

**DANCE SQUARE RESIDENTS ASSOCIATION  
43 PEAR TREE STREET  
CLERKENWELL  
LONDON EC1V 3SB**

10 February 2021

Daniel Jeffries  
Development Management Service  
Planning and Development  
PO Box 3333  
222 Upper Street  
London  
N1 1YA

**By email to: [planning@islington.gov.uk](mailto:planning@islington.gov.uk)**

Dear Mr Jeffries,

**Re: Planning Application ref. P2020/3206/FUL – 44 Pear Tree Street, London EC1V 3SB**

Dance Square Residents' Association (DSRA) was formed in 2012 and currently represents over 180 residents within the development. We are writing in connection with the above planning application to express our views, as invited in the recent planning notification letter.

It should be noted that this letter is intended to represent the views of those members of the DSRA whose opinions we have canvassed and should be read in conjunction with any separate letters of objection or support that individual residents may submit.

Whilst we are supportive, in principle, of the redevelopment of the existing, obsolete building for the uses proposed (E(g) office), we have very real concerns about certain aspects of the proposed replacement building. These concerns are expressed as formal objections below.

We have restricted our comments to those aspects of the proposal which impact upon the Dance Square and Orchard buildings and have not commented upon the impact on immediately adjoining properties.

However, we will make the general comment that the proposed scheme fails to respect the amenity of the surrounding area in that the immediately adjoining properties on Pear Tree Street and Bastwick Street will suffer excessive loss of privacy and overlooking. No doubt these matters will be raised as strong objections by residents directly affected but, for the record, the scheme is unacceptable as presented.

### **Consultation Process**

Despite most residents being new to the area, in the last 10-12 year, we have formed connections with residents within our own developments and regularly meet with residents of other buildings in the street and our local community. We are a very connected group of neighbours who want to see the best for the small street in which we live and have collectively and successfully lobbied LBI on planning issues in the past.

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It was therefore very disappointing to find that there was no consultation process by the Applicant with the local community or indeed the adjacent and near neighbours who are most significantly affected by this Planning Application.

Whilst we were aware of the intention to redevelop the site, we were unaware that the property had changed hands and until LBI's planning application letter arrived our residents had been unaware of any new proposal for this site.

Our issues with this proposed Planning Application are noted in detail below, if, as we respectfully urge you to do, this application is rejected, please can you ensure that, in any replacement scheme or amends to plans, the applicant is required to engage with the local residential community and to conduct a comprehensive and relevant consultation process.

### **Class E use:**

- Request for fully flexible "E" Class or reduced version of which, both requests being unacceptable to residents.
- Class E(g) being the only acceptable use, in order ensure the Class usage does not have an adverse effect on the neighbouring residential community.

Use Class should be strictly restricted to E(g), i.e., uses which can be carried out in a residential area without detriment to its amenity. For the reason, that that the amenity of residents is not adversely affected in accordance with policy 7.15 of the London Plan 2011, and policy DM2.1 of Islington's Development Management Policies 2013.

The applicant asks for a fully flexible Class E use so that it can respond to "market needs and demands over time", whilst ignoring the needs of the residents in a predominantly residential street, this is a dangerous precedent to set, as it will be surely marketed from the outset with the fully "intended" uses.

The use of the proposed "E" Classes other than E(g), would cause excessive noise and disturbance and have a serious adverse effect on the amenity of the occupiers of the adjoining and surrounding residential properties, resulting in a cumulative negative impact, contrary to the policy DM2.1 of Islington's Development Management Policies 2013. Specifically, in this instance the policy notes that for a development 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."*

The refurbished and extended building will be at the heart of a street which is predominantly residential and after many years of intensive development, is densely populated. It is sited exactly opposite a significant number of residential apartments around the Dance Square courtyard with a high number of families with young children in residence. It is adjoining to the residential Pietra Lara Building and directly adjacent to approximately 50 + small studio bed / living rooms (studio rooms) of the IQ Living student accommodation. It will be the only wholly commercial building in Pear Tree Street other than Laser House at the western end of the street, all other buildings being residential from the first floor upwards. In the circumstances, it is critical that the uses of the newly refurbished building (including its basement and ground floor levels) are limited to those which are unlikely to cause detriment to the amenity of this predominantly residential area.

None of the other E subclasses protect residential amenity other than E(g), which is absolutely essential given the densely residential nature of Pear Tree Street. Furthermore, this is consistent with the use class of existing commercial property on the street, and indeed the current proposals and pre-applications for this application.

It should be noted that Pear Tree Street residents already suffer from reduced amenity due to the cumulative impact of excessive density due to overdevelopment of the street. The height of the buildings creates an echo effect so that one person on a phone in the street can be easily heard though double glazing several floors up.

### **Mass of the building, Outlook, Daylight & Sunlight Assessment:**

The proposed site is significantly larger in mass and taller than not only the existing building but also the extant application, it does not “bridge the gap” or create a transition of scale between the existing buildings. Outlook, & Daylight/Sunlight reports are inadequate for the adjacent properties or completely lacking in respect to buildings in Dance Square and The Orchard to the north of the site, which will be significantly affected by the new height of the proposed site.

We would expect that any impact of the loss of daylight and sunlight will be considered by the Planning Department against the Building Research Establishment criteria.

The height of the proposed building and its integration within the urban context is clearly out of scale and proportion to its neighbouring buildings. It fails to respect the scale of the buildings along Pear Tree Street and, we would suggest, is a minimum 1.5 storeys too high.

The excessive height breaches the Finsbury Local Plan, Section 4 (Kings Square and St. Luke’s Policy BC1), which states that new, high quality buildings and structures should be based on a human scale and reflect the predominant building height.

### **External areas:**

- Roof terrace
- Balconies
- Proposed Showroom on ground floor & basement

The balconies and the roof terrace are completely unnecessary and should not be included in the plans. Offices do not need private amenity space. The office employees will inevitably use it for smoking and any social gatherings will cause disturbance to residents whose properties immediately adjoin.

However, if approved Planning Approval Conditions should require strictly restricted to use between normal business hours of 9am – 5:30pm Monday to Friday only, with no audible music at any time. No events with either internal staff or with external guests be allowed. Commercial occupants to be notified under lease & planning rules that the use of these spaces and the site generally, at any time, should always be with quiet consideration to the surrounding residential properties.

The proposed ground floor & basement area for use as a showroom - concern for potential use for events and use of street for overspill and loitering at such events. Residents’ experience has shown that showrooms in the area (including in PTS itself) are frequently used in a manner akin to entertainment venues, with staff holding social functions with and without clients - inside and outside of their buildings late into the evening, causing significant noise and nuisance to the occupiers of the surrounding residential properties.

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If Class E(a) use is to be permitted, for a showroom at ground floor and basement levels, it shouldn't be up for consideration by LBI Planning Dept, however, we would respectfully submit that it should be appropriately restricted to business hours 9am – 5:30pm Mon-Friday only.

The Applicant's attempt to justify the unrestricted provision of the outdoor amenity spaces by reference to that available within other developments in the area (such as 26 Bastwick Street, the Pietra Lara building & Dance Square) is entirely misplaced: these are exclusively residential developments, their residential occupiers are subject to onerous covenants as leaseholders to hours of use and noise such as music. The modest use that may be made of the available outdoor amenity space by individual flat occupiers in these developments is of a wholly different nature and order to that which would be the case where a commercial occupant was using such areas to host social events.

### **Management of site post construction:**

- Hours of use of proposed external balconies & roof terrace
- Hours of use of commercial units
- Lighting
- Management of site & resident contacts
- Refuse collections
- Security and alarms

With reference to DM2.1 of Islington's Development Management Policies 2013. The policy notes that for a development 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...."*

With this in mind we note the following:

### **Management of site & resident contacts**

- Lease rules to be submitted to LBI for approval and with local PTS residents' involvement and approval, this should be done before Planning Approval and become part of the Planning Approval Conditions.
- 24/7 contact to be provided to residents in the event of issues with the management of the building once occupied.

### **Hours of use of proposed external balconies, roof terrace & ground floor:**

- External areas should be strictly restricted to use between normal business hours of 9am – 5:30pm Monday – Friday only, with no audible music. Commercial occupants to be requested to note that use these spaces during these times should always be with quiet consideration to the surrounding residential properties.
- External footpath area loitering by staff, this should be strictly limited to 2 individuals at any one time. Council have enforced planning precedents for other commercial buildings in this regard, see approval for Grangers Restaurant on Sekforde St, which isn't situated in as dense residential pocket as 44 PTS.
- Note that the new Laser House development has a balcony that runs the full length of the building, which has been agreed not to be used by the occupants under planning conditions, due to concerns with issues of overlooking and noise for the local residents P2018/1578/FUL.

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**Hours of use of commercial units:**

As this is a commercial building with intended E(g) use we request that council imposes strict hours of use – 8am – 5:30pm Monday to Friday only. Any internal or external refurbishment work post the build completion should also be restricted to these hours to protect the residential amenity.

**Lighting:**

Given that the newly refurbished and extended building will be exclusively commercial and will sit at the heart of a predominantly residential and heavily populated area in a narrow street with buildings close together, light pollution from commercial style lighting will be a significant concern.

In the circumstances, we consider that it should be a condition of any planning approval that light diffusing blinds be installed and be drawn automatically every day by 5:30pm at the latest and that no neon or similar lighting be used for any signage on the frontage of the building.

**Refuse collection:**

Given the predominantly residential setting and prior experience of certain service providers undertaking collections at 11pm or in the early hours of the morning. We consider that it should be a condition of any planning approval that refuse, and recycling collections take place during normal business hours to avoid undue disturbance to residents.

**Security & Alarms:**

We assume that when the building is unoccupied, evenings and weekends there will be a security company in charge, who will attend site promptly in case of an issue. Can residents be assured that security alarms be on a timer, to auto switch off should they go off and will not be left to ring throughout the night and all weekend.

**Management of site during construction:**

The site is at the heart of a predominantly residential and heavily populated area in a narrow street with buildings close together, and consistent with the approach taken with other recent and ongoing construction projects in Pear Tree Street (e.g. Laser House), we expect that the Applicant should be required to issue a clear construction management plan prior to any Planning Approval and be required to consult with local residents prior to planning approval and again in advance of any building work commencing. In particular, we consider that:

- Construction hours should be strictly limited to 8am to 6pm Monday to Friday;
- Noisy work should be restricted to the following hours: 8am to 10am, 12pm to 2pm and 4pm to 6pm, as has been agreed with the current construction on the Laser House site, corner PTS and Goswell Roads.
- Proper health and safety management code for site vehicles using the narrow street, given the potential danger to residents and local pedestrians.
- Regular weekly / monthly updates should be provided to local residents during the build and prior notification given of any particularly noisy or disruptive work, road closures, parking suspensions etc.

- Contact details for the main contractors should be provided to local residents for use in the event that issues arise; with the option of residents being able to meet with contractors (via Zoom if necessary), should there be any issues related to the build.
- A clear understanding of the regulations as to construction days, hours and noise should be conveyed to **all** contractors by the lead construction company (including in respect of plant, supplies and workers arriving early in the morning and congregating outside of the site).
- There should be no loss of parking bay facilities to local residents during the build;
- There should be no storage of building materials or plant and machinery on the footpath or in the street.
- The street should be kept clean of mud and construction detritus.
- Dust and noise limiting devices should be used at all times.

**Reinstatement works & Ringfencing of the Community Infrastructure Levy (previously Section 106 funds) for use in Pear Tree Street:**

- The footpath outside and to either side of the building (including in front of the Pietra Lara building to the east and the Pure City student accommodation to the west) should be fully reinstated following completion of the build; and
- an appropriate proportion of any monies received by LBI from the Applicant in connection with the development should be ring-fenced for street improvements, landscaping and tree planting in Pear Tree Street.

**In Conclusion:**

LBI Planning Department and Councillors are respectfully requested to reject this application until it can provide information requested regarding the issues raised and to ensure that the applicant amends its proposals for subsequent Class of use and occupation of the building.

We strongly recommend that the Applicant connects and engages in a meaningful way with local residents to hear our concerns about their proposal.

Kindly keep us informed of any information, meetings, amends to these, or subsequent plans for this site.

Yours sincerely,

Committee on behalf of  
Dance Square Residents Association