



ISLINGTON

Planning Service
Public Protection Division
Environment and Regeneration
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PLANNING SUB-COMMITTEE A		AGENDA ITEM NO:	B2/B3
Date:	10 February 2011		

Application number	P100738
Application type	Full planning application
Site Address:	134 Liverpool Road N1
Proposal	Redevelopment within retained enclosing walls, including excavation to form new basement level across all of the site except the archway access beneath the frontage building on Liverpool Road. Formation of shared office workspace at basement and ground floor. Erection of five basement and four-storey dwellings on northern section of site.

RECOMMENDATION

That the Committee resolve to **REFUSE** planning permission as set out in Appendix 1.

INTRODUCTION

Site

1. 134 Liverpool Road is a backland site situated on the eastern side of Liverpool Road, within the Barnsbury Conservation Area. A narrow archway opening leads to an irregularly-shaped site. The main building is 3-storeys in height and is in mixed use as Class B1 offices, Class D1 consulting rooms for complementary therapists and Class D2 training/practice studios for dancers. There is also a single-storey dance studio to the right of the access-way, which is partially attached to frontage buildings on Liverpool Road

Surroundings

2. Despite the application site being included within an area identified in the Unitary Development Plan 2002 as having a predominantly residential character, there are in fact a variety of land uses and types of buildings in the vicinity of 134 Liverpool Road. The site is bounded by offices to the north, gardens of residential properties to the south and east and mixed commercial and residential buildings to the west.

Proposal (in Detail)

3. Redevelopment within retained enclosing walls, including excavation to form new basement level across all of the site except the archway access beneath the frontage building on Liverpool Road. Erection of five basement and four-storey dwellings on northern section of site. As originally submitted, the scheme showed the bulk of the remainder of the site clear of the archway entrance containing a dance studio with showers and changing rooms. Consulting rooms for therapists were shown in a ground floor section behind 132 Liverpool Road. The scheme was however amended shortly after submission to substitute a shared office complex with workspace at basement level and meeting rooms and admin offices in the ground floor.
4. The residential proposal is broadly similar to the scheme proposed in application P061619 and refused on appeal in August 2007. The amended scheme differs however from the refused scheme in seeking to replace the same amount of employment floorspace on the site as would be lost through the demolition of the existing building.
5. This application has been brought forward for consideration by Committee at the request of Cllr Murray.

Issues

6. The main issues arising from this proposal relate to the:
 - Effect on employment
 - Effect on the character of this part of the conservation area
 - Effect on amenity of neighbours

Relevant History

7. The mews buildings were originally in industrial use as exhibition fitters' workshops. This use ceased in the early '80s. The applicant has owned the premises since 1982. For a while he used part of the premises for his stage lighting and theatre prop-making

business. From the mid 80s parts of the building have been let out, first purely for other B1 uses, but permission was granted at the end of 2004 for change of use of ground and second floors to dance/theatre rehearsal space, martial arts studios and therapy rooms.

8. In December 2005, permission was refused for construction of an additional storey on the three-storey building and its conversion to form five 4-bedroom houses, along with adaptation of the single storey dance studio to form a 3-bedroom dwelling house. The reasons for refusal were the loss of Class B1 employment floorspace, the loss of Class D2 recreation floorspace, harm to the character and appearance of the conservation area (both through loss of active commercial uses and due to the increased bulk of the building) and adverse effect on the setting of neighbouring listed buildings on Gibson Square to the south and Milner Place to the east.
9. Similar considerations contributed to the refusal in September 2006 of an amended scheme with the with the single-storey building this time to be enlarged and modified for uses within Classes B1, D1 or D2. The decision notice also cited as reasons for refusal detrimental effect on amenity of residential neighbours through overshadowing and enclosure, failure to comply with Lifetime Homes Standard and inadequate provision for refuse storage.
10. An appeal against this decision was dismissed in August 2007. The Planning Inspector rejected a number of the Council's stated reasons for refusal, but concluded that the refusal had been justified on the grounds of conflict with the Council's employment policies E4 (loss of B1) and E13 (loss of premises suitable for small enterprises) and also on the basis of loss of privacy for neighbours.
11. In April 2009 an amended application was submitted for five houses and a 'workspace hub'. The application was withdrawn before a decision was made.

Conservation Area Consent (CAC) application

12. A linked application has been submitted (LBI ref: P100739) seeking Conservation Area Consent to demolish the buildings on the site. This application is also before the Committee and is recommended for refusal on the basis of premature demolition, which would conflict with the objectives of Policy D21.

CONSULTATION

Public Consultation

13. The applicant submitted a number of letters of support from dance companies and therapists with his initial submission. These however related to the original version of the scheme with the dance studio and therapists' consulting rooms. They are not relevant to the amended version of the scheme.
14. Letters were sent to occupants of all units at 134 Liverpool Road itself and to occupants of all commercial units and individual dwellings in adjoining and nearby properties on Liverpool Road, Gibson Square and Milner Place (a total of 43 letters in all). The application was also advertised by the posting of a site notice and with a press advertisement.

Development Plan

18. The Development Plan is comprised of the London Plan 2008 (consolidated with amendments since 2004), the Islington Unitary Development Plan (2002) and Islington's Core Strategy, which was adopted by the council on 17 February 2011 after having been found to be sound at inquiry stage by the Planning Inspector. The following policies of the Development Plan are considered relevant to this application:

Islington Core Strategy 2011

Policy CS9 (Preservation and enhancement of conservation areas)

Policy CS13 (Employment spaces)

Unitary Development Plan (2002)

Economic Regeneration Policies:

E4 (Change from B1 to residential)

E13 (Protection of Premises for Small Firms and Opportunities for Business Start-Ups)

Conservation and Design Policies:

D3 (Site Planning)

D20 (Land Use)

D21 (Demolition in conservation areas)

Housing Policies:

H3 (New Housing and Changes of Use to Residential)

Designations

19. The site has the following designations under the Islington Unitary Development Plan (2002):
- Within Barnsbury Conservation Area
 - Adjacent to listed properties

EVALUATION

Loss of existing employment floorspace

20. The applicant has argued that the existing building provides poor quality accommodation, through being badly laid out, lit and ventilated and suffering high solar gain and glare. There is also no lift or disabled access. He argues that the replacement accommodation would be superior in these respects and provide high levels of low-energy artificial lighting.
21. It is certainly the case that the existing complex is not up to the standards of modern new-build accommodation. It is also only partially tenanted by B1 users, as opposed to the D1 (dance or therapy) tenants. However it does provide for a rich mix of activities and has continued to be well occupied.

22. In its place the applicant is proposing replacement employment accommodation where all of the actual work space would be below ground and not even the above ground meeting rooms would have views out. It may be that in the high demand, high rental City of London, people would be prepared to rent and occupy such accommodation. The applicant has not submitted information showing that there is demand by employment users in Islington for the kind of floorspace proposed in this application, at what could be assumed to be significantly higher rentals than in the existing building.
23. Without clear demonstration of demand, it is difficult to be confident that the space would be a real substitute for the presumably relatively modestly-priced accommodation within the existing buildings. It is therefore impossible to set aside the concern that the loss of the existing employment floorspace would conflict with Policies E4 and E13

Quality of proposed residential accommodation

24. The proposed residential properties are compromised in their form and amenities by the constraints of the site. All would have small patio areas, but these would be partially at basement level and would be much hemmed in by high enclosing walls and surrounding buildings.
25. The three units at the western end of the group are houses and are regular in configuration and stacking on the four above-ground storeys (The basement is shown under the rear part of the houses only, with some of the basement level office accommodation extending underneath them at the front). The other two are not houses. The lower ground, ground, 1st and 3rd floor levels at this end of the proposed residential development are configured similarly, with each of Units 4 and 5 having the same portion of each level. Bizarrely, however, at 2nd floor level Unit 5 would have the vast majority of the floorspace. As a result, one of the Unit 5 bedrooms at 2nd floor level would form the meat in the sandwich between one of Unit 4's bedrooms beneath it and Unit 4's living-dining-kitchen above it. The balcony to the Unit 4 living space would be directly above Unit 5's bedroom window.
26. The ground floor front bedrooms in the three houses have no defensible space. This could of course be remedied by providing small, enclosed front areas. They could not however sit behind lightwells since the space at basement level would be occupied by the underground employment floorspace.

Conservation and Design

27. The appeal decision on the previous version of the scheme stated that the modern mews terrace then proposed would not be detrimental to the overall character of this part of the conservation area, nor to the setting of the neighbouring listed buildings. The elevational treatments in this scheme are virtually identical. The Inspector also concluded that then development would not harm the setting of the neighbouring listed properties on Gibson Square. There would not therefore be any significant conservation or design reasons for opposing the scheme

Neighbouring Amenity

28. Building houses on constricted backland sites is often highly problematic. The Council's planning policies would often lead to a presumption against it. In the case of the appeal scheme, the Inspector concluded that the houses as then proposed would be no taller

than the existing building and the impact of the proposal on the levels of sunlight and daylight enjoyed by neighbouring residents would be no different to that experienced now. The current drawings suggest that the residential development will in fact be slightly taller than the existing building.

29. The Inspector did however regard residential-to-residential overlooking as being a reason for dismissing the appeal. Clearly there is overlooking from the existing building of surrounding properties – the Inspector referred to the houses on Gibson Square to the south and Milner Place to the east and pointed out that trees in the gardens of some of those properties would not provide all-year screening. The existing commercial buildings would however be lightly occupied in the evenings and at weekends, whereas residential occupiers of the proposed development would be there to overlook precisely when neighbours would themselves be there to feel overlooked.
30. In an attempt to get around this problem, the scheme suggests fitting glazed screens to boundary walls. These would, at the least of it, increase the sense of enclosure for neighbours even if they were effective. Some of the glazed screens indicated on the submitted drawings do seem highly fanciful – see for instance proposed drawing 04.57.304, which seems to suggest fitting glass privacy screens something over a storey tall in places. Increasing the boundary height by fitting screens has in any case been objected to by neighbours. There would also be significant overlooking of the rear of 7 and 8 Milner Place in particular from Units 4 and 5, where the living rooms and bedrooms on upper floors all rely on east-facing windows. Loss of privacy or enclosure would both be harmful to the amenity of neighbouring properties, and the scheme should be refused for this reason.
31. **Accessibility**
All of the five proposed residential properties appear to be shown as having lifts.

SUMMARY AND CONCLUSION

Summary

32. This scheme takes a small step forward in employment terms by seeking to replace the floorspace lost in the existing building on (or, more correctly, below) the site. It is hard however to be fully convinced that this would be a realistic proposition. The loss of existing floorspace for which it is clear that demand continues to exist still serves as a reason for refusing the scheme on grounds of conflict with Policies E4 and E13. The new-build residential development seems incapable of solving one amenity problem for neighbours, that of overlooking, without creating a problem of excessive enclosure. The scheme would therefore also conflict with the expectations of Policies D3 and H3.

Conclusion

33. It is recommended that planning permission be refused for the reasons set out in Appendix 1 - RECOMMENDATIONS. The Conservation Area Consent application for demolition of the existing buildings should be refused on grounds of prematurity in the absence of an approvable redevelopment scheme

APPENDIX 1 – RECOMMENDATIONS

SCHEDULE OF APPLICATION DETAILS	
Application reference	P100738
Proposal	Redevelopment of site to provide five residential units in a basement and four-storey terrace, together with underground office-space with ground level meeting rooms
Drawing numbers	Design and Access Statement; 04.57.P000, P001, P002, P003, P010, P101, P102, P103, P104, P200-P205, P300-P306, P400, P402-P403, P500 (LBI Registered No. 07381) Applicant's Statement; 04.57 P099 RevA, P100 RevA, P401 RevA (LBI Registered No. 07382) 04.57SD.01 (LBI Registered No. 07383)

Type of application	Full planning application
Application received	27 April 2010
Application completed	10 January 2011
Name of applicant	Mr J Koratjitis
Name of agent	Mr J Engel
Case officer	Roger Allen
Area Team	East-West
Heritage information	Barnsbury Conservation Area Adjacent to Grade II listed buildings
Library (holding copy of application)	
Ward	
PS2 code description	
91st day	

RECOMMENDATION RE PLANNING APPLICATION P100738

That the Committee resolve to **REFUSE** planning permission for the following reasons.

List of Reasons:

1	Loss of employment floorspace for B1 use, suitable for small and medium size enterprises
	REASON: The scheme involves the loss of existing employment floorspace, occupied in part for Class B1 office use and providing suitable premises for small enterprises. All of the actual work space in the proposed replacement employment accommodation would be below ground and not even the above-ground meeting rooms would have eye-level views out. The applicant has not submitted any information showing that there is demand by employment users in Islington for the kind of workspace proposed. The proposal would therefore conflict with the objectives of Policy CS13 of Islington's Core Strategy 2011 and of Policies E4 and E13 of the Islington Unitary Development Plan 2002.

2	Effect on neighbour amenity
	REASON: The proposal would create residential buildings with the potential to give rise to intrusive overlooking of neighbouring residential properties on Milner Place and Gibson Square and the suggested remedy of glazed screens mounted on top of the party boundary walls would itself cause an excessive sense of enclosure to the detriment of residential amenity in those properties. The proposal would therefore conflict with the objectives of Policies D3 and H3 of the Islington Unitary Development Plan 2002.

SCHEDULE OF APPLICATION DETAILS

Application reference	P100739
Proposal	Demolition of existing buildings
Drawing numbers	Design and Access Statement; 04.57.P000, P001, P002, P003, P010, P101, P102, P103, P104, P200-P205, P300-P306, P400, P402-P403, P500 (LBI Registered No. 07381) Applicant's Statement; 04.57 P099 RevA, P100 RevA, P401 RevA (LBI Registered No. 07382) 04.57SD.01 (LBI Registered No. 07383)

Type of application	Conservation Area consent
Application received	27 April 2010
Application completed	
Name of applicant	Mr J Koratjitis
Name of agent	Mr J Engel
Case officer	Roger Allen
Area Team	East-West
Heritage information	Barnsbury Conservation Area Adjacent to Grade II listed buildings
Library (holding copy of application)	
Ward	
PS2 code description	
91st day	

RECOMMENDATION RE CONSERVATION AREA CONSENT APPLICATION P100739

That the Committee resolve to REFUSE Conservation Area Consent for the following reason.

List of Reasons:

1	Premature demolition
	REASON: The demolition of the existing buildings in the absence of an approved scheme for the redevelopment of the site would conflict with the objectives of Policy CS9 of Islington's Core Strategy 2011 and of Policy D21 of the Islington Unitary Development Plan 2002.

APPENDIX 2 – SITE PLAN