

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department
 PO Box 333
 222 Upper Street
 LONDON N1 1YA



PLANNING SUB COMMITTEE A		
Date:	1 st November 2016	NON-EXEMPT

Application number	P2016/2420/S73
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Not listed
Conservation area	Hat and Feathers Conservation Area
Development Plan Context	<ul style="list-style-type: none"> - Building Structure to be Retained - Central Activities Zone (CAZ) - Bunhill and Clerkenwell Core Strategy Key Area - Employment Priority Area – Finsbury Local Plan Policy BC8 - Mayors Protected Vista – Alexandra Palace viewing deck to St Pauls Cathedral
Licensing Implications	None
Site Address	9 Dallington Street, London, EC1V 0BQ
Proposal	Section 73 application for variation of conditions 2 (drawing numbers), 3 (materials), 10 (mechanical plant) and 13 (privacy screens) and removal of condition 8 (landscaping) of planning consent ref: P2015/0586/FUL. Amendments include retention of parts of existing building at ground, first and fifth floors previously identified for demolition, addition of rooflights at first and fifth floors, including of rear roof terraces at first to fourth floors with screening and balustrading, omission of decorative feature to front elevation, replacement of windows on front elevation, enlargement of roof level plant, alteration to shopfront and other alterations.

Case Officer	Ben Oates
Applicant	Dallington Street Ltd
Agent	DP9 Ltd - Mr Marlon Deam

1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of street elevation (looking north)

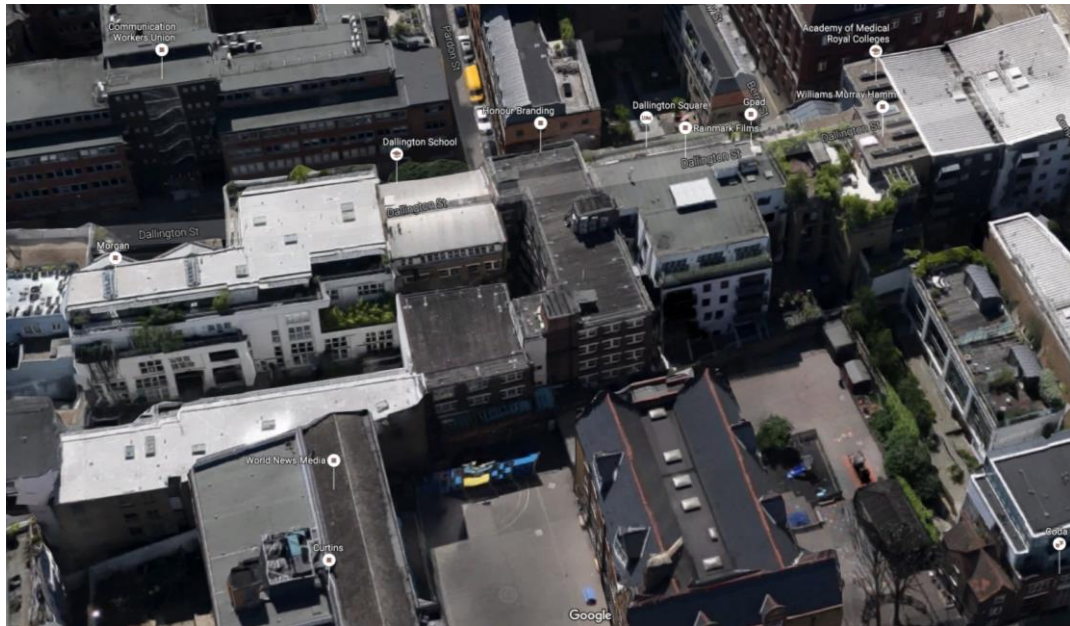


Image 2: Aerial view of rear elevation (looking south)



Image 3: Front Elevation



Image 4: Existing shop front



Image 5: Existing terrace above ground floor flat roof

4. SUMMARY

- 4.1 Planning permission was granted on 27th July 2015 through the Planning Sub-Committee B for the erection of a fourth floor rear extension and fifth floor roof extension to provide an increase in office floor space (Use Class B1) together with associated works and external alterations, provision of amenity space, landscaping and installation of eight no. condenser units with a screened enclosure at fifth floor level (ref: P2015/0586/FUL). The scheme also included internal alterations at the ground floor level to create a new entrance courtyard and insertion of two new roof lights to the rear.
- 4.2 The granted planning application followed the refusal of a previous planning application at this site (ref: P2014/1604/FUL) for the erection of a fourth floor extension and a fifth floor extension at roof level to provide an increase in office floorspace (Use class B1a) along with 3 x residential flats (Use class C3) (2x2bed and 1x3 bed units) together with associated works and external alterations, provision of private amenity space, landscaping and installation of 10no. condenser units within a screened enclosure at roof level. This previous application was refused by Members of the Planning B Sub-Committee on 15 July 2014 for its detrimental impact on the amenity of the neighbouring Dallington School due to loss of light impacts and was subsequently dismissed on appeal on 23 December 2014. The approved development (ref: P2015/0586/FUL) was considered to have addressed the Inspector's concerns and overcame the previous reason for refusal. The approved permission which is the subject of this S73 application and variation was for the erection of a fourth floor rear extension and fifth floor roof extension to provide an increase in office floorspace (B1) together with associated works and external alterations, provision of amenity space, landscaping and installation of eight condenser units with a screened enclosure at fifth floor level, internal alterations at ground floor level to create a new entrance courtyard and insertion of two new rooflights to the rear.
- 4.3 Following the grant of planning permission and the progression of the technical details of the approved development, including details that had been requested by condition, it has become apparent that amendments to the approved scheme are required. The applicant has also identified parts of the design that could be improved and therefore has also included these into the amended scheme. The proposed amendments include the retention of parts of the existing building at ground, first and fifth floors previously identified for demolition, addition of rooflights at first and fifth floors, inclusion of roof terraces at first to fourth floors with associated screening

and balustrading, omission of decorative façade feature on the front elevation, enlargement of the roof level plant, inclusion of plant room at ground level, alteration to shopfront façade and other minor alterations. These include altering the previously approved conditions no's 2 (drawing numbers), 3 (materials), 10 (mechanical plant), 12 (construction method statement) and 13 (privacy screens) and removal of condition 8 (landscaping) of planning consent ref: P2015/0586/FUL.

- 4.4 The planning permission granted in 2015 has established that the development is acceptable in accordance with the Development Plan and therefore this Section 73 application will only address issues that directly relate to the alterations that are proposed. The details that have been submitted demonstrate progression of the scheme to comply with the requirements set under the relevant conditions whilst the other amendments are considered to improve the development without resulting in additional harm to the neighbouring properties. Furthermore, the amended development will not detract from the character and appearance of the application property or the conservation area and will continue to provide a high quality office space in compliance with the guidance and policies under the Development Plan.

5. SITE AND SURROUNDING

- 5.1 The site is located on the north side of Dallington Street and consists of a mid-terraced property which is used for retail purposes on the ground floor and offices on the upper floors. The property is five storeys in height, with a flat roof. The rear part of the building is set at a lower level than the main part of the building fronting Dallington Street.
- 5.2 The properties surrounding the site on Dallington Street comprise a mix of styles ranging from 1970s style buildings to art deco and modern buildings. These vary in height ranging from five to six storeys. The neighbouring properties include a mix of uses including educational, retail, commercial and residential facilities. To the rear of the site the property abuts St Peters and St Pauls Primary School a four storey building and a five storey building used for commercial purposes.
- 5.3 The site is located within the Hat and Feathers Conservation Area, however the building is not listed.

6. PROPOSAL (IN DETAIL)

- 6.1 The approved development consists of the erection of a fourth floor rear extension and fifth floor roof extension to provide an increase in office floor space (Use class B1) together with associated works and external alterations, provision of roof terraces and installation of 8x no. condenser units within a screened enclosure at roof level. Internal alterations at the ground floor level to create a new entrance and the insertion of two roof lights at the rear is also proposed.
- 6.2 The National Planning Policy Framework (NPPF) has been considered in the assessment of this application. Section 73 of the Town and Country Planning Act 1990 concerns 'Determination of application to develop land without compliance with conditions previously attached'. It is colloquially known as 'varying' or 'amending' conditions. Section 73 applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under s73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.

- 6.3 It is important to note that when assessing s73 applications the previously granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. If the original application has been implemented, or if the permission has not yet expired, the applicant may go ahead and complete the original approved scheme if they wish.
- 6.4 Alterations to planning policy and other material considerations since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the previous paragraphs and the applicant's ability to complete the originally approved development.
- 6.5 The amendments proposed to the development under the S73 application include the following alterations to the approved plans and therefore a variation of Condition 2 (Drawings and Documents):
- 6.5.1 Retain portions of the existing building at ground floor, first floor and roof level that were previously proposed to be demolished. This includes the retention of the flat roof / roof terrace over the ground floor entrance, retention of the first floor rooflight at the rear and retention of the lift shaft and overrun;
 - 6.5.2 Install walk-on rooflights to the first floor roof terrace and screening to reduce overlooking between the terrace and school;
 - 6.5.3 Cycling parking has been moved and enlarged with the addition of 16 parking spaces to provide a total of 32 spaces and 6 showers at ground floor level.
 - 6.5.4 Roof terraces have also been included on the flat roof sections of the proposed extension at third, fourth and fifth floors with screens to reduce overlooking between the terraces and the school;
 - 6.5.5 The roof level plant has been increased in size to accommodate the required amount of plant equipment and larger screening included to achieve the noise reduction measures as required by condition 9 of the approved scheme. Plant rooms have also been included at ground level to accommodate the additional needs realised in the progression of the development.
 - 6.5.6 Removal of the bronze decorative feature screen on the front elevation and replacement of the existing aluminium windows on the front elevation with Crittall style units. The shopfront openings are also proposed to be amended to include Crittall doors to allow the ground level to open up to the street, which will also replace the steel gates approved to the entrance to the upper levels.
 - 6.5.7 Other alterations include adjustments to the glazing and cladding, introduction of brise soleil external grilles and an increase of the front parapet height above stairwell to match the height of the increased parapet of the main front elevation.

The previous condition stated the following:

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

DAL.12.1000, DAL.12.3002 K, DAL.12.3003 J, DAL.12.3004, DAL.12.3005, DAL.12.4000 A, DAL.12.4001 F, DAL.12.4020 A, DAL.12.4021B E, DAL.12.4040 A, DAL.12.4041 F, DAL.12.4061 D, Design and Access Statement with Heritage Notes, Daylight and Sunlight Report, Noise Assessment, Planning Statement.

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.

The proposed amended condition would state:

CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:

LP001, LP002, EX EL01, EX GA00, EX GA01, EX GA02, EX GA03, EX GA04, EX GA06, EX S01, EX S02, EL01, GA00/B Rev P5, GA01, GA02, GA03, GA04, GA05, GA06, S01, S02, Cycle Access Plan, Design & Access Statement Rev 2 (July 2016), Daylight and Sunlight Report (01 June 2016), Noise Impact Assessment Rev 3 (5 April 2016), Methodology Statement, Cover Letter (7 July 2016) and Response to Public Consultation Comments (6 September 2016).

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.

- 6.6 Condition 3 (Materials) will accordingly need to be amended to remove reference to the bronze screen and grey steel gates and screen.

The previous condition stated:

CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:

- a) solid brickwork (including brick panels and mortar courses)*
- b) render (including colour, texture and method of application);*
- c) window/door treatment (including sections and reveals);*
- d) roofing materials;*
- e) balustrading treatment (including sections);*
- f) sample of bronze feature screen*
- g) curtain walling*
- h) grey steel gates and screen*
- i) any other materials to be used.*
- j) louvred screen*

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.

The proposed new condition would state:

CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:

- a) solid brickwork (including brick panels and mortar courses)*
- b) render (including colour, texture and method of application);*
- c) window/door treatment (including sections and reveals);*
- d) roofing materials;*
- e) balustrading treatment (including sections);*
- f) curtain walling*
- g) any other materials to be used.*
- h) louvred screen*

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.

- 6.7 Condition 8 (Landscaping) is proposed to be removed given that the ground floor entrance would remain enclosed, which is the only area of landscaping in the scheme. The previous condition stated:

CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:

- a) an updated Access Statement detailing routes through the landscape and the facilities it provides;*
- b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;*
- c) existing and proposed underground services and their relationship to both hard and soft landscaping;*
- d) proposed trees: their location, species and size;*
- e) soft plantings: including grass and turf areas, shrub and herbaceous areas;*
- f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;*
- g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;*
- h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and*
- i) any other landscaping feature(s) forming part of the scheme.*

All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.

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

REASON: In the interest of securing sustainable development.

- 6.8 Condition 10 (Noise) is to be amended to become a compliance condition as the Noise Impact Assessment submitted in this application has been reviewed by the Council's public protection officer, who has advised that the details are acceptable to discharge the condition. The previous condition stated:

CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 11. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.

Reason: To protect the amenities of neighbouring occupiers

The proposed new condition would state:

CONDITION: The recommendations set out within the Noise Impact Assessment Rev 3 (dated: 5 April 2016) in conjunction with the Additional Acoustic Information sheet (dated: 08 September 2016) shall be implemented prior to the occupation of the development hereby approved and shall be maintained as such thereafter.

REASON: To protect the amenities of neighbouring occupiers

- 6.9 Condition 12 (Construction Method Statement) is proposed to become a compliance condition as a construction management statement has been submitted with the application. The new condition would require the development to be constructed in accordance with the submitted details. The previous condition stated:

CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors*
- ii. loading and unloading of plant and materials*
- iii. storage of plant and materials used in constructing the development*
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate*
- v. wheel washing facilities*
- vi. measures to control the emission of dust and dirt during construction*
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works*

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

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

The proposed new condition would state:

CONDITION: The development shall be carried out strictly in accordance with the Construction Method Statement hereby 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.

- 6.10 Conditions 13 (Privacy Screens) is to be amended to correct typographical errors and become a compliance condition due to the inclusion of screening details for the proposed terrace areas within the submitted drawings. The previous condition stated:

CONDITION: Details shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works being carried out, of privacy screens at a height of 1.7 metres from finished floor level to be erected at the eastern boundary of the terraces to Units K and M at fourth and fifth floor and Enclave Court.

The privacy screens shall be fully implemented prior to first occupation of the flat.

REASON: In order to protect neighbouring amenity.

The proposed new condition would state:

VISUAL SCREENS (COMPLIANCE): The visual screens to roof terraces shown on the drawings hereby approved shall be installed prior to the first occupation of the development and shall be maintained as such thereafter into perpetuity.

REASON: To prevent undue overlooking (oblique, backwards or otherwise) of neighbouring habitable room windows.

7. RELEVANT HISTORY:

Planning Applications:

- 7.1 **P2015/0586/FUL** – Erection of a fourth floor rear extension and fifth floor roof extension to provide an increase in office floor space (Use Class B1) together with associated works and external alterations, provision of amenity space, landscaping and installation of eight No. condenser units with a screened enclosure at fifth floor level. Internal alterations at the ground floor level to create a new entrance courtyard and insertion of two new roof lights to the rear. Approved at Planning Sub Committee B on 27/07/2016.
- 7.2 **P2014/1604/FUL** - Erection of a fourth floor extension and a fifth floor at roof level to provide an increase in office floorspace (Use class B1a) along with 3 x residential flats (Use class C3) (2x2bed and 1x3 bed units) together with associated works and external alterations, provision of private amenity space, landscaping and installation of 10x no. condensers within a screened enclosure at roof level. Refused at Planning Sub-Committee B on 15/07/14.

Reason for Refusal: The proposed development, by reason of the additional height in close proximity to the site boundary, would result in a detrimental material impact on the amenity of the neighbouring Dallington School by virtue of an unacceptable loss of daylight. As such the proposal would be contrary to policy DM2.1 of the Development Management Policies June 2013 together with the guidance within the Hat and Feathers Conservation Area Guidelines.

The application was subsequently appealed (appeal reference APP/V5570/A/14/2226349) through the written representations process. The application was dismissed at appeal on 23/12/2014. In his report the Inspector concluded that *the proposed development would, by reason of its height and proximity to the boundary, unduly harm the amenity of users of Dallington School with regard to loss of daylight.* The full decision is appended to this report at Appendix 3.

- 7.3 **P031181** - Renewal of existing lean to roof to the rear of the premises, including slight adjustment of roof pitch and boundary wall height. Approved 18/07/2003
- 7.4 **961164** - Change of use of the top (third) floor (rear) from B1 offices to a live-work unit; the installation of a roof lantern within the unit. Approved 24/10/1996
- 7.5 **P00373** - Change of use of loading bay to gallery and installation of new shopfront. Approved 27/03/2000
- 7.6 **931394** - Alterations to windows and doors replacement of skylight new flat roof raising 4th floor flank wall and other alterations in connection with refurbishment for business use (B1). Approved 03/12/1993.

ENFORCEMENT:

7.7 None

PRE-APPLICATION ADVICE:

7.8 Q2015/4400/MIN - Design development amendments to consented application 2015/0586/FUL.

7.9 Q2013/1009/MIN - Extension to existing fourth floor to provide an increase in employment floorspace together with a new fifth floor also a rooftop extension to provide four residential flats with associated amenity space. Pre-app advice also sought in respect of a proposed new entrance (07/01/2014).

7.10 Q2012/0170/MIN - Proposed extensions at 4th floor level and new 5th floor level with terrace (20/11/2012).

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 78 adjoining and nearby properties at Dallington Street and Compton Street on 20th July 2016. A site notice and press advert were displayed on 28th July 2016. The public consultation of the application therefore expired on 18th August 2016, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 At the time of the writing of this report a total of 12 objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Increased noise, disturbance, litter, vermin and smoke from ground floor sandwich bar (A1 Use) and its deliveries (10.12 & 10.16)
- Increased noise, smoke and overlooking from roof terraces (10.11 & 10.13)
- Increased noise from plant equipment (10.14)
- Increase noise and disturbance from office use (10.11)
- Loss of showroom will allow future changes to other A Class uses (10.3)
- Alterations to shopfront will increase noise emissions and allow outdoor seating (10.12)
- Proposed extension would cause loss of light, security and safety (10.11)

8.3 It must be noted that matters related to the manner and method of construction of the proposed extensions are not material planning considerations in the planning assessment of this application. These are matters that are covered by separate legislation including the Building Regulations, the Party Wall Act, Control of Pollution Act and the Environment Protection Act. However, a condition is proposed to ensure that construction traffic and methods would protect residential amenity. The applicant is entitled to submit new applications as long as they are materially different to previously determined schemes.

External Consultees

8.4 None

Internal Consultees

8.5 Design and Conservation Officer – no objection.

- 8.6 Public Protection Division (Noise Team) – no objection subject to informatives to ensure compliance with the noise mitigation measures.
- 8.7 Traffic and Engineering – No objections raised.
- 8.8 Environmental Health – The Methodology Statement is mostly acceptable; however additional details regarding construction noise, dust and air quality are required.

Other Consultees

- 8.9 None

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 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.2 Since March 2014 Planning Practice Guidance for England has been published online.

Development Plan

- 9.3 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Designations

- 9.4 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Hat and Feathers Conservation Area
 - Building Structure to be Retained
 - Central Activities Zone (CAZ)
 - Bunhill and Clerkenwell Core Strategy Key Area
 - Employment Priority Area – Finsbury Local Plan Policy BC8
 - Mayors Protected Vista – Alexandra Palace viewing deck to St Pauls Cathedral

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.5 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, Conservation and Heritage Considerations (including Archaeology)
- Landscaping
- Neighbouring Amenity
- Highways and Transport
- Noise and Vibration
- Refuse collection and storage

Land-use

10.2 The development granted planning permission in 2015 established that the proposed increase in business floorspace is supported by policies BC7 of the Finsbury Local Plan and CS13 of the Core Strategy. Due to the dedication of floorspace for additional plant area the uplift of B1a floorspace as approved is slightly decreased by 150sqm, which is only 7.9%; however the proposal continues to provide an overall uplift of 494sqm of additional B1a floorspace.

10.3 It is also proposed that a coffee shop / sandwich bar would occupy the A1 space at ground level; however given this space is already designated as Use Class A1 there would be no material change of use as a coffee shop / sandwich bar is considered to be an A1 use. The proposed plan indicates a smaller A1 use area occupying an space at the rear behind the plant and "comms store" rooms. This area would be ancillary to the main A1 coffee shop use; however would provide a quiet space for users away from the main retail space. The amended plan also indicates a dedicated Building Entrance within the enclosed area, which provides more efficient use of this space. The "retained showroom" area remains unchanged from the previously approved scheme; however it has been reduced in size due to the relocation of the bike storey and addition of shower facilities and plant rooms to the rear.

10.4 It is considered that the proposed alterations to the ground floor layout will improve the facilities to the existing ground floor units providing more natural light to both units and accordingly is considered acceptable. As such, the principle of the development is acceptable subject to the assessment of the proposal in light of all other relevant policy, the site context and any other material planning consideration. The character of the conservation area would be preserved.

Design, Conservation and Heritage Considerations (including Archaeology)

10.5 The extensions and alterations that have already been granted planning permission in 2015 have established that the development would have an acceptable impact on the character and appearance of the building and surrounding area. The proposed amendments that alter the design and appearance of the property affect conditions 2 (drawing numbers), 3 (materials) and 8 (landscaping).

10.6 The original scheme did not propose to change the windows on the front elevation; however with the omission of the bronze screen feature on the front façade it is now proposed to change the front windows to improve the front elevation. The proposed crittal style windows are likely to be considered acceptable and would be an improvement on the consented windows as they make reference to several window designs in the street and surrounding area. The proposed removal and replacement of the existing shopfront is considered to be acceptable as the shopfront does not appear to be original. The proposed shopfront design would be more in keeping with the window designs prevalent in the area and relate well to the floors above. The removal of the patterned section to front elevation is welcomed.

- 10.7 The proposed raising of the section of the front parapet in line with that which was consented previously is considered to be acceptable given the front parapet is currently level and the proposed raised section of parapet by 300mm would level it out again. The alterations to the glazing pattern to the roof addition are likely to be considered acceptable as they better reflect the fenestration pattern below.
- 10.8 The increased height of the plant screen by 800mm higher than previously consented is not in an easily visible location and therefore unlikely to have a significant impact on the appearance of the building and is therefore considered to be acceptable. The proposed roof terraces on the flat sections of roof to the extensions would not be visible externally and therefore would not be harmful to the design.
- 10.9 As such, it is considered that the proposed amendments to the approved design would not result in harm to the conservation area and be in accordance with adopted guidance and policies CS9 of the Core Strategy and DM2.3 of the Development Management Policies. Conditions 2 (drawing numbers) and 3 (materials) are therefore recommended to be amended accordingly and condition 8 to be removed given the omission of the ground level landscaping by retaining the enclosed building entrance as discussed further in section 10.10 below.

Landscaping and Trees

- 10.10 The proposed amended design omits an area of landscaping on the ground floor and the remaining areas of landscaping are limited to planter boxes on the fourth and fifth floor roof terrace. It is considered onerous to require a landscaping scheme for the limited remaining amount of planting and therefore it is recommended that Condition 8 (Landscaping) be removed.

Neighbouring Amenity

- 10.11 The planning permission granted permission in 2015 establishes that the development overcomes the neighboring amenity impacts that were raised by the Inspector in the previously refused scheme. Therefore it has already been established that the concerns raised in objections regarding overlooking, noise and disturbance from the parts of the development not being amended in this application have an acceptable level of impact. The proposed amendments and additional details submitted in the application in regards to neighbouring amenity affects condition 10 (noise). The main roof terraces on the top floor of the building at roof level toward the front and rear are subject to change and have been approved within the extant permission in this case.
- 10.12 The proposed occupation of the ground floor A1 space as a coffee shop / sandwich bar does not warrant restriction by conditions given that it would not be a material change of use. The Council's public protection team would respond to any complaints raised by the public in regards to its operation. The proposed shopfront alterations would allow the ground floor to open up to the street on occasion; however it is unlikely to result in acceptable levels of noise emissions given the nature of the use and there is no outdoor seating proposed. Furthermore, any change of use to an A3-A5 use class would require separate planning permission and a condition is included to prevent future changes of use of the ground floor A1 use under the Generally Permitted Development Order 2015.
- 10.13 The proposed amendments would introduce internal roof terraces at third, fourth and fifth floors on the flat roof areas of the second, third and fourth floor extensions and would retain an existing internal roof terrace on the ground floor roof above the entrance corridor. Screening to a height of 1.7m above floor level has been provided to the eastern side of the balustrades of these roof terraces to mitigate overlooking between the users of the roof terraces and the school. The proposed terraces at third and fourth floors are relatively small and therefore

unlikely to be capable of hosting large groups of people whilst the first floor roof terrace is the retention of an existing roof terrace and therefore the additional screening provides an improvement to the existing situation. It is unlikely that the proposed addition of the balustrades and screening to the roof terraces would result in loss of light impacts. Furthermore, the Daylight & Sunlight Study submitted with the application demonstrates that the development remains in accordance with the BRE Guidelines.

- 10.14 The roof level plant increase and additional plant rooms at ground level area required to adequately service the building and additional screening and noise attenuation measures proposed to accommodate the potential increase in noise emissions. The Noise Impact Assessment submitted with the application demonstrates that the proposed amendments would sufficiently mitigate noise emissions to prevent amenity impacts to neighbouring properties. The Council's acoustic officer has reviewed the details and advised that the details submitted are acceptable subject to conditions and the recommended informative to ensure it is successfully implemented has been included accordingly.
- 10.15 For the above reasons it is considered that the proposed amendments to the approved scheme would not result in unacceptable impacts to the amenity of neighbouring properties in accordance with policy DM2.1 of the Development Management Policies 2013 and the NPPF 2012.

Highways and Transportation

- 10.16 A Construction Methodology Statement has been submitted with the application to demonstrate the measures that would be implemented during the construction of the development to minimise disruption to the amenity of neighbouring properties and flow of traffic and pedestrian movements. The Council's transport officer has raised no objections and the Council's environmental health officer has reviewed the submitted Methodology Statement and advised that it addresses most of the required issues. However, the following additional information is required:
- 10.17 Noise:
- Details of the type of Piling method.
 - Details of the use of white noise/broadband alarms and volume reducing or disabling following risk assessment.
 - Details of compliance with BS 5228, Code of Practice for Noise and Vibration Control on Construction and open Sites, Parts 1 & 2.
 - Details of submitting Section 61 under the Control of Pollution act 1974 as a means of meeting the requirements of the Control of Pollution Act 1974.
- 10.18 Air Quality:
- Further details of Non Road Mobile Machinery (NRMM) with reference made to sign up and plant conformance with the NRMM register.
- 10.19 Dust:
- Further details regarding the Mayor of London - Control of Dust and Emissions During Construction and Demolition - Supplementary Planning Guidance.
 - Details of wheel washing facility if it is required.
- 10.20 Therefore the previous condition number 12 (proposed condition 11) will need to remain as a condition requiring the submission of further details as above for approval prior to the commencement of the development.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The details that have been submitted demonstrate progression of the scheme to comply with the requirements set under the relevant conditions whilst the other amendments are considered to improve the development without resulting in additional harm to the neighbouring properties. Furthermore, the amended development will not detract from the character and appearance of the application property or the conservation area and will continue to provide a high quality office space in compliance with the guidance and policies under the Development Plan. It is considered that the S73 application of amendments to the approved development granted planning permission in 2015 are acceptable in accordance with the relevant policies and guidance under the Development Plan and the proposed alterations would have no material impact on adjoining properties bearing in mind the extant permission.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	<p>Commencement</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list</p> <p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>LP001, LP002, EX EL01, EX GA00, EX GA01, EX GA02, EX GA03, EX GA04, EX GA06, EX S01, EX S02, EL01, GA00/B Rev P5, GA01, GA02, GA03, GA04, GA05, GA06, S01, S02, Cycle Access Plan, Design & Access Statement Rev 2 (July 2016), Daylight and Sunlight Report (01 June 2016), Noise Impact Assessment Rev 3 (5 April 2016), Methodology Statement, Cover Letter (7 July 2016) and Response to Public Consultation Comments (6 September 2016).</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	<p>Materials</p> <p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <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/door treatment (including sections and reveals); d) roofing materials; e) balustrading treatment (including sections); f) curtain walling g) any other materials to be used. h) louvred screen <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	Parking restrictions
	<p>CONDITION: All future occupiers of the commercial units hereby approved shall not be eligible to obtain an on street business parking permit except :</p> <p>(1) In the case of disabled persons;</p> <p>(2) In the case of an occupier who is an existing holder of a business parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>REASON: In the interests of sustainability and in accordance with the Council's policy of car free development.</p>
5	Refuse/Recycling Provided (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
6	Cycle Parking Provision (Compliance)
	<p>CONDITION: The bicycle storage area(s) hereby approved, which shall be covered and secure, shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
7	Windows (Details)
	<p>CONDITION: Details of all new windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The details shall include materials, profile, reveal depth and detailing. Double glazed units with unsympathetic/inappropriate proportions and UPVC windows will not be considered acceptable.</p> <p>The development shall be carried out in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
8	Noise
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>Reason: To protect the amenities of neighbouring occupiers.</p>

9	Noise controls
	<p>CONDITION: The recommendations set out within the Noise Impact Assessment Rev 3 (dated: 5 April 2016) in conjunction with the Additional Acoustic Information sheet (dated: 08 September 2016) shall be implemented prior to the occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To protect the amenities of neighbouring occupiers</p>
10	Rooftop Enclosures
	<p>CONDITION: No development shall be carried out until details of the rooftop enclosures/screening and the lift overrun are submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved plans and permanently maintained thereafter.</p> <p>Reason: To ensure the proposal does not have a detrimental impact on the street scene.</p>
11	Code of Construction:
	<p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol 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>
12	Privacy Screens
	<p>VISUAL SCREENS (COMPLIANCE): The visual screens to roof terraces shown on the drawings hereby approved shall be installed prior to the first occupation of the development and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To prevent undue overlooking (oblique, backwards or otherwise) of neighbouring habitable room windows.</p>
13	Hours of Operations (Compliance)
	<p>CONDITION: The roof terraces hereby approved shall not operate outside the hours of: 9:00am to 6:00pm Monday to Friday.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact</p>

	on neighbouring residential amenity.
14	Removal Of Permitted Development Rights (Compliance:
	<p>CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any amended/updated subsequent Order) no change of use to the A1 use hereby approved shall be carried out without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future changes of use of the ground floor and to protect the amenity of neighbouring properties.</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
2	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. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions:</p> <p>These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become</p>

	CIL liable until all of these unidentified pre-commencement conditions have been discharged.
4	Highways
	<p>- Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk.</p> <p>All agreements relating to the above need to be in place prior to works commencing.</p> <p>- Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk.</p> <p>Section 50 license must be agreed prior to any works commencing.</p> <p>- Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk.</p> <p>-Compliance with sections 59 and 60 of the Highway Act, 1980 – "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk.</p> <p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk</p> <p>Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>- Before works commence on the public highway planning applicant must provide Islington Council's Highways Service with six months notice to meet the requirements of the Traffic Management Act, 2004.</p> <p>- Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.</p> <p>- Regarding entrance levels, developers must take into account minimum kerb height of 100mm is required for the public highway. 15mm kerb height is required for crossover entrances.</p> <p>- Overhang licenses are required for projections over the public highway. No projection should be below 2.4m in height in accordance with Section 178, Highways Act 1980.</p> <p>- Compliance with Section 179, Highways Act 1980. "Control of construction of cellars etc under street".</p> <p>- Compliance with Section 177 Highways Act 1980. "Restriction on construction of buildings over highways".</p>
5	Noise
	The applicant is advised that the plant is to be installed and operating correctly and the acoustic enclosure and other mitigation measures are effective. During the lifecycle of the plant the operator is to regularly check, maintain and service the plant to ensure compliance with the plant noise condition and that the equipment does not develop a character such as tonality, clicks, buzzes, hums etc.

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

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

2. Development Plan

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

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

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.1 London in its global, European and United Kingdom context

Policy 2.2 London and the wider metropolitan area

Policy 2.3 Growth areas and co-ordination corridors

Policy 2.5 Sub-regions

Policy 2.9 Inner London

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

Policy 2.12 Central Activities Zone – predominantly local activities

Policy 2.13 Opportunity areas and intensification areas

Policy 2.14 Areas for regeneration

Policy 2.15 Town centres

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

6 London's transport

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.9 Cycling

Policy 6.10 Walking

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.7 Location and design of tall and large buildings

Policy 7.8 Heritage assets and archaeology

Policy 7.9 Heritage-led regeneration

Policy 7.11 London View Management Framework

Policy 7.12 Implementing the London View Management Framework

4 London's economy

Policy 4.1 Developing London's economy
Policy 4.2 Offices
Policy 4.3 Mixed use development and offices

5 London's response to climate change

Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction

8 Implementation, monitoring and review

Policy 8.1 Implementation
Policy 8.2 Planning obligations

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS7 (Bunhill and Clerkenwell)
Policy CS8 (Enhancing Islington's Character)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS13 (Employment Spaces)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage
DM2.4 Protected views

Employment

DM5.1 New business floorspace

Shops, culture and services

DM4.6 Local shopping Areas
DM4.7 Dispersed shops
DM4.8 Shopfronts
DM4.9 Markets and specialist shopping areas
DM4.10 Public houses
DM4.11 Hotels and visitor accommodation
DM4.12 Social and strategic infrastructure and cultural facilities

Transport

DM8.1 Movement hierarchy
DM8.2 Managing transport impacts
DM8.3 Public transport
DM8.4 Walking and cycling
DM8.5 Vehicle parking
DM8.6 Delivery and servicing for new developments

Infrastructure

DM9.1 Infrastructure
DM9.2 Planning obligations
DM9.3 Implementation

D) Finsbury Local Plan June 2013

BC8 Achieving a balanced mix of uses
BC9 Tall Buildings and contextual considerations for building heights
BC10 Implementation

5. Designations

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

- Building Structure to be Retained
- Hats and Feathers Conservation Area
- Central Activities Zone (CAZ)
- Bunhill and Clerkenwell Core Strategy Key Area
- Employment Priority Area – Finsbury Local Plan Policy BC8
- Mayors Protected Vista – Alexandra Palace viewing deck to St Pauls Cathedral

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Environmental Design
- Conservation Area Design Guidelines
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide

London Plan

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