

## COMMITTEE REPORT UPDATE



# ISLINGTON

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department  
Town Hall  
LONDON N1 2UD

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM NO: B1</b>
<b>Date:</b>	23 June 2020	

Application number	P2019/3481/FUL
Application type	Full Planning Application
Ward	Caledonian
Listed building	Locally Listed (Nos. 10 & 12 All Saints Street)
Conservation area	Regent's Canal West (Nos. 10 & 12 All Saints Street only)
Development Plan Context	Employment Growth Area (General)
Licensing Implications	None
Site Address	Regents Wharf, 10,12,14,16 and 18 All Saints Street, Islington, London N1 9RL
Proposal	Redevelopment of the site at 10 - 18 All Saints Street including the refurbishment and extension of 10-12 All Saints Street (including part roof extension and installation of rooftop plant and enclosure) to provide additional Class B1 business floor space with ancillary flexible Class A1/A3 (retail/restaurant) and flexible Class A1/B1/D1 (retail/office/non-residential institutions); demolition of 14, 16 and 18 All Saints Street and erection of a part 5 (ground plus 4) and part 6 (ground plus 5) storey building with basement and rooftop plant and enclosures providing Class B1 office floor space and flexible Class A1/A3/B1/D1/D2 (retail/restaurant & cafe/business/non-residential institutions/assembly & leisure) floor space at ground floor; and associated hard and soft landscaping.

Case Officer	Dale Jones
Applicant	C/O Agent
Agent	DP9

## Amendments to Report

Paragraph 4.3, part 2 (Impact on Heritage Assets) bullet point 5 should read as follows (underlined text added):

*The proposals would harm the significance of these non-designated heritage assets. The Inspector found that the extent of harm would be significant and, to accord with policy in paragraph 197 of the National Planning Policy Framework, it should be taken into account in determining the weight to be given to this and to reaching a balanced judgement. The Inspector gave moderate weight to this harm.*

Page 45 (Review by BRE), Bullet point 5, Line 6 should read as follows (underlined text added):

*The important issue is the overall number of windows and rooms that are significantly affected and the extent of the impact on these rooms. In total, 38 windows do not meet the BRE vertical sky component guideline, and 21 rooms do not meet the daylight distribution guideline. For five flats in Ice Wharf South, the impact would be assessed as major adverse. For these residents, the fact that others in the area are minimally affected is little compensation for their own loss of light [Officer comment: 37 windows do not meet the VSC guidelines, with 21 not meeting the NSL guidance and this is broken down in detail in the tables and paragraphs at 11.167 – 11.239];*

Paragraph 8.48 conclusion should include the following additional text at the end of the section:

*Please refer to conditions 3 (materials), 4 (Details of elevations) and 5 (Detailed Design) along with 44 (Revised details of roof top plant).*

Paragraph 11.68 should read as follows (amended text underlined):

*In terms of the facades (to Thorley House), the proposed development would be constructed in London brickwork with light mortar, together with the use of alternative/protruding brick courses to add texture and interest to the facades. The proposed roof addition would be constructed in ~~textured fibreglass panelling~~ a standing seam metal panel and anodised aluminium panelling would be used to mark the transition between the new-build element (Thorley House) and Building 10a (the locally listed building).*

Paragraph 11.137 should read as follows (amended text underlined):

*The applicant's archaeological desk-based assessment (DBA) identifies high potential for remains of 19th/early 20th century buried structural remains associated with documented uses of the site as a timber yard, cement works and cattle feed mill as well as limekilns and residential properties.*

Paragraph 11.139 should read as follows (amended text underlined):

*An archaeological field evaluation would form stage 1 of condition 47 39.*

Paragraph 11.173 should read as follows (amended text underlined):

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

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

*The area of the working plane in a room which can receive direct skylight is not reduced to less than 0.8 times its former value. (No Sky Line / Daylight Distribution).*

Paragraph 11.181 should read as follows:

*The BRE Guidelines confirm that windows which do not enjoy an orientation within 90 degrees of due south do not warrant assessment. 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~~ or at least 0.8 of its former hours during either period.*

Paragraph 11.199 should read as follows (amended text underlined):

*Currently on the application site, there is a gap between the rears of No. 18 Regent's Wharf (fronting the canal) and Nos. 14-16 Regent's Wharf (fronting All Saints Street) of 16.2 metres. This open area is used for servicing and deliveries along with car parking to the existing appeal site. Whilst the eastern part of the site may have a full length built form from north to south, the western part of the site has maintained a gap to reflect the patterns of development to the west. The proposal seeks to infill this area with a continuous built form that would be part 5/part 6-storeys in height and adjacent to the east facing elevation at Ice Wharf South.*

Paragraph 11.264 should read as follows (amended text underlined):

*The application is accompanied by a Noise Impact Assessment which proposes suitable noise level limits for plant installed as part of the proposed development. It is anticipated that the construction of the proposed development would cause some degree of noise and disruption affecting neighbouring residents. As such, the imposition of a Construction Environmental Management Plan (CMP) would be required by condition 8 13 to ensure there would be minimal disruption arising from the construction process.*

Paragraph 11.139 should read as follows (amended text underlined):

*The off-street bay (to the immediate west of Thorley House) was proposed to be used for refuse collection and some deliveries, with refuse being stored at basement level (as per the case of the previous application) and brought up to ground floor for*

collection by the management team. However, a number of concerns have been raised by local residents with regard to highways safety and convenience in terms of vehicles, particularly larger vehicles using the proposed ~~off-site~~ off-street delivery bay given the need to reverse over the path fronting All Saints Street.

Paragraph 11.342 should read as follows (amended text underlined):

*This has been proposed as an alternative to the previously submitted arrangement (where the off-street loading bay would have facilitated most of the deliveries (as originally set out within paragraph 3.1.8 of the submitted DSP), with the latest proposals seeking to minimise use of the ~~off-site loading bay~~ off-street delivery bay to respond to the safety and convenience concerns that have been raised. The yellow-line system would be readily available to meet the needs of the development for the purposes of servicing and deliveries, and as such the Councils highways and transport team have raised no objections to this revised layout.*

Condition 28 REASON should read as follows (amended text underlined):

*REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic and in the interests of the residential amenities of the occupants of neighbouring dwellings.*

### **Representations received since publication of committee report**

- Errors identified in committee report (please refer to corrections above).
- NSL diagrams would demonstrate the daylight losses visually (Officer comment: the established Islington format for presenting NSL transgressions is through a table format).
- Rooftop plant should be moved away from Ice Wharf; Nuisance noise from the rooftop plant. We already have a continuous low rumbling noise from Gratte Brothers air conditioning units that is currently being investigated. [Officer comment: The existing situation is noted. Noise matters are explored at paragraph 11.262 – 11.67 and Conditions 9, 12 and 17].
- The proposed air conditioning units should have a rating level of at least 10dB (not just 5dB) below the background noise level LA90 [Officer comment: The existing situation is noted. Noise matters are explored at paragraph 11.262 – 11.67 and Conditions 9, 12 and 17, whilst the comments and recommendations of the Councils Noise Officer is also found at paragraph 8.52].
- Noise, dust, dirt, traffic, disruption and pollution involved in the demolition and construction work so close to residential properties [Officer comment: These demolition and construction related matters will be addressed by the Construction Environment Management Plan at Condition 13].
- Loss of light to adjacent properties and along the canal [Officer comment: The issues are addressed at paragraphs 11.242 – 11.245 and Conditions 29 and 30].
- Detrimental effect on wildlife on and along the canal [Officer comment: The issues are addressed at paragraphs 11.158 – 11.159 and Conditions 21, 29 and 37].

- Out of keeping with adjacent properties as too high [Officer comment: The issues are addressed at paragraphs 11.56 – 11.71 and Condition 44].
- Nuisance noise from the restaurant and retail [Officer comment: The issues are addressed at paragraphs 11.262 – 11.267 and Conditions 11 and 32].
- More office space and restaurants within the commercial building, for its workers and colleagues (as with Gratte Brothers) provides all the nuisance and inconvenience and noise without benefit to the local community [Officer comment: The existing situation is noted. Noise matters are explored at paragraph 11.262 – 11.67 and Conditions 9, 12 and 17].
- As a result of Covid-19, we have seen many changes come into force which look set to remain, and more people will be working from home. They will have to open their windows for ventilation...since air conditioning units are not usually permitted on residential property roofs because of noise/nuisance to neighbours. So why are corporate businesses allowed to do this in a residential, conservation area? [Officer comment: Each planning application is taken on its own material planning merits. Noise matters are explored at paragraph 11.262 – 11.67 and Conditions 9, 12 and 17].
- We appeal to the council planners to consider the local community. We don't want another corporate business running rough shod over the local community [Officer comment: The existing situation is noted. Noise matters are explored at paragraph 11.262 – 11.67 and Conditions 9, 12 and 17].
- There are numerous local restaurants that would benefit from more diners who are workers at the large local corporates [Officer comment: The justification in land use terms is found at paragraphs 11.28 – 11.30].
- Mass and scale is totally inappropriate for the location in a Conservation Area, and its negative impact on the amenity of neighbouring residences, particularly regarding daylight and sunlight [Officer comment: The heritage impacts are assessed at paragraphs 11.49 – 11.131 and amenity is assessed at paragraphs 11.167 – 11.267].
- Para: 8.15 (Design and conservation objections) states at Bullet point 3, line 3-4 states:

*Although the height of plant above Building 18 (Thorley House) has been reduced by this amount [3.61m]...*

The applicant claims to have reduced the height of the rooftop extension on building 10b by 3.61 metres compared to the Appeal Scheme. However, this is inaccurate – from the table on page 6 of the D&AS: Extension over The Mill (10b) reduces from 46.46 AOD at Appeal to 44.53 AOD Proposed. This is a reduction of 1.93 metres [Officer comment: the reduction of 1.93 (building 10b) is correct]. The 3.61 metres uses the height of Thorley House including plant at Appeal (48.13 AOD) compared to proposed height of 10b (44.53 AOD) but the height of Thorley House is not the same as the height of 10b. The reduction in height of the plant on Thorley House comparing the appeal scheme with the current proposal is 1.2 metres (source: page 6 of Design and Access Statement row 10, appeal height: 48.13 AOD; current proposed height: 46.93 AOD; difference is 1.2m). [Officer comment: the reduction in height in connection with the plant on Thorley House is 1.2m where comparing this scheme with the appeal scheme, see paragraphs 11.58 –

11.59 of the report and pages 5 and 6 of the submitted Design and Access Statement].

- Scheme should be amended to include Juliet balconies on canal side elevation [Officer comment: Detailed design is referenced at paragraphs 11.49 – 11.111 in the report. This distance across the canal is considered such that there would be no harmful impact on those residents across to the north bank of the canal or the canal itself, with further reference found in terms of light pollution at conditions 29 and 30].

### **Late representation received from Dr Paul Littlefair**

Following the publication of the Committee Report, Ice Wharf residents instructed the Building Research Establishment (BRE Group) to provide a letter reviewing the Committee Report. The conclusions of the review letter are surmised as follows:

#### **Review of Appeal decision**

The review letter highlights that the Committee report acknowledges the harm caused to living conditions within surrounding properties, especially those in Ice Wharf South, and that this harm needs to be addressed as part of the planning balance in coming to a decision.

#### **Review of BRE submissions**

The review letter highlights that the appeal decision has been considered within the Committee report. The review letter also highlights an error in the report at para.8.14, and that the text should read “37 windows do not meet the BRE guidelines”.

#### **Application of BRE Guidance: daylight**

The review letter highlights that is an error in para.11.173 and the correction to this paragraph is provided above.

#### **Application of BRE Guidance: sunlight**

The review letter highlights that para.11.181 misquotes the BRE Guidance and the correction to this paragraph is provided above. The guidance is however stated correctly in the following para.11.182 and in any case loss of sunlight is a less important issue for this planning decision, since the existing windows closest to the proposed development face in a northerly direction.

#### **Overall assessment of impact**

The review letter queries the address used in table at para.11.222, specifically ‘92 Kerrick Street’ being a mistake. [Officer comment: This is an error and should read 93 Kerrick Street.]

### **Representations regarding suggested conditions**

Condition 3 should make specific reference to materials for the 6<sup>th</sup> floor of Building 12.

Condition 7 (Signage Strategy) should make reference to braille within the entrance to the building.

Condition 8 should be amended to require a scheme of obscure glazing to all windows on the western elevation of the development.

Condition 8 should be amended to require measures to prevent overlooking from the canal-side balconies.

Condition 9 should be amended as follows:

*The two gates adjacent to Ice Wharf South and the doors on the western elevation of Thorley House shall feature noise reducing measures to be submitted to and approved in writing by the Local Planning Authority and these measures shall be permanently maintained thereafter. The gates are to be kept closed when not in use.*

Condition 11 should be amended as follows:

*The proposed ground floor flexible commercial units fronting All Saints Street shall not operate outside the following times:*

*Monday to Saturday – 08:00 to ~~23:00~~ 22:00*

*Sunday and Public/Bank Holidays – 09:00 to 10:00pm*

Condition 12 (Fixed Plant Noise Ratings should be amended to include noise from the new electricity substation at ground floor level and noise of air inlet vents in Thorley Gardens/Western courtyard (this was agreed by the developer at the Appeal).

Condition 12 should be amended to require a noise rating level of at least 10dB(A) (instead of 5dB(A)) below the background noise level.

Condition 28 should be clearer that the service bay shall only be used for maintenance and office fit-out and should make clear that refuse collection vehicles shall use the on-street loading bay.

It was agreed at the appeal at the Appeal that residents would be consulted on the Delivery and Servicing Plan. Could this be the case again and specified within the condition?

Islington Public Protection suggested that deliveries be carried out on Mondays to Fridays - 08.00 to 19.00 hours. These times for deliveries and refuse collections should be added to condition 28.

The Delivery and Servicing Plan condition (no. 28) should be amended to require:

- refuse bins to be wheeled on a smooth road surface from the collection point at the western entrance to the truck waiting in the on-street loading bay
- all refuse and recycling bins to be fitted with 'quiet' rubber wheels.

The REASON for condition 28 should include a reference to the residential amenities of the occupants of neighbouring dwellings.

Condition 29 (External Lighting Management Plan) should be amended to include the following:

- Requirement for measures to protect the canal, east façade of Ice Wharf South and Ice Wharf North, the north façade of 1-3 All Saints Street and the properties opposite the Regent's Canal
- Requirement that the lighting plan must adhere to the restrictions of category E2 for the canalside and category E3 on All Saints Street
- Requirement that the curfew time for seasonally adjusted blackout blinds should be 4pm in winter and 8pm in summer
- Requirement that the applicant to prepare the Plan in consultation with residents
- REASON for the condition should include a reference to the residential amenities of the occupants of neighbouring dwellings.

Condition 30 (Internal Lighting Management Plan) should be amended to include the following:

- Requirement that measures should protect the canal
- Requirement that the lighting plan must adhere to the restrictions of category E2 for the canal side and category E3 on All Saints Street
- Requirement that the curfew time for seasonally adjusted blackout blinds should be 4pm in winter and 8pm in summer
- Requirement that the applicant to prepare the Plan in consultation with residents
- REASON for the condition should include a reference to the residential amenities of the occupants of neighbouring dwellings.

Condition 32 requires the canal side restaurant windows to be shut outside of the hours 7am-10pm. There are two smaller wooden doors and 10 larger Crittal-style French doors with top-hung casement windows in the 50 metre stretch of canalside building called The Silo. Residents request that:

- the two smaller wooden doors and the 10 top-hung casement windows on the canalside elevation are only permitted to be open between 7am to 7pm daily and shall be kept shut outside of these hours and that the 10 larger Crittal-style French doors are kept shut at all times
- no noise from events, live music, PA etc. be permitted from the restaurant at any time
- restaurant guests will not be permitted on the narrow 'pavement' between the restaurant and canal for safety reasons
- noise levels from the restaurant unit to be no higher than before (when it was a staff canteen).

Condition 32 should be amended to require that canal-side restaurant windows should be kept closed at all times.

It is requested that a condition be applied to secure Juliet balconies in place of the 12 'step out' balconies on Thorley House on the canalside in order to reduce noise and disturbance.

Condition 33 (External Amenity Area – Hours of Use) restricts the use of the ground floor external amenity area adjacent to Ice Wharf North and South to the hours 8am and 9pm. Residents request the following:



- Restriction of the use of Thorley Gardens/Western Courtyard to between 8am and 7pm Monday to Friday with no access at weekends and bank holidays
- No group events, bar, live music, PA system or loud entertainment to be permitted at any time in Thorley Gardens/Western Courtyard

Condition 33 should be amended to require that the external amenity area is not used after 7pm.

Condition 34 (Rooftop Amenity Area Management Plan) should require the following:

- Restriction on the use of fifth floor terraces on Thorley House and Thorley Gardens/Western Courtyard to between 8am and 7pm Monday to Friday with no access at weekends and bank holidays
- No group events, bar, live music, PA system or loud entertainment to be permitted at any time on fifth floor terraces on Thorley House or in Thorley Gardens/Western Courtyard

Condition 38 (Landscaping) should specify that replacement trees between Ice Wharf and Regent's Wharf should be 9-12m in height and at least one should be positioned closer to the canal than currently planned to provide privacy.

Residents should be consulted on the landscaping details (Condition 38).

Condition 44 (Revised details of roof-top plant/structures/enclosures) should be amended to require that the revised details adhere to Conservation Area Guidelines in respect of views from Thornhill Bridge and the canal towpath (CA 17.15).

Informative 1 (Planning Obligations) should be amended to require that neighbours are invited to participate in consultation regarding construction management plans and are involved in the Community Liaison Group and invited to all meetings, as was agreed by the developer as part of the S106 at the Planning Appeal.

Informative 12 (Nuisance from Construction Work) should specify no 'noisy' work on Saturday, Sunday or Bank Holidays and no deliveries to the site outside of the hours 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays.

*Officer comment: It is not proposed to amend the recommended conditions. However, Members are advised that the above comments will be taken into account when considering details submitted for approval pursuant to these conditions.*