

## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department



<b>PLANNING SUB- COMMITTEE A</b>		<b>AGENDA ITEM NO :6</b>	
<b>Date:</b>	9 <sup>th</sup> May 2017	<b>NON-EXEMPT</b>	

Application number	P2016/2659/FUL
Application type	Full Planning application
Ward	St Marys
Listed Building	None
Development Plan Context	The Angel Conservation Area Islington Village Archaeological Priority Area Angel & Upper Street Core Strategy Key Area Central Activities Zone Angel Town Centre
Licensing Implications Proposal	None
Site Address	The Alban Building Rear of 71-73 Upper Street 1 St Alban's Place London N1 0NX
Proposal	Demolition of existing single storey workshop and the construction of a three storey building comprising of office (Class B1) floorspace at the lower ground/basement level and part of ground and first floor levels, with the creation of 3 x 2 bedroom residential apartments over the remaining ground, first and second floor levels.

Case Officer	Daniel Jeffries
Applicant	Grays Road Investments Ltd. - Mr Simcha Green
Agent	Cook Associates Design Studio LLP

### 1. RECOMMENDATION

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

1. The conditions set out in Appendix 1; and
2. Completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the contributions for affordable housing, carbon offsetting.

## 2 SITE PLAN (SITE OUTLINED IN BLACK)



### 3. PHOTOS OF SITE/STREET



Image 1: Aerial view of site



Image 2: Existing building taken from St Alban Place facing to the west





Image 3: View of the side elevation of the existing building to the west



Image 4: Rear elevation of existing building showing extraction facilities on the properties to the rear of 71 to 73 Upper Street.

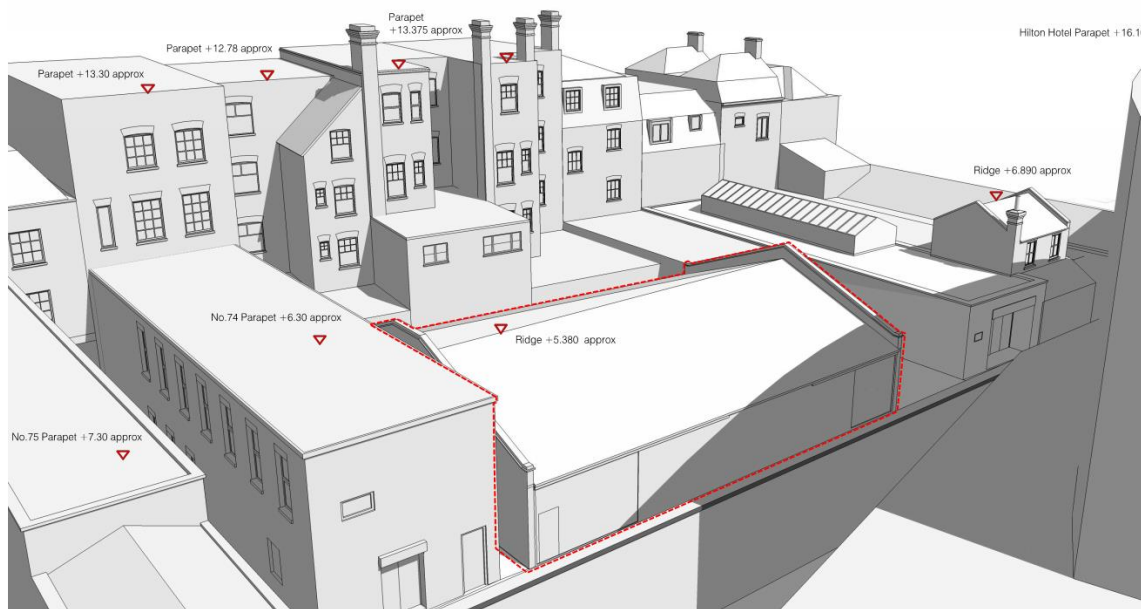
## 4. SUMMARY

- 4.1 The application seeks permission for the demolition of the existing single storey building, with an existing use as a workshop (B1) and redevelopment of the site to provide a three storey building with basement below. This would provide B1 office/workshop space at basement and part of the ground and first floor levels, in addition to three residential units (3 x 2 bedroom) located at ground, first and second floor levels. The residential units would include amenity space, in the form of roof terraces and rear gardens, and storage space for cycles and refuse to the front elevation.
- 4.2 The principle of the development is considered acceptable given that it would be a modest increase in the existing business floorspace and would provide additional residential accommodation in a highly accessible location.
- 4.3 The design, layout, scale and massing of the proposed development is considered to be visually acceptable and would visually integrate with the surrounding properties and be in keeping with the Angel Conservation Area. The development would add visual interest to what is an existing poorly surveyed and run down laneway within this location.
- 4.4 The quality of the resulting commercial and residential space is on balance considered to be acceptable, complying with the minimum internal space standards required by the London Plan and Mayor's Housing SPG (2016). The Core Strategy aims to ensure that in the future an adequate mix of dwelling sizes are delivered within new development, alongside the protection of existing family housing. Policy CS12 (Meeting the housing challenge) notes that a range of unit sizes should be provided within each housing proposal to meet the need in the borough, including maximising the proportion of family accommodation. Development Management Policy DM9 (Mix of housing sizes) further states the requirement to provide a good mix of housing sizes. Each of the proposed units are 2 bedroom developments.
- 4.5 The development also secures the full small sites payment of £150,000 towards off site affordable housing provision and CO2 offsetting fee of £3,000.
- 4.6 Private amenity space is provided (Unit 1: 14.5 sqm; Unit 2: 12.8 sqm; Unit 3: 12.4 sqm), whilst it would be below the Council's requirements, it is considered acceptable given the tight constraints of the site. It is proposed that the new build dwellings would be constructed to meet the standards set by the Code for Sustainable Homes.
- 4.7 The redevelopment of the site has no vehicle parking on site and occupiers will have no ability to obtain car parking permits (except for parking needed to meet the needs of disabled people), in accordance with Islington Core Strategy policy CS10 which identifies that all new development shall be car free. Appropriately located cycle parking facilities for residents have been allocated within the site in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines'.
- 4.8 The development would be located in close proximity to adjoining commercial and residential uses. Careful consideration has been given to ensure that the proposed built form and layout of windows would not materially prejudice the amenity levels of adjoining occupiers/users. Where there will be negative impacts these are considered to not be so material in scale to justify the refusal of the application.
- 4.9 In terms of accessibility, refuse and sustainability credentials the proposed development is considered to be compliant with the council standards and expectations for a development of this scale and type. Further conditions are suggested to ensure this moving forward. The proposal is therefore recommended for approval, subject to conditions and S106 legal agreement.

## 5. SITE AND SURROUNDING

- 5.1 The site is located on the Eastern Side of St Alban's Place accessed through a narrow lane from Upper Street. The site comprises of a single storey warehouse building and is surrounded by a mixture of uses, with the properties along Upper Street to the rear being commercial (mostly restaurants) on the ground and basement levels with residential above. Directly to the West is the Hilton Hotel. The surrounding streets consist of commercial units on the ground floor and residential units on the upper floors.
- 5.2 The nearest windows to the proposal serve the residential units on the upper floors of Upper Street to the east of the site. These windows face on to the pitched roof of the existing single storey building subject to this application, and the extraction equipment associated with the existing commercial units to the ground floor along 71 to 73 Upper Street.
- 5.3 The existing pitched roofed single storey warehouse building is unattractive and is considered to make no positive contribution to the surrounding Angel Conservation Area.
- 5.4 The site is also located within the Angel Town Centre and the Central Activities Zone.

Existing Site Model



MODEL OF EXISTING SITE AND SURROUNDING CONTEXT LOOKING EAST

Image 5: Visual of existing building



Image 6: Site Plan and surrounding land use

## 6. PROPOSAL (in Detail)

- 6.1 The application consists of the demolition of the existing mid-20th century single storey warehouse (light industrial building B1 use – carpet repair and storage) building and its replacement with a three storey (over basement level) building) containing three residential units with B1 office space at the basement level and part ground and first floor level.
- 6.2 The existing single storey warehouse is in use as a carpet repair and cleaning business and is an unattractive pitched roofed building constructed of brick with a corrugated iron roof, and measures approximately 259 m<sup>2</sup> and approximately 5.9m in height.
- 6.3 The proposed three storey over basement level building will provide a total of 269.4 m<sup>2</sup> of B1 office space, along with 3 x 2 bed dwellings apartments (proposed building measuring 8.7m approx. height).
- 6.4 The proposal is a resubmitted scheme (ref. P2014/4396/FUL) for 'Demolition of existing single storey workshop and the construction of a three storey building (basement, ground and one upper floor) comprising office (Class B1) floor space over lower ground floor and 4 x 2 bed duplex residential apartments (Class C3) on the ground and first floor and associated works' which was refused for the following reasons:
  - The proposal would result in the loss of business (B1 Use Class) floorspace;
  - The increased sense of and a detrimental impact on the outlook of the neighbouring residential properties; and
  - The substandard level of accommodation to the detriment of the amenity for future occupiers.

6.5 This subsequent Appeal Decision (ref. APP/V5570/W/15/3136930) considered that the scheme would *'fall seriously fall short in terms of the living environment it would create for occupiers of the proposed flats. Thus it would not achieve the high quality design, high quality homes and good standard of amenity'*.

6.6 The main differences between this previously refused and dismissed appeal scheme are as follows:

- The main design changes of the scheme has resulted in the increase in the proposed height of the development to 8.7metres as currently proposed compared to the previous appeal schemes height of 6.3m, with the introduction of an additional floor of accommodation, covering part of the building, which was not part of the previous dismissed appeal scheme.
- The number of units within the proposed scheme has reduced from 4 x 2 bed dwellings to 3 x 2 bed dwellings, with the associated internal reconfiguration and external alterations.
- The new scheme would introduce set back entrances at ground and first floor level, with new glazed over lightwells to the front/west elevation.
- The rear/east elevation of the proposal would be set 0.3m closer to the rear wall of the application site in comparison to the appeal scheme, towards the north east corner of the site. The proposal would also incorporate ground floor private amenity space for the residential units as well as lightwells positioned between. In addition, there would be a new lightwell to the south east corner. These changes would result in the rear elevation windows of the residential units being set away 5.2m from the windows to the adjacent properties, compared to 5.5m in the previous appeal scheme.
- The new scheme would introduce a green roof, to the additional floor, and to the rear wall of the application site.
- The proposal would result in 269.4 sqm of B1 use floorspace, which would include 217 sqm at basement level, 22.4 sqm at ground floor level, and a further 30 sqm at first floor level. The B1 floorspace would include office, research or storage at basement level, but not industrial, with the use above ground being used as office or research. The refused scheme provided 219 sqm of B1 use (office) floorspace at basement level only. The revised scheme would therefore result in an uplift of 50 sqm over appeal scheme.
- The proposal would include a designated area, internally, for refuse and recycling to the ground floor for the B1 floorspace, with a separate entrance to this use.

## 7. RELEVANT HISTORY

### PLANNING APPLICATIONS:

- 7.1 P111702 - Construction of three storey plus basement building comprising x 2 office/light industrial uses (B1 use class) in basement, x 6 two bedroom (three and four person) flats on ground, first and second floors including demolition of existing light industrial building (B1 Use Class). Conservation area consent application P111703 also submitted. (Withdrawn 20/03/2013)
- 7.2 P112614 - The demolition of a single storey warehouse and the erection of a two storey plus basement building, comprising four 2-bedroom flats and two B1 office/workshop spaces. (Refused. 30/07/2012)

This application was refused for the following reason: The proposed two storey, plus basement building is considered to be an unacceptable form of development, due to its size, scale bulk and height. Its construction would have a detrimental impact on the character and appearance of the Conservation Area and the amenities of the adjoining neighbours and also would not comply with policy CS9 (Protecting and Enhancing Islington's Built and Historic



Environment), Policy CS13 (Employment Spaces) of the Core Strategy; policies D3 (Site Planning), D4 (Designing in context), D22 (New Development) and D24 (Materials) of the Islington Unitary Development Plan (2002); and the objectives of the Islington Urban Design Guide (2006) and Conservation Area Guidance notes.

- 7.3 P112615 - The demolition of a single storey warehouse and the erection of a three storey plus basement building, comprising six 2-bedroom flats and two B1 office/workshop spaces. (Refused 23/07/2012) This application was refused for the following reason: The proposed three storey, plus basement building is considered to be an unacceptable form of development, due to its size, scale bulk and height. Its construction would have a detrimental impact on the character and appearance of the Conservation Area and the amenities of the adjoining neighbours and also would not comply with policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment), Policy CS13 (Employment Spaces) of the Core Strategy; policies D3 (Site Planning), D4 (Designing in context), D22 (New Development) and D24 (Materials) of the Islington Unitary Development Plan (2002); and the objectives of the Islington Urban Design Guide (2006) and Conservation Area Guidance notes and the National Planning Policy Framework 2012.
- 7.4 851849 Redevelopment to provide a part two part three storey building for printing workshop with ancillary offices. (Granted 06/06/1986).
- 7.5 P112030 (No 5-8 St Alban's Place) Demolition of the existing light industrial building (B1 Use Class) and erection of a four storey building incorporating office space (B1 Use Class) at ground floor level and residential accommodation (8 x two-bed flat and 1 one-bed flat) (C3 Use Class) on the upper floors. (Granted 14/03/2012)
- 7.6 P2014/4396/FUL - Demolition of existing single storey workshop and the construction of a three storey building (basement, ground and one upper floor) comprising office (Class B1) floorspace over lower ground floor and 4 x 2 bed duplex residential apartments (Class C3) on the ground and first floor and associated works. Refused on 09/06/2016 (Reasons for refusal: The proposal would result in the loss of office (B1 Use Class) floorspace; increased sense of and a detrimental impact on the outlook of the neighbouring residential properties; and substandard level of accommodation to the detriment of the amenity for future occupiers)

The subsequent Appeal Decision (ref. APP/V5570/W/15/3136930) was dismissed as it would not provide a good living environment for future occupiers, and would not achieve the high quality design, high quality homes and good standard of amenity.

#### **ENFORCEMENT:**

- 7.7 None

#### **PRE-APPLICATION:**

- 7.8 Q2014/1300/MIN Advice was sought on the principle of the scheme, the scale of the development, impact upon amenity and policy requirements. The advice provided resulted in a Daylight/Sunlight assessment being submitted, and roof terraces being introduced to provide amenity space.

### **8. CONSULTATION**

#### **Public Consultation**

- 8.1 Letters were sent to occupants of adjoining neighbouring properties, on 1<sup>st</sup> August 2016, and site notice and press adverts were also displayed, for the original scheme. Following the receipt of amended drawings and documentation, further consultation has occurred on 16<sup>th</sup> November 2016, 15<sup>th</sup> February 2017, 1<sup>st</sup> March 2017 and 27<sup>th</sup> March 2017.

- 8.2 The application was subject to additional consultation in the form of neighbour notification letters. This is as a result of amendments to a number of elements of the proposal. These amendments involve changes to the design, including to the rear elevation and at roof level, incorporation of a green roof, internal reconfiguration, an associated updated Daylight/Sunlight Report, and Structural Method Statement, and the internal reconfiguration, including changing the business floorspace to include part of the ground floor.
- 8.3 The consultation period has expired, however it is council policy to accept letters of representation up until the date of determination. At the time of the writing of this report 22 letters objecting to the proposal have been received, which are summarised as follows (with paragraph numbers stated in brackets stating where the issue is addressed)
- Loss of business floorspace (10.2-10.9)
  - Design and visual appearance on the surrounding area (10.16-10.27)
  - Height of building (10.16-10.27)
  - May lead to future noise concerns from neighbouring commercial (restaurants/public houses) A3/A4 uses by introduction of residential units (10.39-10.41)
  - Loss of daylight/sunlight to neighbouring properties to neighbouring properties along Upper Street (10.62-10.69)
  - Loss of privacy/outlook to the rear of neighbouring properties along Upper Street and to the Hotel to west (10.64)
  - Standard of accommodation (10.32-10.45)
  - Refuse and recycling (10.82-10.84)
  - Security issues to future occupiers (10.85-10.87)
  - Sound insulation (10.40)
  - Impact on the fire escape and emergency access (**Fire brigade raises no objections to the development and section 10.90**)
  - Accessibility issues for flats (10.54-10.58)
  - Disruption during construction period (10.53)

#### **Internal Consultees**

- 8.4 **Design & Conservation:** raised no objections to the proposal bearing in mind the backland nature of the site and the very poor appearance of the existing buildings on site.
- 8.5 **Pollution (Acoustic) Officer:** raised no objections subject to conditions.
- 8.6 **Inclusive Design Officer:** raised concerns in relation to lack of wheelchair access.
- 8.7 **Sustainability Officer:** raised no objections subject to energy and sustainability conditions.
- 8.8 **Highways:** Note the existing roadway around the site is a private road and recommend a CMP condition to control construction traffic as the development is enacted.
- 8.9 **Street Environmental Services:** no objections subject to conditions

## **External Consultees**

- 8.10 **English Heritage (GLAAS):** No objections subject to condition.
- 8.11 **Fire Brigade:** no objections to the proposal.
- 8.12 **Secured by Design:** raised no objections to the scheme, but recommended the installation of a gate accessed control.

## **9. REVELANT 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 The National Planning Practice Guidance is a material consideration and has been taken into account as part of the assessment of these proposals.

### **Development Plan**

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

### **Supplementary Planning Guidance (SPG) / Document (SPD)**

- 9.4 The relevant SPGs and/or SPDs are listed in Appendix 2.

## **10. ASSESSMENT**

- 10.1 The main issues arising from this proposal relate to:

Land use

Design and visual impact on the street scene and conservation area.

Mix and standard of accommodation

Basement development

Inclusive design

Impact on neighbouring amenity

Transport

Affordable housing

Sustainability

Waste/Recycling

## Security

### Land use

#### Principle of business floorspace

- 10.2 The proposal would result in the demolition of the existing single storey building used as workshop, B1 use, being classified as business floorspace. The existing building consists of 69.4 sqm of business floorspace. Following amendments to the scheme the proposed building would include 269.4 sqm of floorspace for business use (B1 Use), at basement, ground and first floor levels. The applicant has confirmed that this would include 217 sqm at basement level, to be used for office, research or storage. With a further 22.4 sqm at ground floor level, and 30 sqm at first floor level being used as office or research. This would result in 0.4 sqm of additional business floorspace compared to the existing situation on site albeit to a more modern layout overall.
- 10.3 Policy DM5.1 of Development Management Policies (2013) provides advice on the provision of new business floorspace. The most relevant sections of this policy are Part A and Part F. Part A states the following:
- ‘Within Town Centres and Employment Growth Areas the council will encourage the intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units. Within these locations proposals for the redevelopment or Change of Use of existing business floorspace are required to incorporate:*
- i) the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations, and*
  - ii) a mix of complementary uses, including active frontages where appropriate’.*
- 10.5 Part F states the following:
- ‘New business floorspace must be designed to:*
- i) allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses, and*
  - ii) provide full separation of business and residential floorspace, where forming part of a mixed use residential development’.*
- 10.6 The application site is within the Angel Town Centre, and it is considered that the proposal would broadly comply with the requirements of Part A of the above policy. When compared to the appeal scheme, the office floorspace now provides 217 sq metres in the basement. In the appeal scheme, a terraced area that doubled as a large lightwell was positioned in the north eastern corner of the site and secured significant light into the basement level. This proposal now extends the basement almost to the full extent of the site, with two very small lightwells provided to light the space. This is not considered to be of similar quality to the previous appeal proposal due to the very limited outlook and light that would be received. This coupled with the low (2.5m) floor to ceiling heights is not considered to represent a high quality of office floorspace. However, the scheme does provide a small meeting room at first floor level that would have one window and 3 rooflights serve it. Having regard to the first floor office space, the overall quality of the proposed office floorspace is considered to be on balance, acceptable. It is noted that the previous appeal decision raised little issues with the



overall quality of the proposed commercial floorspace and that the inclusion of the part ground and part first floor office space within this scheme as proposed is considered to mitigate some of the inadequacies in the quality of the proposed basement level.

- 10.7 Given the total new business floorspace would be similar to what currently exists, having regard to the constraints of the site, and the other material considerations in the assessment of the application, it is considered that the proposal has provided the maximum amount of business floorspace reasonably possible on the site, to comply with section i. Furthermore, it is considered the proposal would comply with section ii, given the proposal would include new residential units, which are found within the surrounding area, and would be complementary the new business floorspace.
- 10.8 In terms of Part F, the proposal is considered to have future flexibility for a range of uses, including subdivision and / or amalgamation for a range of business accommodation, including for small businesses. The new business floorspace would be split between the basement, and part of both the ground and first floor levels. The applicant has confirmed that the basement accommodation would be office, research or storage, but not industrial with the ground and first floor levels being for office and research. Given the limited light afforded to the basement, it is not considered that the basement level, at 217 sqm, it is has the potential to be subdivided. However, the ground and first floor accommodation is physically separated from the basement level.
- 10.9 The proposal is considered to comply with Part F, section ii, given that the scheme separates the access to the residential units, which have individual entrances, from the business floorspace which are accessible from the west elevation towards the south of the building.
- 10.10 This assessment included Core Strategy Policy CS13 and its supporting text which seeks to retain a range of business units of varying size and cost, and it also promotes improving the quality of such accommodation, especially within CAZ and town centres where access to public transport is the greatest. For the reasons described above, and that this element of the scheme would provide significantly improved business floorspace accommodation, the principle of providing business floorspace is considered acceptable.
- 10.11 In this instance, the other relevant planning considerations relate to design concerns over height, delivery of housing, provision of floorspace which meets the need of wide range of occupants. Part ii of this policy requires a mix of complementary uses, and, as with the previous scheme, it is considered that an office use can co-exist with residential uses comfortably in this instance.
- 10.12 Notwithstanding the above it is acknowledged that Policy DM5.4 requires the development proposals for employment floorspace, within Employment Growth Areas and Town Centres, must incorporate an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises. However, this policy relates to major developments. The applicant has confirmed that the business floorspace would be built to British Standards and would comply with HSE Health and Safety Regulations.

### Principle of Residential use

- 10.13 The site is located within the Angel/Upper Street Town Centre. Policy DM5.1 states that proposals for the redevelopment or change of use of sites are required to incorporate a mix of complementary uses, including active frontages, whilst also providing the maximum amount of business floor space possible on the site.
- 10.14 Policy 3.4 of the London Plan encourages boroughs to optimise housing output, taking into account local context and character, design principles and transport capacity. This is supported by Core Strategy policy CS12 which seeks to provide more high quality, inclusive and affordable homes within the borough. As such, in principle, it is considered that the redevelopment of this site for residential units is acceptable, subject to the appropriate re-provision of business floorspace.
- 10.15 It is also considered that, given this narrow back land lane location, other commercial uses such as retail may not work, and an active frontage in this case, is not necessary. Whilst there are a number of residential units on the upper floors, there does not appear to be any residential ground floor units in the immediate surrounding area. However, given that the residential accommodation at ground floor is a complementary use to B1 office floor space, on balance, this is considered acceptable in this instance. Furthermore, the ground floor position of residential accommodation was present in the previous appeal scheme and was not previously raised as an issue by the Council, nor by the Planning Inspector in their decision terms of the principle of having residential units in close proximity to the proposed basement commercial accommodation.

### Design and Impact on the Conservation Area

- 10.16 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses. Section 72 (1) of the Act requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area.
- 10.17 Under the National Planning Policy Framework Listed Buildings and Conservation Areas are considered designated heritage assets. Paragraph 128 requires applicants to describe the significance of heritage assets affected by a proposal, including any contribution made by their setting.
- 10.18 Paragraphs 132 – 134 state that great weight should be given to an asset's conservation in a manner appropriate to its historic significance. Significance is defined in the NPPF as: "the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic."
- 10.19 Paragraph 134 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this instance, the proposal seeks planning permission for the demolition of the existing single storey building to be replaced by a proposed three storey building with a basement level below. The third storey benefits from a significant setback from the south elevation of the building.

- 10.20 The site is also located within the Angel Conservation Area, in a dense urban location (although not on a main street frontage). The relevant Conservation Area Design Guide states that the council will operate special policies in the Angel Conservation Areas in order to preserve and enhance the special character and appearance of the areas.
- 10.21 The area of St Alban's Place where this site is located is to the rear of 71-74 Upper Street, there are yards between the rear of the Upper Street buildings and the smaller buildings which are within St. Alban's Place. There is a mixture of building scales and designs, from the large hotel to the west and the four storey residential development currently under construction at No 5-8 St Albans Place. It is considered that the existing structure does not contribute positively to the character and appearance of the Angel Conservation Area.
- 10.22 Policy DM2.1 states that 'all forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Permission will be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy DM2.3 states that 'All forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Permission will be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.



Image 7: Proposed Front Elevation



Image 8: Proposed rear elevation

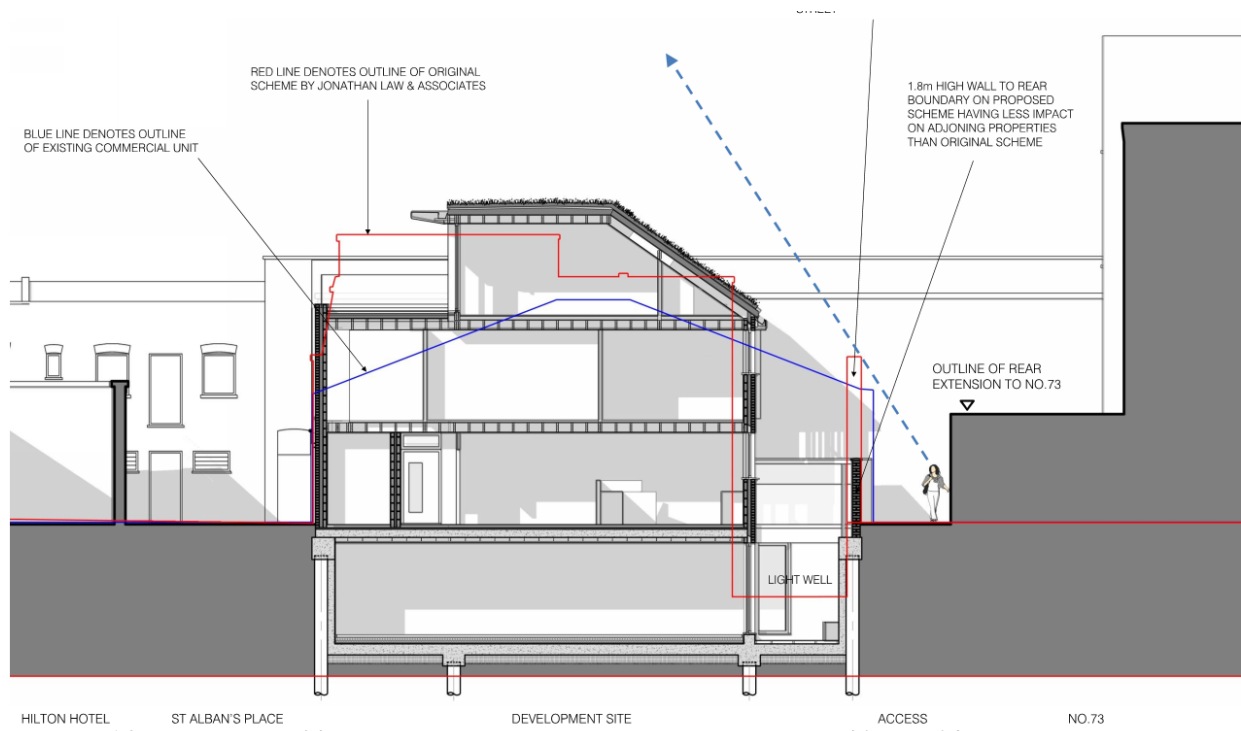
10.23 Whilst this proposed scheme has similarities to the appeal scheme (P2014/4396/FUL) in design terms, including a basement level, the revised proposal would introduce an additional floor. In terms of height, the officer reports for previous applications stated clearly that a two storey building (plus basement) in principle would be acceptable (P112614, P112615 and P2014/4396/FUL) in this location. The appeal decision for this most recent application (P2014/4396/FUL) also determined that in terms of design and appearance, the proposed two storey building would be an improvement on the existing one and would not harm the character, appearance or significance of the Conservation Area.

10.24 The increase in height of the building would create an additional floor covering a partial element of the first floor roof, being set away from the southern boundary of the site by varying distances ranging from 1.7 metres to 2.7 metres. It has also been designed so that it would benefit from a sloping roof, away from the rear elevation, with roof terraces to the front elevation. The other significant design change to the previously refused scheme is that the front elevation entrances would be set away from the front elevation of the building to create better outlook and defensible space to the proposed residential units.

10.25 It is acknowledged that the additional floor would result in increased bulk to the building, increasing its height to 8.7m from 6.3m, in comparison to the appeal scheme. However, it is considered that the use of a sloping roof that would support a green planted surface, would help soften its visual appearance from the surrounding area, when viewed from the rear of the residential properties along Upper Street. It is therefore considered that, on balance, the scale of the proposed building, including the additional floor is considered acceptable in this instance and would not materially dominate the host building and surrounding built form when seen from both the public and private realm.



10.26 The drawing below usefully illustrates the site with the existing built form outlined in blue, the bulk, height and massing of the dismissed appeal scheme outlined in red and the current proposal detailed.



10.27 The front elevation of the proposal would align with the building line of the existing properties along the public highway of St Alban's Place, with the proposed fenestration details and materials proposed, considered to visually integrate with the surrounding area.

10.28 The Basement SPD states that basements in conservation areas should not add visual clutter, protect open areas, avoid undue cut and fill outside the building footprint, protect trees and other established planting.

10.29 The proposed basement level, forming part of this application would be positioned largely within the footprint of the existing building, and within the application site, with lightwells positioned between the rear/east elevation of the proposed building and the rear/east wall of the site. Given that these lightwells would not be visible from the public realm, would be flush with the ground level, and would not impact any trees or established planting, this element would be acceptable in design terms and would preserve the visual appearance of the conservation area, and additionally accord with this element of the guidance within the Basement SPD.

10.30 For ground level and above, in comparison to the footprint of the appeal scheme, the proposal would retain a similar separation distances between the proposed rear elevation and the rear/east wall of the application site, as found within the previous scheme. However, it should be noted that it would be 0.3m closer at ground and first floor levels to the rear boundary of properties along Upper Street to the east, in comparison to the appeal scheme. This area would include proposed lightwells, and private amenity space, for the proposed business floorspace space at basement level, and the residential units above ground floor level. Further assessment of the basement element of the proposal is found later on within this report.

10.31 The Council's Design and Conservation officer raised no objections to the scheme. It is considered that the proposal would be acceptable in design terms and would preserve the visual appearance and historic character of the Angel Conservation Area bearing in mind the surrounding context and poor visual appearance of the existing buildings on site. Section 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area. The proposed development is considered to accord with CS policies 8 & 9 and DM policies 2.1 & 2.3.

#### **Standard of accommodation**

10.32 Policy DM3.4 of the Islington's Development Management Policies (June 2013) sets out the standards expected of accommodation in the borough. The size of the units would comply and exceed the minimum floorspace requirements found within the Table 3.3 of the Development Management Policies (2013), and would have acceptable sized living areas and bedrooms. The units therefore comply with Policy DM3.4 in this regard.

The following table shows the proposed unit sizes:

Unit	Rooms	Required Floor Space (m2)	Provided Floor Space (m2)
Unit 1	2	61	103.6
Unit 2	2	61	103.6
Unit 3	2	61	103.6

10.33 In terms of amenity space, DMP policy DM3.5 states that all new residential development and conversions are required to provide good quality private outdoor space. The table below explains the proposed private amenity space for each unit:

Unit	Rooms	Required Floor Space (m2)	Provided Floor Space (m2)
Unit 1	2	20	14.5
Unit 2	2	20	12.8
Unit 3	2	20	12.4

10.34 The proposed amenity space for each unit consists of a roof terrace, 8 sqm, at second floor level, with a further area to the rear elevation at ground floor. It is acknowledged that the proposal would not provide the required amenity space, identified within policy DM3.5. However, given the restrictions of the site and the fact that the units are not solely at ground floor, as well as the potential amenity impact on neighbouring properties, on balance, this relatively modest shortfall is considered to be acceptable in this instance.

- 10.35 The proposed units are all dual aspect and provide a good level of sunlight and daylight from both aspects. The submitted Daylight and Sunlight assessment shows that all rooms in the residential part of the scheme comply with both Annual Daylight Factor and Vertical Sky Component, in accordance with the BRE guidelines.
- 10.36 The submitted assessment also confirms that the design maximises natural daylight light by providing good areas of glazing to all proposed habitable rooms so as to benefit from sunlight for a good part of the day. Habitable rooms have a 20% minimum area of glazing as required under the London Design Guide and in accordance with Islington's design standards. Large areas of glazing are provided to the east and west elevations ensuring there is direct sunlight during the morning and afternoon.
- 10.37 ADF details evidence submitted indicates that the ground floor kitchen dining area passes the minimum 1.5% ADF factor and accords with the minimum 2% standard for bedrooms at the proposed first floor level within the scheme. The proposed second floor roof level would have adequate access to daylight and outlook overall. Therefore the proposed residential units are considered to have adequate access to daylight to all their proposed habitable spaces in this case.
- 10.38 In relation to the properties to the rear along Upper Street, the Daylight and Sunlight report shows that 25 degree lines can be drawn from all known rear windows of units 70-74 Upper Street, and considers that the proposal has been designed so that the massing of the development does not bisect these planes and so ensure that there will be no significant loss of light to neighbouring properties. The report also considers that the windows to the Hilton Hotel, to the west, are sufficiently elevated as not to be impacted upon by the proposal.
- 10.39 It should also be noted that, given the siting of the proposed development immediately to the rear of a number of commercial restaurants, there are a large number of flues and air conditioning plants between the Upper Street units and the development site. As with the previously refused scheme occupiers of neighbouring properties in Upper Street, both commercial and residential, have raised various other concerns about living conditions in the proposed flats in relation to issues such as noise, disturbance and odours. This is because most of the neighbouring ground floor units in Upper Street are restaurants, takeaways, bars and clubs. The operating hours of these premises vary but several run into the early hours. As such, due to their proximity to the application site, they have considered that the site is unsuitable for residential properties.
- 10.40 However, in the appeal of this decision it was noted that the area already has a significant number of residential properties, and the commercial operators should in any event be complying with other legislation, in relation to matters such as noise nuisance and licensing for example. Even so, sound insulation measures are required by condition to minimise the effects of external noise inside the flats, including noise transmission from the club premises which adjoin the site's south-east corner. In addition, an Acoustic Report has been included within the application. This report concluded that new development is built to higher standards of acoustic insulation and separation than historic development, even development as old as a five, or ten years ago. Therefore, the potential for nuisance from existing plant to the existing residential units is far in excess of the potential for nuisance to the new development, the subject of this application. Given, this background and that the Acoustic Officer raised no objections, it is considered that there would be no noise implications associated with the proposal.

- 10.41 Notwithstanding this assessment, as described within the Appeal Decision, for the previous scheme one of the taller pipes, to the east of the site and associated with the commercial units, appears to discharge westwards, across the application site. Irrespective of any problems that pipe might cause the visual impact of so much unsightly clutter, as with the previous scheme, especially when seen from the lower level of the bedroom windows, would further detract from the quality of the living environment at the rear of the proposed flats. However, it should be noted that the additional floor would not incorporate any rear facing windows, apart from a single rooflight to each unit. Whilst the proposal would have windows at ground floor they would be positioned below the existing boundary wall. The only elevated windows within the proposal would be at first floor, serving the proposed bedrooms. Each unit would have one smaller window which would be obscurely glazed, and the other larger window having external louvres added, to direct views away from neighbouring properties. Both of these additions are considered to reduce the visual impact of these extraction facilities, for future occupiers, in comparison to the previous scheme.
- 10.42 However, it should be noted these alterations to the rear elevation bedroom windows, at first floor would restrict the outlook from these habitable rooms. In addition, the restricted nature of the site means that outlook from the ground floor windows would be restricted, with the distance between these windows, for Unit 3, and the existing boundary wall, being 1.6m at its closest point. Given that these ground floor windows relate to a kitchen / dining area, with the proposal providing additional internal communal space at second floor level, it is considered that on balance, the proposal would provide acceptable levels of outlook.
- 10.43 The dismissed appeal scheme had bedrooms at ground floor level which are now replaced with a kitchen dining area within this scheme. The dismissed scheme had the main living space at first floor level which is now proposed to be bedrooms. Therefore the current proposed residential layouts are considered to offer a higher quality and generous living environment for prospective occupiers of the units which was not supported by the Inspector on the previous appeal scheme.
- 10.44 Overall, there are a number of concerns in relation to the standard of accommodation of the residential units, the amenity space requirements and the impact of the extraction facilities. However, given the proposal would provide units that would exceed the required floor space requirements, be dual aspect, and a receive good levels of daylight/sunlight from both aspects, together with the restrictions of the application site, on balance, it is considered that the proposal would provide acceptable living conditions for future occupiers. Detailed conditions are suggested to address noise concerns, refuse facilities and construction management practices to control the development of the site and its operation.
- 10.45 The applicant has confirmed that proposed business floorspace accommodation at basement, ground and first floor level would be built to British Standards and to HSE Health and Safety requirements. Whilst the ground floor would house the commercial refuse storage, and plant equipment, the first floor accommodation would benefit from a window to the front elevation and three rooflights, and the basement level benefitting from both rear and front lightwells to provide daylight/sunlight to future occupiers.



## **Basement Development**

10.46 The proposal will also include the provision of a basement under the footprint of the proposed building and within the application site. The basement would be accessed with a separate entrance to the south of the building by a staircase and via a lift. The basement would also house a significant part of the proposed business floorspace, and would benefit from storage for refuse and recycling facilities and a plant room at ground floor level. The basement would benefit from front and rear lightwells to provide an external source of daylight. The Basement SPD sets out the relevant guidelines for commercial and mixed-use developments in paragraphs 7.1.16 and 7.1.17.

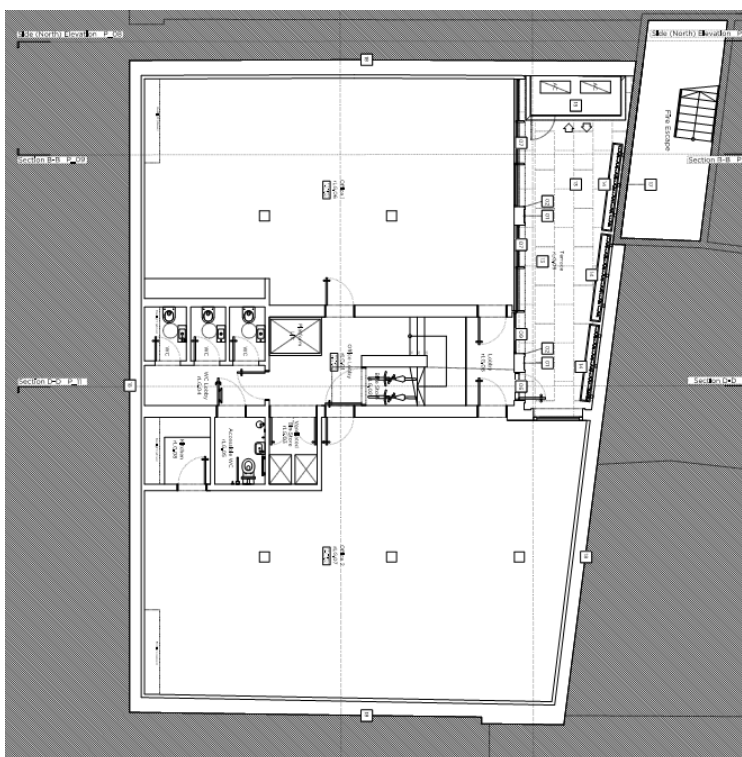
10.47 Paragraph 7.1.16 of the SPD sets out:

*'On commercial and mixed use redevelopment schemes with proposed basements, the extent of basement development should be commensurate to the site context and building design. Sites within commercial areas such as the Central Activities Zone often contain buildings built to boundary. Any basement component of the scheme should be designed to avoid adverse impacts to sensitive sites, building, trees and other structures that may be affected by the construction of the proposed development. Areas of landscaping proposed should be designed as deep soil landscaping with natural drainage and no basement or other impermeable structure underneath'.*

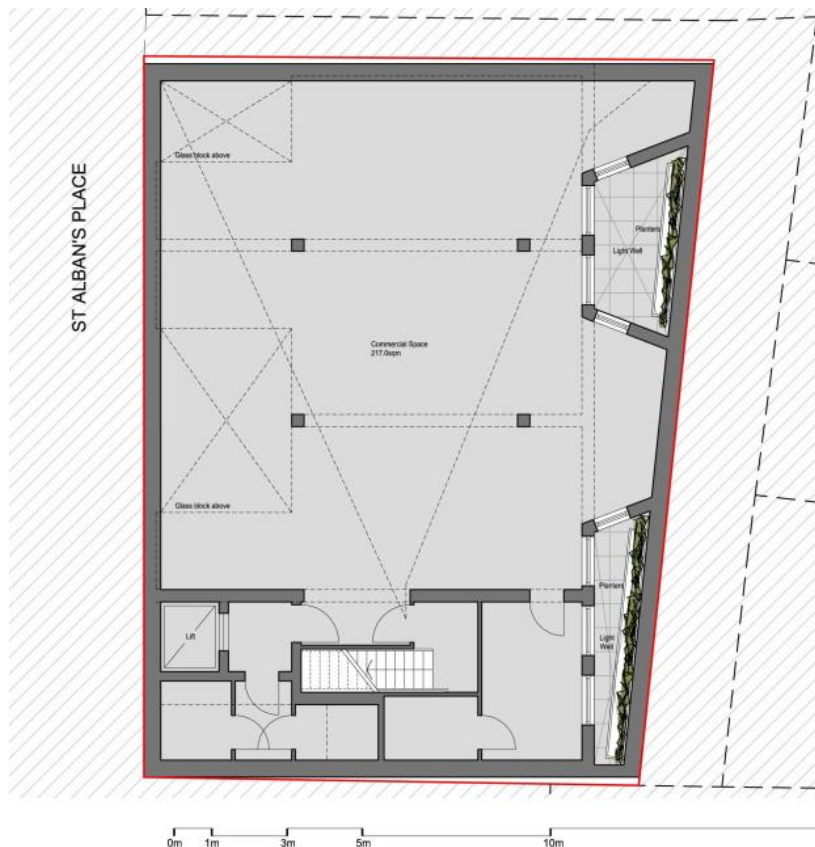
10.48 Paragraph 7.1.17 sets out:

*'In order to ensure consistency and safeguard against potential adverse impacts, commercial and other redevelopment sites must take into account and respond to the issues covered by this guidance and submit the appropriate documentation required in support of any planning application'.*

10.49 A comparison between the extent of the proposed basement excavation on the appeal scheme (ref. P2014/4396/FUL) and the latest application can be made between the images below.



Extent of proposed basement on appeal scheme (ref. P2014/4396/FUL)



Extent of proposed basement within the current submission before members.

- 10.50 Given the site being within the Central Activities Zone, the extent and depth of the basement excavation within this application is considered to remain proportionate, subordinate to the above ground building element, and to would not have an adverse impact on the character of its surroundings. The extent and depth of the proposed basement excavation accords with the relevant guidelines for commercial and mixed use developments in the Basement Development SPD and is acceptable in this regard.
- 10.51 Paragraph 7.2.2 states that 'basements should generally not exceed 1 storey in depth, and not exceed 3m floor to ceiling height'. The depth of the basement level would be 1 storey, with a floor to ceiling height of 2.5m, which would be the same as those on the floors above. It considered that the depth of the proposed basement would be acceptable.
- 10.52 A Basement Structural Method Statement has been submitted by a Chartered Structural Engineer which concludes that the construction of the basement is feasible and will not have an adverse impact on flooding, surface water flow, ground water flow, ground stability, or adjacent structures. It also concludes that a safe method and sequence of construction utilising bored poles and trial pits has been identified.
- 10.53 The amenity impact of the development in relation to the operation and construction of the proposed basement extension, including noise, air quality and vibration control would be subject to control by the submission of a Construction Management Plan (CMP) prior to the commencement of the development in accordance with the Basement SPD. It is therefore considered that the proposed basement level accommodation would accord with the requirements of the Basement SPD.

## **Inclusive Design**

- 10.54 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via:
- Written Ministerial Statement issued 25th March 2015
  - Deregulation Bill (amendments to Building Act 1984) – to enable ‘optional requirements’
  - Deregulation Bill received Royal Assent 26th March 2015.
- 10.55 As a result of the changes introduced in the Deregulation Bill (Royal Assent 26<sup>th</sup> March 2015), Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor local wheelchair housing standards.
- 10.56 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years. Planners are only permitted to require (by Condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The London Plan 2016, requires that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London.
- 10.57 It is acknowledged that the proposal would not include wheelchair accessible residential units, given that they would be split between 3 floors, with the upper floors accessible by a staircase only. Notwithstanding this aspect, it is considered the general layout of the units would generally comply with the advice provided within the Inclusive Design SPD. In addition, the applicant has demonstrated a location where a lift could be installed at a later date.
- 10.58 A condition has been attached to ensure that the proposal would achieve the Inclusive Design SPD standards. The proposal is therefore considered acceptable and the units would generally conform to accessible standards set within the Supplementary Design Guide (Inclusive Design) and would be compliant with Policy DM 2.2 (Inclusive Design) of the Development Management Plan 2013.

## **Neighbouring Amenity:**

- 10.59 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. The proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality.
- 10.60 Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing. In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.

### Daylight/Sunlight:

- 10.61 The loss of daylight can be assessed by calculating the Vertical Sky Component (VSC) which measures the daylight at the external face of the building. Access to daylight is considered to be acceptable when windows receive at least 27% of their VSC value or retain at least 80% of their former value following the implementation of a development. Daylight is also measured by the no sky-line or daylight distribution contour which shows the extent of light penetration into a room at working plane level, 850mm above floor level. If a substantial part of the room falls behind the no sky-line contour, the distribution of light within the room may be considered to be poor.
- 10.62 All the surrounding properties have been tested to ascertain the potential loss of daylight and sunlight as a result of the proposed development. The closest neighbouring properties are found to the north, east and south of the site, being the upper floors of nos. 68-74 Upper Street, which would adjoin the site. These properties have windows which directly face towards the existing host property and the proposed building, as such the application would be required to demonstrate that the windows would not suffer any significant loss of daylight or sunlight as a result of the proposed development.
- 10.63 The submitted Daylight and Sunlight Assessment (Rev A) has identified that No.74 which is immediately north of the development site has the greatest potential to be impacted upon from loss of sunlight/daylight by the proposed development. The property is 4-storey fronting Upper Street with a two storey flat roof rear building that runs to the back of the plot in line with the western boundary of the development site. The informal terrace area associated with this unit at first floor is located to the north west of the development.

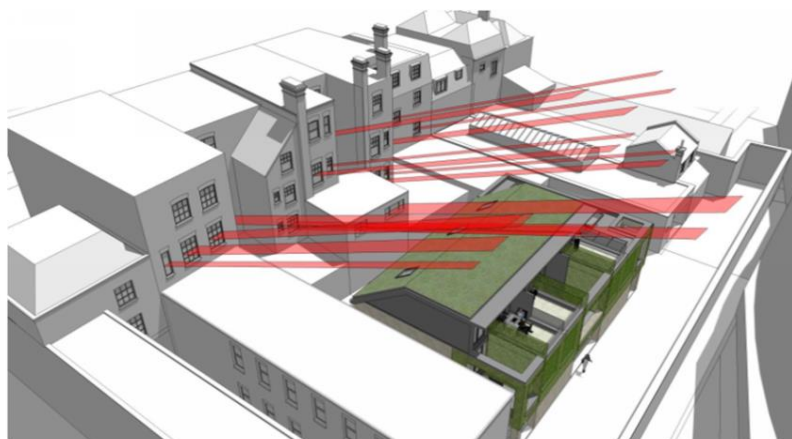


Figure 5 showing how the proposal does not bisect 25° line drawn from windows of neighbouring properties



Image 10: Daylight and Sunlight Impact of the development passing the 25 degree rule.

- 10.64 The impact on nos 71-74 Upper Street, was considered as a group for the purpose of this assessment. These properties are 4-storey fronting Upper Street with lower flat roof projections to the rear. The footprints of these properties fully cover the plot and so there are no external amenity spaces at ground floor. It would appear from a site visit and site photographs that part of the flat roofs to the rear of No. 71 and 73 are used as an informal roof terrace to serve the first floor flats. The submitted sunlight /daylight reports show that there will be no material loss of sunlight and daylight to the rear of this property in this case.
- 10.65 In relation to nos. 69 and 70 Upper Street, given these properties are to the south of the development site, they are considered not to be materially impacted upon with respect to overshadowing by the proposal, which is confirmed within the submitted assessment. The assessment also confirms that the Hilton Hotel to the west would not be impacted in terms of overshadowing or loss of daylight/sunlight.
- 10.66 The submitted Daylight and Sunlight Assessment has also confirmed that the existing windows at the adjacent properties, nos. 70-74 Upper Street, pass the tests in relation to vertical sky component (VSC) and Annual Probable Sunlight Hours (APSH). It is considered that detailed evidence has been submitted which shows that there would be no material loss of sunlight/daylight or any undue overshadowing to adjoining properties as a result of the proposed development in this case.

#### Other amenity impacts

- 10.67 In terms of privacy, the guidance within Policy DM2.1 states there should be a minimum distance of 18 metres between windows of habitable rooms in order to prevent overlooking. The rear elevation of the upper floors (residential) of the properties along Upper Street are set a distance of approximately 10-12 metres away from the proposed building (except for one high level bedroom window in No 72 which is 5.2m away). However these dwellings have rear terraces. In addition the two rear facing first floor windows (serving bedrooms), for each unit, are either obscurely glazed or have louvred fins in order to further prevent overlooking. This distance was also considered acceptable in terms of protecting privacy to neighbouring properties within the Appeal Decision of the previous scheme. The current scheme would include increasing the proposed buildings rear wall 0.3 metres closer to the adjoining rear boundary wall compared to the dismissed appeal scheme. This slight increase is not considered to be excessive bearing in mind the existing built form on site at present. Views from the proposed roof terraces would be possible to the existing windows associated with the hotel, to the west of the site. However, given that this hotel is positioned across a public highway it is considered that it would not constitute an unacceptable loss of privacy, in accordance with the supporting text to policy DM2.1.
- 10.68 It is acknowledged that the proposal would result in increased height and bulk in comparison to the appeal scheme, with the creation of an additional floor of accommodation. This increase in height, by 2.4m, is considered not to result in an overbearing impact on neighbouring properties, given the setbacks and its design, which this additional level covering only a part of the proposed building, and would incorporate a sloped roof away from the nearest residential properties, and the use of terraces to the front elevation.

10.69 Overall, the proposal, in terms of above ground floor level, is not considered to result in any unacceptable impacts on residential amenity in terms of loss of daylight, sunlight, privacy or an unacceptable sense of enclosure. The proposed development would not unacceptably harm the residential amenities enjoyed by the occupiers of neighbouring properties and is in accordance with policy DM2.1 of the Development Management Policies Plan 2013. As such and on balance, it is considered that the scheme has been designed to ensure that it would not have an unacceptable impact on the amenity of neighbouring properties, in terms of any loss of daylight/sunlight, outlook or loss of privacy.

### **Transport**

10.70 Policy DM8.4 states that minor developments creating new residential are required to provide cycle parking in accordance with the minimum standards set out in appendix 6. Cycle parking is required to be designed to best practice standards and shall be secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible. The development will be car free in accordance with policy CS10 of the Core Strategy. The exceptions to this are blue badge holders and Islington residents who have already held a permit for the specified period of one year. A condition to ensure this, is recommended.

10.71 In this instance, 1 cycle space per bedroom (6) should be provided. Cycle storage provision has been incorporated within each unit for two cycles, at ground floor level. It is considered that this provision would be adequate for the residential units.

10.72 For the business floorspace element of the proposal, 1 cycle storage is required for each 250 sqm of floorspace. The total proposed floorspace of this element would exceed this threshold therefore storage for the provision of 1 cycle is required in this instance.

10.73 With regards to the servicing of the business floorspace, whilst this access lane is not ideal, the existing B1 unit on site would have a separate access and therefore it is not considered that a recommendation of refusal in this regard is reasonable as the impact is considered to be no greater than the existing situation on site. The existing roadway adjoining the site is a private road but can be accessed from Upper Street at present. It is not considered that the proposed mixed use development here would require any more servicing and delivery requirements over what has historically existed on site. Therefore officers suggest detailed conditions requiring the submission of a Construction Management Plan to control construction activities and the submission of a delivery and servicing plans to ensure the development manages these aspects of the use into the future to the satisfaction of the council. Subject to these conditions the highways impacts of the development are considered to be acceptable.

### **Small sites (affordable housing) and Crossrail contributions**

10.74 The Core Strategy Policy CS 12 – ‘Meeting the Housing Challenge’ requires (part G) ".... all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide financial contribution towards affordable housing provision elsewhere in the borough."

10.75 The SPD ‘Affordable Housing Small Sites’ states that in line with the evidence base, the council will expect developers to be able to pay a commuted sum of £50,000 per unit for sites delivering fewer than 10 residential units in the north and middle parts of the borough. The applicants have submitted a s106 legal agreement to secure the full amount (£150,000) and as such, it is considered that this policy requirement has been satisfied and therefore the proposal is acceptable in this regard.



10.76 Given the site is within the Central Activities Zone, and results in the increase of office floorspace, the requirements of the Crossrail Funding Supplementary Planning Guidance (March 2016) should be considered within its assessment. The SPG states the following:

- *'Planning obligations/S.106 contributions should be sought in respect of retail and hotel and office development in central London and the northern part of the Isle of Dogs, which involves a net increase in office floorspace of more than 500 square metres with contributions proportionate to the calculated impact. This is the form of development that gives rise to the most substantial impact that Crossrail will mitigate'.*
- *'A de minimis threshold excluding development that would result in additional office, retail or hotel floorspace of 500 square metres or less has been set to reflect that developments below this size are unlikely to have crowding impacts sufficient to meet the statutory tests. The benefits of seeking contributions from smaller developments of this scale are likely to be outweighed by the costs of entering into obligations and collecting contributions, and the large number of smaller developments, would make application of a policy of this kind uneconomic to administer'.*

10.77 Given that the proposal would result in less than 500 square metres of additional floorspace, which would not be solely for office accommodation, it is considered that no financial contributions would be required in the funding of Crossrail, and the Mayoral Community Infrastructure Levy in this instance.

### **Sustainability**

10.78 Policy DM7.2 requires developments to achieve best practice energy efficiency standards, in terms of design and specification.

10.79 Minor new-build residential developments of one unit or more are required to achieve an on-site reduction in regulated CO2 emissions of at least 19% in comparison with regulated emissions from a building which complies with Building Regulations Part L 2013 (equivalent to Code for Sustainable Homes level 4), unless it can be demonstrated that such provision is not feasible.

10.80 An Energy and Sustainability statement has been submitted. The document illustrates that the scheme will incorporate a number of sustainability measures including construction details, and the use of photovoltaic panels and a green roof. A condition will ensure the implementation of these measures. In addition a contribution of £1000 per unit towards carbon offsetting is secured through a unilateral legal agreement.

10.81 Policy DM7.4 provides advice in relation to Sustainable design standards. The submitted Energy Strategy report has confirmed that the proposal would be built to achieve best practices and guides for sustainable development. However, a condition has been recommended to ensure compliance to achieve final energy reductions and water usage targets. In addition, conditions relating the submission of a Construction Management Plan and a report to ensure compliance with water efficiency have been recommended. Overall, the proposal is considered to have an acceptable impact in terms of sustainable design.

### **Waste/Recycling**

10.82 The ground floor has a dedicated waste/recycling space for the residential units, positioned internally, and for the business floorspace use, separately to the ground floor element of the proposed building. The Council's Street Environment Services Officer has advised that this provision would be satisfactory.

10.83 It is therefore considered that the proposal would provide adequate waste/recycling provision subject to final waste details and management condition.

10.84 Within the consultation process a number of concerns were raised in relation to the existing situation and the accumulation of waste from illegal fly tipping to the south of the site. Whilst this matter is for the Council's Environmental Services, it is considered that the proposal with both commercial and residential use, would increase the natural surveillance of this area, and discourage this type of activity, within this area immediately adjacent to the entrance to the business floorspace element of the proposal.

### **Security**

10.85 A number of concerns have received in relation to security of the alleyway to the front/west elevation of the proposal. The Secured by Design Officer has considered that the overall design of the proposal would be acceptable from a security perspective. However, he has commented that there were concerns in relation to the shared communal areas to the bin stores. The proposal has been amended to separate the entrances.

10.86 The Secured by Design Officer has confirmed that there are no objections to the recessed entrances to the residential units, given their location, which benefit from natural surveillance from the hotel windows, to the west, which overlook the site, and from natural surveillance from large ground floor windows associated with each residential unit which would mean that hiding from view would be difficult.

10.87 Notwithstanding this advice, the Secured by Design Officer has recommended a condition relating to the installation of controlled access to the end of the alleyway providing access to the site has been recommended to protect both the commercial and residential units from unwanted guests - this could have an intercom for visitors to the commercial or residential units and provide a through the wall type system for the post. However, given that the access is outside the application site, red line boundary, this is not matter that can be controlled by way of condition in this case.

### **Archaeology/Contamination**

10.88 The application site is located within the Islington Village Archaeological Priority Area. Therefore, Part F of Policy DM2.3 is most relevant, which states the following:

*i) The council will ensure the conservation of scheduled monuments and non-designated heritage assets with archaeological interest which are of demonstrably equivalent significance.*

*ii) Archaeological priority areas and scheduled monuments are identified on the Policies Map and in Appendix 7. All planning applications likely to affect important archaeological remains are required to include an Archaeological Assessment.*

*iii) Archaeological remains should be retained in situ. Where this cannot be achieved measures must be taken to mitigate the impact of proposals through archaeological fieldwork to investigate and record remains in advance of works, and subsequent analysis, publication and dissemination of the findings'.*

10.89 As such, the applicant has submitted an Archaeological Overview of the proposed development, which concludes that the proposal would be acceptable subject to a condition relating to further investigation. Historic England confirmed that the proposal would be acceptable subject to a condition. The Council's Acoustic Officer has recommended a condition relating to Land Contamination given the nature of the existing use.

### **Others**

10.90 Within the consultation a number of concerns were raised in relation to the impact of the proposal on the existing fire escape, to the north and east of the site, and along the rear of the properties that front Upper Street. The plans show that this existing side access along the northern side and part of the rear of the building will not be affected by the development. In addition, the details found within the submitted construction management plan, secured by way of condition prior to the commencement of the development, should ensure that the proposed development is undertaken in a manner which does not compromise this access, or result in an unacceptably detrimental impact on neighbouring properties during the construction phase

## **11. SUMMARY AND CONCLUSION**

### **Summary**

11.1 In accordance with the above assessment, it is considered that the proposed demolition of the existing single storey workshop and the construction of a three storey building, with basement level comprising office (Class B1) and 3 x 2 bed residential units (Class C3) on the ground, first and second floors and associated works is acceptable in land use terms, would have an acceptable impact upon the character and appearance of the street scene and wider Conservation Area and will not, on balance, have a detrimental impact upon the amenities of neighbouring properties.

11.2 The proposal would result in a similar level of business floorspace, in comparison to the existing situation and would provide residential units which would have, on balance, acceptable living conditions for future occupiers of both the residential and commercial areas of the proposed scheme.

11.3 The proposed development would not materially harm the amenity levels of adjoining occupiers in terms of any material loss of daylight/sunlight, outlook, enclosure levels, noise pollution or any material loss of privacy or overlooking incidences.

11.4 As such, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies, and the National Planning Framework and is recommended for approval subject to appropriate conditions and unilateral undertaking.

## **12. Conclusion**

12.1 It is recommended that planning permission be granted subject to conditions and Unilateral Undertaking as set out in Appendix 1 – RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS.

### RECOMMENDATION A

That planning permission be granted subject to the completion of a unilateral section 106 agreement to secure:

- a) A financial contribution of £150,000 towards the provision of off-site affordable housing.
- b) A financial contribution of £3000 towards CO2 off setting.

### RECOMMENDATION B

That the grant of planning permission be subject to conditions:

#### List of Conditions:

<b>1</b>	<b>Commencement (Compliance)</b>
	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</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>
<b>2</b>	<b>Approved Plans List: (Compliance)</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>001; 003; 004; 005; 006; 07/Rev.C;; 08/Rev.D; 09/Rev.E; 010/Rev.F; 011/Rev.C; 012/Rev.D; 013/Rev.D; 014/Rev.E; 015/Rev.D; 019/Rev.A; 018; 002/Rev.A; 017; 021/Rev.B; 024; Archaeological Overview dated August 2016; Daylight and Sunlight Report/Rev.A dated August 2016; Design and Access Statement dated June 2016; Energy and Strategy Report; Noise and Acoustic Nuisance proposals with mitigation methods; Structural Method Statement dated 24/01/2017; Eco Through Floor Lift.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials</b>
	<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"><li>a) solid brickwork (including brick panels and mortar courses)</li><li>b) window treatment (including sections and reveals);</li><li>c) roofing materials;</li><li>d) balustrading treatment (including sections);</li><li>e) garden fences; and</li></ul>

	<p>f) divisions between terraces.</p> <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>
<b>4</b>	<b>Accessible Homes</b>
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, the residential unit shall be constructed to meet the requirements of Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON - To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs.</p>
<b>5</b>	<b>Cycle parking</b>
	<p>CONDITION The bicycle storage area hereby approved, which shall be covered, secure and provide for no less than 6 bicycle spaces, for the residential units, and 1 bicycle space, for the commercial floorspace, 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>
<b>6</b>	<b>Car Free Housing</b>
	<p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <p>(1) In the case of disabled persons</p> <p>(2) In the case of units designated in this planning permission as 'non car free';or</p> <p>(3) In the case of the resident who is an existing holder of residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least a year.</p> <p>REASON: To ensure that the development remains car free.</p>
<b>7</b>	<b>Construction Management Plan</b>
	<p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Statement shall provide for:</p> <p>i. the parking of vehicles of site operatives and visitors</p>

	<ul style="list-style-type: none"> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust and dirt during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> <li>vii. mitigation measures of controlling noise from construction machinery during business hours</li> </ul> <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>
<b>8</b>	<b>Green Roof details</b>
	<p>CONDITION: Details of the biodiversity green roofs shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:</p> <p>a) biodiversity based with extensive substrate base (depth 80- 150mm); and b) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>9</b>	<b>Sound Insulation</b>
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast)</p> <p>Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour</p> <p>Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance</p>



	<p>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 order to protect the amenities of neighbouring properties.</p>
<b>10</b>	<b>Sustainable Development</b>
	<p>CONDITION: The dwellings hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, and a water efficiency target of 110 l/p/d. No occupation of the dwellings shall take place until details of how these measures have been achieved have been submitted to and approved in writing by the local planning authority.</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>
<b>11</b>	<b>Contamination</b>
	<p>Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority</p> <p>a) A land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b)."</p> <p>Reason: To prevent land contamination or to remedy it.</p>
<b>12</b>	<b>No Plant Equipment</b>
	<p>CONDITION: In the event any external plant equipment is proposed planning permission would be required.</p> <p>REASON: To protect the amenity of neighbouring residential properties.</p>

<b>13</b>	<b>Rooftop Enclosures</b>
	<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>
<b>14</b>	<b>Lift Shaft Insulation</b>
	<p>CONDITION: Prior to the operation of the lift hereby approved sound insulation shall be installed to the lift shaft sufficient to ensure that the noise level within the adjoining residential flats does not exceed NR25(Leq) 23:00 - 07:00 (bedrooms) and NR30 (Leq. 1hr) 07:00 - 23:00 (living rooms). The sound insulation and noise control measures shall be maintained as such thereafter and no change therefrom shall take place without the prior written knowledge of the Local Planning Authority.</p> <p>REASON: To protect the amenity of adjacent residents.</p>
<b>15</b>	<b>Delivery and servicing plan details</b>
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
<b>16</b>	<b>Waste facilities</b>
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans 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>
<b>17</b>	<b>Bike storage facilities</b>
	<p>CONDITION: The bicycle storage area(s) shown on approved plans shall be fitted out with cycle storage for and provide for no less than 6 bicycle spaces for the residential aspect of the development and 1 disability tricycle space for the commercial aspect of the development and 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>

## List of Informatives:

<b>1</b>	<b>Positive statement</b>
	<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>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
<b>2</b>	<b>CIL Informative (Granted)</b>
	<p>CIL 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 London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a>.</p>
<b>3</b>	<b>SECTION 106 AGREEMENT:</b> You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
	<p><b>DEFINITIONS:</b> (Definition of 'Superstructure' and 'Practical Completion') 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>
<b>4</b>	<b>CAR-FREE DEVELOPMENT:</b> All new developments are car free. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.

## 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.

### 2. **Development Plan**

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2016 - Spatial Development Strategy for Greater London**

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 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology

#### **B) Islington Core Strategy 2011**

Spatial Strategy  
Policy CS8 (Enhancing Islington's Character)

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

#### **C) Development Management Policies June 2013**

##### Design and Heritage

DM2.1 Design  
DM2.2 Inclusive Design  
DM2.3 Heritage  
DM3.1 Housing Mix  
DM3.4 Housing Standards  
DM3.5 Private Amenity Space

##### Employment

DM5.1 New business floorspace  
DM5.4 Size and affordability of workspace

##### Health and Open Space

DM6.3 Protecting open space  
DM6.5 Landscaping, trees and biodiversity

##### Sustainable Design

DM7.1 Sustainable design and construction  
DM7.2 Energy efficiency and carbon reduction in minor schemes  
DM7.4 Sustainable design standards

##### Energy and Environmental Standards

DM8.4 Walking & Cycling  
DM8.6 Delivery & Servicing

##### Infrastructure and implementation

DM9.2 Planning obligations

## **M,,5.Designations**

The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:

### **6. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

- |  |                         |
|--|-------------------------|
| Islington Local Development Plan                   | London Plan             |
| - Conservation Area Design Guidelines (2002)       | - Crossrail Funding SPG |
| - Urban Design Guide (2017)                        |                         |
| - Angel Conservation Area Design Guidelines        |                         |
| - Inclusive Design SPD                             |                         |
| - Affordable Housing Small Sites Contributions SPD |                         |
| - Basement SPD                                     |                         |
| - Planning Obligations (S106) SPD                  |                         |

### **Appendix 3: Appeal Decision of application P2014/4396/FUL dismissed**

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## Appeal Decision

Site visit made on 4 February 2016

**by Jane Miles BA (Hons) DipTP MRTPI**

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

Decision date: 09 March 2016

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**Appeal Ref: APP/V5570/W/15/3136930**

**The Alban Building, St Albans Place, London N1 0NX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Grays Road Investments Limited against the decision of the Council of the London Borough of Islington.
- The application ref: P2014/4396/FUL, dated 23 October 2014, was refused by notice dated 9 June 2015.
- The development proposed is "Demolition of existing single storey workshop and the construction of a three storey building (Basement, ground and one upper floor) comprising office (Class B1) floorspace over lower ground floor and 4 x 2 bed duplex residential apartments (Class C3) on the ground and first floor and associated works".

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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council's refusal relates to amended plans, submitted during the application process. I have determined the appeal on the basis of those amended plans.
3. A copy of the unilateral undertaking completed during the application process has been included in the appeal documentation. It includes planning obligations providing for contributions towards affordable housing and carbon offsetting, and I refer to it again at the end of this decision.

### Reasons

#### *Main issues*

4. The appeal site fronts onto a narrow alleyway which runs roughly south from St Albans Place. It is behind properties fronting onto Upper Street, is within the Angel Town Centre, the Central Activities Zone and the Angel & Upper Street Conservation Area (CA). The Council acknowledges the existing building detracts from the character and appearance of the CA (a designated heritage asset) and that, in terms of design and appearance, the proposed building would be an improvement on the existing one. I agree, and find the appeal scheme would not harm the character, appearance or significance of the CA.
  5. In the light of the above matters and having regard to the Council's refusal reasons there are three main issues in this case:
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- the adequacy of the living environment that would be created for future occupiers of the proposed flats;
- the effects of the proposals on living conditions at neighbouring residential properties;
- the effects of the proposals in relation to the supply of office/business (Class B1 use) floorspace.

*Living environment for future occupiers*

6. The appeal site is the existing and slightly irregularly-shaped building, with no associated external space inside the site edged red on the submitted site plan. The building sits behind the taller properties fronting onto Upper Street (to the east) which mainly comprise commercial units at ground floor level with flats above. Rear windows in the flats and various external roof terraces in close proximity allow for direct overlooking of the existing building. On the opposite (western) side the building abuts the narrow and roughly surfaced alleyway which appears to have various functions including vehicle parking, storage of refuse bins and means of escape from buildings fronting onto Upper Street.
7. The proposed replacement building would be rectangular in shape, leaving a narrow external space between it and the boundary with the Upper Street properties, diminishing in width to little more than 1m at the southern end and enclosed all along the eastern side by a boundary wall. Thus outlook from the proposed flats' ground and first floor rear windows would be limited and the proximity to existing residential windows and terraces could potentially result in mutual overlooking and loss of privacy for both existing residents and future occupiers of the proposed flats.
8. To address concerns about privacy, and at the officers' request, the appeal scheme was amended by removing rear balconies to the flats and introducing both obscure glazing (to a height of 1.9m) and louvered fins to the first floor rear windows of all four flats. Such measures would adequately deal with privacy issues for residents inside the proposed flats, but they would also further restrict outlook from the rear of the main living areas. That would not necessarily be critical if a good quality alternative outlook was available but, in this case, the outlook to the front would be primarily onto the blank expanses of walls around the tall Hilton Hotel building to the west, again in close proximity, with the main bulk of the hotel beyond rising above the walls.
9. At ground floor level the outlook from the front bedroom windows would be across the alleyway to the tall blank wall opposite, barely 6m away. In practice even that limited outlook may contribute little to a pleasant living environment, despite the generously sized windows. That is because, given their close proximity to the alleyway, it seems more likely than not that future occupiers would need to keep blinds or curtains closed to provide some privacy in those rooms. Thus although each flat would be dual aspect in having windows to front and rear, neither of those aspects would provide a good outlook, especially at ground floor level. I find therefore that the scheme would not achieve either high quality design or a good standard of amenity in terms of the living environment that would be created.
10. Occupiers of neighbouring properties in Upper Street, both commercial and residential, have raised various other concerns about living conditions in the proposed flats in relation to issues such as noise, disturbance and odours. This is because most of the neighbouring ground floor units in Upper Street are

restaurants, takeaways, bars and clubs. The operating hours of these premises vary but several run into the early hours.

11. It is suggested that the various effects of these existing uses make the appeal site unsuitable for residential properties. However, as the appellant has pointed out, the area already has a significant number of such properties. Moreover, and not least due to the proximity of existing residential units, the commercial operators should in any event be complying with other legislation, in relation to matters such as noise nuisance and licensing for example. The addition of four flats as proposed would not alter the operators' responsibilities in such respects nor should it, in this high density city location, increase the likelihood of complaints about existing businesses.
12. I note concerns expressed in neighbouring occupiers' responses to the appeal about the adequacy of the noise survey undertaken for the appellant at a time of year that neighbours have described as particularly quiet. Even so, sound insulation measures could be required by condition to minimise the effects of external noise inside the flats, including noise transmission from the club premises which adjoin the site's south-east corner.
13. I was however able to see during my visit that a considerable quantity of extract, ventilation, air conditioning and similar equipment at the rear of the Upper Street buildings is positioned at or above a level equivalent to the eaves of the existing building on the appeal site. One of the taller pipes appears to discharge westwards, across the appeal site. Irrespective of any problems that pipe might cause the visual impact of so much unsightly clutter, especially when seen from the lower level of the bedroom windows, would further detract from the quality of the living environment at the rear of the proposed flats. At the front, use of the alleyway by several of the Upper Street commercial units for refuse storage (including empty bottles) and the associated noise and movement of bins<sup>1</sup> would also have a negative impact on living conditions, most notably at ground floor level.
14. I have borne in mind the need to take a flexible approach in assessing proposals for residential development in high density areas such as this; that relevant space standards would be met; that light levels in the flats should be adequate, on the basis of the submitted daylight and sunlight assessment. I note also that planning officers found the scheme would provide an acceptable standard of accommodation, albeit that finding was made 'on balance'.
15. In any event, for the reasons set out above, overall on this issue I find that the scheme would not provide a good living environment for future occupiers, nor amount to good design. It would conflict in this respect with CS<sup>2</sup> Policy CS 12, with DMP<sup>3</sup> Policies DM2.1 and DM3.4 and with Policy 3.5 of The London Plan 2015. It would also conflict with a core planning principle in the *National Planning Policy Framework* which expects high quality design and a good standard of amenity to be secured for all existing and future occupants of land and buildings.

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<sup>1</sup> Which, as I understand it, have to be taken past the appeal site and around to Upper Street for collection, as would refuse from the proposed development, because the archway over the vehicular access from Upper Street into St Albans Place precludes access by larger vehicles

<sup>2</sup> In full, Islington's Core Strategy (2011)

<sup>3</sup> In full, Islington's Local Plan: Development Management Policies (2013)

*Living conditions at existing residential properties*

16. The Council's concerns about the impact of the proposed redevelopment on existing residential occupiers' living conditions relate primarily to effects on outlook and an increased sense of enclosure. In this respect the height of the main building would exceed the ridge line of the existing building by only a very modest amount, but the flat rather than pitched roof form would result in increased building mass closer to the existing first floor flats in Upper Street. Screen fencing to create roof terrace areas for each flat (in pairs) would add another 1.8m in height, but the two enclosures would be set in from the edges of the building with gaps between and to the sides.
17. Any impact on outlook from existing flats would be greatest in rear facing habitable rooms<sup>4</sup> at first floor level. Separation distances from windows in those rooms would be around 10-12m (apart from one high level bedroom window in no. 72). Although the Council cites the supporting text to DMP Policy DM2.1, which refers (at paragraph 2.14) to a minimum distance of 18m between windows of habitable rooms, it is clear from that text that such separation is intended to protect privacy. However factors such as building height, form and design will be at least as relevant in relation to outlook and any sense of enclosure.
18. In this case the basic building form would be simple and no taller than the rearmost and adjacent two storey rear element of no. 74. The expanses of first floor windows, set back behind the louvred fins, (and similarly-sized windows below) would effectively break up the building mass in visual terms. Thus the part of the proposed building in direct line of sight from the existing first floor flats would not have a notably solid or oppressive appearance. Therefore, despite the limited separation distances, I find no sufficiently compelling grounds to conclude that the appeal scheme would cause unacceptable harm to the outlook from existing flats.
19. Neighbouring occupiers' responses indicate they are also concerned about various other matters, most notably loss of privacy and loss of light. However, the particular features included in the scheme to protect privacy within the new flats would also serve the same purpose in relation to the existing flats. Anyone using any existing roof terrace area would, at present, be on view from other roof terraces, from upper floor windows in the Upper Street flats and/or from windows in the Hilton Hotel. The screened roof terrace areas on top of the proposed building would not change that situation for the worse to any significant degree.
20. I note concerns about the results of the appellant's daylight and sunlight assessment in relation to the existing flats, given that it appears no access to those flats was requested. Even so, having had the opportunity during my site visits to assess the situation from two of the existing flats and their roof terraces, I find that the orientation and nature of existing buildings and the positions of habitable room windows are such that the proposed building would not diminish light levels to any harmful degree.
21. On this issue therefore I conclude the proposal would not result in material harm to living conditions at existing residential properties. In this respect there would be no material conflict with CS Policy CS12 or DMP Policy DM2.1.

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<sup>4</sup> Bathrooms are not normally classed as habitable rooms in this context

Appeal Decision APP/V5570/W/15/3136930

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not achieve the high quality design, high quality homes and good standard of amenity that are all important elements of achieving sustainable development.

28. Consequently, even though the appeal scheme would achieve some benefits in line with various development plan policies, by virtue of the conflicts with CS Policy CS 12, DMP Policies DM2.1 and DM3.4 and Policy 3.5 of The London Plan it would not accord with the development plan. Neither my conclusions on the second and third main issues nor any other material considerations are so significant as to indicate that planning permission should be granted. Overall therefore I conclude the appeal must fail. As the obligations in the submitted unilateral undertaking have no bearing on this conclusion there is no need to assess whether they meet the necessary tests.

*Jane Miles*

INSPECTOR