floor space within the CAZ. The use of the existing property is B1(a) and the proposal will involve an uplift of 29sqm from the current provision and therefore demonstrates compliance with these policies. The provision of B1 (a) floor space is welcomed in this location.
- 10.4 Policy 3.4 of the London Plan encourages boroughs to optimise housing output, taking into account local context and character, design principles and transport capacity. This is supported by Core Strategy policy CS12 which seeks to provide high quality, inclusive and affordable homes within the borough.
- 10.5 The proposal also includes the creation of 8 residential units at the second, third and fourth floor levels. The resultant development would provide a mix of 6no. 2 bedroom units and 2no. 3 bedroom units, which would provide an appropriate mix of housing sizes in accordance with Table 3.1 of the Development Management. The site is surrounded by high density residential units and the provision of 8no. residential units as part of a mixed use scheme is considered acceptable. In principle, subject to the assessment of the proposal in light of all other relevant policy, the site context and any other material planning considerations.

Density

- 10.6 The London Plan encourages developments to achieve the highest possible intensity of use compatible with the local context. The development scheme proposes 8 new residential dwellings comprised of 26 habitable rooms (hr). Density is expressed as habitable rooms per hectare (hr/ha) and is calculated by dividing the total number of habitable rooms by the gross site area.
- 10.7 The site covers an area of approximately 0.0334 hectares, has a public transport accessibility level (PTAL) of 6a (Excellent) and in terms of the character of the area, this would be defined as Urban by the London Plan. The London Plan identifies such areas as appropriate for a residential density range of 140-290 u/ha or 650-1100 hr/ha.
- 10.8 The proposed development has a residential density of 778 hr/ha. The provision of residential development is in keeping with the local context in this urban area and ensures that the proposal is not considered to result in an overly dense development.

Design and Conservation

Bulk, Height and Massing

- 10.9 The scheme involves the demolition of the existing two storey building and the erection of a five storey building on the same footprint. Both the existing and proposed buildings include a basement level. The application site is located in between the Pietra Lara building, a four storey residential development to the east and the six storey City University student accommodation building to the west. This modern brick building forms part of a larger complex with the main frontage on Bastwick Street and the development between 6 and 11 storeys in height, providing university facilities in connection with City University. In addition, 26 Bastwick Street, a five storey building is located to the south. Given the height of the surrounding properties it is considered that there is precedent for taller buildings than the current two storey building on site and therefore the installation of a five storey property, located in-between a four storey and a six storey building is considered appropriate. Image 11 below shows the scale and massing of the proposed building in relation to the surrounding properties on Pear Tree Street and Central Street and emphasises the fact that the mass, height and bulk of the proposal are appropriate in the context of the surrounding properties.



Image 11: The scale and massing of the proposed building in relation to the surrounding properties on Pear Tree Street and Central Street.

- 10.10 In reference to the previously dismissed scheme, the Inspector noted that the massing and appearance of the existing buildings on site *'are in notable contrast to the surrounding taller and generally modern, buildings.'* The proposed development is of the same size as the appeal scheme in terms of width, depth and height and therefore comparisons can be made between the two schemes with regards to the scale, mass and bulk. Given the scale of developments surrounding the site, the Planning Inspector notes that the proposal *'would appear as a complimentary and appropriate book-end to the rectangular block of development,'* namely the surrounding properties at City University, 26 Bastwick Street and the Pietra Lara building.
- 10.11 The proposed footprint of the building has been designed to respect the building lines of the surrounding properties. The proposed building will cover the full footprint of the site at basement, ground and first floor levels. This will reflect the footprint of the existing building at these levels and is therefore considered acceptable. The proposal will project the full depth of the City University building and will align with the existing rear building line for the Pietra Lara building at the second, third and fourth floor levels and will be set in by a minimum of 2.3 metres from the shared boundary. Towards the rear of the site, the buildings terrace doors will be set in by a further 1 metre in comparison to the appeal scheme. However the proposed glazed fins feature to avoid direct overlooking is a new addition to the built form proposed and this element of the proposal would create built form closer to the adjoining properties than previous reiterations particularly at 2nd and 4rd

floor levels. To the rear of the site, the building will not extend beyond the building line of 26 Bastwick Street.

- 10.12 The application site is located in a densely populated part of the borough, and is situated opposite Dance Square which contains several residential blocks ranging from four to ten storeys in height. As a result, a denser development is considered appropriate in this location. Although the building proposes extending beyond the rear building line of the Pietra Lara building, the Inspector raised no objection to this aspect of the scheme and it is not considered that the rearward projection of the upper floor levels would be harmful to the character of the area. The neighbouring property to the west of the site, providing student accommodation, in fact, extends from Pear Tree Street to Bastwick Street (its main frontage), encompassing a much greater depth to the building. It is therefore considered that the massing and siting of the proposed building is acceptable.

Detailed Design and Materials

- 10.13 The proposed building would be of contemporary design with full height glazed windows on the front elevation and reconstituted stone panels with a textured finish. The Design and Conservation officer raised no objections to the provision of large glazed windows which are considered to be in keeping with the character of the area. The proposed roof level will be constructed of light-weight aluminium cladding and the flank elevations will comprise largely of white glazed bricks. The textured finish of the stone panels on the front elevation provides some visual interest to the front elevation of the building, providing a contrast with the large modern glazed windows. In addition, fritted glazing (up to a height of 1.7 metres) will be located on the west elevation facing the City University accommodation, whilst obscurely glazed fins will be located on the east elevation up to third floor level. A condition has been recommended requiring further details of materials to ensure a high quality finish to the development.
- 10.14 It is proposed that the residential accommodation will include the provision of balconies with steel balustrades at the upper floor levels, although these will be partly recessed into the building at the second and third floor levels. It is noted that many of the properties including the flats to the north in Dance Square have front balconies and they are not considered to be uncharacteristic in this location. The style and siting of the balconies has not been amended since the appeal scheme as the Inspector did not raise any objections to this aspect of the development. The proposed balconies are acceptable with regards to their siting and design and as they will only be located at the upper floor levels will be not appear overly prominent from street view. No balconies are proposed for the commercial accommodation. In addition, balconies are proposed to the rear of the property at the second and third floor levels. The views towards the Pietra Lara building will be obscured by glazed fins as highlighted in Image 12 below.



Image 12: Computer Generated Image (CGI) of the proposed development from the rear showing rear lightwells and balcony

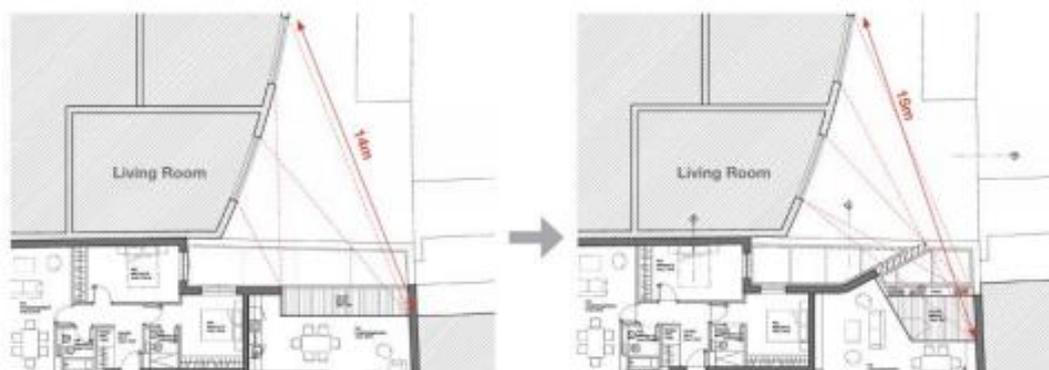
- 10.15 Concerns were raised by the Design officer regarding the location of the proposed plant equipment/stair overrun on the roof of the building. The Islington Urban Design Guide (2017) in paragraph 5.193 states that 'lift overruns that project above the roofline should be avoided. If this is not possible, they should be incorporated on the rear part of the roof, where they are not visible from the street.' The proposed stair overrun/plant equipment will be set back 4.7 metres from the front building line and would measure 2.4 metres in height above the height of the roof at fourth floor level. Given the dense nature of the area, the proposed roof top enclosure would be minimally visible. A condition is proposed to secure details of the materials are submitted to the Local Planning Authority, in order to reduce its visibility and ensure the resulting appearance is of a high standard. Furthermore, given the close proximity of the surrounding residential properties, it would be difficult to locate the plant equipment at a lower level without it having an adverse impact on the amenity of neighbouring occupiers.
- 10.16 Taking into account the design and massing of the surrounding residential properties as well as the reduced bulk and mass to the rear of the site in comparison with the previous scheme, it is considered that the proposed development is acceptable with regards to siting, massing, bulk, design and appearance and would not look out of context with the surrounding residential properties. The proposal would provide a high quality building through the use of appropriate materials which would contribute positively and would integrate with the urban grain. The height of the proposal is acceptable given the prevailing height of the neighbouring buildings and the creation of a modern building would be appropriate in this location. The proposal would comply with Development Management Policy DM2.1 as well as the Islington Urban Design Guide and Finsbury Local Plan and is therefore acceptable for this reason.

Neighbour Amenity including Daylight and Sunlight

- 10.17 Development Management Policy DM2.1 part x requires all new developments to provide a good level of amenity including consideration of noise and the impact of disturbance, overshadowing, overlooking, privacy, sense of enclosure, outlook, direct sunlight and daylight receipt and over-dominance.
- 10.18 The application site is located in a densely populated area of the borough and is surrounded a variety of buildings. Located to the south of the site is 27 Bastwick Street, a five storey building used for commercial and residential purposes. Immediately to the west of the site is a part five, part six storey building which provides student accommodation for City University. To the east of the site is the Pietra Lara building which is 4 storeys in height whilst to the north of the site, on the opposite side of the road, is Dance Square which contains a series of residential buildings ranging from five to ten storeys in height.

Pietra Lara Building

- 10.19 The previous planning application (P2014/3178/FUL) was dismissed by the Planning Inspectorate because of its impact on neighbouring amenity, more specifically the impact on the residents of the Pietra Lara building. He raised concerns with the siting of the balconies on the east elevation, in particular Flats P01, P04 and P07 and considered that 'they would be oppressively close to similarly large glazed openings to habitable rooms at the Pietra Lara Building.' Furthermore, the Inspector raised concerns with regards to the 'proximate inter-relationship of large glazed openings and glass balustrades to the balconies means that the proposed relationship would be unacceptable in terms of the outlook and privacy of the main habitable internal spaces of both sets of residents and would be significantly harmful to their respective living conditions.' As such, development proposals would be unacceptable on this site unless they can overcome this principle concern.



Images 13 and 14: Proposed second and third floor plan of the previous appeal scheme and current proposal showing the interrelationship to the Pietra Lara building including the proposed obscurely glazed fin structure.

10.20 As noted from Images 13-17 above, the applicant has sought to amend the design and layout of the proposal in order to minimise impacts on the amenity of the neighbouring residents at the Pietra Lara building, specifically Flats 7 and 10, whose living rooms faced towards the application site, in order to overcome amenity objections raised with the previous scheme. It is proposed that the new building will be set in at the second and third floor levels by 2.3 metres from the shared boundary with this neighbouring property and this recess will begin 1.7 metres before the existing rear building line of the Pietra Lara building. This is the same arrangement as the appeal scheme. To the rear of the site, the building will be set in by 1 metre in comparison to the previous proposal. In order to prevent any direct overlooking between the two buildings, it is proposed that obscurely glazed fins will project at an angle away from the new building and will be located a minimum of 4.8 metres away from the nearest window of these neighbouring flats. These obscurely glazed fins will ensure that there is no mutual overlooking between the two properties as Images 18 and 19 below demonstrate. In addition, the windows for the main living area will either be angled towards the boundary with 26 Bastwick Street or look directly onto the shared courtyard. It is also proposed that the balcony for units P01 and P04 will be recessed and given the angle and depth of the glazed fins. There may be minimal overlooking from these recessed balconies if the future occupiers are standing at the furthest point of these balconies (closest to 26 Bastwick Street), as they would have oblique views of the neighbouring windows, at an angle and would match the concerted existing dynamics around the site. This arrangement is considered to be an appropriate balance between protecting neighbouring amenity levels whilst maintaining good living standards for future occupiers. It is also important to note that the only window on the flank elevation facing the Pietra Lara building will look directly onto the flank wall of this property and is therefore not considered to result in overlooking to the neighbouring occupiers.



Image 17: Proposed internal view from third floor balcony



Image 18: View from the first floor living room of the Pietra Lara building looking west towards the application site

- 10.21 Amended plans have been received with regards to the proposed fourth floor layout in order to improve the interrelationship between the application site and the rear windows of the Pietra Lara building. It is proposed that the fourth floor level will align with the neighbouring property at the Pietra Lara building and will then be set in by a minimum of 2.3 metres from the shared boundary (in line with the second and third floors). The windows to the rear of the building will be angled away from this neighbouring property or will face directly onto the shared courtyard below. The only window looking towards the Pietra Lara building will be a bathroom window for Flat P08 which will be obscurely glazed in order to prevent any direct overlooking between the two buildings, and a condition is proposed to ensure it is permanently maintained as such.
- 10.22 With reference to the impact on the Pietra Lara building, it is considered that the applicant has undertaken improvements to minimise the concerns raised by the Inspector regarding this interrelationship. The use of obscurely glazed fins, which are angled towards the Pietra Lara building, will ensure on balance that there would be no direct overlooking as the main habitable rooms would no longer look directly onto the windows serving the main living areas of the Pietra Lara building and would be angled away from this building to create a view over the private courtyard to the rear of the site. Furthermore, the recessed nature of the balconies and the angle of the windows to the rear of the site will reduce the overlooking and loss of privacy between the two buildings. This is highlighted in Image 18 which shows a computer generated image of the site as seen from the rear facing windows of the Pietra Lara building and demonstrates the fact that the proposed windows and balconies on the east elevation on the proposed building will not be visible from the Pietra Lara building. As a result, it is therefore considered that the proposal would not have a detrimental impact on the amenity of these neighbouring occupiers. Given the importance of these obscurely glazed fins, a condition is proposed to ensure they are installed prior to the first occupation of the site and permanently maintained as such thereafter.

Student Accommodation

- 10.23 Turning to the student accommodation to the west of the site, it is proposed at the upper levels, that the windows located on this elevation will only serve bedrooms for the new residential units. In order to minimise against any overlooking between the application site and the university accommodation (located 4.05 metres away from the proposal), it is proposed that the windows will be obscurely glazed below a height of 1.7 metres and the only openable windows will be angled away from this neighbouring building.
- 10.24 In his report, the Inspector noted the close proximity between the two buildings (there is a separation distance of 4.05 metres). However, he did note that 'the openings on the east elevation of the student accommodation building have a combination of fritted glazing and mesh panelling such that there were be no corresponding loss of privacy, outlook or daylight.' As stated above, this application is similar to the appeal scheme insofar as only bedroom windows are proposed on the flank elevation with angled windows to provide an additional outlook. The windows will also be made of fritted glass up to a height of 1.7 metres to ensure there is no direct overlooking between the two properties. Whilst the close distance between the two properties is noted, given the transient nature of students as well as the inclusion of fritted glass and angled windows, it is considered that positive measures have been included within the proposal to ensure the development has minimal adverse impacts on the amenity of these neighbouring students.

26 Bastwick Street

- 10.25 The proposed plans illustrate that the building will be built directly up to the shared boundary with No 26 Bastwick Street located to the south (rear) of the application site. At present, the two buildings are joined at basement, ground and first floor levels and it is proposed that this will be extended up to fourth floor level. No windows are proposed on the rear elevation of the new building although it is acknowledged that there are some high level, secondary windows on the rear elevation of 26 Bastwick Street at fourth and fifth floor levels.
- 10.26 With regards to the proposed relationship between the two properties, it was noted following a site visit to the property that secondary windows to the bathroom, living and bedroom areas are present. Both these habitable rooms benefit from full height windows in addition to the secondary windows located to the rear of the site and, it is therefore considered that the increase in height to the rear of the application site, whilst it would cause obstruction to these secondary windows, would not have an adverse impact on the amenity of the adjoining occupiers at 26 Bastwick Street.
- 10.27 Concern was raised in the previous application with regards to the rear projection of the balconies and the close relationship with the existing balconies at No 26 Bastwick Street. It is now proposed that the rear balconies at the second and third floor levels and the building line at the fourth floor level will project no further than the flank elevation of this neighbouring property. These amendments will ensure that there would be no harmful encroachment or loss of privacy to these neighbouring occupiers, especially when viewed from the east facing balconies at 26 Bastwick Street.

Dance Square

- 10.28 It is important to acknowledge that the properties to the north of the site on Dance Square are located on the opposite side of the road and as stated in Paragraph 2.14 of the reasoned justifications accompanying Development Management Policy DM2.1 'overlooking across a public highway does not constitute an unacceptable loss of privacy.' Therefore, given the separation across the public highway between these two buildings, it is not considered that the proposal would have an adverse impact on the amenity of these neighbouring occupiers. Whilst objections have been raised regarding overlooking from the front balconies onto the neighbouring residential properties on Dance Square, it is important to note that the Dance Square apartments also include balconies on the front elevation and therefore limited weight can be applied to this objection. Furthermore, front facing balconies and windows across relatively narrow roads/squares is an inherent feature of the built form in Pear Tree Street and Dance Square.

Daylight and Sunlight

- 10.29 The application has been submitted with a sunlight and daylight assessment. The assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'. During the course of the assessment of the application and following public consultation additional comments and information in relation to the impact on neighbouring amenity including levels of Daylight and Sunlight were received in a letter including a Waldram Diagram.

- 10.30 Daylight: the BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:

The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight);

And

The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value.

- 10.31 Sunlight: the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:

In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.

In cases where these requirements are breached there will still be no real noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of annual probable sunlight hours.

- 10.32 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document emphasises that advice given is not mandatory and the guide should not be seen as an instrument of planning policy. These (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design. Reductions of between 20% to 30% are generally considered to be a lesser or minor infringement in dense urban areas such as this and are generally accepted as being reflective of surroundings. It is often helpful to look at the actual retained VSC levels as well as the percentage loss.
- 10.33 A Daylight and Sunlight Assessment was submitted in support of the application. An updated report has been submitted in August 2017 to show the potential impact of the development following the submission of amended plans, as the removal of obscurely glazed fins at the fourth floor level reduced the impact of the scheme on the Pietra Lara building.

Analysis of Daylight Losses for Affected Properties

- 10.34 Residential dwellings at the following properties listed have been considered for the purposes of sunlight and daylight impacts as a result of the proposed development including the proposed developments overall massing including its rear privacy glazed fin feature:
- 10.35 46-56 Pear Tree Street (Pietra Lara Building): The report and additional letter dated 27 July 2017 sets out that all the windows on the adjacent residential properties at the Pietra Lara building would pass the British Research Establishment Guidelines (BRE) Vertical Sky Component (VSC) Test. The Daylight Distribution (DD) also confirm that all windows in this building would pass this test and therefore the proposal would not result in any unacceptable loss of light to these neighbouring properties. It should be noted that in the original Daylight and Sunlight analysis 3 windows in this neighbouring building failed the VSC test. However, following amendments to the plans including the removal of the obscurely glazed fins at fourth floor level, as indicated in the revised Daylight and Sunlight analysis, these windows no longer fail the VSC test.
- 10.36 City University: The report concludes that 39 out of 44 windows in the City University building would experience loss of VSC and the rooms served by them would also fail the DD. However, many of these windows currently have very poor levels, especially the lower ground floor rooms, with existing VSC levels as low as 11%. This accommodation is for students during their time at university. Individual students would occupy the accommodation for less than a year and the main function would be for sleeping and studying. Furthermore, as this is student accommodation which would have a transient population and not family accommodation, it is considered that the effect on this neighbouring property is not harmful and the BRE guidance can be applied more flexibly. The impact of the development on adjoining properties in terms of demonstrable harm to daylight is not considered so material to warrant refusal on this basis.
- 10.37 26 Bastwick Street: The report confirms that two windows would be noticeably affected having regard to the British Research Establishment Guidelines (BRE) Vertical Sky Component (VSC) Test (as set out in the table below) whilst the rooms would pass the DD. However, these windows, which would be completely blocked by the development, relate to secondary windows on the north elevation facing the application site and are not the principle windows to these rooms and are therefore given limited weight. Furthermore, these units benefit from full height windows to the main living area and bedrooms and therefore their amenity would not be compromised as a result of this development. It

should also be noted that as these windows at No. 26 Bastwick Street do not face within 90 degrees of due south, the BRE guidance states that sunlight testing is not required.

		Vertical Sky Component			No skyline (daylight distribution)			
Room / Window	Room Use	Existing VSC	Proposed VSC (%)	VSC Percentage of Former Value (%)	Whole room m ²	Previous m ²	Proposed m ²	NSL Percentage of Former Value (%)
3 rd Floor / W014	Unknown But likely LKD or Bedroom	29.67	22.94	0.77	19.70	19.70	19.34	0.98
3 rd Floor / W015	Unknown But likely LKD or Bedroom	21.49	15.81	0.74	29.82	29.44	29.04	0.99

Table 1: Windows in 26 Bastwick Street that fail the Vertical Sky Component Test (but pass the Daylight Distribution Test)

- 10.38 The application site is located in a densely populated area and at present there is a noticeable tightness to the site. It is considered that the proposal reasonably protects the privacy and minimises the overlooking to neighbouring occupiers, whilst achieving acceptable amenity standards for future occupiers. The proposal is therefore considered to accord with Development Management Policy DM2.1 with regards to impact on neighbouring amenity.

Accessibility

- 10.39 As a result of the changes introduced in the Deregulation Bill (Royal Assent 26th March 2015), Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor local wheelchair housing standards. The expectation is now that new residential units meet Category 2 of the National Housing Standards. A condition (condition 8) has been attached to this effect. However, the commercial element still needs to comply with the Inclusive Design SPD.
- 10.40 Amendments were made to the plans, following concerns raised by the Accessibility officer to ensure the commercial and residential units are fully accessible. These changes included the provision of disabled toilets on every level of the commercial floor space and disabled shower facilities at the basement level and accessible cycle storage areas for the commercial and residential units. Subject to the inclusion of conditions, the proposal is considered to comply with Development Management Policy DM2.2 and the Inclusive Design SPD.

Amenity for Future Occupiers

- 10.41 Table 3.2 of policy DM3.4 of the Development Management document stipulates the minimum gross internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit. Details of each unit are set out in the table below against the minimum floor space standards.

Unit	No. Bedrooms/ Expected Occupancy	Floor Space	Minimum Required Floor Space	Amenity Space	Minimum Required Garden Space	Storage	Minimum Required Storage Space
P01	2/4	78	70	7	7	2	2
P02	2/4	74	70	7	7	2	2
P03	2/4	74	70	7	7	2	2
P04	2/4	78	70	7	7	2	2
P05	2/4	74	70	7	7	2	2
P06	2/4	74	70	7	7	2	2
P07	3/5	92	86	9	8	2.5	2.5
P08	3/6	104	95	9	9	3.8	2.5

- 10.42 The proposed residential units would exceed the minimum required floor space as set out in the London Plan and the Development Management Policies. The proposed units would provide a good level of internal amenity space for future occupiers, with sufficient storage space and all units are fully accessible. All units would be dual aspect in line with Development Management Policy DM3.4. The internal layout for the fourth floor units has been revised with living space towards the front and bedrooms to the rear to ensure the development provides a good level of outlook for future occupiers. The proposed units will have an internal floor to ceiling height of 2.7 metres and will exceed the minimum height requirements set out in the London Technical Guide and Development Management Policy DM3.4 which are 2.5 metres.
- 10.43 With regard to amenity space, policy DM3.5 details that all new residential development should provide good quality, private outdoor space in accordance with the minimum required figures. This policy requires a minimum of 5m² on upper floors for a 1-2 person dwelling and for each additional occupant, an extra 1 square metre.
- 10.44 The proposed units would be located on the second, third and fourth floors and will all benefit from private outdoor amenity space in the form of balconies. As noted in the table accompanying paragraph 10.41 of this report, all units will meet or exceed the minimum outdoor amenity space required for units of their size and are therefore policy compliant.
- 10.45 An Average Daylight Factor (ADF) report with regards to the new units was submitted with the application. The report concludes that in the case of every proposed unit, rooms met or surpassed the BRE Average Daylight Factor test and the test in relation to sunlight. It is considered that all would receive sufficient daylight, sunlight and ventilation. It is noted it is a tightly constrained site with closely built form. The location of bedrooms adjacent to the university accommodation, recessed balconies to the lounges at the rear with screening (at second and third floor levels) is considered to strike an appropriate and fair balance to make efficient use of a central location for mixed use employment and residential purposes while safeguarding adjoining residents' amenity levels to an acceptable degree.

- 10.46 Overall, it is concluded that the proposed development would provide acceptable living conditions to future occupiers and acceptable levels of amenity space.

Basements

- 10.47 The proposal would involve the re-provision of a basement floor which would cover the full foot print of the existing building. No further excavation is required for the basement provision. It is noted that there is currently a basement on site which covers the same footprint as the proposal (albeit with an open plan layout). The basement would conform to the guidance set out within the Basement SPD sets out the relevant guidelines for mixed use developments in paragraphs 7.1.16.
- 10.48 On the basis of the information supplied within the SMS, signed by a RICS accredited structural engineers, the basement would comply with the Basement SPD (2016) and would not have a detrimental impact on the structural integrity of the existing terrace or impact on the hydrological table in the general area.

Noise

- 10.49 The proposal includes the installation of fixed external plant to be located on the roof. The Council's Acoustic Officer has reviewed the submitted documents has not raised an objection subject to conditions relating to the background noise level. In addition, the officer noted that as the proposal is for a mixed use development, there is a requirement for a higher standard of noise insulation to ensure the two uses are compatible. The impact of the proposals on the amenity of future occupiers of this building is acceptable subject these conditions.
- 10.50 Concerns have been raised by neighbouring objectors regarding noise and disturbance from the increased number of residents living on this site. The proposal seeks to provide 8no. residential units and is a lower density development than many of the surrounding properties. Given the large number of existing residential units in this location, it would be unreasonable to refuse the application on the basis that 8no. additional units would result in unacceptable levels of noise and disturbance to neighbouring occupiers. Furthermore, conditions are recommended to ensure adequate levels of sound insulation. It is also important to note that no balconies are proposed for the commercial floor space at first floor level, so they could not impact on neighbouring amenity.
- 10.51 In summary the proposal would not conflict with the aims of Policy DM2.1 of 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.

Sustainability, Energy Efficiency and Renewable Energy

- 10.52 The design and access statement notes that the development is designed to be energy efficient adopting sustainable design and construction measures, minimising greenhouse gas emissions. The proposal will achieve a BREEAM level of "Excellent" which will be secured by condition.
- 10.53 In terms of drainage and surface water run-off levels at the site, details on how the scheme is designed to ensure no net increase in surface water drainage from the site post development is achieved is to be conditioned to be in accordance with standards in DM 6.6 of the DMP.

- 10.54 The proposed green roof will be biodiversity based with an extensive substrate to a depth of 80-150cm. A condition is proposed to ensure this green roof is secured. Rainwater recycling will be incorporated and a target of 95litres/day will be set for water usage in each dwelling (by condition). Development Management Policy DM7.2 requires minor new build developments to achieve an on-site reduction in regulated CO2 emissions of 19% in compliance with Building Regulations Part L 2013. The application proposes a reduction of 42% for the residential units and 11% for the commercial units and would therefore be in compliance with this policy. This will be secured through a condition.
- 10.55 Policy DM7.3 requires minor new-build developments located within 100metres of Decentralised Energy Networks will be required to connect to that network including provision of the means to connect to that network. The application is 75m from the nearest potential pipework connection and the applicant has demonstrated that it is not economically feasible to link the proposal to the Bunhill District Energy Network. However, the Council's Energy team has recommended that the proposal needs to be future-proofed so it could be connected to the Decentralised Energy Network at a later stage and has recommended that this be included in the Heads of Term for the Unilateral Undertaking. Subject to this inclusion in the Section 106 Agreement, the Council's Energy team were supportive of this aspect of the proposal.
- 10.56 In accordance with the Council's Zero Carbon Policy, the council's Environmental Design SPD states "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". A carbon offset contribution of £8,000 would be required, based on the eight new-build flats, in accordance with the Environmental Design SPD. Subject to attached conditions and legal agreement the proposal offers a sustainable form of development.

Highways and Transportation

- 10.57 Policy DM8.6 sets out that provision for delivery and servicing should be provided off-street, particularly for commercial developments over 200m² gross floor area, in order to ensure proposed delivery and servicing arrangements are acceptable. A Transport Assessment including a servicing plan has been submitted. In line with the existing arrangements, servicing and deliveries will continue to be undertaken via the Pear Tree Street and are acceptable subject to a condition requiring a Construction Method Statement.
- 10.58 An objection was received concerned that there would be an increase in traffic congestion. However, Core Strategy policy CS10 requires all new developments to be car-free, which means no parking provision will be allowed on site and occupiers will not have the ability to obtain parking permits. Therefore, there will be no material impact on traffic congestion as a result of the proposed works.
- 10.59 The requirements for cycle parking set out in Policy DM8.4 and Appendix 6 of the Development Management Policies applies to the creation of new office floorspace. Cycle parking is required to be provided at a rate of one space per every 80m² of new floorspace and needs to be secure, covered, conveniently located and step free. One cycle parking space is also required for every bedroom within the residential development. The scheme proposes 10 cycle parking spaces for the commercial use and 18 cycle parking spaces for the residential units. The total provision of cycle parking accords with the requirements of Development Management Policy DM8.4 (Walking and cycling). As such, the scheme complies with the Councils transport policies.

- 10.60 The Council's highways officer has made comments regarding the access arrangements for construction and commented that a Construction Management Plan including a site layout plan would need to be submitted. Therefore, it is recommended that a condition is attached requiring a Construction Management Plan which includes details to address the matters outlined above. As the application is for a mixed use development, including the provision of B1(a) floor space, a delivery and servicing condition is also proposed to ensure the delivery and servicing of goods can be appropriately managed in this location without having a detrimental impact on highways safety.

Refuse Storage

- 10.61 In terms of waste management, the Council's Street Environment Services have raised no objections to the proposal. Refuse and recycling facilities have been provided at the ground floor level for the commercial and residential units, which will be located at the front of the property with an access door leading directly onto the pavement to ensure they are easily accessible for collection. It is proposed that 5 1100l bins will be provided for refuse and recycling facilities which is considered appropriate for a scheme of this size. A condition is proposed to ensure the refuse and recycling facilities are provided prior to the occupation of the units.

Affordable housing and carbon offsetting contributions

- 10.62 The proposal is a minor application for eight new residential units, which is below the affordable housing threshold of ten units (policies 3.13 of the London Plan and CS12G of Islington's Core Strategy). The applicant has agreed to pay the full small sites contributions towards affordable housing of £480,000 together with £8,000 contribution towards carbon off-setting. This will be secured in a Unilateral Undertaking. As the application site is currently in B1(a) use and the proposal results in the uplift of only 29sqm of B1(a) floor space the Crossrail CIL is not required.
- 10.63 The application complies with policy CS12G of the Islington Core Strategy 2011, Development Management Policy DM7.2 and the Islington Affordable Housing Small Sites Contributions SPD.

Other Matters

- 10.64 Concerns have been raised by neighbouring occupiers regarding light pollution from the B1 use. In order to be more energy efficient many offices now provide sensor related lights to ensure lights are not left on in the building when it is not in use. Furthermore, the office accommodation is located at the basement, ground and first floor levels with limited windows on the flank elevations. As such, the proposal is not considered to result in unacceptable levels of light pollution to warrant refusal of the application.
- 10.65 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposal is for the demolition of the existing building and the redevelopment of the site to provide a 5 storey including basement level, mixed use development containing 863sqm office floor space (Class B1) on the lower ground, ground and first floors and 8 residential units (Class C3) on the second, third and fourth floors (6 x 2 beds, 2 x 3 beds).
- 11.2 The design of the proposal is considered to be acceptable and would not detract from the character and appearance of the street scene or wider locality as Pear Tree Street is characterised by contemporary architecture and the introduction of a modern building in this location is contextually appropriate. The principle of the creation of additional office floorspace within the Central Activities Zone and an Employment Growth Area is considered to be acceptable as the proposal would result in the uplift of 29sqm from the current provision. The new residential units are considered acceptable in terms of their size and design and would provide an acceptable standard of living space for future occupiers. The proposal would not detrimentally impact on the amenity of the neighbouring properties due to the use of recessed and obscurely glazed windows and obscurely glazed fins to protect the amenities of neighbouring occupiers. The development would be car-free and would provide sufficient cycle parking spaces for the commercial and residential accommodation and would comply with transport policies. The proposal is considered to be a sustainable form of development and will incorporate green roofs. The applicants have agreed to pay full small sites contributions of £480,000 towards affordable housing and £8,000 towards carbon off-setting.
- 11.3 The proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Finsbury Local Plan, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions and the completion of a legal agreement.

Conclusion

- 11.4 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 – RECOMMENDATION and the completion of a legal agreement .

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

ALTERNATIVELY, should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

The Heads of Terms are:

- £480,000 contribution towards the provision of off-site affordable housing within the Borough
- £8,000 contribution towards carbon off-setting
- The provision of an updated Energy Statement including futureproofing and future connection to a District Heat Network
- The development will be car-free

All payments are due on practical completion of the development and are to be index-linked from the date of committee. Index linking is calculated in accordance with the Retail Price Index. Further obligations necessary to address other issues may arise following consultation processes undertaken by the allocated S106 Officer.

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>

2	Approved plans list
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>1126-0100-AP-101 REV P01, 1126-0100-AP-102 REV P01, 1126-0100-AP-103 REV P01, 1126-0100-AP-104 REV P01, 1126-0100-AP-105 REV P01, 1126-0100-AP-106 REV P01, 1126-0100-AP-107 REV P01, 1126-0100-AP-108 REV P01, 1126-0100-AP-109 REV P01, 1126-0100-AP-110 REV P01, 1126-0100-AP-111 REV P01, 1126-0200-AP-101 REV P03, 1126-0200-AP-102 REV P02, 1126-0200-AP-103 REV P03, 1126-0200-AP-104 REV P02, 1126-0200-AP-105 REV P02, 1126-0200-AP-106 REV P02, 1126-0200-AP-107 REV P02, 1126-0300-AP-101 REV P02, 1126-0300-AP-102 REV P02, 1126-0400-AP-101 REV P02, 1126-0400-AP-102 REV P02, 1126-0400-AP-103 REV P02, 1126-0400-AP-104 REV P02, 1126 12.04 REP 015_Planning Amendments.</p> <p>Design & Access Statement Reference: 1126 12.04 REP 013_Design and Access Statement Issue: P01 dated 20.02.17, Planning Statement dated February 2017, Green Performance Plan dated 05 January 2017, Thermal Modelling Report for overheating assessment dated 04 January 2017, Area Schedule dated 20 February 2017 REV P02, Daylight and Sunlight Report reference K160908/PSD/Group 03 dated February 2017 and updated revision dated 27 July 2017, Plant Noise Assessment Acoustics Report M1408/R01a dated 9 November 2016, Structural Methodology Statement Revision A dated 15 February 2017, Site Waste Management Plan dated 15 July 2014, Transport Assessment dated November 2016, Flood Risk Assessment Version 2 dated May 2017, Fire Strategy Technical Note Dated 8 June 2017, Energy Strategy Report dated 5 January 2017, BREEAM Pre-Assessment Report dated 5 January 2017, Sustainability Statement dated 5 January 2017.</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) solid brickwork (including brick panels and mortar courses) b) aluminium cladding; c) window treatment (including sections and reveals); d) door entrances e) fritted glazing; f) stone section; g) balustrading treatment (including sections); h) obscurely glazed louvres; i) lift overrun j) 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	Construction Method Statement
	<p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The Statement shall also include:</p> <ul style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
5	Plant Equipment Noise Levels
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014</p> <p>REASON: For the protection of neighbouring amenity.</p>
6	Timer for Plant Equipment
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed office and residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: For the protection of neighbouring amenity.</p>

7	<p>Balconies</p> <p>CONDITION: The proposed balconies on the front elevation should not be stuck on. Details of the soffits, balustrades, fixings and materials should be submitted to the Local Planning Authority prior to the commencement of works. The balconies shall be constructed in accordance with the submitted details and permanently maintained as such.</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>
8	<p>Cycle Storage and Refuse Facilities</p> <p>CONDITION: The bicycle storage area(s) and refuse facilities hereby approved, shall be provided prior to the first occupation of the development hereby approved as shown on drawing no. 1126-0200-AP-102 REV P02 and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport and adequate refuse facilities are provided on site.</p>
9	<p>Green Biodiversity Roof (Compliance)</p> <p>CONDITION: The biodiversity (green/brown) roof(s) shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plan 1126-0200-AP-107 Rev P02 hereby approved; and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
10	<p>Category 2 – National Standard</p> <p>CONDITION: Notwithstanding the drawings hereby approved, all residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs.</p>

11	Sustainable Design and Construction
	<p>CONDITION: The dwellings hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, and a water efficiency target of 95 l/p/d. No implementation of the development shall take place until details of how these measures have been achieved have been submitted to and approved in writing by the local planning authority and maintained as such into perpetuity.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
12	Delivery and Servicing Plan
	<p>CONDITION: A Delivery and Servicing Plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
13	Windows to be Obscurely Glazed
	<p>CONDITION: Detailed elevational plans and materials of the obscurely glazed windows and glazed fins screening along the hereby approved buildings eastern and western elevation on approved drawings 1126-0400-AP-102 Rev P02, 1126-0200-AP-104 Rev P02 & 1126-0400-AP-104 Rev P02 including the method of permanent obscuring, exact extent, location, position, finish and material shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site and shall be installed as such prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter into perpetuity.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</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 accordance with the requirements of the NPPF.</p>
2	Community infrastructure Levy (CIL)
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is</p>

	<p>liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>
3	Section 106 Agreement
	<p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>



PLANNING DECISION NOTICE

Iceni Projects
 Flitcroft House
 114-116 Charing Cross Road
 London
 WC2H 0JR

Development Management Service
 Planning and Development Division
 Environment & Regeneration Department

Case Officer: Emily Benedek
T: 0207 527 2330
E: planning@islington.gov.uk

Issue Date: 29 November 2017
Application No: P2017/0865/FUL

(Please quote in all correspondence)

Dear Sir or Madam

TOWN AND COUNTRY PLANNING ACTS

BOROUGH COUNCIL'S DECISION: Approve with conditions and legal agreement

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

Location:	44 Pear Tree Street, London, EC1V 3SB
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Application Type:	Full Planning Application		
Date of Application:	28 February 2017	Application Received:	28 February 2017
Application Valid:	28 February 2017	Application Target:	25 April 2017

DEVELOPMENT: Demolition of the existing building and the redevelopment of the site to include the construction of a 5 storey including basement level mixed use development containing 863sqm office floorspace GIA (Class B1) on the lower ground, ground and first floors and 8 residential units (Class C3) on the second, third and fourth floors (6 x 2 beds, 2 x 3 beds). Provision of refuse & recycling facilities and cycle parking facilities on the ground floor and associated alterations. (AMENDED PLANS: Amendments include alterations to the screening and relationship with the Pietra Lara Building (Flats 1 and 4) and alterations to the layout of units 7 and 8 at the fifth floor level).

PLAN NOS: 1126-0100-AP-101 REV P01, 1126-0100-AP-102 REV P01, 1126-0100-AP-103 REV P01, 1126-0100-AP-104 REV P01, 1126-0100-AP-105 REV P01, 1126-0100-AP-106 REV P01, 1126-0100-AP-107 REV P01, 1126-0100-AP-108 REV P01, 1126-0100-AP-109 REV P01, 1126-0100-AP-110 REV P01, 1126-0100-AP-111 REV P01, 1126-0200-AP-101 REV P03, 1126-0200-AP-102 REV P02, 1126-0200-AP-103 REV P03, 1126-0200-AP-104 REV P02, 1126-0200-AP-105 REV P02, 1126-0200-AP-106 REV P02, 1126-0200-AP-107 REV P02, 1126-0300-AP-101 REV P02, 1126-0300-AP-102 REV P02, 1126-0400-AP-101 REV P02, 1126-0400-AP-102 REV P02, 1126-0400-AP-103 REV P02, 1126-0400-AP-104 REV P02, 1126 12.04 REP 015_Planning Amendments. Design & Access Statement Reference: 1126 12.04 REP 013_Design and Access Statement Issue: P01 dated 20.02.17, Planning Statement dated February 2017, Green Performance Plan dated 05 January 2017, Thermal Modelling Report for overheating assessment dated 04 January 2017, Area Schedule dated 20 February 2017 REV P02, Daylight and Sunlight Report reference K160908/PSD/Group 03 dated February 2017 and

updated revision dated 27 July 2017, Plant Noise Assessment Acoustics Report M1408/R01a dated 9 November 2016, Structural Methodology Statement Revision A dated 15 February 2017, Site Waste Management Plan dated 15 July 2014, Transport Assessment dated November 2016, Flood Risk Assessment Version 2 dated May 2017, Fire Strategy Technical Note Dated 8 June 2017, Energy Strategy Report dated 5 January 2017, BREEAM Pre-Assessment Report dated 5 January 2017, Sustainability Statement dated 5 January 2017.

CONDITIONS:

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

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

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

1126-0100-AP-101 REV P01, 1126-0100-AP-102 REV P01, 1126-0100-AP-103 REV P01, 1126-0100-AP-104 REV P01, 1126-0100-AP-105 REV P01, 1126-0100-AP-106 REV P01, 1126-0100-AP-107 REV P01, 1126-0100-AP-108 REV P01, 1126-0100-AP-109 REV P01, 1126-0100-AP-110 REV P01, 1126-0100-AP-111 REV P01, 1126-0200-AP-101 REV P03, 1126-0200-AP-102 REV P02, 1126-0200-AP-103 REV P03, 1126-0200-AP-104 REV P02, 1126-0200-AP-105 REV P02, 1126-0200-AP-106 REV P02, 1126-0200-AP-107 REV P02, 1126-0300-AP-101 REV P02, 1126-0300-AP-102 REV P02, 1126-0400-AP-101 REV P02, 1126-0400-AP-102 REV P02, 1126-0400-AP-103 REV P02, 1126-0400-AP-104 REV P02, 1126 12.04 REP 015_Planning Amendments. Design & Access Statement Reference: 1126 12.04 REP 013_Design and Access Statement Issue: P01 dated 20.02.17, Planning Statement dated February 2017, Green Performance Plan dated 05 January 2017, Thermal Modelling Report for overheating assessment dated 04 January 2017, Area Schedule dated 20 February 2017 REV P02, Daylight and Sunlight Report reference K160908/PSD/Group 03 dated February 2017 and updated revision dated 27 July 2017, Plant Noise Assessment Acoustics Report M1408/R01a dated 9 November 2016, Structural Methodology Statement Revision A dated 15 February 2017, Site Waste Management Plan dated 15 July 2014, Transport Assessment dated November 2016, Flood Risk Assessment Version 2 dated May 2017, Fire Strategy Technical Note Dated 8 June 2017, Energy Strategy Report dated 5 January 2017, BREEAM Pre-Assessment Report dated 5 January 2017 & Sustainability Statement dated 5 January 2017.

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

- 3 MATERIALS (DETAILS): Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:
- a) solid brickwork (including brick panels and mortar courses)
 - b) aluminium cladding;
 - c) window treatment (including sections and reveals);
 - d) door entrances
 - e) fritted glazing;
 - f) stone section;
 - g) balustrading treatment (including sections);
 - h) obscurely glazed louvres;
 - i) lift overrun
 - j) Any other materials to be used.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.

- 4 CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The Statement shall also include:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Construction works on the site are restricted to Mondays to Fridays only and not at all on Saturdays, Sundays or public holidays.

The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

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

- 5 **CONDITION:** The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014

REASON: For the protection of neighbouring amenity.

- 6 **CONDITION:** Full particulars and details of a scheme for sound insulation between the proposed office and residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.

The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: For the protection of neighbouring amenity.

- 7 **CONDITION:** The proposed balconies on the front elevation should not be stuck on. Details of the soffits, balustrades, fixings and materials should be submitted to the Local Planning Authority prior to the commencement of works. The balconies shall be constructed in accordance with the submitted details and permanently maintained as such.

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

- 8 **CONDITION:** The bicycle storage area(s) and refuse facilities hereby approved, shall be provided prior to the first occupation of the development hereby approved as shown on drawing no. 1126-0200-AP-102 REV P02 and maintained as such thereafter.

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

- 9 **CONDITION:** The biodiversity (green/brown) roof(s) shall be:
a) biodiversity based with extensive substrate base (depth 80-150mm);
b) laid out in accordance with plan 1126-0200-AP-107 Rev P02 hereby approved; and
c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).

The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.

- 10 **CONDITION:** Notwithstanding the drawings hereby approved, all residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).

Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.

The development shall be constructed strictly in accordance with the details so approved.

REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs.

- 11 **CONDITION:** The dwellings hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, and a water efficiency target of 95 l/p/d. No implementation of the development shall take place until details of how these measures have been achieved have been submitted to and approved in writing by the local planning authority and maintained as such into perpetuity.

REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.

- 12 **CONDITION:** A Delivery and Servicing Plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.

The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.

- 13 **CONDITION:** Detailed elevational plans and materials of the obscurely glazed windows and glazed fins screening along the hereby approved buildings eastern and western elevation on approved drawings 1126-0400-AP-102 Rev P02, 1126-0200-AP-104 Rev P02 & 1126-0400-AP-104 Rev P02 including the method of permanent obscuring, exact extent, location, position, finish and material shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site and shall be installed as such prior to the first occupation of the development.

The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter into perpetuity.

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

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

- 1 SECTION 106 AGREEMENT: You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
- 2 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.

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

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

- 3 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL).

The Council will issue a CIL Liability Notice stating the CIL amount that will be payable on the commencement of the development. Failure to pay CIL liabilities when due will result in the Council imposing surcharges and late payment interest.

Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/cil, and the Islington Council website at www.islington.gov.uk/cil. CIL guidance is available on the GOV.UK website at www.gov.uk/guidance/community-infrastructure-levy.

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

Yours faithfully



KAREN SULLIVAN
SERVICE DIRECTOR - PLANNING AND DEVELOPMENT
AND PROPER OFFICER



Appeal Decision

Site visit made on 24 February 2016

by David Spencer BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07/03/2016

Appeal Ref: APP/V5570/W/15/3136609

44 Pear Tree Street, London EC1V 3SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Nick Pollen of North Square (UK) Properties against the decision of the Council of the London Borough of Islington.
 - The application Ref P2014/3178/FUL, is dated 5 August 2014
 - The development proposed is demolition of the existing building and the construction of a new building on the site of 44 Pear Tree Street. The application proposes a total of 775m² of high quality B1 office use on lower ground, ground and first floors. Second, third and fourth floors accommodate 8 residential units.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Local Planning Authority (LPA) as part of its appeal statement submits that it would have refused planning permission for reasons relating to (1) the effect on the character and appearance of the area and (2) the living conditions of adjacent residents.
3. The appeal proposal has been through several iterations and a notable pre-application process. Having read the evidence before me it is clear that the appellant is content that the appeal proposal is determined on a set of amended plans published on 1 July 2015. I am satisfied that it is these plans that the LPA has prepared its appeal statement against. I am also assured that third parties have been consulted by the LPA on these amended plans. Accordingly, my decision is based on those plans listed on the appellant's drawing issue sheet¹.
4. The LPA's appeal statement also sets out development plan policy requirements in relation to affordable housing contributions on small sites and refers to a Carbon Dioxide offset fee in addition to the integral sustainability features proposed. The LPA has indicated that a Unilateral Undertaking (UU) in respect of a contribution towards affordable housing provision and carbon off-setting represents an appropriate mechanism. The appellant has provided a draft UU, which is not dated and I address the matter in more detail in my decision.

¹ 1126-DIS-AP-001: Planning Documentation 1 July 2015

Main Issues

5. The main issues in the appeal are as follows:

- (1) The effect of the proposal on the character and appearance of the area;
- (2) The effect of the proposed building on the living conditions of the occupiers of adjacent residential buildings, with particular reference to outlook and privacy and whether the proposed development would provide acceptable living conditions for future occupiers of flats P01, P04 and P07 with regard to privacy.

Reasons

Character and Appearance

6. The development plan comprises of the London Plan², the Islington Core Strategy 2011 (the Core Strategy) and the Islington Development Management Policies 2013 (the DMP). These documents are augmented by the Islington Urban Design Guide 2006 (IUDG). The pertinent development plan policies in relation to this main issue are London Plan Policies 7.4 and 7.6 which require buildings to provide a high quality design response including, amongst other things, having regard to the pattern and grain of existing spaces and streets in scale, proportion and mass.
7. Core Strategy Policies CS8 and CS9 require, amongst other things, for development to reflect the character of the area and be sympathetic in scale and appearance and to be complementary to the local identity. The following criteria of DMP Policy DM2.1 are also relevant: A(vii) – responding positively to existing buildings, the streetscape and the wider context; and B(ii) successfully addressing elements of the site and its surroundings including urban form (building lines, building heights, storey heights and massing). The IUDG also refers to seeking consistency in rooflines, articulation of facades and application of materials.
8. The appeal site presently accommodates a tall two storey commercial building which occupies the complete footprint of the site. The massing and appearance of No. 44 Pear Tree Street are in notable contrast to the surrounding taller and generally modern, buildings, the majority of which accommodate residential flats and apartments above ground floor level. The relatively low height of the existing building allows for some fleeting glimpses from within Pear Tree Street of the rear elevations of taller buildings on Bastwick Street to the south.
9. To the west, a 6 storey student accommodation projects beyond the frontage of No.44 and it also extends to a depth beyond the rear of the appeal site. Consequently, the appeal site, with the corresponding depth of 26 Bastwick Street forms the western end of an identifiable rectangular block of development bounded by Pear Tree Street to the north, Bastwick Street to the south and Central Street to the east.
10. There is a notable tightness to the grain of development around the appeal site, such that the proposed 5 storey redevelopment of the appeal site would have sensitive relationships to the scale of adjoining development. The principal relationships are to the Pietra Lara building to the east (4 storeys),

² The London Plan 2015. The Spatial Development Strategy for London Consolidated with Alterations Since 2011

the student accommodation block to the west (6 storeys) and 26 Bastwick Street to the south (5 storeys).

11. Whilst the appeal proposal would extend by some margin beyond the existing rear building line of the Pietra Lara building I do not consider this arrangement in itself to be visually discordant or over-dominant. I note that the appeal proposal has sought to modestly set back the upper storeys from those points closest to the rear elevation of this building and to essentially mirror the corresponding set back arrangement at the adjoining 26 Bastwick Street to the south, albeit at a slightly taller overall height. Whilst I appreciate this will bring development at height closer to the curved rear elevation of the Pietra Lara building it would not be of an inappropriate design in this private realm. Given the corresponding rearward depth and projection of 26 Bastwick Street the appeal proposal would appear as a complimentary and appropriate book-end to the rectangular block of development described above.
12. Within the private realm at the rear of these parts of Pear Tree Street and Bastwick Street, it would have an appearance of broadly similar height, scale, bulk and massing as 26 Bastwick Street and would follow a similar alignment. The proposed palette of materials would be suitably varied and I do not find the extent of proposed render on the flank elevation facing the Pietra Lara building to be particularly dominant. In my view, the proposed layout of the rearward massing and projection to correspond with 26 Bastwick Street would make an efficient and visually appropriate use of an existing built footprint at a sustainable location. Within this private area it would also provide an appropriate sense of scaled transition to the taller student accommodation to the west and other nearby tall buildings.
13. Concern has been raised that the design and layout of the rearward projection borrows the openness to the east created by the intervening rear courtyard areas within the quadrangle and fails to provide a contributory element of openness to the rear of the buildings other than the recess for the light-wells to the first floor office accommodation. However, the current footprint of No.44 does not contribute to this openness and I see no persuasive reason, in appearance terms, why the existing built footprint of the site cannot be heightened, given the surrounding context and scale of development. In my view, the proposed height, layout and appearance would appropriately integrate with the site context when viewed from the private realm.
14. The appeal proposal would front onto Pear Tree Street at a point where the dog-leg configuration on its east-west axis opens out onto a new piazza style layout at Dance Square. This open space is surrounded by modern developments of varying heights, generally greater than 5 storeys, including what appear to be some larger 9 and 10 storey buildings. However the nearest building on the south-east corner of this square, which is diagonally opposite the appeal site, is a more modest 4 storey block.
15. Within the street scene of Pear Tree Street and Dance Square the appeal proposal at 5 storeys from ground level upwards would not appear incongruous given the general scale of surrounding development. In my view, it would provide an appropriate transition of scale between its two neighbouring developments on this part of Pear Tree Street. I am also satisfied given the intervening street width that the appeal building would appropriately relate to the nearest scale of development at Dance Square.

16. Whilst it would appear modestly taller than the Pietra Lara building I do not find the height differentials in terms of overall height and corresponding individual storey heights to be significantly inconsistent or visually discordant. As such it would not be overbearing on the form and height of the Pietra Lara building and I have little design evidence before me to justify that it is important that the barrel roof profile of this building remains visible from within the street scene. The proposed fourth floor would be set back slightly from the front and side elevations such that it would largely follow similar surrounding designs and effectively integrate the overall mass of the building on its relatively narrow plot with the immediate built context. Additionally, I do not find the proposed flat roof form and set back position of roof apparatus to be visually jarring given similar treatments in the locality.
17. The LPA describe the appearance of the building as “monolithic”, “overly geometric” as well as being a “pared down design”. I note the taller front elevation over four storeys would be flush with the front elevation of the Pietra Lara building, except for the proposed front balconies. I see little harm in this arrangement given the general consistency of flush front elevations elsewhere along Pear Tree Street. There is undoubtedly a strong degree of uniformity proposed on the front façade of the building together with a general unfussiness. However, I do not consider these design attributes to be especially harmful and to some degree they would be consistent with the IUDG’s guidance on consistency. Overall, the proposed building would, in my view, appear as a coherent ‘last piece of the jigsaw’ in the redevelopment of this part of Pear Tree Street.
18. The design proposes four front balconies overlooking Pear Tree Street towards the new piazza to the north. I noted similar balconies elsewhere in the vicinity, including Dance Square such that in appearance terms they would not be inappropriate. It is disputed whether Dance Square is public or private realm. From my observations on site, if it is a private space there is little to distinguish it as such. It is open from Pear Tree Street such that the balconies on the appeal proposal would visually correspond to these other nearby front balconies. In short, I do not find the proposed front balconies or the general scale, bulk, massing and height of the building to be harmfully intrusive on the street scene of Pear Tree Street, taking into account its overall highway width and character.
19. Reference has also been made to the proximity to the St Luke’s Conservation Area to the east. There would be negligible inter-visibility of the appeal proposal to this historic area such that there would be no harm arising to the significance of this heritage asset.
20. I therefore conclude that the appeal proposal would not result in any significant harm to the character and appearance of the area. Accordingly, the objectives of those policies of the development plan set out in paragraphs 6 and 7 above would remain uncompromised. The appeal proposal would also accord with the objectives of the National Planning Policy Framework (NPPF) at paragraph 17 to secure high quality design, make effective use of previously developed land and promote mixed use developments.

Living Conditions

21. As set out above the appeal site has a sensitive relationship to a number of adjoining residential buildings which have various openings, including

balconies, in proximity to those openings and balconies for the proposed residential accommodation.

22. Turning first to the relationship with No.26 Bastwick Street. This building has a number of small openings on its southern elevation facing directly towards the appeal proposal. The status of these windows is disputed but whether they remain or not their outlook would be blocked by the proposed party wall to the appeal proposal. From my site visit to Flat 12 at No.26, I am satisfied that these small higher openings in the habitable rooms are secondary to the larger principal glazed openings in these rooms. As such the enclosure of these north facing windows would not be harmful in terms of outlook or daylight. I am also satisfied that the loss of a small obscure glazed window to the bathrooms would not be harmful and it is not uncommon for such private spaces to be completely enclosed. Additionally, given the proposed alignment of the rear projection of the appeal proposal and intervening screening at balcony level I consider that there would be no harmful encroachment or loss of privacy to the east facing balcony areas at 26 Bastwick Street.
23. In respect of the student accommodation to the west, there would be a modest degree of separation between the two buildings. I noted that the openings on the east elevation of the student accommodation have a combination of fritted glazing and meshed panelling such that there were be no corresponding loss of privacy, outlook or daylight. The internal layout of the appeal proposal on all 3 floors of the residential accommodation proposes bedrooms on the west side of the building which would have their only openings onto the intervening space between the 6 storey student accommodation block. I note the bedroom windows include angled elements which would follow the linear gap between the buildings and this would sufficiently mitigate what would otherwise be an oppressive outlook. As such I am satisfied that in residential amenity terms there would be a satisfactory relationship with the student flats to the west.
24. The appeal proposal would be positioned to the west of the Pietra Lara building with the proposed rear projection extending almost 11 metres beyond the gently curving rear elevation of this building. As a consequence, there are various rear openings, including Juliet balconies, on the Pietra Lara building which are angled on the curved rear elevation directly towards the appeal site and the offset rear elevation of 26 Bastwick Street.
25. I observed this to be the case from within both Flat 10 and Flat 7 of the Pietra Lara Building where the layout of these flats comprises an open plan living room and kitchen. These spaces benefit from a sole, large glazed opening onto a Juliet balcony on the rear elevation and angled towards the appeal site. I accept that not all parts of these openings would have a direct inter-visibility with the appeal proposal but significant parts would such that the appeal proposal would be prominent in the outlook.
26. Having considered the appellant's daylight and sunlight study, I share the view of the LPA, that the impact of the appeal proposal on light levels to these apartments at the Pietra Lara building would not be significantly harmful. There would remain in part an outlook over the open rear courtyard area and above the roof profile of the corresponding buildings on Bastwick Street. However, the appeal proposal is designed to include notable balconies on each of the residential levels at the rear part of the eastern flank elevation. These balconies would serve flats P01, P04 and P07 and would have glazed doors

separating the balcony from the main open plan living space to these flats. These would be the only openings to these living spaces. In my judgment, from the submitted plans and from what I observed on site, they would be oppressively close, to similarly large glazed openings to habitable rooms at the Pietra Lara Building.

27. Notwithstanding the angle of the openings on the Pietra Lara building, I do not find these to be sufficiently oblique. Accordingly, there would be direct inter-visibility at reasonably close quarters so as to be particularly uncomfortable, not only for existing occupants of the Pietra Lara building but also correspondingly for prospective residents of proposed flats P01, P04 and P07. The proximate inter-relationship of large glazed openings combined with the diaphanous qualities of the glazed openings and glass balustrades to the balconies means that the proposed relationship would be unacceptable in terms of the outlook and privacy of the main habitable internal spaces of both sets of residents and as such would be significantly harmful to their respective living conditions. I find this two-way harm would particularly arise from the use of the proposed balconies which provide the only meaningful external space to these flats and as such are likely to be extensively used because of their size and easterly orientation.
28. I note the appellant's submission regarding similar east facing balconies on 26 Bastwick Street which have an inter-visibility with rear openings on the Pietra Lara Building. I observed this was the case from both the balcony at Flat 12 at No.26 and from within the flats I visited at the Pietra Lara Building. However, I am not persuaded that this existing inter-visibility should set the pattern for future development at this location. Furthermore, I have few details about the pre-2005 planning history to No.26, which does not have the same proximate relationship that would arise with the appeal proposal. As such the harmful loss of outlook and privacy would be more acutely experienced with the appeal proposal.
29. I therefore conclude that the appeal proposal would harmfully effect of the living conditions of the occupiers of adjacent residential buildings, with particular reference to outlook and privacy and would fail to provide acceptable living conditions for future occupiers of flats P01, P04 and P07 with regard to privacy. The proposal would therefore fail to accord with the amenity objectives of London Plan Policies 7.4 and 7.6, Core Strategy Policies CS8 and CS9 and DMP Policies DM2.1 and DM3.4. It would also not be consistent with the objective of the NPPF to secure a good standard of amenity for all existing and future occupants of buildings.

Other Matters

Application Procedure

30. The appellant has raised concern about the consistency of the LPA's position with the appeal proposal, particularly following a broadly positive pre-application response in 2012/2013. From the evidence before me the LPA would appear to support the principle of both the proposed use and the re-development of No.44. I also note that the LPA considers that there are numerous other aspects of the scheme such as access, floorspace standards and wider sustainability which would also be acceptable.

31. However, as I have set out above the appeal site has its complexities, stemming from the particularly tight site context, which require a perceptive design solution. Notwithstanding its generally supportive starting point at the pre-application stage, I note from the chronology of correspondence between the appellant and the LPA that it is evident that there have been various concerns from the LPA about assorted design details, not least with flats P01, P04 and P07, throughout the lengthy process.
32. Whilst I have little doubt that the appellant, through both its proactive approach at the pre-application stage and the subsequent effort that has gone into various iterations of the proposals, has sought to constructively put forward what it considers to be an acceptable scheme, I do not consider that the LPA has been adversely inconsistent or has unreasonably prevented or delayed a development that would otherwise be acceptable.

Planning Obligations

33. The LPA in its appeal statement has referred to its evidential justification, development plan policy context³ and viability testing for financial contributions for off-site affordable housing provision from small sites. It has also referred to a financial contribution for carbon offsetting.
34. The Council's requirement for off-site affordable housing in this part of the Borough is for contributions of £60,000 per unit, unless a lower contribution is justified by viability evidence, on sites of nine units or fewer. From the limited evidence before me I find that the development plan context in respect of affordable housing thresholds and contributions from small sites is compliant with the NPPF⁴. Accordingly, a financial contribution for affordable housing secured through a planning obligation would meet the tests at paragraph 204 of the NPPF.
35. I have very little evidence on either the policy basis for a carbon offsetting fee or what the funds would be used for. As such I cannot be certain that such a contribution would be compliant with the CIL Regulations 2010 and the tests at paragraph 204 of the NPPF. I would therefore not be able to take such a contribution into account.
36. I note that the absence of a planning obligation is not one of the LPA's putative reasons for refusal. The appellant has submitted a planning obligation in the form of a draft Unilateral Undertaking (UU) which was prepared some time ago in the planning application process. From this evidence I have little to doubt that the appellant is prepared to contribute towards the financial contributions sought. However, a certified and executed copy of the UU is not before me and it would not be appropriate to condition approval of the appeal proposal subject to the completion of a UU⁵. I therefore find that the development would not make an appropriate contribution to off-site affordable housing in accordance with the development plan and this adds to my concerns with the appeal proposal.

³ London Plan Policy 3.13, Core Strategy Policy CS12 and Islington's Affordable Housing Small Sites Contributions SPD 2012.

⁴ NPPF paragraph 50

⁵ Planning Practice Guidance Paragraph: 010 Reference ID: 21a-010-20140306

