

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department

PLANNING SUB-COMMITTEE A		AGENDA ITEM NO: B2
Date:	31 October 2017	NON-EXEMPT

Application number	P2017/2382/FUL
Application type	Full Planning Application
Ward	St Peters Ward
Listed building	Locally Listed (no. 112 Islington High Street)
Conservation area	The Angel Conservation Area
Development Plan Context	Archaeological Priority Area Core Strategy Key Area – Angel and Upper Street The Angel Conservation Area Central Activities Zone (CAZ) Cycle Routes (Strategic) Angel Town Centre Angel Primary Retail Frontages Crossrail 2 Rail Safeguarding Within 100m of TLRN road Within 50m of Duncan Terrace/Colebrook Row Conservation Area
Licensing Implications	None
Site Address	112 - 114 Islington High Street, London N1 8EG
Proposal	Demolition of existing furniture store and erection of new 2-storey building containing 2 x 1-bedroom apartments in yard space behind 112-114 Islington High Street. Construction of new furniture store in rear garden. Associated external alterations including alterations of accesses and provision of bicycle and bin storage.

Case Officer	Daniel Jeffries
Applicant	Segal - 106 Islington High Street
Agent	Mackenzie Wheeler Architects

1. RECOMMENDATION

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

1. Subject to the reasons for refusal set out in Appendix 1;

2. SITE PLAN (site outlined in black)



2. PHOTOS OF SITE/STREET



Image 1: Aerial view of the application site



Image 2: Aerial view in northerly direction



Image 3: View of existing single storey storage building from rear of adjacent restaurant to south



Image 4: View of existing rear additions and terrace associated with nearby restaurant to south.



Image 5: View of rear elevation of the host property, and access door from rear of the host building, and glimpse of existing single storey timber building.



Image 6: View in easterly direction showing rear garden and position of new single storey storage building

4. SUMMARY

- 4.1 Planning permission is sought for the erection of a two storey detached building, to provide 2 x self-contained 1-bedroom residential units, and a single storey outbuilding to replace an existing furniture storage building, positioned to the rear gardens of nos. 112-114 Islington High Street. This would also include the provision of external amenity space and an external staircase associated with the residential units, and would involve the alteration of the existing fire escape.

4.2 The application is brought to committee as two Councillors (Councillor Picknell and Councillor Klute) have requested the planning application to be heard at planning committee.

4.3 The issues arising from the application are the principle of new residential accommodation, and loss of the existing use of the ancillary garden space to the ground floor retail units, the impact on the character and appearance of the host building, the Angel Conservation Area and the setting of adjoining locally listed buildings at 112 and 106 Islington High Street, as well as the quality of accommodation and impact on future occupiers, access, and the impact to neighbouring amenity of the adjoining and surrounding residential and commercial properties.

4.4 The application is a resubmitted scheme of the refused planning application for 'Demolition and re-location of furniture storage shed, and change of use to provide two x 2 storey, 1 bedroom residential units to the rear of 112-114 Islington High Street' (ref. P2016/4824/FUL). The application was considered an unacceptable form of development as was refused, on 10th May 2017, for the following 5 no. reasons:

- 1) REASON: The proposed 2 no. 1 bedroom residential units provide a poor standard of internal living accommodation by reason of their single aspect nature resulting in a poor outlook. The units would therefore fail to provide an adequate living environment for prospective occupiers. The proposal is therefore considered contrary to the London Plan 2016 policy 3.5 and 3.6, policy CS12 of Islington's Core Strategy and policy DM3.4 (Housing Standards) of the Islington Development Management Policies 2013.
- 2) REASON: The construction of a two storey standalone building to the rear of the site represents an inappropriate and overdevelopment of the site by reason of the overall scale and massing of the proposed development. The development, by reason of the proposed bulk, scale and massing, would fail to be subordinate to, and would not respect or respond positively to, the existing buildings and would form dominant and discordant feature within the surrounding conservation area and wider urban setting. The proposed development is therefore considered to be contrary to policies DM2.1 and DM2.3 of the Islington Development Management policies 2013 and the Islington Urban Design guidance 2016.
- 3) REASON: The applicant has failed to submit written confirmation of an agreement to pay the full contribution sought by the Islington Affordable Housing Small Sites Contributions SPD or to submit a viability assessment to demonstrate that the full contribution is not viable and that instead a lesser contribution should be made. Therefore, the proposal is contrary to policy CS12 Part G of the Islington Core Strategy 2011 and the Islington Affordable Housing Small Sites Contributions SPD.
- 4) REASON: Inadequate details of the impacts upon the trees has been provided and subsequently it is not possible to determine whether the proposed development and its impacts upon the trees are appropriate. Without this detail the impacts and the tree protection cannot not be ensured and as such the application is not acceptable, it is considered contrary to policy DM6.5 (Landscaping, Trees and Biodiversity) of Islington's Development Management Policies 2013.
- 5) REASON: The access to the proposed two residential units located to the rear of the site fails to deliver a legible and logical approach and entry contrary with policy DMP 2.2 (Inclusive Design) of the Islington Development Management policies 2013.

- 4.5 This revised application is identical to the previously scheme, in terms of its design, scale and appearance. Following the submission of a tree survey and the agreement to pay the full small sites financial contributions these matters have now been resolved. The main differences between the previously refused application and this revised proposal are as follows:
- The installation of additional windows to the east elevation of the two storey residential units. There would be one additional window to each of the units at lower ground floor level, serving the living room/kitchen. There would be one additional windows to the upper ground floor serving the bathroom.
 - The removal of the window to both the north and south elevations of the two storey building, serving the bathrooms.
 - Alterations to the proposed external staircase and fire escape route for no. 116 Islington High Street.
 - The increase in the private amenity space, to each residential unit, from 12 sqm to 15 sqm.
- 4.6 Whilst the principle of providing additional residential units is acceptable, the design of the proposed two storey building is considered unacceptable, represents an inappropriate form of development and an overdevelopment of the site. The proposed extension would detract from the character and appearance of the application property and the character and appearance of the conservation area and would form a dominant and discordant feature within the surrounding conservation area and wider urban setting, by virtue of its scale, massing, lack of subservience to the host property and inappropriate materials used. It is therefore contrary to Islington Core Strategy (2011) CS8 and CS9 policies, DM2.1 and DM2.3 of the Development Management Policies (2013), the Urban Design Guide (2017) and Conservation Area Design Guidelines.
- 4.7 In addition, whilst the proposal is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of light, outlook or increased sense of enclosure, the proposed two storey building is considered to provide a poor standard of accommodation to future occupiers, by virtue of its proximity to the adjacent restaurant, in terms of potential noise, the lack of sunlight due to its orientation and lack of outlook to the west elevation. It is therefore considered to be contrary to London Plan (2016) policies 3.5 and 3.6, policy CS12 of Islington's Core Strategy (2011) and policies DM3.4 and DM3.7 of Islington's Development Management Policies (2013).
- 4.8 The access to the proposed two residential units located to the rear of the site fails to deliver a legible and logical approach and entry contrary with policy DM2.2 (Inclusive Design) of the Islington Development Management policies 2013.
- 4.9 The proposal is therefore considered to be unacceptable and it is recommended that the application be refused.

5. SITE AND SURROUNDINGS

- 5.1 The application site is located to the rear of two mid-terraced three storey properties, with additional roof level accommodation above and basement level below, being nos. 112 and 114 Islington High Street. This section of Islington High Street comprises terraced properties generally incorporating retail uses at ground floor with residential units above, which is found at the two host properties, being a furniture shop and perfume shop. The existing ground retail units and upper floor residential units benefit from separate access made from Islington High Street. The existing layout of the ground floor retail units, have the publicly accessible areas towards the front and storage towards the rear.
- 5.2 The situation at the application property is unusual, insofar as the building located to the rear of 112-114 Islington High Street is in use as storage space ancillary to the restaurant use at No. 106-108 Islington High Street, rather than the retail units at 112 Islington High Street. The supporting documentation states that properties 106 – 112 Islington High Street are owned and managed by the Segal family who operate as Passage Properties Ltd. Within the rear garden there is an external amenity area used by patrons of the restaurant, together with the two storey conservatory extension.
- 5.2 The site is located on the eastern side of Islington High Street, with Camden Passage to the west and bounded to the rear by St John Evangelist RC Primary School.
- 5.3 The application building is not listed but the site is located within the Angel Conservation Area. The site is also located within an Archaeological Priority Area, Central Activities Zone, Angel Town Centre and designated Primary Retail Frontage.

6. PROPOSAL (in Detail)

- 6.1 Planning permission is sought for the erection of a two storey building to accommodate 2 no. self-contained 1 bedroom residential units and a single storey building to be used as a furniture store. The two buildings would be detached from the host property, with the two storey building adjacent to the rear elevation of the host properties and the single storey building located to the north east corner. This is following the demolition of the existing single storey outbuilding positioned to the rear elevation of the host properties.
- 6.2 The proposed two storey building would result in the creation of 2 nos. one-bedroom self-contained residential units, each with an internal area of 50 sqm. It would be a flat roofed building measuring a maximum height of 5.1m, a length of 7.1m, and width 8.9m. The building would be constructed using moss green glazed brick to the upper floor, with London stock brick to the lower level and garden wall, with a sedum roof, including a central area of the roof to be clad in zinc supporting two rooflights. There would be 15sqm of private amenity space positioned to the rear which would be associated with each of the proposed residential units, with new planting proposed around the perimeter.
- 6.3 The two storey building would replace an existing single storey flat roofed building measuring a maximum height of 2.9m, 6m in length and 5m in width. The proposed two storey building would therefore be 2.2m greater in overall height, 1.1m greater in width, and 4.9m greater in length, when compared to the existing single storey building on site to be removed.

- 6.4 The access to the proposed residential units would be via the existing entrance from Islington High Street, to the residential flats on the upper floors of no. 112 Islington High Street, using the existing rear access door. The proposal includes alterations between the rear elevation of the host building and the proposed dwellings, including the installation of a new metal staircase and an area for cycle storage. The proposal would also reroute the existing fire escape from no. 116 Islington High Street to the north of the proposed units.
- 6.5 The proposed single storey outbuilding, to be used for furniture storage, would be positioned to the north east corner of the rear garden of the host properties. It would be a pitched roof building, measuring a maximum height of 3.6m, and 2.5m to the eaves, at a length of 6m and a width of 4.5m, with a set of double doors to the west elevation. It would be constructed using brick and a slate roof.
- 6.6 The proposal is a resubmission of the previously refused application ref: P2016/4824/FUL for the 'Demolition and re-location of furniture storage shed, and change of use to provide two x 2 storey, 1 bedroom residential units to the rear of 112-114 Islington High Street'. The reasons for refusal of the application are set out within paragraph 7.4 of this report, but essentially 3 of the 5 previous reasons for refusal have not been addressed and the scheme is exactly the same design, layout and materials. The reasons regarding tree issues and small sites contribution are the two reasons officers considered to have been addressed within this application.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 P042024 (Flat D) Planning Permission granted for Change of use of the first floor ancillary A3 space to provide one No. 1-bed flat (ground floor and basement retail - A3 - to be retained) on 24/02/2005.
- 7.2 P081012 Planning Permission granted for Installation of one air-conditioning condenser unit to rear wall at ground floor level on 25/09/2008.
- 7.3 P081015 Planning Permission granted for Installation of non-illuminated projecting bronze lettering to shop front fascia on 27/06/2008.
- 7.4 P2016/4824/FUL Planning Permission refused for Demolition and re-location of furniture storage shed, and change of use to provide two x 2 storey, 1 bedroom residential units to the rear of 112-114 Islington High Street on 10/05/2017. The reasons for refusal were as follows:
- 1) REASON: The proposed 2 no. 1 bedroom residential units provide a poor standard of internal living accommodation by reason of their single aspect nature resulting in a poor outlook. The units would therefore fail to provide an adequate living environment for prospective occupiers. The proposal is therefore considered contrary to the London Plan 2016 policy 3.5 and 3.6, policy CS12 of Islington's Core Strategy and policy DM3.4 (Housing Standards) of the Islington Development Management Policies 2013.
 - 2) REASON: The construction of a two storey standalone building to the rear of the site represents an inappropriate and overdevelopment of the site by reason of the overall scale and massing of the proposed development. The development, by reason of the proposed bulk, scale and massing, would fail to be subordinate to, and would not respect or respond positively to, the existing buildings and would form dominant and discordant feature within the surrounding conservation area and wider urban setting. The proposed development is therefore considered to be contrary to policies DM2.1 and DM2.3 of the Islington Development Management policies 2013 and the Islington Urban Design guidance 2016.

- 3) REASON: The applicant has failed to submit written confirmation of an agreement to pay the full contribution sought by the Islington Affordable Housing Small Sites Contributions SPD or to submit a viability assessment to demonstrate that the full contribution is not viable and that instead a lesser contribution should be made. Therefore, the proposal is contrary to policy CS12 Part G of the Islington Core Strategy 2011 and the Islington Affordable Housing Small Sites Contributions SPD.
- 4) REASON: Inadequate details of the impacts upon the trees has been provided and subsequently it is not possible to determine whether the proposed development and its impacts upon the trees are appropriate. Without this detail the impacts and the tree protection cannot not be ensured and as such the application is not acceptable, it is considered contrary to policy DM6.5 (Landscaping, Trees and Biodiversity) of Islington's Development Management Policies 2013.
- 5) REASON: The access to the proposed two residential units located to the rear of the site fails to deliver a legible and logical approach and entry contrary with policy DMP 2.2 (Inclusive Design) of the Islington Development Management policies 2013.

7.5 This application is a resubmission of the refused scheme. The main differences to this revised proposal (that do not address all the previous reasons for refusal) are follows:

- The installation of additional windows to the west elevation of the two storey residential units. There would be one additional window to each of the units at lower ground floor level, serving the living room/kitchen. There would be one additional window to the upper ground floor, to each of the residential units, serving the bathroom.
- The removal of the window to both the north and south elevations of the two storey building, serving the bathrooms.
- Alterations to the proposed external staircase and fire escape route for no. 116 Islington High Street.
- The increase in the private amenity space from 12 sqm to 15 sqm.

ENFORCEMENT

7.6 E11/05586 Enforcement investigation into Unauthorised change of use to A3.

PRE-APPLICATION ADVICE:

7.7 Q2015/2645/MIN - Pre-application Advice provided in relation for *erection of a two storey outbuilding sited to the rear of No 112-114 Islington High Street. The outbuilding will provide 3 new residential units comprising of 1 x 1 bed flat and 2 x studio flats, and replace an existing single storey outbuilding used as a chair store for the furniture store shop at No 114.*

7.8 Advice was provided that:

- That the siting and scale of the proposal would have a detrimental impact upon the character and appearance of the terrace and wider Conservation Area, and would not be supported.
- There is also some concern regarding the access arrangements to the residential unit, the impact upon the outlook from the bedroom of No 114 and the standard of accommodation for the units in relation to outlook and noise from the restaurant (as well as studio units being unacceptable).
- It is questioned whether the scheme as it stands represents overdevelopment of the site. Given the site's position within the Employment Priority Areas (General), policy BC8 resists any net loss in business floorspace unless exceptional circumstances can be demonstrated that there is no demand for the floorspace.

7.9 Q2015/4784/MIN – Follow up Pre-application Advice for the *erection of Two Storey Building forming three self-contained residential flats.*

7.10 Advice was provided that:

- Whilst the proposed residential use at the site is considered to be acceptable in principle, there are a significant number of issues that would need to be addressed in any future application.
- These include the loss of storage space associated with the restaurant use, the impact on the character of the area, the quality of accommodation proposed the housing mix and unit type and the access into the unit.
- While it is considered that a number of these issues could be addressed through the submission of additional information or amendments, the conservation and design issues may constitute an in principle objection as there are no other examples of residential development to the rear of the properties at Islington High Street.
- There is also some concern regarding the access arrangements to the residential unit, the impact upon the outlook from the bedroom of No 114 and the standard of accommodation for the units in relation to outlook and noise from the restaurant (as well as studio units being unacceptable).

8. CONSULTATION

Public Consultation

8.1 Letters were sent to 18 occupants of adjoining and nearby properties at Islington High Street, Duncan Street and Duncan Terrace on 28 June 2017, and site and press adverts were displayed. The public consultation of the application expired on 26 July 2017.

8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report 1 no. objection in total had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- Loss of daylight/sunlight and overlooking to the rear of the first floor office at nos. 116 and 118 Islington High Street and the existing residential units at ground and first floor level at no. 114 Islington High Street (**See paragraphs 10.46 to 10.52**)
- The impact of the living conditions of future occupiers of residential units given the proximity the existing restaurant in terms of noise and odour (**See paragraphs 10.30 to 10.45**)

- Concerns with means of access shared with the restaurant use and the impact on the fire escape to adjoining properties including redesign of steps (**See paragraphs 10.53 to 10.58**)
- The proposal would represent an inappropriate overdevelopment of the site and would form a dominant discordant form which would be out of keeping with the character of the surrounding conservation area (**See paragraphs 10.13 to 10.29**)

Internal Consultees

- 8.4 **Design and Conservation Officer:** raised objections to the proposal, in terms of the two storey extension as a standalone and its design and materials used, and its impact on the conservation area stating the following:

'As consistently advised the proposed building to the rear of nos. 112-114 is considered unacceptable in principle. Although there are a number of rear extensions to the building within the terrace, of varying sizes, they are all rear extensions attached to the buildings, rather than separate stand-alone buildings within the rear gardens. As such it may be acceptable to extend nos. 112 and 114 out in line with the adjacent extension at no. 110, but a new stand-alone building is considered inappropriate in this location. There is an existing large shed in the position of the proposed new building, but this does not appear to have had consent and is therefore not considered to set precedent for any new, larger development in its place. It is not felt that any of the amendments made have addressed the concerns with the proposed new building, namely the in principle objection which cannot be addressed through minor design changes.

The proposed green glazed tiles for the upper storey of the proposed building are also considered inappropriate and do not relate to the surrounding conservation area context or to the adjacent locally listed buildings'.

- 8.5 **Highways:** No comments received.
- 8.6 **Sustainability:** No comments received.
- 8.7 **Noise and Pollution Officer:** raised objections to the proposal, in respect of noise from adjacent restaurant.
- 8.8 **Refuse and recycling:** No comment.
- 8.9 **Trees:** No objections providing the specified tree protection measures are installed prior to works commencing, and an informative is attached to any permission.
- 8.10 **Accessibility:** raised objections to the proposed access arrangements.
- 8.11 **Odour and Pollution Officer:** No comments.

External Consultees

- 8.12 **Fire Brigade:** raised no objections but recommended the use of sprinklers.

9. RELEVANT POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following Development Plan documents.

National Guidance

- 9.1 The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

Development Plan

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

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

- Land Use
- Design and Conservation
- Quality of accommodation
- Neighbouring Amenity including sunlight/daylight
- Accessibility
- Highways and Transportation
- Trees
- Refuse
- Sustainability
- Affordable Housing
- Other Matters

Land Use

- 10.2 The application site is located within the Angel Town Centre and the frontage buildings and the frontage buildings are within the Primary retail frontage. The site is also within the Angel and Upper Street Key Area, and the Central Activities Zone.
- 10.3 proposal results in the creation of 2 no. 1 bedroom residential units as a result of the erection of a two storey building, and a single storey building used as furniture storage, to the rear garden of nos. 112 and 114 Islington High Street. This is following the demolition of the existing single storey outbuilding.
- 10.4 As stated in paragraph 5.2 above, the situation at the application property is unusual, insofar as the building located to the rear of 112-114 Islington High Street is in use as storage space ancillary to the restaurant use at No. 106-108 Islington High Street, rather than the retail units at 112 Islington High Street. Therefore, whilst the use of this single storey building relates to the restaurant (A3 use) the rear gardens are associated with the

ground floor retail units (A1 use). There is no evidence to confirm planning permission has been sought for the erection of the existing single storey building.

- 10.5 In terms of its Town Centre designation, part D of Islington Core Strategy (2011) CS5 policy, relating to Angel and Upper Street, states 'any significant introduction of residential uses, including student accommodation, within the town centre will be resisted'. Also Policy DM4.4, in relation to Town Centre development, Part C states that proposals are 'required to:
- i) be appropriate to the scale, character and function of the centre;
 - ii) contribute positively to the vitality and viability of the centre;
 - iii) promote a vibrant and attractive place;
 - iv) respect and enhance the heritage, character and local distinctiveness of the centre;
 - v) provide a variety of different sized retail units;
 - vi) meet the council's policies on Inclusive Design; and
 - vii) not cause detrimental disturbance from noise, odour, fumes or other environmental harm'.
- 10.6 Part D of this policy also states 'the Change of Use of ground floor units from main Town Centre uses (e.g. A Use Classes, D2 Use Class and Sui Generis main Town Centre uses) to other uses (particularly residential use) within Town Centres will be generally resisted'.
- 10.7 Part A of Policy DM4.5 sets out the Council's approach to the change of use of existing retail premises (A1 use) within Primary Frontages. It states that they will not be permitted unless all the following criteria are satisfied:
- i) The resulting proportion of retail units in the Primary Frontage would not fall below 70% in Major Town Centres and 60% in District Town Centres;
 - ii) The proposed Change of Use would not result in a break in continuity of retail frontage of more than one non-retail unit in any frontage;
 - iii) The premises has been vacant for a period of at least 2 years and continuous marketing evidence for this 2 year vacancy period is provided and demonstrates that there is no realistic prospect of the unit being used for retail (A1) purposes;
 - iv) Individually or cumulatively the proposed use would not have a harmful effect on the predominantly retail function and character of the Town Centre, and its vitality and viability; and
 - v) All proposed uses at ground floor level would provide an active frontage and would clearly support the retail role of the frontage'
- 10.8 Paragraph 4.25 of the Development Management Policies states that Islington's Town Centres are the primary focus for retailing in the borough. Ensuring that retail and other important facilities (such as GP surgeries, solicitors, post offices, groceries and newsagents) remain readily accessible is essential to the vitality and viability of Town Centres. Focusing these shops and services within Town Centres will contribute to the inclusivity and sustainability of local communities and the local economy, and reduce the number and length of trips undertaken'.
- 10.9 In addition, paragraph 4.31 explains 'Primary Frontages contain the greatest concentration of shops (A1 retail use), attract the greatest number of customers and underpin the vitality and viability of the Town Centre. Retail should remain the principal and dominant land use within these areas. The council will not support uses that do not complement or support the predominantly retail character, and will seek to retain all retail uses (Use Class A1) and maintain a continuous retail frontage wherever possible'. Whilst it is acknowledged that the proposal would not result in the loss of the existing ground floor retail units at the host

properties, the policy advice in relation to proposed residential development is that it should be generally resisted. This is also supported by part G of policy DM6.1 which states 'noise sensitive developments should be adequately separated from major sources of noise, such as road, rail and certain types of development. Noise generating uses should, where possible, be sited away from noise sensitive uses. Where noise generating uses are proposed within a residential area, applicants should demonstrate that the use will not give rise to noise nuisance'.

- 10.10 Whilst the issues such as the quality of accommodation for future occupiers is assessed later within this report, the principle of residential is generally not supported in this location. The proposal is considered not to be consistent with the objectives of the retail designations of the Town Centre, Primary Retail Frontage and Central Activities Zone.
- 10.11 In terms of the loss of the existing storage building, it would seem difficult to provide marketing evidence to justify the change of use to accord with part D i) of policy DM4.4 as the area seems to be used in conjunction with no. 106 Islington High Street as storage in association with the restaurant use. The pre-application advice provided in 2015 recommended that details are submitted in support of the application to demonstrate that any loss of the existing storage area in this location would not have an unacceptable impact on the functioning and long term viability of the restaurant use at no. 106 Islington High Street. If this loss cannot be justified or shown to not be required, a replacement storage area would need to be accommodated on the site without adversely affecting the quality and access to the proposed residential units here.
- 10.12 In the documentation of the previously refused application (ref. P2016/4824/FUL) the applicant stated that the evolution of the area for storage and its resulting links with the restaurant were completely random and that the existing quantity of storage space exceeds operational need. The re-provision of storage by way of the proposed single storey outbuilding, the loss of A3 floorspace within the previous application was considered acceptable given that the loss would be minimal at 4.5 sqm. Given that this revised proposal would provide the same amount of A3 floorspace as this previously refused proposal, being 22.5 sqm, which was considered acceptable, the refusal on this basis would not be warranted. It is therefore considered that whilst the provision of residential accommodation in this is generally not supported, the proposal would be acceptable in land use terms in terms of its minimal loss of storage.

Design and Conservation

- 10.13 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.
- 10.14 Under the National Planning Policy Framework Listed Buildings and Conservation Areas are considered designated heritage assets. Under paragraph 128 applicants are required to describe the significance of heritage assets affected by a proposal, including any contribution made by their setting.
- 10.15 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."

- 10.16 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.
- 10.17 Policy DM2.3 of the Development Management Policies requires the significance of Islington's listed buildings to be conserved or enhanced. New developments within the setting of a listed building are required to be of good quality contextual design. New development within the setting of a listed building which harms its significance will not be permitted unless there is a clear and convincing justification, and substantial harm will be strongly resisted.
- 10.18 The Angel Conservation Area has a varied character that derives from incremental development from the 17th, 18th, 19th and 20th centuries. The general grain is of individual buildings with traditionally narrow plot widths and a height of two, three or four storeys. The resulting vertical emphasis is echoed by the original shopfront pilasters and consoles which divide properties. The variety of height and of design at roof and parapet level provides great visual interest. This is punctuated by several important local landmarks. It is a lively commercial area with mainly retail and service uses and featuring the well-known antiques market and associated shops in and around Camden Passage. Most of the passage is a pedestrian only area paved in yorkstone.
- 10.19 One of the host properties, no. 112 Islington High Street, and the nearby property, no. 106 Islington High Street, to the south, are locally listed buildings. There are a number of Grade II Listed buildings further along Islington High Street, to the south, and residential streets of Duncan Terrace and Charlton Place.
- 10.20 The scheme proposes the demolition of an existing single storey building and the erection of a two storey building and a single storey building, in the form of standalone buildings, positioned to the rear gardens of nos. 112-114 Islington High Street.
- 10.21 Whilst it is acknowledged that the proposal does not form an extension to a residential property, the advice provided within the Islington Urban Design (UDG) (2017) is considered relevant in the assessment of this application. Paragraphs 5.132 to 5.137 provide general advice in relation to rear extensions. It states that they 'should take into account bulk, height, massing, materials and proportion and how they relate to adjacent heritage assets, uses, building alignment and general treatment of setting. Where the proposal is within a Conservation Area, applicants should have reference to the guidance within the applicable Conservation Area Statement'. It states that they 'must be subordinate to the original building' and that 'the depth of extensions must also be carefully considered, having regard to both the impact on the amenity of neighbouring properties and the host building. This is particularly important for extensions exceeding a single storey. Excessively deep extensions can adversely impact on daylight, sunlight and sense of enclosure'.
- 10.22 Paragraph 5.170 of the UDG is considered relevant which states that 'garden buildings should be designed to be subservient to the main building on the site. They should be as low as possible, with a modest footprint and should be sufficiently set away from boundaries to prevent cumulative impact or a 'terracing' effect arising from similar built form to the end of adjoining gardens. They should normally be of lightweight construction, and will only be acceptable where sufficient garden/open space remains to provide high quality and useable amenity space'.

- 10.23 The Conservation Design Guidelines paragraph 18.8 states ‘new buildings should conform to the height, scale and proportions of existing buildings in the immediate area, and should follow the traditional building line’. Paragraph 18.11 states ‘In considering applications for extensions, alterations and refurbishment, the Council will normally require the use of traditional materials. For new development, materials should be sympathetic to the character of the area, in terms of form, colour and texture’ and paragraph 18.20 states that it is important that ‘rear extensions are subordinate to the mass and height of the main building. Rear extensions will be permitted on their merits and only where the scale, design and materials to be used are in keeping with the existing property and where all other planning standards are met’.

Single storey furniture building

- 10.24 The proposed furniture storage building to be located to the north east corner of the rear garden, its design and relatively modest scale at single storey in height, is considered to be broadly compliant with the above advice. It is acknowledged that this element of the proposal would be positioned immediately adjacent to the boundary of nos. 116 Islington High Street, to the north, which would not be strictly in accordance with the above guidance found within paragraph 5.170. However, its restricted width and length is considered to ensure that it would not result in the potential for ‘terracing effect’, in the event other outbuildings were proposed. Overall, it is considered that this building would be subordinate to main part of the host property and the surrounding area.

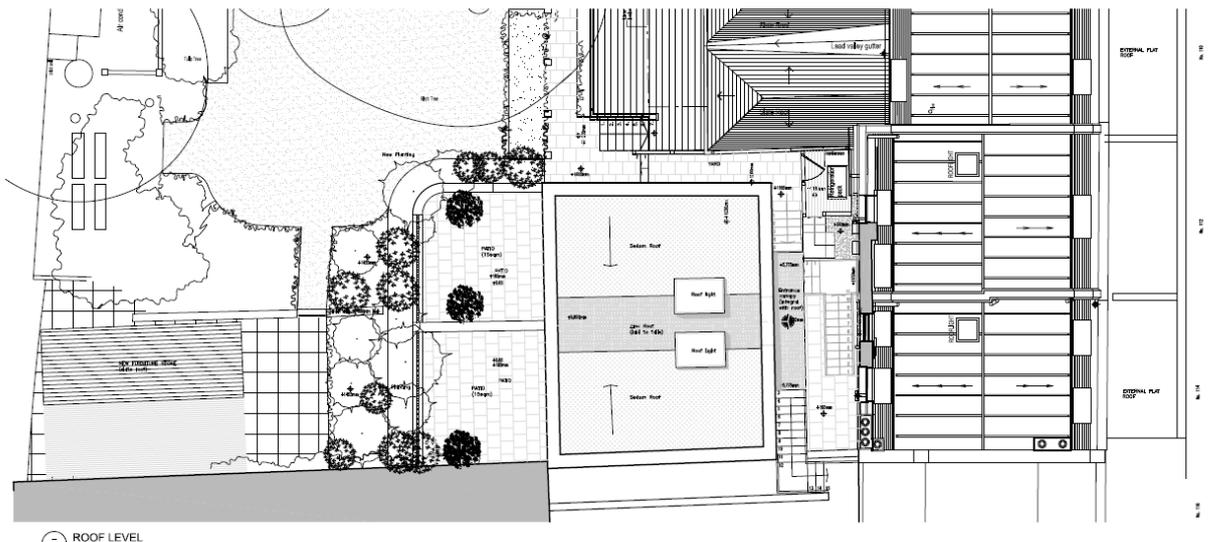


Image 7: View of the proposed buildings relative to the rear of the adjacent properties along Islington High Street.

Two storey residential building

- 10.25 The scale and position of the proposed two storey residential building is considered to be contrary to the above guidance. The previous application was refused on the grounds represents that the two storey building represents an inappropriate and overdevelopment of the site by reason of the overall scale and massing of the proposed development. The development, by reason of the proposed bulk, scale and massing, would fail to be subordinate to, and would not respect or respond positively to, the existing buildings and would form dominant and discordant feature within the surrounding conservation area and wider urban setting. No layout or positioning changes have been made on this revised application.

- 10.26 Whilst it is acknowledged that there are a number of rear extensions to the building within the terrace, of varying sizes, they are all rear extensions attached to the buildings, rather than separate stand-alone buildings within the rear gardens. Whilst this element of the proposal would be in a similar position of the existing single storey shed to be replaced, the existing building does not appear to have benefitted from consent and is therefore not considered to set precedent for any new, larger development in its place. Nevertheless, it's a substantially larger, higher building proposed, therefore it would have a greater visual impact on what currently exists. As such there is no justification for a more dominant building which is even deeper than the neighbouring large extension which are historical.
- 10.27 Notwithstanding the concerns in relation to the principle of a two storey outbuilding in this location, the proposed green glazed tiles for the upper storey of the proposed building are also considered inappropriate and do not relate to the surrounding conservation area context or to the adjacent locally listed buildings. It is acknowledged that the proposal would incorporate a green roof which is supported.

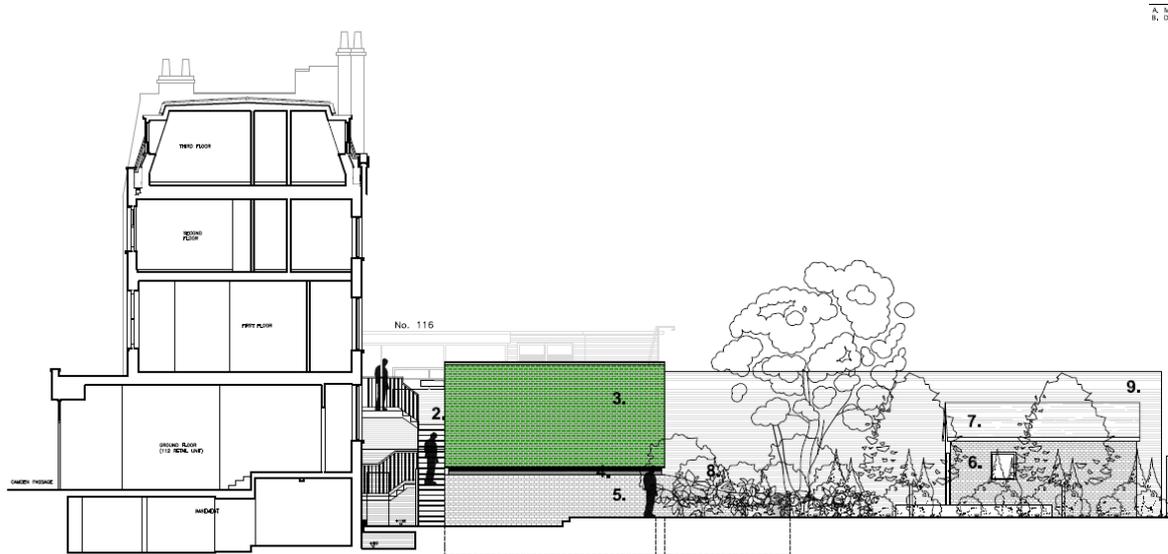


Image 8: View of south elevation of proposed outbuildings

- 10.28 Overall, consideration has been given to the scale of the existing structures on the site, the scale of the extensions and the design, appearance and use of materials. The Design and Conservation Officer concludes that the harm to heritage assets would not outweigh the public benefits of the provision of two additional residential units. Therefore, the proposal is considered to be contrary with policy DM2.3 and guidance contained within the NPPF, the CADG and UDG.
- 10.29 One of the reasons for refusal of the previous application (ref. P2016/4824/FUL) was 'the construction of a two storey standalone building to the rear of the site represents an inappropriate and overdevelopment of the site by reason of the overall scale and massing of the proposed development. The development, by reason of the proposed bulk, scale and massing, would fail to be subordinate to, and would not respect or respond positively to, the existing buildings and would form dominant and discordant feature within the surrounding conservation area and wider urban setting'. Given the minimal changes to the previous scheme, it is therefore considered no substantive evidence to address these reasons for refusal and it remains applicable within this application. As such the proposal is considered unacceptable in design terms.

Quality of residential accommodation

- 10.30 The proposed development would result in the creation of 2 x one-bedroom self-contained residential units located over two storeys.
- 10.31 Part B of policy DM3.4 of Development Management Policies (2013) states in relation to internal floor area
- i) All new residential developments, conversions and extensions are required to meet or exceed the minimum space standards set out in Table 3.2. For dwellings designed for more than six people, an extra 10m² is required for each additional occupant above the sixth person accommodated.
 - ii) Built-in general internal storage space free of hot water cylinders and other obstructions, with a minimum internal height of 2 metres and a minimum area of 1.5m² must be provided for 1-2 person dwellings, in addition to storage provided by furniture in habitable rooms. For each additional occupant an additional 0.5m² of storage space is required. These requirements are reflected in Table 3.2.
 - iii) Rooms must be designed to function comfortably and efficiently for their intended purpose, including having regard to the size standards set out in Table 3.3.
 - iv) Kitchens/diners should normally be provided as separate from living rooms as set out in the Accessible Housing in Islington SPD.
 - v) At the planning application stage, applicants are required to provide details of proposed overall floorspace and a breakdown of room sizes, including occupancy. This may be provided within the Design and Access Statement or as a separate document.
 - vi) Dwelling plans are required to demonstrate how dwellings will accommodate standard-sized furniture, access and activity space needs related to (a) the declared level of occupancy, and (b) standards required and described in the Accessible Housing SPD for flexible homes and/or wheelchair accessible standards.
 - vii) Those details not evident on the dwelling plan are required to be detailed in the Design and Access Statement and relevant schedule of accommodation (for example, details such as level entry showers and the route for ceiling mounted hoists).
- 10.32 The proposed residential units, with a gross internal area of 50 sqm, would meet the standards set out in policy DM3.4 of the Development Management (2013). Ideally family sized units are sought within the borough, as set out within London Plan 2016 policies 3.5 and 3.6, Islington Core Strategy policy CS12 and policies DM3.1 (mix of housing sizes), DM3.3 (Residential conversions and extensions) and DM3.4 (Housing Standards) of Development Management Policies 2013. However, given the central location of the proposal, within the Central Activities Zone and Town Centre location, and the constraints to the site which make the delivery of two bed units difficult, it is considered that a deviation from the standards would be acceptable in this instance.
- 10.33 The proposed layout would have the combined living space (living/kitchen/ding) on the lower ground floor level and the bedroom accommodation on the upper ground floor. The size of these areas are considered to be of adequate and acceptable layout. Notwithstanding the compliance with the internal space standards, part D of policy DM3.4 states that:

- i) New residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated.
- ii) For sites where dual aspect dwellings are demonstrated to be impossible or unfavourable, the design must demonstrate how a good level of natural ventilation and daylight will be provided for each habitable room. The living space has access to private amenity space to the rear measuring.

10.34 Paragraph 3.47 of the Development Management Policies (2013) states 'Dual aspect design is key to maximising natural light, cross ventilation and access to quiet parts of homes'. The Housing SPG states that 'a dual aspect dwelling is defined as one with openable windows on two external walls, which may be either on opposite sides of a dwelling or on adjacent sides of a dwelling where the external walls of a dwelling wrap around the corner of a building'. In this instance, the proposed residential units would have windows to the rear/east elevation and to the front/west elevation.

10.35 In terms of assessing whether they would provide dual aspect it is important to consider what rooms the proposed windows would serve. The upper ground floor would have a large window to the rear elevation, which would serve the bedroom accommodation, whereas the two windows to the front elevation would serve a staircase and a bathroom and an internal staircase. Given the nature of bathroom windows which are usually obscure glazed and non-opening, it is considered that this cannot be considered as providing aspect to the property. The only other window at this level would be to the internal staircase around the around the west elevation doors. The proposed combined living areas at lower ground floor level would benefit from a set of glazed bi-fold doors to rear elevation, and a single window to the front elevation.

10.36 It is acknowledged that the proposal would provide dual aspect in terms of the above definition. However, it is considered that given the orientation of the proposed two storey outbuilding, together with the position of the proposed external staircase, and proximity of the building to the existing terraced properties, the windows to the west elevation at lower ground floor level would result in poor outlook to future occupiers of the proposed units.

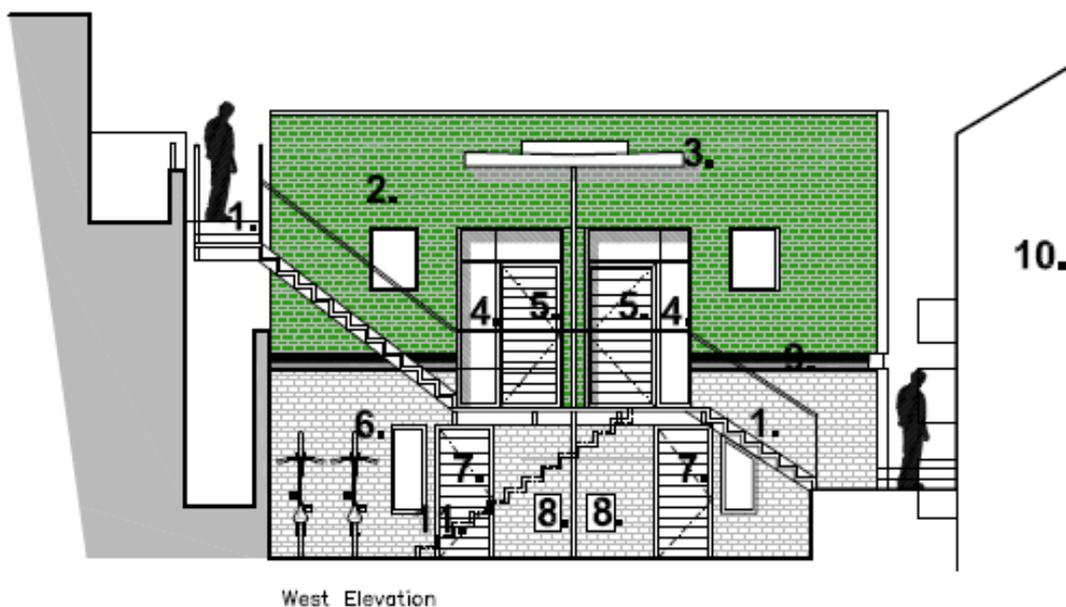


Image 9: View of west elevation of the two storey building

10.37 Part E of DM3.4 states the following in relation to daylight and sunlight:

i) The design of all residential development is required to maximise natural light into the room (subject to passive heating and cooling considerations). The glazing to all habitable rooms should be generous and aim to be not less than 20% of the internal floor area of the room.

ii) All dwellings should provide for direct sunlight to enter the main habitable rooms for a reasonable period of the day. Living areas, kitchen and dining spaces should preferably receive direct sunlight.

10.38 In this instance, the host properties have an east facing rear garden, meaning that only the windows to the rear elevation of the proposed residential units would benefit from any sunlight/daylight. This is due to the height of the existing buildings to the west, and the proximity to these properties, 2.5m. Whilst it is acknowledged that the windows to the rear elevation, on both levels, would be generous in size, and would provide direct sunlight to habitable rooms, this would be restricted to a short period of the day, in the morning.

10.39 In addition, policy DM3.7 provides advice in relation to noise and vibration for residential uses. It states that:

- All residential development proposals shall demonstrate how potential adverse noise impact on and between dwellings will be mitigated by housing layout, design and materials.
- The layout of adjacent dwellings and the location of lifts and circulation spaces is required to limit the transmission of sound to noise sensitive rooms within dwellings.
- Sufficient sound insulation with reasonable resistance to airborne sounds and impact sounds shall be installed in all walls and floors between and within dwellings, and between dwellings and public and/or communal areas.
- Residential developments should be adequately separated from major sources of noise, such as road, rail and certain types of development. Mitigation will be required where the noise environment necessitates this. Noise exposure categories will be used to assess applications. New residential development should wherever possible be sited away from noise generating land uses.
- Proposals for residential development adjacent to railway lines (or other sites that may be subject to vibration) should incorporate adequate mitigation to ensure a good standard of amenity for future occupants.

10.40 The proposed residential units would be located to the rear of nos. 112-114 Islington High Street, which have retail units (A1 use) on the ground floor and flats on the upper floors, which are considered to have an acceptable noise impact on future occupiers. However, as described above the proposal shares the rear garden with the existing restaurant at no. 106 Islington High Street to the south, which has ancillary external areas, which are publicly accessible.

10.41 Concerns were raised in the consultation process from neighbours in relation to the impact on the future occupiers of the residential units, with both odour and noise, from this restaurant. The Council's Pollution Officer raised concerns in relation to the potential noise impact. The Officer confirmed that there have been a number of complaints (6 since May 2017) in relation to loud music and nuisance, and is currently liaising with the licensee to resolve this matter to mitigate these issues. The premises is currently licensed to play live and recorded music until midnight (00:00) Monday to Saturday and 23:30 on Sundays and opening hours until 01:30. The only noise condition requires doors and windows to be

closed during entertainment. The Pollution Officer has confirmed that the existing complainant is considerably further away than the proposed units and not structurally linked.

- 10.42 Positioned to the rear of no. 112 Islington High Street, and adjacent to the proposed residential units, there is also the building services plant for kitchen extraction and air conditioning which serve the restaurant. The Pollution Officer has considered that it is unclear how the sound from these existing air conditioning units would be mitigated for the occupiers of the proposed units. As such, given the proximity to the restaurant and this external plant equipment, the Pollution Officer has objected to the proposal.



Image 10: View of existing plant equipment to rear of no. 112 Islington High Street

- 10.43 Part C of policy DM3.5 states that 'The minimum requirement for private outdoor space is 5m² on upper floors and 15m² on ground floors for 1-2 person dwellings. For each additional occupant, an extra 1m² is required on upper floors and an extra 5m² on ground floors up to a minimum of 30m² for family housing (three bedroom residential units and above)'. The provision of 15 sqm for each of the proposed residential units is considered to be acceptable.
- 10.44 One of the reasons for refusal of the previous application (ref. P2016/4824/FUL) was that 'the proposed 2 no. 1 bedroom residential units provide a poor standard of internal living accommodation by reason of their single aspect nature resulting in a poor outlook. The units would therefore fail to provide an adequate living environment for prospective occupiers'.
- 10.45 It is considered that overall, given its proximity to the adjacent restaurant, the orientation of the site, and the position of the west elevation relative to the external staircase and main building, the proposal would result in poor outlook and a general unacceptable standard of accommodation for future occupiers and its proximity to noise sensitive adjacent Town Centre evening uses and adjacent air conditioning units. As such the proposal is considered to be contrary with the objectives of policies DM3.4, DM3.7 and DM6.1 of the Development Management Policies (2013) and the objectives of the Conservation Design Guidelines.

Neighbouring Amenity including Sunlight and Daylight

- 10.46 The proposal would create a two storey residential building and a single storey outbuilding to the rear of nos. 112 and 114 Islington High Street.
- 10.47 Part A(x) of Policy DM2.1 requires new development to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.48 The property sits within the shared garden with adjacent restaurant to the south, and to the rear of the ground floor retail units with residential flats on the upper floors of nos. 112-114 Islington High Street. No daylight and sunlight report has been submitted to assess the impact to existing windows within surrounding buildings which face onto the site. The applicant's supporting documentation notes that the windows at no. 112-113 Islington High Street generally serve storage, WC facilities or circulation (staircases) and as such no daylight/sunlight issues are presented as a result of the proposed development.
- 10.49 However, the upper floors at nos. 112-114 Islington High Street serve residential, habitable rooms. Sections have been provided, and as the proposed development is set below the rear first floor window which serves a habitable room, it is considered that there would not be any loss of daylight/sunlight or overshadowing to neighbouring properties.
- 10.50 Mitigation would be required to ensure that the proposal would not result in any significant noise issues to neighbouring properties, and between the proposed residential units. Whilst this detail could be secured by condition (should the application approved) these matters are likely to be considered within the Building Regulation process.
- 10.51 Paragraph 2.14 in the Development Management Policies (2013) states 'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy'. In this instance, it is considered that there would be no privacy issues given the rear facing windows on nos. 112 and 114 Islington High Street relate to the ground floor commercial units. The building is so close to the rear of 112-114 Islington High Street views to windows above this level would be so acute as to render overlooking impossible.
- 10.52 In summary the proposal would not conflict with the aims of Policy DM2.1 of the Islington's Development Management Policies with regards to the protection of neighbouring amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential amenity and is therefore acceptable in this regard.

Accessibility

- 10.53 The proposal would be accessed from the existing entrance from Islington High Street, which provides access to the upper floor flats at the host properties. The residential units would be accessed via the rear door of the rear elevation of no. 112 Islington High Street and the proposed external staircase, linking the host properties with the new residential buildings.

- 10.54 Policy DM2.2 states 'all developments shall demonstrate that they:
- i) provide for ease of and versatility in use;
 - ii) deliver safe, legible and logical environments;
 - iii) produce places and spaces that are convenient and enjoyable to use for everyone, and
 - iv) bring together the design and management of a development from the outset and over its lifetime'.
- 10.55 In addition, the Inclusive Design SPD and Part F i) of Policy DM3.4 states 'the overall approach to all entrances should be logical, legible and level or gently sloping'. Part F iii) states 'common entrances should:
- be visible from the public realm, clearly identified, illuminated and have weather protection;
 - have a door with 300mm of clear space to the pull side and a clear minimum opening width of 1,000mm.
 - have level access over the threshold and a level external landing in front with space to turn a wheelchair clear of any door swing'.
- 10.56 In this instance, it is acknowledged that the street level entrance is an existing situation and used by the upper floor residential units. However, this approach is a narrow passage from the street incorporating several changes in level. The unit's do not provide living space at entrance level. There is a change in level within the entrance floor of both dwellings. Whilst it is acknowledged that the residential units on the upper floors benefit from the existing access from Islington High Street, there is a difference in need and expectations for level access to a commercial storage and fully self-contained residential units.
- 10.57 The Council's Access and Inclusive Design Officer notes that these are new dwellings and it is the adopted London Plan Policy that all new homes should be visitable and adaptable to: facilitate sustainable communities; enable residents to stay put for longer; and reduce premature loss of independence, unwanted moves, unsightly alterations, and loss of dignity. To that end it is expected that all new dwellings meet the standards set out in M4(2).
- 10.58 It is considered that the proposal would be contrary to policies DM2.2 and part F of DM3.4 and the objectives of the Inclusive Design SPD. It should be noted that one of the reasons for refusal of the previous application (ref. P2016/4824/FUL) was that the access to the proposed two residential units located to the rear of the site fails to deliver a legible and logical approach and entry. Once again, the assessment of the previous application is still applicable

Highways and Transportation

- 10.59 The application site is located within a highly accessible area with excellent (PTAL – 6b (the best)) public transport provision. Policy CS10 of the Islington Core Strategy 2011 stipulates that no parking provision should be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking need to meet the needs of disabled people. As the new housing development would be car free it is considered that the proposal would not result in increased traffic congestion in the area or parking problems.

- 10.60 The requirements for cycle parking set out in Policy DM8.4 and Appendix 6 of the Development Management Policies applies to the creation of new residential units. Cycle parking is required to be provided at a rate of one space per every bedroom and needs to be secure, covered, conveniently located and step free. The scheme proposes 2 Cycle parking spaces, positioned between the rear elevation of no. 114 Islington High Street and the proposed residential units. Whilst it is acknowledged that this provision would not strictly accord with the requirements, as it would not be covered or step-free, however in this instance it is not considered to warrant refusal, and would generally be compliant with the requirements of Policy DM8.4 (Walking and cycling) of the Islington Development Management Policies. As such, the scheme complies with the Councils transport policies.

Trees

- 10.61 Part B of Policy DM6.5 states 'trees, shrubs and other vegetation of landscape and/or environmental significance must be considered holistically as part of the landscape plan. The following requirements shall be adhered to:
- i) Developments are required to minimise any impacts on trees, shrubs and other significant vegetation. Any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits, must be agreed with the council and suitably reprovided. Developments within proximity of existing trees are required to provide protection from any damage during development. Where on-site re-provision is not possible, a financial contribution of the full cost of appropriate re-provision will be required.
 - ii) The council will refuse permission or consent for the removal of protected trees (TPO trees, and trees within a conservation area) and for proposals that would have a detrimental impact on the health of protected trees'.
- 10.62 An Arboricultural Impact Assessment was submitted as part of the application details. This report identified that three trees may be affected by the construction work in terms of root compaction (marked as T1, T2 and T4 on associated site plan). These include a Tulip tree (T1), a Sycamore tree (T2) and a Birch tree (T4). The Tulip (T1) and Birch (T4) are considered to be of a high amenity value (category A trees) and the Sycamore tree (T4) is considered to be of moderate amenity value (category B trees).
- 10.63 Trees are assessed and graded on their value and remaining contribution. Retention categories A (high value) to C (low value) are used with category U denoting trees to be removed.
- 10.64 The report identifies that tree protection fencing is recommended to protect the rooting area of the aforementioned trees. The Council's Tree Preservation Officer has reviewed the Arboricultural Impact Assessment and agrees with its conclusions. He has recommended that a condition is attached to any approval, requiring these measures to be implemented in full and an informative to contact the Tree Preservation Officer during the construction period.
- 10.65 It is therefore considered that the proposal would address the previous reasons for refusal in regards to trees and be compliant with policy DM6.5 of the Development Management Policies (2013), subject to the above recommendations.

Refuse Facilities

- 10.66 The submitted drawings do not show the provision of refuse and recycling. However, it is considered that this would not warrant refusal of the application and could be conditioned for the submission of further details in the event that the application were in a position to be approved.

Sustainability

- 10.67 Policy DM7.1 provides advice in relation to sustainable design and construction, stating 'Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development'.
- 10.68 Part B and C of Policy DM7.2 are considered relevant stating '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 25% in comparison with regulated emissions from a building which complies with Building Regulations Part L 2010 (equivalent to Code for Sustainable Homes level 4), unless it can be demonstrated that such provision is not feasible' and 'all remaining regulated emissions from minor new-build residential and non-residential developments of one unit or more, not dealt with by on-site measures, will be offset. Developments will be required to pay the full cost of CO2 offsetting, unless it can be demonstrated that this is not feasible, in which case the maximum feasible payment for offsetting will be required. Such payments will be addressed through a Section 106 legal agreement'.
- 10.69 In addition, the proposal would include the provision of a green roof to the residential properties which is welcome and is considered compliant with policy DM6.5 of the Development Management Policies (2013).
- 10.70 In this instance, in terms of Policy DM7.2 an in accordance with the Environmental Design SPD, the proposal would be liable for the payment of £3,000 for carbon-offsetting. Whilst no information has been provided within the submitted planning application in terms of carbon off-setting and sustainable measures generally, the applicant has agreed to pay the full payment for carbon off-setting. It is considered that the lack of information would not warrant refusal and could be conditioned if all of the other issues were considered acceptable.

Affordable Housing

- 10.71 In accordance with the Affordable Housing Small Sites Contributions SPD the Council requires an agreement to pay a contribution towards the costs of providing affordable housing within the Borough. Islington's Core Strategy policy CS12 Part G, which states that schemes below a threshold of 10 residential units (gross) will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough.
- 10.72 Paragraph 3.0.5 of the SPD states '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, and £60,000 for sites south of Pentonville Road/City Road'. The proposal would therefore be liable for the payment of £100,000.

- 10.73 In this instance, the applicant has confirmed agreement to pay the full payment for the two residential units. In the event that the application was to be approved the payment would be required to be secured by way of a Unilateral undertaking and therefore this payment/agreement would directly address one of the reasons for refusal of the previous application.

Other Matters

- 10.74 The proposal would alter the existing fire escape used by no. 116 Islington High Street. As part of the application concerns were raised within the consultation period from neighbouring properties. However, the London Fire Brigade confirmed that they were satisfied with the proposal but recommended the use of a sprinkler system. Whilst no sprinkler system is proposed, and would be conditioned if all other aspects of the scheme were considered acceptable.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposal is for the erection of a two storey detached building, to provide 2 x 1-bedroom residential units, and a single storey outbuilding to replace an existing furniture storage building, positioned to the rear gardens of nos. 112-114 Islington High Street. This would also include the provision of external amenity space and external staircase associated with the residential units, and would involve the alteration of the existing fire escape to no. 116 Islington High Street.
- 11.2 The principle of the provision of residential accommodation and furniture storage is considered acceptable. This is due to the existing ground floor units not being altered and it would result in a minimal loss of the A3 floorspace on site, at 4.5 sqm, and the refusal of this application on this loss would not be warranted.
- 11.3 Whilst the proposed single storey outbuilding for furniture storage is considered acceptable in design terms, the statutory duties under Section 66 (1) and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are not met in relation to the proposed two storey residential building. It is considered that this element of the proposal, by virtue of its excessive scale, its form, position and materials would not be subordinate to the host building and would result harm to the character and appearance of the conservation area and the adjacent locally listed buildings. Whilst it is acknowledged that the scheme would result in less than substantial harm and would provide public benefits through the creation of two residential units (and payment of small sites contribution to affordable housing). It is not considered that these public benefits would outweigh this harm.
- 11.4 Due to the orientation of the proposed two storey building, the position of the windows to the west elevation and the proposed external staircase, its proximity to noise receptors including the existing restaurant to the south, it is considered that the proposal would provide poor living conditions for future occupiers.
- 11.5 The proposed access to the proposed residential units located to the rear of the site fails to deliver a legible and logical approach and entry.
- 11.6 The proposal is considered compliant with the requirements of financial contributions in relation to affordable housing and carbon off-setting, and being a car-free, which the applicant has confirmed their agreement.

- 11.7 The development is considered to be contrary to the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for refusal

Conclusion

- 11.6 It is recommended that planning permission be refused for the reasons set out in Appendix 1 - RECOMMENDATION.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be refused for the following reasons:

REASON 01: The proposed 2 no. 1 bedroom residential units provide a poor standard of internal living accommodation by reason of their single aspect nature resulting in a poor outlook. The units would therefore fail to provide an adequate living environment for prospective occupiers. The proposal is therefore considered contrary to the London Plan 2016 policy 3.5 and 3.6, policy CS12 of Islington's Core Strategy and policies DM3.4 (Housing Standards), DM 6.1 (Healthy Developments) & DM 3.7 (Noise and vibration (residential uses) of the Islington Development Management Policies 2013.

REASON 02: The construction of a two storey standalone building to the rear of the site represents an inappropriate and overdevelopment of the site by reason of the overall scale and massing of the proposed development. The development, by reason of the proposed bulk, scale and massing, would fail to be subordinate to, and would not respect or respond positively to, the existing buildings and would form dominant and discordant feature within the surrounding conservation area and wider urban setting. The proposed development is therefore considered to be contrary to policies DM2.1 and DM2.3 of the Islington Development Management policies 2013 and the Islington Urban Design guidance 2017.

REASON 03: The access to the proposed two residential units located to the rear of the site fails to deliver a legible and logical approach and entry contrary with policy DMP 2.2 (Inclusive Design) of the Islington Development Management policies 2013 and Islington Inclusive SPD.

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 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have 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, and Development Management Policies 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

Policy 3.5 Quality and design of housing developments
Policy 3.6 Children and young people's play and informal recreation facilities
Policy 5.3 Sustainable design and construction
Policy 5.11 Green roofs and development site environs
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 8.2 Planning obligations

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 5 – Angel and Upper Street
Policy CS 8 – Enhancing Islington's character
Policy CS 9 - Protecting and enhancing Islington's built and historic environment
Policy CS 10 – Sustainable Design
Policy CS12 – Meeting the housing challenge
Policy CS14 – Retail and services

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage
- Policy DM3.1 – Housing mix
- Policy DM3.3 – Residential conversions and extensions
- Policy DM3.4 – Housing standards
- Policy DM3.5 – Private outdoor space
- Policy DM3.7 – Noise and vibration (residential uses)
- Policy DM4.4 – Promoting Islington's Town Centres

- Policy DM4.5 – Primary and Secondary Frontages
- Policy DM6.1 – Healthy Developments
- Policy DM7.1 - Sustainable design and construction
- Policy DM7.2 - Energy efficiency and carbon reduction in minor schemes
- Policy DM7.4 – Sustainable Design Standards
- Policy DM8.4 - Walking and cycling
- Policy DM8.5 - Vehicle parking

3. Designations

Archaeological Priority Area
Core Strategy Key Area – Angel and Upper Street
The Angel Conservation Area
Central Activities Zone (CAZ)
Cycle Routes (Strategic)
Angel Town Centre
Angel Primary Retail Frontages
Crossrail 2 Rail Safeguarding
Within 100m of TLRN road
Within 50m of Duncan Terrace/Colebrook Row Conservation Area

4. SPD/SPGS

Urban Design Guidelines 2017
Conservation Area Design Guidelines
Environmental Design SPD
Inclusive Design SPD
Housing SPG
Affordable Housing SPD