

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department



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| PLANNING SUB-COMMITTEE B | | |
| Date: | 27 February 2017 | NON-EXEMPT |

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| Application number | P2016/2471/FUL |
| Application type | Full Planning Permission |
| Ward | St. Marys |
| Listed building | Listed building on the Almeida site (Post Office, 116-118 Upper Street), identified as Block D within development. |
| Conservation Area | Upper Street North Conservation Area, adjoins Barnsbury Conservation Area |
| Development Plan Context | <ul style="list-style-type: none">- Angel Town Centre- Upper Street North Conservation Area- Adjoins Barnsbury Conservation Area- Archaeological Priority Area- Listed building (Post Office, 116-118 Upper Street)- Locally listed building (Mitre PH)- Site Allocation AUS1 |
| Licensing Implications | Premises Licence may be required |
| Site Address | Former North London Mail Centre, 116-118, Upper Street, Islington, London, N1 1AA. |
| Proposal | Change of use of Unit G7A (Block A) from Use Class A1 (Shops) to flexible Use Class A1 (Shops) or A3 (Restaurant/Cafe), (Associated with Planning Permission Ref: P052245 dated 6 July 2007 and Planning Permission Ref: P2013/2697/S73 dated 4 November 2014). |

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| Case Officer | John Kaimakamis |
| Applicant | Metropolis Planning & Design |
| Agent | Sager Group |

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 (Unit G7A shaded in green and wider Almeida site outlined in red)



3. PHOTOS OF SITE/STREET



Aerial view of the site



View of the site from Moon Street



4. SITE AND SURROUNDING

- 4.1 The current planning application relates to two application sites which sit next each other but together form a single development site the whole of which was formerly under the ownership of Royal Mail.
- 4.2 Permission was granted in July 2007 (P052245) for the vacated blocks 'A', 'B', 'D' and 'F' for a mixed use scheme comprising residential, office, retail, serviced apartments and leisure uses (Site 1). Development began on this part of the site in 2009 and has halted and resumed since.
- 4.3 The second site (Site 2) was the subject of a separate planning application (for operational purposes Royal Mail sought to sell the site in 2 parts) for retail, office and residential uses (P090774), a scheme approved in March 2012. This second proposal located on the site of the former Islington Delivery office. Royal Mail have since relocated their operations to another site in Hackney.
- 4.4 The current application relates to a specific unit within Block A that front the new north-south road within the site. The specific unit is located at the south eastern corner of Block A near the entrance into the site from Studd Street. This unit was originally granted consent to be used for Class B1 business floorspace under the original consent in July 2007, however was subsequently granted consent to be used for Class A1 retail floorspace under a section 73 application in 2014.
- 4.5 The wider site relating to the two main planning permissions granted is bounded by Upper Street to the east, Moon Street and Studd Street to the south, Almeida Street to the north and Gibson Square to the west.
- 4.6 The implemented scheme site area consists of a grand red brick Edwardian sorting office, a vacant building at the western part of the site known as 'Block A'; the grade II listed building on Upper Street (block 'D'); a single storey vacant building to the rear of Almeida Street (block F) and the retained façade and a part constructed element (Block B) at the south eastern part of the site to the rear of Upper Street.

- 4.7 The later approval (block C) is at the north eastern part of the site and incorporates the former Mitre Public House, fronting Upper Street and the Islington Delivery Office, a 4-storey building (with roof structures rising to 5-storeys).
- 4.8 The predominant use of Upper Street in this location consists of retail and related uses at ground floor levels with residential use at upper floors. The adjoining roads are residential in character and incorporate late Georgian and early Victorian housing and form part of the Barnsbury Conservation Area, a Conservation Area which is particularly consistent and complete in form and has been declared to be of 'outstanding importance'.
- 4.9 The current planning application relates to the south-eastern corner of Block A, and identified as Unit G7A within the wider permissions.

5. PROPOSAL (IN DETAIL)

- 5.1 The application seeks a change of use to Unit G7A (Block A) from Use Class A1 (Shops) to flexible Use Class A1 (Shops) or A3 (Restaurant/Cafe).
- 5.2 The size of Unit G7A is approximately 200 square metres in size.
- 5.3 Servicing and access arrangements would be in line with details already approved under the wider Almeida planning permissions.

6. RELEVANT HISTORY:

- 6.1 Site 1 -
- 6.2 Planning approval (P052245) was granted in July 2007 for: Partial demolition, alteration, extension and change of use of buildings A,B,D F, and associated outbuildings and structures, to provide a mixed use scheme comprising residential (C3), with the creation of 185 new dwellings (127 private and 58 affordable). Change of use of remainder of buildings with 2348 sq m new floorspace to provide: Business (B1) Retail (A1, A2, A3 including relocation of post office counter), leisure (D2) serviced apartments (temporary sleeping accommodation as defined by the Greater London Planning Act 1973) performance space, rehearsal space and theatre storage, with associated access, parking and landscaping.
- 6.3 Subsequent to the above, three non-material minor amendment (section 96a) applications (all Block A) have been submitted and approved to reconfigure the residential, serviced apartment and office layouts. The number of residential units remains unchanged, whilst the floorspace of the serviced apartments also remained unchanged. A number of planning conditions have also been submitted and discharged in relation to this part of the site.
- 6.4 A Section 73 (material amendment) application (Ref: P2013/2697/S73) was granted consent to amend the original approval to allow for replacing the ground floor office space (2,155 sq.m.) in 'Block A' with retail; replacing the retail at the upper basement level of 'Block B' (1854 sq.m.) with planning use class D2 (Assembly and leisure) space; and, replacing the approved servicing area at ground floor level of 'Block B' with retail.

6.5 Site 2 –

6.6 Planning approval (P090774) was granted in March 2012 for the Demolition of 5-6 Almeida Street and erection of a part 2, 5, 6, 7 and 8-storey building, above two basement levels, providing for 5,137sqm Class A1 (retail) floorspace, 242sqm flexible Class A1/A3 (retail / café-restaurant) floorspace, 208sqm Class A4 (drinking establishment) floorspace, 859sqm Class B1 (business) floorspace and 78 dwellings, together with cycle parking, servicing and 12 disabled car-parking spaces; erection of a roof extension, part 2, part 4-storey rear extension and basement to 128 and 130 Upper Street together with associated alterations, access and landscaping.

6.7 A section 73 (material amendment) application (P2012/0256/FUL) was granted consent to relocate servicing level from Lower Basement to Upper Basement (replacing 2,498 sq.m. of retail space); and to introduce a multi-purpose rehearsal and performance space (planning use class D2 - Assembly and Leisure) to lower basement level.

PRE-APPLICATION ADVICE:

6.8 The applicant is in regular discussion with the Council over planning matters relating to this site.

6.9 However, the current application was not brought to the attention of officers prior to its formal submission.

7. CONSULTATION

Public Consultation

7.1 The proposal as submitted was consulted upon and letters were sent to occupants of 59 adjoining and nearby properties on 06 September 2016. A site notice and press advert were also displayed on this date. In response to the first consultation period a total of 16 objections were received from the public with regard to the application and a petition with 35 signatories.

7.2 A Noise Impact Assessment was submitted by the applicant after the consultation period. The further information submitted was also subject to a re-consultation period. The same occupants of 59 adjoining and nearby properties along with the 16 objectors were consulted, which began on 2 December 2016 and ended on 23 December 2016. A site notice and press advert were also displayed on this date.

7.3 In response to the second consultation period. 2 further objections were submitted along with further representations from those who has objected under the first consultation period. The petition with 35 signatories was also submitted.

7.4 Therefore, at the time of the writing of this report a total of 18 objections and 1 petition has been received from the public with regard to the application. These include objections raised by the Moon St & Studd St residents association.

7.5 The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Late opening hours leading to increased disturbance and noise on the site late at night

The proposed opening hours of the unit is in line with the original hours granted on the original planning permission covering the whole site and this condition forms part of the recommendation. Additionally, the proposed use of an A3 unit is appropriate within a town centre location and the egress of patrons is conditioned to take place from Upper Street from 10.00pm onwards in order to protect the amenities of residents to the south.

- Noise and nuisance (e.g. smoke) caused to residents in the area when customers and staff stand outside the unit to smoke and customers leaving late at night, causing noise and disturbance to residents in Moon and Studd Street.

The proposed use is as a restaurant (A3) and not as a drinking establishment (A4) and would be compatible with the designation of the site within a town centre. Further, conditions are imposed to control noise emissions from plant and also to limit the egress of patrons from Studd Street after 10.00pm.

- Increased noise during operation of the site, including noise from extractor fans and kitchen noise (particularly in the summer) and unpleasant cooking smells from the unit via extractor fans or open doorways (particularly in the summer).

Conditions have been recommended by the Council's Noise Pollution officer to ensure that any noise and smell emanating from any plant, flues and extractors are contained within levels to protect the amenities of neighbouring residential properties within and outside of the wider Almeida site.

- The proposed A3 unit would give rise to anti-social behaviour.

The proposed use is as a restaurant (A3) and not as a drinking establishment (A4) and would be compatible with the designation of the site within a town centre. Further, a condition is imposed to limit the egress of patrons from Studd Street after 10.00pm.

- The submitted Noise Impact Assessment only takes into account the residential properties above the proposed A3 unit and not those in Studd and Moon Streets.

The applicant has submitted a Noise Impact Assessment with regard to the impact of the proposed A3 unit on the closest residential properties which exist on the upper floors directly above the proposed unit within Block A. The residential properties to the south in Moon and Studd Streets are located at least 16 metres away from the application site from their rear residential boundaries. This distance is increased further to the rear elevations of the buildings. Any mitigation put forward to address amenity impacts on the closest residential properties to the application site would suffice for those that are located further away.

- Cumulative impact of proposed use.

It is not considered that there would be a negative cumulative impact of introducing a further A3 unit of approximately 200 square metres to this specific part of the wider Almeida development along the new north-south road within the site, which is encouraged by the site's allocation and location within the town centre designation. Conditions have been imposed to protect residential amenity,

whilst the current application would not set a precedent for any future applications.

External Consultees

7.6 None Applicable

Internal Consultees

7.7 Commercial Environmental Health Team officer have reviewed the application and recommended a condition seeking details of the flues and extraction systems to be used. [Condition 3]

7.8 Public Protection Division (Noise Team) reviewed the initial submission and stated the following:

“The applicant proposes a change of use from A1 to A3. The submission states ventilation will be connected to the louvres above the entrance door. They have provided no information on the extract system, fan, predicted noise levels at nearby receptors and required mitigation. There is residential in close proximity to the unit and potential significant effects due to noise. Therefore without the information above to demonstrate that noise impacts can be controlled the Pollution team object to the proposal.”

7.9 In response to the above comments the applicant submitted a Noise Impact Assessment, which was consulted upon and the Noise Team responded as follows:

“I’ve looked over the report. The report has compiled their own guidance and not taken our policy into account. I would advise that the following condition controlling the noise impact from the plant is applied to any permission granted”. [Condition 4]

“In addition the plant is assumed to only operate within 0700-2300 hours. I would advise a condition requiring a timer switch is included to control this impact”. [Condition 6]

“The kitchen extraction fan has not been specified (and will not be specified until an operator takes the unit). However the report assumes that no correction for tonality, impulsivity, intermittency etc is applied.” To validate this assumption a condition was recommended seeking 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 4 with regard to noise impact. The report is to be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures will require to be installed before commencement of the use and permanently retained thereafter, should planning permission be granted.

8. 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

- 8.1 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.
- 8.2 Since March 2014 Planning Practice Guidance for England has been published online.

Development Plan

- 8.3 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.

Planning Advice Note/Planning Brief

- 8.4 A Planning Brief titled 'Almeida Street Sorting Office, Almeida Street, N1' was published in June 2002 and offers site-specific guidance (for ease of reference this document shall hereafter be referred to as the '2002 Brief'). It does not form an adopted policy of the Development Plan (i.e. the London Plan and Islington Local Plan). It should also be stated that given its age (11 years since publication) it no longer reflects current adopted policy and guidance. However, the Planning Brief provided the basis for the original consent and was a factor in the grant of the original permission, which provides useful background information on how the balance of uses within the approved development came about.

Designations

- 8.5 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:
- Angel Town Centre
 - Upper Street North Conservation Area
 - Barnsbury Conservation Area
 - Archaeological Priority Area
 - Listed building on the site (Post Office, 116-118 Upper Street)
 - Locally listed building (Mitre PH)
 - Site Allocation AUS1

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Principle (Land Use)
- Design, Conservation and Heritage Considerations
- Accessibility
- Neighbouring Amenity
- Highways and Transportation

Land-use

9.2 The application proposes a change of use from A1 to A1 or A3, within the Angel Town Centre. As such, the application must be treated as a loss of A1 as the dual use leaves no guarantee of A1 occupation.

9.3 The key consideration with regard to the change of use from A1 to flexible A1/A3, is the potential loss of A1 floorspace, if all of the floorspace under consideration is eventually put to A3 use as per the consent sought by the application. The key policy is DM Policy 4.4 (Town Centres), in particular part C, as well as its supporting text in paragraphs 4.25 – 4.29.

9.4 DM Policy 4.4C sets out that development within designated Town Centres is required to meet a series of criteria around appropriateness in scale, character and function, contributing positively to the vitality and viability of the centre, promoting a vibrant and attractive place.

9.5 It is not considered that the potential provision of A3 uses, whilst keeping options open for A1 use, would contradict any of the criteria i) to vii) in DM Policy 4.4C. Use Class A3 is a main town centre use, and the proposal is not located in one of the Primary or Secondary Frontages in Angel Town Centre, where policy DM Policy 4.5 (Primary and Secondary Frontages) would then be applicable.

9.6 Additionally, DM Policy 4.4C sets out limited criteria under which change of use from retail to non-main town centre uses may be allowed, although it will be generally strongly resisted. Use Class A3 is a main town centre use and as such there is no presumption against changes between A1 and A3 uses in policy, outside of the Primary and Secondary Frontages.

9.7 This stance is further justified in paragraph 4.28 of the supporting text, which states that the council considers that *“outside core retailing areas, there is more scope to introduce other main Town Centre uses, providing greater opportunities for flexibility and a diversity of uses in the interests of maintaining and enhancing a Town Centre’s vitality and viability.”*

9.8 The application site forms part of Site Allocation AUS1 in Islington’s Local Plan. Site Allocation AUS 1 states in its design considerations and constraints section that *“active uses are encouraged at ground floor level to animate the new north-south road which will run through the greater Post Office site and the minor through route which will connect to Upper Street as well as the frontage onto Upper Street”*.

- 9.9 The application site is identified as Unit G7A within the wider Almeida permission and has a size of approximately 200 square metres. It is located on the southwestern corner of the new north-south road. Therefore, the change of use from A1 to A3 would not conflict with the above allocation in not contributing to an animated frontage.
- 9.10 However, the Site Allocation also goes on to state: *“due to the site’s close proximity to a number of residential properties any future uses will need to respect residential amenity, particularly with regard to noise and the hours of operation”*. These amenity considerations are further emphasised within Development Management Policies.
- 9.11 DM Policy 4.3 (Location and concentration of uses) must also be considered given the proposal could potentially result in a change of use to Use Class A3 should the whole building be used in this manner. Use Class A3 (café/restaurant) is one of the list of uses that part A of the policy specifies that such uses may be resisted where they:
- i) would result in negative cumulative impacts due to an unacceptable concentration of such uses in one area, or
 - ii) would cause unacceptable disturbance or detrimentally affect the amenity character and function of an area.
- 9.12 With regards to criterion ii), the potential impacts of opening hours, odour and other amenity impacts are dealt with in other section of this Committee report.
- 9.13 With regards to criterion i), it is not considered that there would be a negative cumulative impact of introducing a further A3 unit of approximately 200 square metres to this specific part of the wider Almeida development along the new north-south road within the site. It should also be noted that should the current proposal be granted permission to be used for Class A3 purposes for this specific unit (G7A), it would not set a precedent for any future applications that may arise along the new north-south road from A1 to A3. Any future applications would be assessed on their own merits and the cumulative changes across the site would require to be taken into account should such applications arise.

Design, Conservation and Heritage Considerations

- 9.14 This application does not comprise of any external or internal works to those already approved under the wider Almeida planning permissions.
- 9.15 However, it should be noted that conditions have been recommended by the Council’s Environmental Health officer with regards to further details relating to full particulars and details of a scheme for sound insulation between the proposed A1/A3 use, as well as details of the proposed flues/extraction systems for the unit should it be used for Class A3 purposes.
- 9.16 It is considered that the details that would be required for the above two conditions could also trigger the need for further planning consent and in particular regarding details for flues and extract systems. Should any such flues/extract systems project externally and thus result in external alterations, then this would trigger the need for further planning consent. Should any such external alterations come as a result of details submitted to discharge conditions, it is not considered that such considerations can be dealt with under the submission of discharging a condition. The site is within a conservation area, and therefore any such external alterations

would be subject to notification and consultation procedures which cannot be statutorily exempted through consideration under the discharge of a planning condition.

Accessibility

- 9.17 The unit subject of this planning application will be subject to the inclusive design features as approved under the wider Almeida planning permissions.

Neighbouring Amenity

- 9.18 The proposed change of use does not contain any alterations to the approved built form, however the potential change in use of the site to Class A3 (restaurant) must be considered in light of any potential impact on neighbouring properties and other uses within the wider Almeida application site.

Noise, Disturbance and Air Pollution

- 9.19 The proposed Class A3 use would be a higher noise generating use and the approved structure of the building would require to be upgraded to add mass and mitigate the transmission of noise to the residential properties on the upper floors in Block A above the proposed A3 unit, along with the neighbouring properties to the south in Studd and Moon Streets.
- 9.20 The applicant has submitted a Noise Impact Assessment with regard to the impact of the proposed A3 unit on the closest residential properties which exist on the upper floors directly above the proposed unit within Block A. The residential properties to the south in Moon and Studd Streets are located at least 16 metres away from the application site from their rear residential boundaries. This distance is increased further to the rear elevations of the buildings. Any mitigation put forward to address amenity impacts on the closest residential properties to the application site would suffice for those that are located further away.
- 9.21 The Council's Pollution Team officer has advised several conditions be imposed should any planning permission be granted. They have requested details of a scheme for sound insulation between the proposed A1/A3 use and the upper floors of Block A. Whilst this is a condition on the original planning permission for the wider Almeida site, it is considered appropriate that these details be submitted under the current application with specific regard to those properties immediately above Unit G7A [Condition 5].
- 9.22 Furthermore, the Council's Pollution Team officer has advised that details of any kitchen extract or building services plant that would be required for the proposed non-residential uses. It is considered that such details can be imposed via condition should planning permission be granted [Condition 3].
- 9.23 Additionally, conditions have been recommended controlling the noise impact from the plant is applied by specifying the maximum noise levels to arise from the proposed plant [Condition 4], while another condition would require a timer switch to control the plant from operating only between 0700-2300 hours [Condition 6].
- 9.24 Finally, the kitchen extraction fan has not been specified (and will not be specified until an operator takes the unit). However the applicant's report assumes that no correction for tonality, impulsivity, intermittency etc. is applied. In order to validate this assumption a condition has been recommended by the Council's Pollution Team

seeking a report 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 4 with regard to noise impact. The report is to be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures will require to be installed before commencement of the use and permanently retained thereafter, should planning permission be granted.

- 9.25 These conditions would be in the interest of protecting future residential amenity against undue noise and nuisance arising from the non-residential uses with particular regard to the Class A3 use.

Hours of Operation

- 9.26 The proposed hours of use for the current application have not been specified on the application. However, it should be noted that all Class A3 units under the original planning permission covering the part of the Almeida site which contained Blocks A – D (which also contains the unit subject to this application) were limited to operating between the hours of 0800 and 2300 on any day.
- 9.27 As such, it is considered that the same condition should be imposed on the current planning application so as to ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.
- 9.28 Furthermore, the management study submitted under the original planning permission showed that the arcade doors to Upper Street will be open 30 minutes before trading commences and closed 30 minutes after the arcade closes. The access doors onto the new north-south road will be closed at 10.00pm. The principle Upper Street entrance will close at 12.30am and all exits and entrances from the A3 uses will be from this direction and not down Studd Street. Upper Street is a busy thoroughfare which can accommodate this increased extra use. The exit of the small number of patrons, this way is not considered to be a nuisance to neighbouring residents. As such, a condition was imposed limiting egression from Upper Street only after 10.00pm and it is considered that the same condition apply to the current application.

Highways and Transportation

- 9.29 The application site formed part of the wider Almeida site allocation and as part of the planning permissions covering the whole site there was a condition stating that occupation of this site shall not take place until the delivery and servicing plan and requirements had been provided as part of those permissions.
- 9.30 No details with regard to delivery and servicing requirements have been submitted with the current application. Transportation officers have reviewed the current application and advised that they do not have any in principle objection to the proposed change of use subject to the delivery and servicing management plan approved under the consents for the wider Almeida application site being delivered and implemented prior to the occupation of this specific site (unit within Block A).
- 9.31 Therefore, it is recommended that a condition be imposed on any planning permission stating that the application site shall not be occupied or used before the loading, turning and vehicular access facilities shown in the submitted plans for Block B within the wider Almeida application site as approved by Planning Permission Ref: P052245 dated 6th July 2007, or as an alternative the servicing facilities located

within Block C of the wider Almeida application site as approved by Planning Permission Ref: P2012/0256/FUL dated 27th November 2013 (or any subsequently approved section 73 application), have been constructed.

- 9.32 It should also be noted that under the previous planning consents there was still some uncertainty as to how some of the retail units would be served from the new servicing bay and as such an additional condition was imposed on both approvals requiring the submission of a servicing management strategy for the whole site so that such issues are resolved before occupation.
- 9.33 With regard to this application this shall be addressed via an informative advising the applicant that if the servicing facilities are proposed to be provided in Block C of the wider Almeida application site then further details of the access arrangements for servicing the premises in Block B from the Block C servicing area shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the Block C basement, as required by Planning Permission Reference: P2012/0256/FUL dated 27th November 2013 and Planning Permission Reference: P2013/2697/S73 dated 04th November 2014.
- 9.34 Therefore, occupation of this application site (unit within Block A) would only occur once servicing and delivery arrangements have been provided, and before these are constructed further details may be required depending on which strategy the land owner elects to take forward, as outlined by other permissions covering the location of those areas to serve these arrangements.

10. SUMMARY AND CONCLUSION

Summary

- 10.1 The proposed change of use is considered to be acceptable and appropriate to the site's location within the revised Angel Town Centre subject to conditions outlined in this Committee report.

Conclusion

- 10.2 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:

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| 1 | Commencement CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5). |
| 2 | Approved Plans List CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: Drawing Nos. 1633_DWG_00_100 Rev PL2; 1633_DWG_01 REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning. |
| 3 | Flues and Extraction CONDITION: Details of proposed flues/extraction systems for the units hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the unit to which they relate. The filter systems of the approved flue/extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible. The flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the commercial units to which they relate and maintained as such thereafter. REASON: In the interest of protecting future residential amenity and the appearance of the resulting building(s). |
| 4 | Fixed Plant CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014. REASON: In the interest of protecting future residential amenity and the appearance of the resulting building(s). |

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| 5 | Noise Impact Assessment |
| | <p>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 4. 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.</p> <p>REASON: In the interest of protecting future residential amenity and the appearance of the resulting building(s).</p> |
| 6 | Hours of Operation – Flexible Use |
| | <p>CONDITION: The hereby approved A3 use shall not operate except between the hours of 08.00 to 23.00 on any day.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p> |
| 7 | Sound Insulation between Different Uses |
| | <p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed A1/A3 use and adjoining buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the use commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of protecting future residential amenity against undue noise and nuisance arising from non-residential uses.</p> |
| 8 | Delivery and Servicing |
| | <p>CONDITION: The application site shall not be occupied or used before the loading, turning and vehicular access facilities shown in the submitted plans for Block B within the wider Almeida application site as approved by Planning Permission Ref: P052245 dated 6th July 2007, or as an alternative the servicing facilities located within Block C of the wider Almeida application site as approved by Planning Permission Ref: P2012/0256/FUL dated 27th November 2013 (or any subsequently approved section 73 application), shall have been constructed and such facilities shall thereafter be retained for the purposes so approved unless otherwise previously agreed by the Local Planning Authority.</p> <p>REASON: To ensure that the traffic generated by the proposed development does not prejudice the free flow of traffic nor public safety along the neighbouring highway.</p> |
| 9 | Entrance/Exit from A3 unit |
| | <p>CONDITION: Entrance or exit from the hereby approved A3 unit after 22.00 hours on any day shall be from Upper Street only.</p> <p>REASON: In order to protect residential amenity.</p> |

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 2.5 Sub-regions

Policy 2.9 Inner London

Policy 2.14 Areas for regeneration

Policy 2.15 Town centres

Policy 4.9 Small shops

Policy 4.12 Improving opportunities for all

6 London's transport

Policy 6.14 Freight

7 London's living places and spaces

Policy 7.2 An inclusive environment

Policy 7.8 Heritage assets and archaeology

Policy 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

3 London's people

Policy 3.1 Ensuring equal life chances for all

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.3 Mixed use development and offices

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

Policy 8.4 Monitoring and review for London

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS5 (Angel and Upper Street)

Policy CS13 (Employment Spaces)

Policy CS14 (Retail and Services)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

Policy CS11 (Waste)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

C) Development Management Policies June 2013

Design and Heritage

DM2.2 Inclusive Design

DM2.3 Heritage

Health and open space

DM6.1 Healthy development

Shops, culture and services

DM4.1 Maintaining and promoting small and independent shops

DM4.2 Entertainment and the night-time economy

DM4.3 Location and concentration of uses

DM4.4 Promoting Islington's Town Centres

DM4.8 Shopfronts

Transport

DM8.2 Managing transport impacts

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

D) Site Allocations June 2013

AUS1 Site Allocation allocated sites

3. Planning Advice Note/Planning Brief

A Planning Brief titled 'Almeida Street Sorting Office, Almeida Street, N1' was published in June 2002 and offers site-specific guidance (for ease of reference this document shall hereafter be referred to as the '2002 Brief'). It does not form an adopted policy of the Development Plan (i.e. the London Plan and Islington Local Plan). It should also be stated that given its age (11 years since publication) it no longer reflects current adopted policy and guidance.

4. Designations

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

- Angel Town Centre
- Upper Street North Conservation Area
- Barnsbury Conservation Area
- Archaeological Priority Area
- Listed building on the site (Post Office, 116-118 Upper Street)
- Locally listed building (Mitre PH)
- Site Allocation AUS1

5. 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
- Development Viability SPD

London Plan

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