



AGENDA FOR THE PLANNING SUB COMMITTEE A

Members of the Planning Sub Committee A are summoned to a meeting, which will be held in Committee Room 1, Town Hall, Upper Street, N1 2UD on, **4 June 2015 at 7.30 pm.**

John Lynch
Head of Democratic Services

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Despatched : 27 May 2015

Welcome:

Members of the public are welcome to attend this meeting.

Consideration of Planning Applications – This is a formal agenda where decisions are taken on planning applications submitted to the Council. Public speaking rights on these items are limited to those wishing to comment on specific applications. **If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk.**

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>	
Councillor Fletcher (Chair)	- St George's;	Councillor Convery	- Caledonian;
Councillor Poyser (Vice-Chair)	Hillrise;	Councillor Diner	- Canonbury;
Councillor Chowdhury	- Barnsbury;	Councillor Gantly	- Highbury East;
Councillor Khan	- Bunhill;	Councillor Ismail	- Holloway;
Councillor Spall	- Hillrise;	Councillor Kay	- Mildmay;
		Councillor Klute	- St Peter's;
		Councillor Nicholls	- Junction;
		Councillor A Perry	- St Peter's;
		Councillor Picknell	- St Mary's;
		Councillor Wayne	- Canonbury;

Quorum: 3 councillors



A. Formal Matters

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1. Introductions
2. Apologies for Absence
3. Declarations of Substitute Members
4. Declarations of Interest

If you have a **Disclosable Pecuniary Interest*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

***(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Sponsorship - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

(c) Contracts - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

(d) Land - Any beneficial interest in land which is within the council's area.

(e) Licences - Any licence to occupy land in the council's area for a month or longer.

(f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

(g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

5. Order of Business

6. Minutes of Previous Meeting

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B. Consideration of Planning Applications

1. 15 Blythwood Road, London, N4 4EU

7 - 24

2.	Bathstore Commercial - Ground Floor, 33 Essex Road, London, N1 2SA	25 - 42
3.	Flat 1 (Flat A), 135 Huddleston Road, London, N7 0EH	43 - 58
4.	The Alban Building, rear of 71-73 Upper Street, 1 St Alban's Place, London, N1 0NX	59 - 82

C. Urgent non-exempt items (if any)

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

D. Exclusion of press and public

To consider whether, in view of the nature of the remaining item on the agenda, it is likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

E. Confidential/exempt items

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F. Urgent exempt items (if any)

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

Date of Next Meeting: Planning Sub Committee A, 9 July 2015

Please note all committee agendas, reports and minutes are available on the council's website:

www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING SUB-COMMITTEES

Planning Sub-Committee Membership

Each Planning Sub-Committee consists of five locally elected members of the council who will decide on the applications for planning permission.

Order of Agenda

The Chair of the Planning Sub-Committee has discretion to bring forward items, or vary the order of the agenda, where there is a lot of public interest.

Consideration of the Application

After hearing from council officers about the main issues of the proposal and any information additional to the written report, the Chair will invite those objectors who have registered to speak for up to three minutes on any point relevant to the application. If more than one objector is present for any application then the Chair may request that a spokesperson should speak on behalf of all the objectors. The spokesperson should be selected before the meeting begins. The applicant will then be invited to address the meeting also for three minutes. These arrangements may be varied at the Chair's discretion.

Members of the Planning Sub-Committee will then discuss and vote to decide the application. The drawings forming the application are available for inspection by members during the discussion.

Please note that the Planning Committee will not be in a position to consider any additional material (e.g. further letters, plans, diagrams etc.) presented on that evening. Should you wish to provide any such information, please send this to the case officer a minimum of 24 hours before the meeting. If you submitted an objection but now feel that revisions or clarifications have addressed your earlier concerns, please write to inform us as soon as possible.

What Are Relevant Planning Objections?

The Planning Sub-Committee is required to decide on planning applications in accordance with the policies in the Development Plan unless there are compelling other reasons. The officer's report to the Planning Sub-Committee will refer to the relevant policies and evaluate the application against these policies. Loss of light, openness or privacy, disturbance to neighbouring properties from proposed intrusive uses, over development or the impact of proposed development in terms of size, scale, design or character on other buildings in the area, are relevant grounds for objection. Loss of property value, disturbance during building works and competition with existing uses are not. Loss of view is not a relevant ground for objection, however an unacceptable increase in sense of enclosure is.

For further information on how the Planning Sub-Committee operates and how to put your views to the Planning Sub-Committee please call Zoe Crane/Jackie Tunstall on 020 7527 3044/3068. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk.

London Borough of Islington

Planning Sub Committee A - 16 April 2015

Minutes of the meeting of the Planning Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 16 April 2015 at 7.30 pm.

Present: **Councillors:** R Perry (Chair), Poyser (Vice-Chair), Gantly and Fletcher

Councillor Rupert Perry in the Chair

58 **INTRODUCTIONS (Item A1)**

Councillor Rupert Perry welcomed everyone to the meeting. Members of the Sub-Committee and officers introduced themselves. The Chair explained that the Sub-Committee would deal with the determination of planning applications and outlined the procedures for the meeting.

59 **APOLOGIES FOR ABSENCE (Item A2)**

There were no apologies for absence.

60 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

There were no declarations of substitute members.

61 **DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

62 **ORDER OF BUSINESS (Item A5)**

Items B2 – 139A and 139B Grosvenor Avenue and B5 – Land at Oakdale Court, adjacent to no. 29 Fortnam Road were withdrawn from the agenda. The order of business would be as follows: B1, B3 and B4.

63 **MINUTES OF PREVIOUS MEETING (Item A6)**

RESOLVED:

That the minutes of the meeting held on 3 March 2015 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

64 **1 WILLOW BRIDGE ROAD, ISLINGTON, LONDON, N1 2LB (Item B1)**

The demolition of the existing rear conservatory and construction of a new three storey extension with link to main house. (NB: 1 ½ storeys below existing ground level). Associated changes to main house at ground/lower ground floor levels. Installation of two new velux roof windows in main rear roof slope.

Planning application number: P2015/0118/FUL)

In the discussion the following points were made:

- The design and conservation officer considered the revised scheme with the reduction in the height of the extension to be more acceptable than the previous scheme.

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- The design and conservation officer would prefer lighter brick than those preferred. However the materials condition required materials to be submitted and approved by officers. The applicant provided details of the cladding system that was proposed.
- Overdevelopment was considered. Officers confirmed this was subjective and related to the size, scale, massing and relationship to surrounding properties.
- The applicants stated they would welcome feedback from the Canonbury Society.

RESOLVED:

That planning permission be granted subject to the conditions and informatives in the case officer's report.

- 65** **139A AND 139B GROSVENOR AVENUE, N5 2NH (Item B2)**
Demolition of the existing 2-storey semi-detached houses in multiple occupation (HMO – use class C4) and the construction of a new 5-storey (including lower ground floor) building providing eight residential dwellings (C3) consisting of 2 x 4 bedroom units and 6 x 2 bedroom units with bin storage area to the front, cycle storage area to rear and associated landscaping.

(Planning application number: P2014/3449/FUL)

RESOLVED:

That it be noted that this item had been withdrawn from the agenda.

- 66** **65 ST GEORGE'S AVENUE, LONDON, N7 0AJ (Item B3)**
Replacement of existing lower ground floor single storey rear extension, erection of single storey infill rear extension along the boundary with No. 67 St George's Avenue, installation of solar panels and 3 rooflights on the rear roof slope. Replacement of windows on the front elevation.

(Planning application number: P2015/0131/FUL)

In the discussion the following points were made:

- The basement part of the scheme did not require planning permission as it could be undertaken under permitted development. It was included in the application for information. Similarly the enlargement of the existing first floor sash window on the rear projection could be undertaken under permitted development as could the installation of the solar panels.
- Many of the objector's points were building control matters.
- Insurance indemnity was a civil matter.

RESOLVED:

That planning permission be granted subject to the conditions and informatives in the case officer's report.

- 67** **FOOTPATH THROUGH BEMERTON ESTATE: FOOTPATH FROM JUNCTION OF FREELING STREET/CARNOUSTIE DRIVE THROUGH BEMERTON ESTATE TO JUNCTION OF PEMBROKE STREET/BINGFIELD PARK, LONDON (Item B4)**
Resurfacing the footpath from the junction of Freeling Street and Carnoustie Drive, through Bemerton Estate to Bingfield Park at Pembroke Street. Replacement fence on Stranraer Way and Earlsferry Way, installation of new railings and concrete seating.

(Planning application number: P2014/4270/FUL)

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In the discussion the following point was made:

- The accessibility officer considered the scheme to be acceptable in terms of accessibility.

RESOLVED:

That planning permission be granted subject to the conditions and informatives in the case officer's report.

68 LAND AT OAKDALE COURT, ADJACENT TO NO. 29 FORTNAM ROAD, LONDON, N19 3NS (Item B5)

Erection of a two-storey end of terrace building containing 2 one-bedroom flats, with associated boundary treatment, landscaping and car parking spaces between Oakdale Court and 29 Fortnam Road.

(Planning application number: P2014/3589/FUL)

RESOLVED:

That it be noted that this item had been withdrawn from the agenda.

69 VOTE OF THANKS (Item)

There was a vote of thanks to Councillor Rupert Perry from members and officers for his work as Chair of the Planning Sub-Committee.

The meeting ended at 8.10 pm

CHAIR

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COMMITTEE AGENDA

1 15 Blythwood Road London N4 4EU

2 Bathstore Commercial-ground floor 33 Essex Road London N1 2SA

3 Flat 1 (Flat A), 135 Huddleston Road, London, N7 0EH

4 The Alban Building RO 71-73 Upper Street 1 St Alban's Place London N1 0NX

1 15 Blythwood Road London N4 4EU

Ward: Hillrise

Proposed Development: Demolition of the existing building and erection of a building containing 9 apartments with associated access, refuse and cycle storage

Application Number: P2014/5121/FUL

Application Type: Full Planning Application

Case Officer: Ben Phillips

Name of Applicant: Self Sustaining Property Ltd

Recommendation:

2 Bathstore Commercial-ground floor 33 Essex Road London N1 2SA

Ward: St. Marys

Proposed Development: Change of use from shop (Class A1) to restaurant (Class A3) including the insertion of extraction and ventilation equipment on the north-east elevation.

Application Number: P2014/2690/FUL

Application Type: Full Planning Application

Case Officer: Emily Benedek

Name of Applicant: Plumbing Pensions UK Limited

Recommendation:

3 Flat 1 (Flat A), 135 Huddleston Road, London, N7 0EH

Ward: Junction

Proposed Development: The erection of a new side infill extension; enlargement of the existing basement to provide a bathroom and additional fourth bedroom; new front light well, glazing and railings. Please note this is an amended scheme showing the full removal of the rear extension, the reduction in the height of the side infill extension and the reduction in the size of the front lightwell.

Application Number: P2015/0026/FUL

Application Type: Full Planning Application

Case Officer: Ashley Niman

Name of Applicant: Mr Adam Kossew

Recommendation:

4 The Alban Building RO 71-73 Upper Street 1 St Alban's Place London N1 0NX

Ward: St. Marys

Proposed Development: Demolition of existing single storey workshop and the construction of a three storey building (basement, ground and one upper floor) comprising office (Class B1) floors pace over lower ground floor and 4 x 2 bed duplex residential apartments (Class C3) on the ground and first floor and associated works.

Application Number: P2014/4396/FUL

Application Type: Full Planning Application

Case Officer: Ben Phillips

Name of Applicant: Grays Road Investments Limited

Recommendation:

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department
 PO Box 333
 222 Upper Street
 LONDON N1 1YA

PLANNING SUB-COMMITTEE A		
Date:	4 th June 2015	NON-EXEMPT

Application number	P2014/5121/FUL
Application type	Full Planning Application
Ward	Hillrise
Listed building	Not Listed
Conservation area	Not in a Conservation Area
Development Plan Context	Adjoining Metropolitan Open Land (MOL)
Licensing Implications	None
Site Address	15 Blythwood Road London N4 4EU
Proposal	Demolition of the existing building and erection of a building containing 9 residential units (flats) with associated access, refuse and cycle storage

Case Officer	Ben Phillips
Applicant	Self Sustaining Property Ltd
Agent	WS Planning & Architecture

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions and S106 agreement (affordable housing and carbon offsetting) as set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: The existing building from Blythwood Road



Image 2: Application site (and retained garage building) from Blythwood Road

4.0 SUMMARY

- 4.1 Planning permission is sought for the demolition of an existing two storey property and the erection of a five storey apartment building consisting of 9 residential units, with associated access refuse, cycle storage and landscaping.
- 4.2 Numerous permissions have been granted on the site, most recently for a 5 storey building providing 9 residential units (P120768 and P2013/1879/S73 both approved at appeal). Both these permissions are extant.
- 4.2 This application proposed alterations to the approved scheme. It is not considered that the alterations proposed will result in significant increased adverse impacts upon the amenities of neighbouring properties, nor have a detrimental impact upon the character and appearance of the street scene.
- 4.8 It is therefore recommended that planning permission be granted subject to conditions and a signed legal agreement (UU).

5.0 SITE AND SURROUNDING

- 5.1 The application relates to 15 Blythwood Road, an existing detached Victorian two storey property (split into 2 flats) sited adjacent to a railway line on the north side of Blythwood Road. The plot stretches to the east and abuts Parkland Walk, which extends to the rear, and is designated as Metropolitan Open Space. It is not a listed building and is not sited within a conservation area
- 5.2 Blythwood Road is predominantly characterised by a row of traditional terraced three storey properties. A more modern property has been added to the eastern end of the terrace opposite the application site. There is also a large four storey apartment block to the south of the site. A previous Planning Inspector for

application P120768 (4th March 2013) described the street scene as varied in terms of character and appearance.

6.0 PROPOSAL (in Detail)

- 6.1 The application proposes the demolition of the existing two storey building and the erection of a 5 storey building containing 9 (2 x 3 bed, 6 x 2 bed and 1 x 1 bed) flats, reaching a height of 13.7m.
- 6.2 The contemporary designed building will be located centrally within the site, with the bin area and cycle storage area adjacent to the existing garage on the
- 6.3 Numerous approvals have been granted for residential development on the site. This application proposes the following amendments to the last application approved (P2013/1879/S73, approved 7/2/14):
- The width of the building is increased by 1m
 - Siting and shape of building slightly altered
 - Height of building increased by 0.25m, and the ground level reduced by an additional 0.25m
 - Size and shape of balconies slightly amended
 - Proportions of the fenestration altered slightly
 - Internal arrangement altered - unit 1 is now a 2 bed unit (rather than 3) and unit 2 is a 2 bed (rather than 1).
 - Amalgamation of the cycle and bin storage areas to the eastern end of the site (previously sited separately on the front elevation).
 - Alteration to the garden layouts.

7.0 RELEVANT HISTORY:

Planning applications

- 7.1 **P090131.** The construction of a three storey residential block in the side garden of 15 Blythwood Road to provide five residential units (one x 3 bedroom, two x 2 bedroom, two x 1 bedroom); demolition of conservatory of 15 Blythwood Road; communal and private gardens and landscaping. This application has been amended further in regard to landscaping and design. **Granted 26/03/2012**
- 7.2 **P100139** Conversion of the existing house into 2 self-contained units. One 3 bedroom family unit with private garden on the ground floor and one 1 bedroom flat on the first floor. Erection of roof terrace, demolition of both the existing side extension and the free standing brick garage. **Appeal withdrawn 08/09/2010.**
- 7.3 **P102526** Proposed demolition of existing building and construction of new building of four storeys to provide four residential units. **Appeal Allowed. 12/01/2011**
- 7.4 **P120768** Proposed demolition of existing building and erection of a 5 storey building to accommodate 4 x 2 bedroom, 3 x 3 bedroom flats, 2 x1 bedroom with

associated landscaping, boundary treatments and roof terraces. **Appeal Allowed 04/03/2013**

- 7.5 **P2013/1879/S73** Application to vary condition 2 (Development in accordance with approved plans) of planning permission ref: P120768 for 'Proposed demolition of existing building and erection of a 5 storey building to accommodate 4 x 2 bedroom, 3 x 3 bedroom flats, 2 x1 bedroom with associated landscaping, boundary treatments and roof terraces.' **Appeal Allowed 07/02/2014**

Enforcement

- 7.6 None relevant

Pre-application advice

- 7.7. None.

8.0 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 17 adjacent properties on 15th January and the 31st March 2015. In addition a site notice was erected and the application advertised in the local press on the 22nd January. The consultation period therefore expired on the 21/4/15 however it is the Councils policy to accept representations up until the date of determination.
- 8.2 At the time of writing this report 2 letters objecting to the proposal have been received, which are summarised as follows (with paragraph numbers stated in brackets stating where the issue is addressed)
- The development will place a strain on parking demand on this road (as with previous schemes the development will be car free)
 - The building is totally out of scale and character with the surrounding dwellings (para 10.2-10.7)

External Consultees

- 8.4 None.

Internal Consultees

- 8.5 **Tree Officer** This application has limited additional impact on the existing trees on Parkland walk in comparison to the previously permitted schemes. There is an impact to the trees but it is broadly acceptable if these impacts can be controlled subject to a condition to secure a measure of control over the tree pruning .

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 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals. The National Planning Practice Guidance 2014 document provides further guidance in this respect.

Development Plan

- 9.2 The Development Plan comprises of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Designations

- 9.3 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

Adjacent to Metropolitan Open Space

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

- 10.1 As stated above, the principle of the development has been established, and this application proposes amendments to a previously approved (and extant) scheme. Therefore the contemporary design of the scheme (subject to amendments detailed below), the number of units, the standard of accommodation (subject to amendments detailed below) the accessibility of the development and transport issues are as previously approved and are not considered in detail.

- 10.2 The main issues arising from this proposal therefore relate to:

- Impact of the amendments on the character and appearance of the proposed streetscene
- Impact of the proposed amendments on the amenities of neighbouring properties
- Landscaping and impact upon trees
- Affordable housing

Character and Appearance of Streetscene

Increase in width and alteration to siting

- 10.2 Policy DM2.1 states that development should respect and respond positively to existing buildings. The additional width of 1m is added to the eastern side of the building., which is sited 1.3m further from the western boundary and 2-3.7m nearer to the eastern boundary. The additional width alters the footprint slightly so that the eastern side elevation is now on a square angle rather than being slightly angled towards the rear boundary in the previously approved scheme.
- 10.3 The visual impact of this additional width, the angle of the eastern elevation and the slight alteration in siting is considered to be minor and will not have a significant or detrimental impact on the character and appearance of the approved scheme.
- 10.4 Similarly, the alteration to the landscaping, so that there is a hard standing path to the cycle/bin area, will not have a detrimental impact on the setting of the building or street scene.

Additional height

- 10.5 The building will increase in height by 0.25m over that previously approved. This additional height (along with a 0.25m reduction in slab level) will have a minimal impact on the appearance of the building, and would have a negligible impact on the street scene compared to the previously approved scheme.

Size and shape of balconies/proportions of the fenestration

- 10.6 The balconies to the front and rear were previously approved as an angled triangular design. In order to comply better with building control and inclusive design regulations the balconies have been amended in design to a more usable squared design, and therefore slightly larger.
- 10.7 This alteration will not have a significant impact on the character and appearance of the building. Similarly, the alteration to the fenestration, namely the addition of a third pane to the third floor front double windows, and the increase in depth of a fourth floor window, the slight reduction in width of the larger balcony French doors to the rear elevation (and the swapping of the door and window on the ground floor), the addition of additional fenestration to the ground floor on the eastern side elevation and the removal of the three windows, one each on the first second and third floors on this same elevation, will not individually or cumulatively have a detrimental impact upon the character or appearance of the building as a whole.

Internal alterations

- 10.8 The internal alterations are mainly focused on the ground floor, and unit 1 is now a 2 bed unit – one single bedroom - (rather than 3) and unit 2 is a 2 bed (rather than 1), again with one bedroom a single. This reflects the demand for 2 bed units identified in Table 3.1 of the Development Management Policies document.
- 10.9 Policy DM3.4 of the Islington's Development Management Policies (June 2013) sets out the standards expected of accommodation in the borough. The two units retain

sufficient floor space to comply with these standards (a minimum of 61m²) – flat 2 is approx 64m² and flat 1 approx 72m².

- 10.10 The internal alterations to the upper floors involve the opening up of the kitchen living rear to one large space for units 6 and 3, and slight movement of the internal bedroom windows to unit 4 and 5 will not have an impact upon the standard of accommodation and all units will remain compliant with all criteria of the above policy.

Cycle and bin storage areas

- 10.11 The cycle and bin storage areas were previously sited (separately) on the front elevation. The two are now proposed to be amalgamated into an area adjacent to the eastern boundary. It is considered that this is an appropriate siting, set next to the existing garage building and is an improvement visually over the previously approved prominent siting. The structure will have no detrimental impact upon the trees to the rear of the site.

Amenity of neighbouring properties.

- 10.12 In terms of the impact of the additional width and alteration to the siting of the building on the neighbouring property, no 13, as stated above, the proposed development is moved approximately 1.3m from the boundary with this dwelling so the scheme will have less of an impact in this respect.
- 10.13 In terms of the impact of the additional height upon No 13, the 0.25m of additional height will have a minimal impact, which is more than offset by the 1.3m set back of the building from this western boundary.
- 10.14 It is also not considered that the limited additional height will have a detrimental impact on the amenities of the neighbours opposite the site, 32-38 Blythwood Road.
- 10.15 The alternative balcony design will not increase overlooking or any other impact upon No 13 or any other neighbour.

Landscaping and impact on trees

- 10.16 The application proposes an alteration to the amenity space arrangement, so that the garden arrangement is altered. The communal area is now sited on the western side of the building, with the private garden to flat 1 on the west, rather than the other way around. The private amenity space for unit 2 has been reduced to a space of 31.1m² (from the previous 66.3m²,) however this still complies with the standards as set out in Policy DM3.5 which requires 20m². As such, it is not considered these alternative garden arrangements result in unacceptable amenity areas for the units.
- 10.17 The building is re-sited approx 1m nearer to the rear boundary than previously approved. The Tree Officer raises concern regarding the possible impact of the construction process over the trees at the rear of the site (and the designated Metropolitan Open Space), and suggests a condition requiring further detail in this respect. Subject to this condition, it is considered that the development will not have

an unacceptable increased impact upon the trees to the rear over that of the schemes previously approved.

Affordable Housing

- 10.18 The Core Strategy Policy CS 12 – ‘Meeting the Housing Challenge’ requires (part G) "... all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide financial contribution towards affordable housing provision elsewhere in the borough." The SPD ‘Affordable Housing Small Sites’ states that in line with the evidence base, the council will expect developers to be able to pay a commuted sum of £50,000 per unit for sites delivering fewer than 10 residential units in the north and middle parts of the borough. The SPD does state, in accordance with the NPPF, that in instances where the applicants consider that this level of contribution would leave the development unviable, that the council will accept viability assessments where the applicants should provide a statement with their application with a justification for not providing the full financial contribution.
- 10.19 In this instance, given that two units are existing on site (flats) the policy requirement is for a contribution of £350,000. The applicants have agreed to pay this figure, and a legal agreement has been agreed to ensure this. As such, it is considered that this policy requirement has been satisfied and therefore the proposal is acceptable in this regard.

Sustainability

- 10.20 A code for sustainable homes assessment (by SRS Partnership Dec 2014) has been submitted which shows that the development will achieve a score of 69.24, therefore meeting the standards set in Code Level 4. A contribution of £1000 per unit towards carbon offsetting has also been secured through a legal agreement.

11 SUMMARY AND CONCLUSION

Summary

- 11.1 In accordance with the above assessment, it is considered that the proposed demolition of an existing two storey property and the erection of a five storey apartment building consisting of 9 residential units, with associated access, refuse, cycle storage and landscaping, is acceptable in land use terms; would have an acceptable impact upon the character and appearance of the street scene and will not have a detrimental impact upon the amenities of neighbouring properties.
- 11.2 As such, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies, and the National Planning Policy Framework and is recommended for approval subject to appropriate conditions.

Conclusion

- 11.3 It is recommended that planning permission be granted subject to a s106 agreement and conditions as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- a) A financial contribution of £3500,000 towards the provision of off site affordable housing.
- b) A financial contribution of £9000 towards CO2 off setting.

RECOMMENDATION B

That the grant of planning permission be subject to conditions:

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Planning, Design & Access statement (WS Planning & Architecture Dec 2014), Code for Sustainable Homes Planning Statement (SRS Partnership Dec 2014), BLR DEV4-001, BLR DEV4-11-001, BLR DEV4-11-002, BLR DEV4-11-003, BLR DEV4-11-004, BLR DEV4-20-002, BLR DEV4-10-002, BLR DEV4-10-003, BLR DEV4-10-004, BLR DEV4-10-005, BLR DEV4-10-006, BLR DEV4-10-007, BLR DEV4-10-010, BLR DEV4-10-0022.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials
	<p>Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ol style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses) b) render (including colour, texture and method of application); c) window treatment (including sections and reveals); d) roofing materials; e) balustrading treatment (including sections); <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the</p>

	resulting appearance and construction of the development is of a high standard.
4	Landscaping
	<p>No development shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority.</p> <p>The landscaping scheme shall include the following details:</p> <p>a) an updated Access Statement detailing routes through the landscape and the facilities it provides;</p> <p>b) Details of how the landscaping scheme maximises biodiversity;</p> <p>c) Details of soft landscaping, including grassed areas, shrub and herbaceous planting as well as the location, species and size of proposed trees;</p> <p>d) A topographical survey and details of proposed earthworks, ground levels and drainage;</p> <p>e) Details of hard landscaping, including surface finishes;</p> <p>f) Details of means of enclosure, within and around the site, both constructed and planted; and,</p> <p>g) Details of any other landscaping features forming part of the scheme.</p> <p>All landscaping shall be carried out in accordance with the approved scheme in the first planting season following first occupation of the first of the residential units hereby approved. The soft landscaping and tree planting shall be subject to maintenance for a minimum period of two years following planting. Any tree or soft landscaping planted as part of the approved scheme which is removed, dies, becomes severely damaged or diseased within two years of the completion of the development shall be replaced with the same species or an alternative approved in writing by the local planning authority within the next planting season.</p> <p>REASON: To ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
5	Cycle parking
	<p>CONDITION The bicycle storage area(s) hereby approved, which shall be covered, secure and provide for no less than 16 bicycle spaces shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
6	Car Free Housing
	<p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <ol style="list-style-type: none"> 1) In the case of disabled persons 2) In the case of units designated in this planning permission as 'non car free';or 3) In the case of the resident who is an existing holder of residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least a year. <p>REASON: To ensure that the development remains car free.</p>
7	Construction Method Statement

	<p>No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works viii. mitigation measures of controlling noise from construction machinery during business hours <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
8	Tree Pruning
	<p>Notwithstanding any other plans or documents hereby approved no pruning of trees beyond the boundary of the site (including branches or roots) are permitted without obtaining written approval of the local planning authority.</p> <p>Tree pruning shall be carried out strictly in accordance with the details yet to be approved and no change shall take place without prior written approval of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not prejudice the life, health and stability of trees to be retained adjacent to the site.</p>
9	Obscure glazing
	<p>All windows shown on the plans hereby approved as being angled or obscurely glazed shall be provided as such prior to the first occupation of the development.</p> <p>All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p>

	REASON: To prevent the undue overlooking of neighbouring habitable room windows.
10	Sustainability
	<p>The development shall achieve a BREEAM [Office/Retail/Schools/Bespoke/multi-residential rating (2008)/BREEAM New Construction rating (2011)] of no less than 'Excellent' and Code of Sustainable Homes rating of no less than 'Level 4'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>
2	CIL
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>

3	Car Free
	All new developments are car free. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.

4	Section 106 Agreement
	You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

5	Definitions
	(Definition of 'Superstructure' and 'Practical Completion') A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals. The National Planning Practice Guidance 2014 is material consideration in the assessment of and has been taken into account as part of the assessment of these proposals.

Development Plan

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2015 - Spatial Development Strategy for Greater London

7 London's living places and spaces
Policy 7.1 Building London's
neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.8 Heritage assets and
archaeology

B) Islington Core Strategy 2011

Spatial Strategy
Policy CS8 (Enhancing Islington's
Character)

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

C) Development Management Policies June 2013

Design and Heritage	Transport
DM2.1 Design	DM8.4 Walking & Cycling
DM2.2 Inclusive Design	DM8.6 Delivery & Servicing
DM3.1 Housing Mix	
DM3.4 Housing Standards	
DM3.5 Private Amenity Space	

Designations

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

Islington Local Plan

Adjacent to Metropolitan Open Land

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

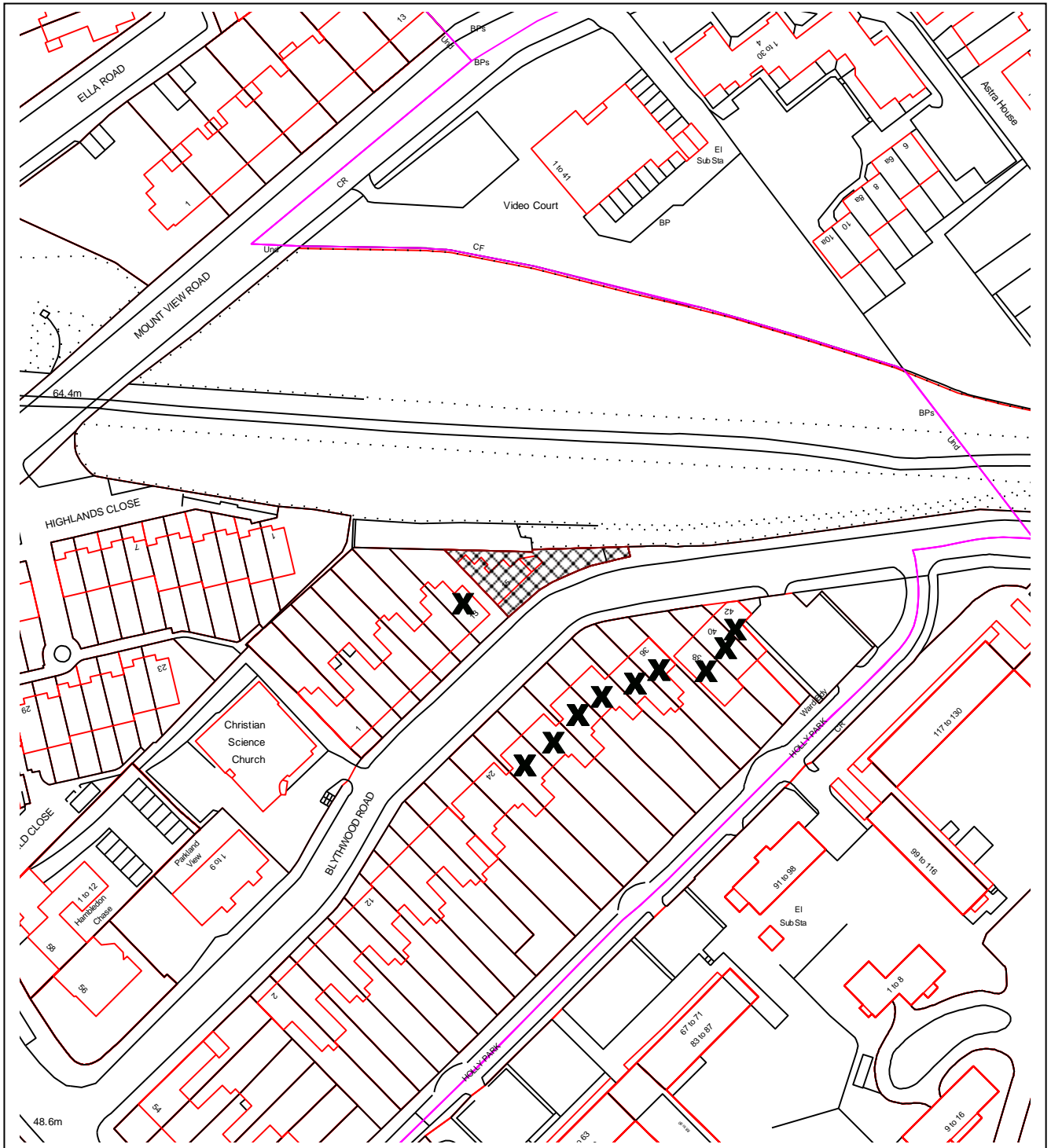
Islington Local Plan

Environmental Design
Urban Design Guide
Accessibility SPD

London Plan

Accessible London: Achieving and
Inclusive Environment
Planning for Equality and Diversity in
London

ISLINGTON SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department
 PO Box 333
 222 Upper Street
 LONDON N1 1YA

Application number	P2014/2690/FUL
Application type	Full Planning Application
Ward	St Mary's Ward
Listed building	Not listed
Conservation area	Not in a conservation area
Development Plan Context	<ul style="list-style-type: none"> - Islington Village and Manor House Archaeological Priority Area - Angel Town Centre - Angel & Upper Street Core Strategy Key Area - Rail Safeguarding Area - Within 100m of Strategic Road Network - Within 100m of Transport for London Road Network - Within 50m of Angel & Upper Street Conservation Area - Within 50m of Duncan Terrace/Colebrooke Row Conservation Area
Licensing Implications	None
Site Address	Ground Floor Unit, 33 Essex Road, London N1 2SA
Proposal	Change of use from shop (A1 Use Class) to restaurant (A3 Use Class) including the installation of extraction and ventilation equipment on the north-east elevation.

Case Officer	Emily Benedek
Applicant	Plumbing Pensions UK
Agent	Andrew Pearce – GL Hearn

1. RECOMMENDATION

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

- 1.subject to the conditions set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET

Application Site



Image 1. Birds eye view of the application site – looking north

Application Site

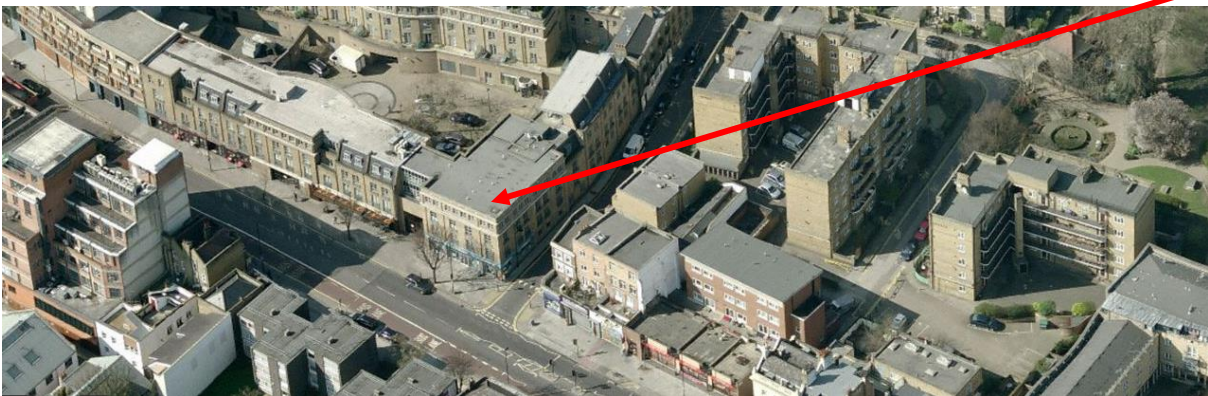


Image 2. Birds eye view of the application site – looking south



Image 3. Photo of the application site as seen from Essex Road



Image 4. Photo of application site as seen from Gaskin Road

4. SUMMARY

- 4.1 Planning permission is sought for the change of use at ground floor level from retail use (A1 Use Class) to a restaurant (A3 Use Class) including the installation of extraction and ventilation equipment on the north-east elevation.
- 4.2 The application is brought to committee because of the number of objections received.
- 4.3 The principle of the change of use from retail use (A1 Use Class) to restaurant (A3 Use Class) is acceptable in this location as the site is situated within the Angel Town Centre but outside of any primary or secondary frontages and therefore the policy principle of an A3 use in this location is acceptable. It is recommended that conditions are attached to limit the hours of use of the restaurant and associated plant equipment to minimise the impact on

neighbouring residential amenity. This is considered to safeguard the amenity, character and function of the primarily retail and service-led area and would avoid exacerbating the over-concentration of these uses along Upper Street.

- 4.4 Subject to the imposition of conditions the proposal is considered not to prejudice the residential amenity of neighbouring and adjoining properties in accordance with policy DM2.1 of the Development Management Policies.
- 4.5 Minimal external alterations are proposed to the building as a part of the current application and these do not affect the character and appearance of the surrounding area.

5. SITE AND SURROUNDING

- 5.1 The application site relates to a four storey corner property located on the north-western side of Essex Road, at the junction with Gaskin Street. To the west the application site abuts the residential units in Epstein Court and south of the site is a gated entrance leading to the residential units in Rodin Court. Although the site is not located within the primary or secondary retail frontage, the site falls within the Angel Town Centre and the immediate area is of mixed character.
- 5.2 The property comprises of a commercial unit, currently used and occupied by a bathroom shop for A1 purposes, at ground floor level with residential accommodation on the three upper floors.
- 5.3 The building is not listed and the site is not located in a Conservation Area.

6. PROPOSAL (in Detail)

- 6.1 The application proposes the change of use at ground floor level from retail use (A1 Use Class) to restaurant (A3 Use Class). The submitted plans demonstrate that the restaurant could provide 66 covers, although these plans are speculative.
- 6.2 Internal changes are proposed to the unit to create new kitchen and sitting areas as well as improved toilet and refuse facilities. A new extraction fan and noise attenuator will also be installed in the kitchen with an outlet by the louvred vent.
- 6.3 Externally, it is proposed that one window on the side elevation facing Gaskin Street will be removed and replaced with a new louvred vent which will provide an outlet for the extraction/ventilation equipment required for a restaurant use. It is proposed that the replacement brickwork will match the bricks used in this existing property and the railings over the louvre will match those used in the upper levels. No other external changes are proposed to the property.

- 6.4 Amended drawings were received during the application which provided details of the proposed internal layout of the restaurant as well as drawings of the proposed north-east elevation showing the removal of a window to necessitate the extraction and ventilation equipment.

7. RELEVANT HISTORY:

Planning Applications:

- 7.1 P2014/1931/ADV - Installation of 2 externally illuminated trough lit fascia signs; and 2 no. down lit externally illuminated panel signs. – Approved on 09/07/2014
- 7.2 P061139 - Installation of shopfront and entrance. – Approved on 05/09/2006
- 7.3 981997 - Change of use of two ground floor A1 shops to A1, A2, or A3 uses. – Approved on 30/12/98
- 7.4 P2014/2698/AOD - Approval of Details pursuant to Condition 2 (Details of Proposed Lighting) of Advertisement Consent Ref: P2014/1931/ADV dated 09 July 2014. – Approved on 09/09/2014

Enforcement:

- 7.5 March 2006: Enforcement Case (Ref. E06/02260) Alleged Breach of control – Banner erected on building. Closed

Pre-Application Advice:

- 7.6 None.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to 126 occupants of adjoining and nearby properties on Essex Road on 16th July 2014. The initial public consultation of the application therefore expired on 6th August 2014. Neighbours were re-consulted on amended plans on 27th April 2015 and this consultation expires on 18th May 2015. It is the Council's practice to continue to consider representations made up until the date of a decision. Any additional representations received will be reported at the Committee meeting. At the time of writing of this report a total of 6 no. objections 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):

- Noise and disturbance to neighbouring residential units resulting from use (See paragraphs 10.6-10.8)
- Restaurants cause additional people to spill out onto street resulting in people smoking on pavements which is unpleasant for upper floor flats (See paragraph 8.2)
- Unit unsuitable for A3 use as does not have access and facilities needed to service and support restaurant use, including suitable extraction system (See paragraph 10.7)
- Existing access from Essex Road and the courtyard are unsuitable for high frequency deliveries and collections (See paragraph 10.10)
- Delivery vehicles will be required to park on double yellow line adjacent to busy junction with Gaskin Street which will significantly increase hazard for road users and cyclists (See paragraph 10.10)
- Restaurants generate significant amount of waste and trade effluent and current facilities are access are inadequate for this purpose (See paragraph 10.9)
- Noise from extraction and ventilation equipment (10.7)

8.2 Whilst the Council acknowledges that passive smoking from people smoking on the streets outside the restaurant is an unpleasant experience for occupiers of the neighbouring residential units, it is not a material planning consideration which the Council is able to control

Internal Consultees

8.3 **Planning Policy Officer:** does not object to the proposed change of use as an A3 use is considered appropriate for a town centre location.

8.4 **Licensing Officer:** no objections to the proposal. Proposes conditions restricting hours of use.

8.5 **Noise Officer:** no objections to the proposal subject to conditions and informatives.

8.6 **Environmental Health Officer:** concerns about odour abatement as the discharge point is at low level. However, this can be overcome through a condition regarding maintenance of the filters.

External Consultees

8.7 **The Upper Street Association:** No comments received.

8.8 **Studd Street and Moon Street Residents Group:** No comments received.

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 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.3 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
- External alterations
- Neighbour amenity
- Refuse

Land use

- 10.2 The application seeks to the change the use at the ground floor level from retail use (A1 Use Class) to restaurant (A3 Use Class). This site is located within the Angel Town Centre, although outside of any primary or secondary frontages. Development Management Policy DM4.4 states that 'applications for more than 80sqm of floorspace for uses within the A Use Classes, D2 Use Class and Sui Generis main Town Centre uses should be located within designated Town Centres.' Both the existing and proposed uses are classed as main Town Centre uses under this policy and would be appropriate in this location. Therefore the change of use from retail use (A1 Use Class) to restaurant (A3 Use Class) is not resisted.
- 10.3 However, policy DM4.3 relates to over concentration of certain uses, including A3 units, within a town centre. This gives policy scope to refuse applications where the use would result in negative cumulative impacts due to an unacceptable concentration of such uses in one area. Whilst the application site adjoins another restaurant there is not considered to be an over-

concentration of A3 Units in this area. Based on the latest town centre and Local Shopping Area survey information, there are ninety (90) A3 units within a 500 metre radius of 33 Essex Road. However, the majority of the area remains in A1 use and no objection is raised.

Use	Number	% of total units in 500m radius
A1	221	47
A3	90	19
A4	26	6
A5	10	2

Table 1: Composition of shops within 500m of application site

- 10.4 Within Essex Road there are thirteen (13) A3 units within 500m of the site, the majority of which are outside the primary and secondary retail frontages. Therefore, taken with restricted opening hours (discussed in paragraph 10.6 below), the additional A3 use would not be significant enough to cumulatively add to any concern about A3 uses in the immediate locality. Accordingly it is not considered that the proposal would have an adverse impact on the amenity, character and function of Angel Town Centre.

External Alterations

- 10.5 A limited amount of external alterations to the property are proposed as part of the application, namely with regards to the extraction and ventilation equipment. It is proposed that the end window on the ground floor side elevation of the shop facing Gaskin Street will be removed and replaced with a louvred vent with railings above. These railings will replicate the railings used on the upper floors. No other flues are required as part of the proposal. It is considered that the loss of a window on the flank elevation and its replacement with a louvred vent will not have a detrimental impact on the character and appearance of the property or the wider street scene and accordingly is considered acceptable.

Neighbour Amenity

- 10.6 Restaurants, by virtue of increased activity and hours of operation have the potential to create noise generating activity. The Council's Licensing Officers have reviewed the application and subject to restrictions on hours of use in accordance with the Council's Licensing Policy 2013-2017 raise no objection to the proposal. This policy document restricts restaurant closing hours to 11pm Sunday – Thursday and midnight Friday and Saturday. A condition has been proposed in line with these recommendations restricting the hours of use to 7:00am-11:00pm Sunday – Thursday and 7:00am-12:00am Fridays and Saturdays (and as the proposed opening hours will accord with the opening hours for local restaurants, the principal is considered acceptable. The proposal does not involve any outdoor seating areas and it is therefore considered that noise and disturbance to neighbouring occupiers will be kept to a minimum. Furthermore, there are no alterations proposed to the shop front which would allow it to slide to a fully opened position. A condition is also

proposed relating to the installation of sound insulation between the proposed restaurant and the residential properties above, this should mitigate against neighbour's concerns regarding noise and disturbance from the proposed use.

- 10.7 Concerns have been raised regarding the suitability of the site for a restaurant as there are no suitable locations for extraction and ventilation equipment as well as the effective disposal of existing trade and effluent. The proposed extraction and ventilation equipment has been carefully designed to avoid the installation of any flues on the external surfaces of the building. The proposed extraction and ventilation equipment will include noise attenuation measures and restrictions relating to hours of use of the equipment to minimise the impact on neighbouring amenity.
- 10.8 The details of the extraction and ventilation equipment have been assessed by the Council's Environmental Health and Noise Officers. Subject to appropriate conditions regarding hours of operation, noise levels and maintenance of the plant equipment as well as sound insulation between the proposed A3 use and the residential units above, the proposal is not considered to prejudice the residential amenity of neighbouring and adjoining properties inline with policy DM2.1 of the Development Management Policies.

Refuse

- 10.9 Amended plans have been received which show dedicated refuse and recycling facilities located internally to the rear of the restaurant, in a dedicated enclosed area and will avoid any conflict with neighbouring properties over refuse storage facilities. It should be noted that it is the applicant's responsibility to ensure the refuse is brought to the front of the shop on refuse collection days.

Other matters

- 10.10 A number of residents have raised concerns regarding servicing and delivery vehicles which will be required to park on double yellow line adjacent to busy junction with Gaskin Street which will significantly increase hazard for road users and cyclists. The application site is located at a busy junction on Essex Road which currently has poor servicing for vehicles. However, it is not the only restaurant in this location and is significantly smaller than the neighbouring restaurant at 31 Essex Road. Subject to a condition recommending details of the delivery service plan which will monitor the frequency of deliveries as well as ensure safe delivery of good, the proposal is not considered to have a detrimental impact on pedestrian and highways safety.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The principle of the change of use from retail use (A1 Use Class) to

Restaurant (A3 Use Class) is acceptable at this location situated within the Angel Town Centre outside of any primary or secondary frontages.

11.2 Subject to conditions the proposal is also considered not to prejudice the residential amenity of neighbouring and adjoining properties inline with policy DM2.1 of the Development Management Policies.

11.3 As such, the proposed development is considered to accord with the policies In the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

11.4 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATION.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the grant of planning permission be subject to conditions to secure the following:

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Site Location Plan, Planning Statement dated July 2014, EX-01, EX-02, P-01 Rev A, P-02, P-03, CLA Compact sound attenuator for circular ducts, Electrostatic Precipitator Manual Clean and Autowash System, Environmental Acoustic Test Odour Assessment dated February 2015.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Flues and Extraction Maintenance
	<p>CONDITION: The ducting and odour abatement plant including electrostatic precipitators and filters of the approved flue / extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible.</p> <p>REASON: To protect the amenities of the adjoining occupiers.</p>
4	Hours of Operation (Compliance)
	<p>CONDITION: The ground floor A3 unit hereby approved shall not operate outside the hours of:</p> <p>07:00 - 23:00 - Sunday to Thursday 07:00 - 00:00 - Friday and Saturday</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
5	Refuse/Recycling (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. P-02 shall be provided prior to the first occupation of the development</p>

	<p>hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
6	Fixed Plant (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>REASON: To ensure that the operation of fixed plant does not impact on residential amenity.</p>
7	Fixed Plant Hours of Use
	<p>CONDITION: Prior to the hereby approved kitchen extraction equipment being used, a timer shall be installed limiting the operation of the plant to between the hours of 07:00 to 23:00 each day only. The plant shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p> <p>REASON: To ensure that the operation of fixed plant does not impact on residential amenity.</p>
8	Sound Insulation
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed A3 ground floor use and the residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to the A3 use commencing on site. The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the A3 usage hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To protect the amenity of the adjoining residential occupiers.</p>
9	Deliveries (Compliance)
	<p>CONDITION: Deliveries, collections, unloading, loading shall only be between the following hours: Monday to Saturday - (08:00 - 20:00) Sundays/Bank Holidays - not at all</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing residential amenity.</p>
10	Delivery Servicing Plan - (Details)
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first</p>

	<p>occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
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List of Informatives:

1	<p>Positive Statement</p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>
2	<p>Mitigation Measures</p> <p>The applicant should consider the following mitigation measures:</p> <ul style="list-style-type: none"> - A flexible skirt should be fitted either side of the extract fan within the premises - The complete isolation of the ducting at all points of fixings from the extract hood, via the fan, internal route and external by anti-vibration mounts. (All fixings will have to be treated) - Ensure the ducting and motor are not touching any structure - Cylindrical ducting to external is fitted (to stop drumming effect of panels of rectangular duct) <p>The plant and equipment shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained.</p>

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

1. National Guidance

The National Planning Policy Framework 2012 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 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2015 - Spatial Development Strategy for Greater London

4 London's Economy:

4.7 (Retail and Town Centre Development)

4.8 (Supporting a successful and diverse retail sector)

B) Islington Core Strategy 2011

Strategic Policies

CS5 (Angel and Upper Street)

CS14 (Retail and Services)

C) Development Management Policies June 2013

DM4.3 (Location and Concentration of Uses)

DM4.4 (Promoting Islington's Town Centres)

4. Designations

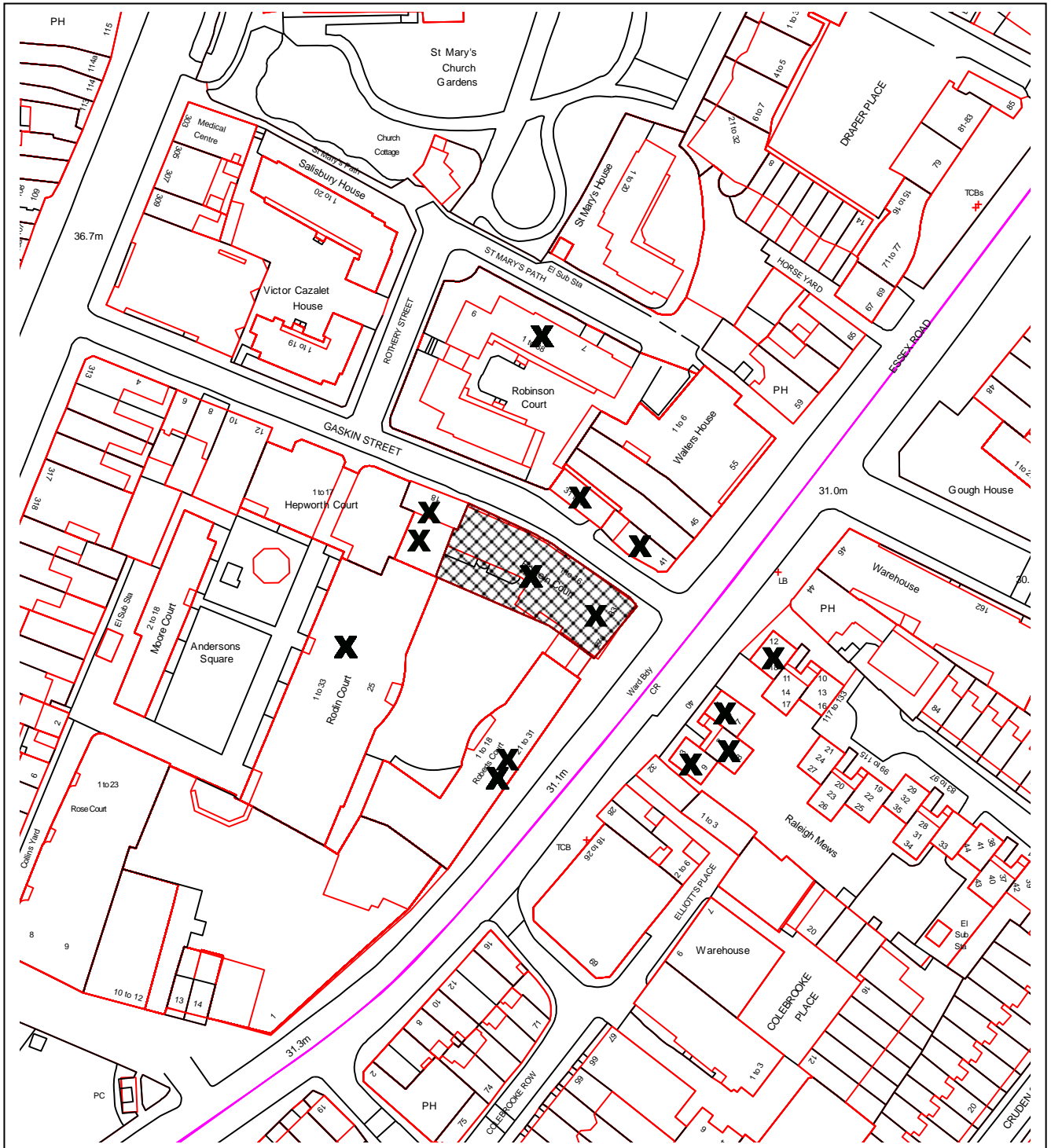
Upper Street (North) Conservation Area
Core Strategy Key Area 5 - Angel & Upper Street

5. SPD/SPGS

None

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P2014/2690/FUL

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Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department
 PO Box 333
 222 Upper Street
 LONDON N1 1YA

PLANNING COMMITTEE REPORT

PLANNING SUB- COMMITTEE		
Date:	4 th June 2015	NON EXEMPT

Application number	P2015/0026/FUL
Application type	Full Planning Application
Ward	Tufnell Park
Listed building	Not listed
Conservation area	Not in a conservation area
Development Plan Context	N/A
Licensing Implications	None
Site Address	Flat 1 (Flat A), 135 Huddleston Road N7 0EH
Proposal	The erection of a side in fill extension; enlargement of the basement to provide a bathroom and additional fourth bedroom; new front light well, glazing and railings.

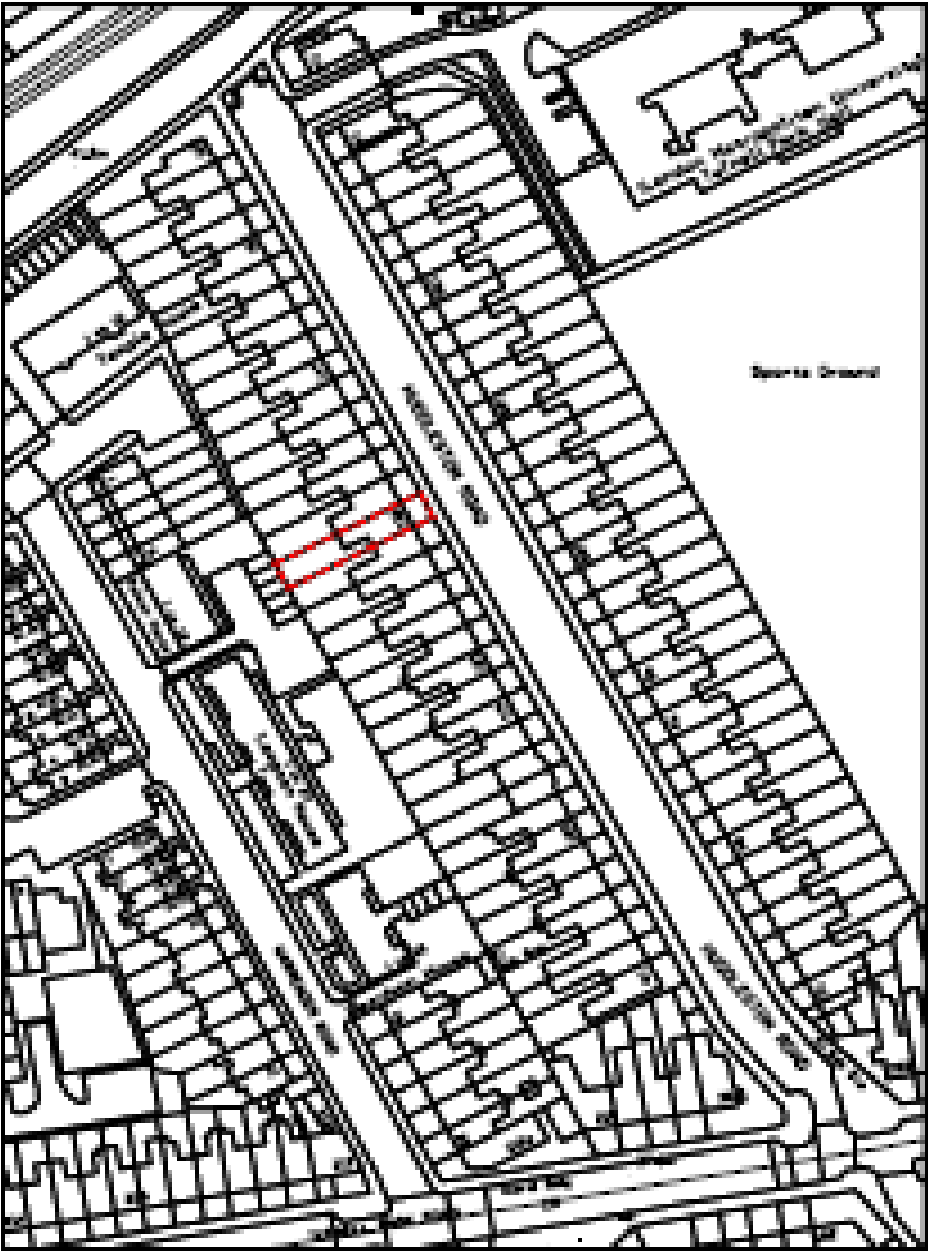
Case Officer	Ashley Niman
Applicant	Adam Kossew
Agent	Will Fisher

1. RECOMMENDATION

The Committee is asked to resolve to GRANT planning permission:

1. subject to the conditions set out in Appendix 1;

2. SITE PLAN (site outlined in black)



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3. PHOTOGRAPHS OF SITE/STREET



Image 1 - View of rear elevation and part of rear garden



Image 2 Aerial view from the west



Image 3 Aerial view from the south west

4.0 SUMMARY

- 4.1 The proposal is for the erection of a side in fill extension; enlargement of the existing basement to provide a bathroom and additional fourth bedroom; new front light well, glazing and railings
- 4.2 The proposed works to the basement are modest and are only to be carried out under the footprint of the existing dwelling and will not extend beneath the garden, which can be carried out under permitted development.
- 4.3 The single storey rear extension will only extend as far as the leading edge of the back addition. The front lightwell will be 1.2 metres in depth but retains the majority of the front area, and the bay window design will be replicated at basement level.
- 4.4 The proposal does not materially harm the amenity of neighbouring occupiers, in terms of light, outlook or privacy and is considered to be acceptable in terms of design and impact area. The application is therefore considered to comply with policies and is recommended for approval subject to conditions.

5.0 SITE AND SURROUNDING

- 5.1 The site comprises a mid-terrace three storey property and is not listed nor in a conservation area. The property dates from the 1880s and is sub-divided into three residential units. The proposal relates to Flat A which is split over the basement and ground floor levels. Huddleston Road is entirely residential land use and character, being a mix of single dwelling houses and flat conversions. To the east the road adjoins the Tufnell Park Playing Fields.

6.0 PROPOSAL (in Detail)

- 6.1 The application proposes the erection of a single storey side infill extension with mono-pitch roof; the enlargement of the basement under the existing footprint of the dwelling to provide an additional bathroom and additional fourth bedroom to the

front area; new front light well, tri-partite basement bay window and glazing and boundary railings; all in connection with the enlargement of the ground floor and basement maisonette.

- 6.2 The proposal has been amended in order to remove the proposal for a single storey rear extension extending beyond the present two storey addition, and to reduce the size of the front lightwell.

7.0 RELEVANT HISTORY:

Planning Applications

- 7.1 P061286: Conversion of a four storey house to three self-contained flats comprising: basement and ground floor 3 bed flat, first floor, one bedroom flat: second and attic floor- 1 bedroom flat. Erection of part width ground floor and second floor extension to rear. Formation of roof terraces at rear first and second floor level. Installation of roof lights to front and rear roof slopes. Approved 08/08/2006.
- 7.2 P081149: Erection of rear dormer window. Approved 12/08/2008.

Adjacent property planning history

- 7.3 860627 133 Huddleston Road. Construction of rear conservatory at second floor level. Allowed on appeal 26/01/1987.

Enforcement:

- 7.4 None

Pre-application Advice:

- 7.5 None

8.0 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 67 adjoining and nearby properties at Huddleston Road and Warrender Road. A site notice and a press advert were displayed on 20 January 2015. The public consultation of the application therefore expired on 12 February 2015; however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report a total of nine letters of response had been received from the public with regard to the application. Six letters objected to the proposal, and three were in support. The issues raised in the objections can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Excessive excavation (10.2 and 10.11- 10.12).
- Loss of light to the side from the extension (10.11).

- Loss of outlook to the side from the extension (10.11).
- The lightwell to the front is inappropriate (10.4 - 10.6)

8.3 Following amendments, in particular, the removal of the full width rear extension, the scheme was further reconsulted on 10 March 2015. Ten objections were received, one of which was a petition paper (c/o Metropolis) and one from Cllr Burgess. The further objections are:

- The effect of the basement on the structure of neighbours property (10.12).
- The appearance of the front lightwell (10.4 – 10.6)
- Sub-standard living conditions (10.14)

External Consultees

8.3 None

Internal Consultees

8.4 None

9.0 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 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.2 The National Planning Practice Guidance 2014 is a material consideration in the assessment of and has been taken into account as part of the assessment of these proposals.

Development Plan

- 9.3 The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Designations

- 9.4 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

Islington Local Plan

None

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10.0 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Design
- Landscaping and trees.
- Impact on neighbour amenity.
- Quality of the resultant accommodation.

Design Considerations

10.2 Basement work: The property already has a basement cellar which extends under 65% of the existing footprint of the house. It accommodates a bedroom to the rear (Bedroom 3) and a storage room to the front. The head height is very tight (1.9 metres) and light is compromised for the rear bedroom as a result of the small rear light well and small window. It is proposed to extend the existing basement area by six square metres to facilitate an additional bedroom and en-suite bathroom. The depth of the basement would be increased by approximately one metre to achieve acceptable head height in line with Islington's guidance.

10.3 This proposal is only for the extension and alteration to an existing basement level under the property, and is not for the provision of an entirely new level of excavation beneath the existing property, nor is it for a basement under the rear garden. The degree of basement work involved is little different from what may be commonly found within many Victorian cellars, and the area of basement proposed under the existing footprint of the house could be developed under permitted development rights.

10.4 Front lightwell: The proposal will create a front lightwell with a forward depth of 1.2 metres. This will allow for the retention of a front garden of 2 metres in depth. The lightwell bay window will replicate the ground floor with the tripartite arrangement of glazing. This design approach accords with Islington's Urban Design Guidelines in regard to basement extensions. The existing oversized and poorly designed bike store will be replaced and the bins stored more discreetly.

10.5 The east side of Huddleston Road is almost entirely characterised by lightwells. They are less common on the west side but three were identified at the officer's site visit, including lightwells at Nos.153 and 165. Moreover, the proposed lightwell would be discreet, retaining the majority of the front garden area, whilst the basement bay window would be appropriate in design, matching that at ground floor in materials and proportions. Given this, the introduction of a modest lightwell extending to less than half of the distance between the front of the property and the public highway does not result in an inappropriate or alien feature within the streetscape. It will not detract from the appearance of the property's front elevation

or materially alter the hierarchy of the terrace and complies with Islington Urban Design Guidelines.

- 10.6 The proposed lightwell appropriately wraps around the front bay window and is not full width. The well would be framed by a simple steel railing one metre high. It maintains a significant amount of front garden area and is a discreet change to the building and will not lead to material harm to the character or appearance of either the individual property or Huddleston Road more widely.
- 10.7 Rear infill extension: The rear infill extension would replace an existing one and extend out further to be flush with the line of the existing main two storey rear extension. It would continue to be of monopitch form and will be raised in height on the boundary from 2.0 metres to 2.3 metres. The infill to the rear would not disrupt an existing rhythm since there is not one there to begin with, with a variety of elevations in materials, heights, widths and depths.
- 10.8 As such, this extension does not disrupt an existing rhythm. It is a modest amendment that maintains the existing appearance of the building and will be but a minor addition to a terrace that is characterised by a mix and variety of different elevational appearances.
- 10.9 The amended scheme is not considered to be materially harmful to the appearance and character of the property, the terrace, or the wider streetscape. It would not be contrary to policies DM2.1, CS9 of the Development Management policies 2013 or policy CS9 of the Core Strategy 2011.

Landscaping and Trees

- 10.10 The works to the rear will result in a loss of approximately 4sqm of rear garden space, however this area is currently hard standing immediately to the rear of the existing single storey rear extension. However, the retained garden will exceed 60sqm and there would be no impact on existing trees and shrubs.

Neighbouring Amenity

- 10.11 The infill rear extension has been reduced in height to 2.3 metres, from an initial 2.8 metres. The neighbour at 133 Huddleston Road already has an infill extension of identical form and dimensions to the subject property. The neighbour extension is a storage/ workshop room. The replacement infill extension will not materially lead to loss of light or outlook, nor produce an unreasonable sense of enclosure for the neighbour.
- 10.12 The existing basement will essentially be excavated to provide reasonable head height. It will not extend under the rear garden and will not lead to ecological, geological or hydrological issues that would have a bearing on neighbour amenity. To ensure that the scheme will not impact on the structure and integrity of the existing building and its neighbours, a condition is proposed for a full Impact Assessment to be prepared and submitted to the Council prior to the commencement of work. Additionally a Construction Management plan will be

required and secured through a planning condition. It should be noted that the Party Wall Act is the civil mechanism to protect the integrity of an adjoining property.

- 10.13 The proposed front lightwell and railings will have no material effect on light, outlook or privacy for the neighbouring occupiers.

Quality of Resulting Residential Accommodation

- 10.14 The enlargement of the rear basement window will improve light for the existing rear bedroom, and the excavation work at the front, to improve the floor to ceiling height, will ensure the additional front bedroom will have acceptable light and outlook levels. Since both habitable rooms are for bedroom use, the levels of light and outlook are more than acceptable. At ground floor level, the infill to the rear passage will provide a kitchen/diner/living space of 27sqm. This is 2sqm below the minimum for a four bedroom unit however it is considered to be acceptable, since the maisonette benefits from sole use of the 63sqm rear garden.

- 10.15 The work would not be contrary to policy DM3.4 of the Development Management policies 2013 or policy CS12 of the Core Strategy 2011.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed development for the front lightwell, extended basement and rear extension will not materially harm the appearance of the building or the street.
- 11.2 The proposed development for the front lightwell, extended basement and rear extension will not materially harm the amenity of adjacent residents.
- 11.3 A condition will be secured to ensure that the new work will not harm the structural integrity of adjacent property. As such the proposal is considered to be acceptable and in line with adopted national and local planning policies.

Conclusion

- 11.4 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the grant of planning permission be subject to conditions to secure the following:

List of Conditions:

1	Commencement
	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans: 001P1, 002P1, 003P1, 004P1, 010P1, 100P4, 200P4, 201P4, 300P4, Design and Access Statement and addendum 02/03/2015 (Clive Sall Architecture)</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>MATERIALS TO MATCH (COMPLIANCE): The facing materials of the works hereby approved shall match the existing building in terms of colour, texture, appearance and architectural detailing and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the building is acceptable.</p>
4	<p>CONSTRUCTION MANAGEMENT PLAN: A Construction Management Plan and Impact Assessment Plan shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to mitigate the impact of the development to nearby residents.</p>

List of Informatives:

1	<p>Positive Statement</p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in accordance with the requirements of the NPPF.</p>
2	<p>Hours of Construction</p>
	<p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system – Building Regulations as well as Environmental Health Regulations.</p> <p>Any construction works should take place within working day.</p> <p>The Pollution Control department lists the normal operating times below.</p> <p>Delivery and operating times – the usual arrangements for noisy works are</p> <ul style="list-style-type: none">• 8am – 6pm Monday to Friday• 8am – 1pm Saturday• no noisy works on Sunday or Public Holiday (unless by prior agreement in special circumstances)

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan polices and guidance notes pertinent to the determination of this planning application.

National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

The National Planning Policy Guidance 2014 provides planning practise guidance for the implementation of the policies set out in the NPPF. The NPPG is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2015 - Spatial Development Strategy for Greater London

7 London's living places and spaces

Policy 7.4 Local character

Policy 7.6 Architecture

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

Policy CS10 (Sustainable Design)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

Housing

DM3.4 Housing standards

DM6.3 Protecting open space

Designations

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

Islington Local Plan

London Plan

None

None

Supplementary Planning Guidance (SPG) / Document (SPD)

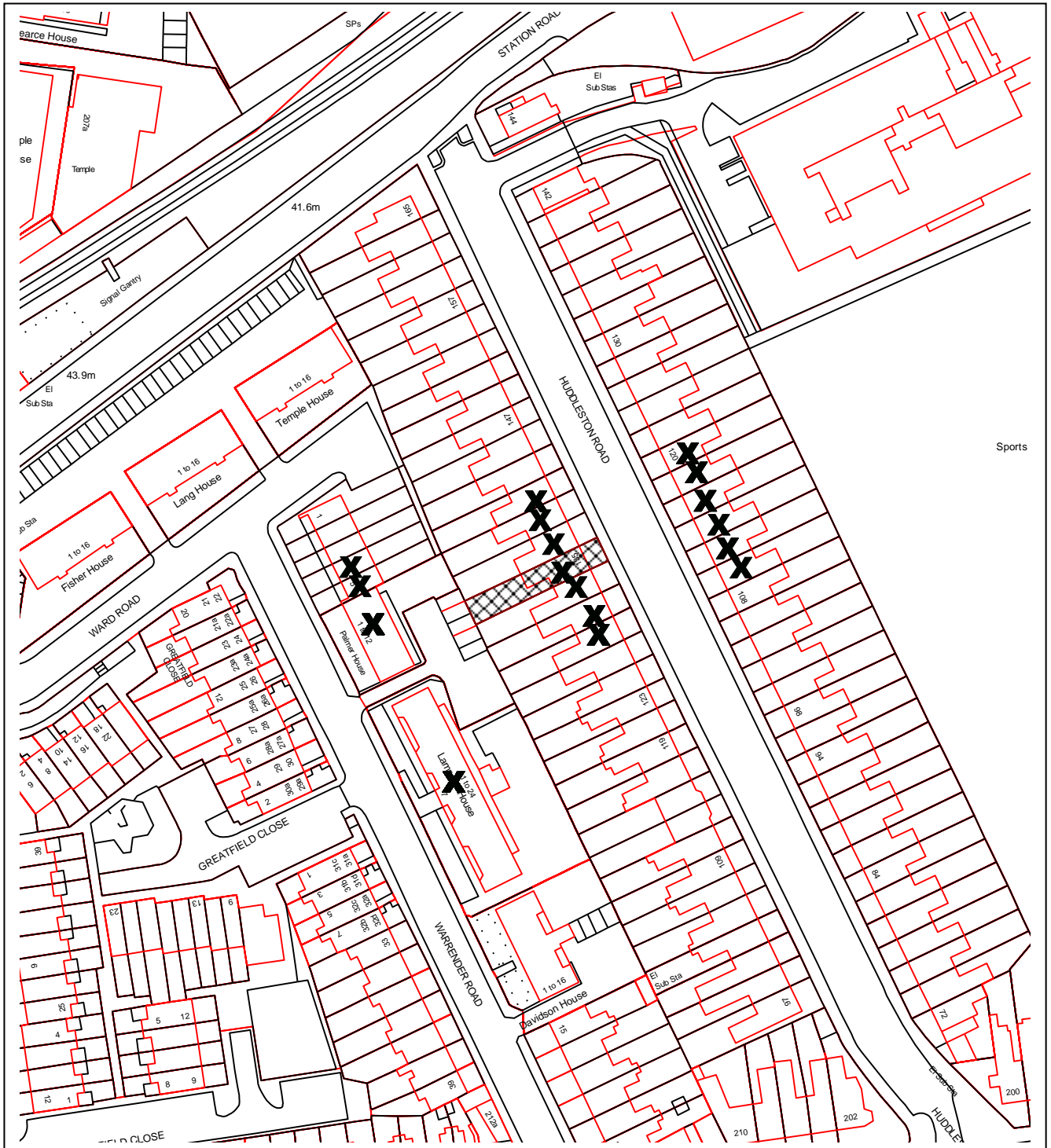
The following SPGs and/or SPDs are relevant:

Islington Local Plan
Urban Design Guide

London Plan
Sustainable Design & Construction

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P2015/0026/FUL

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Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department
 PO Box 333
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 LONDON N1 1YA

PLANNING COMMITTEE REPORT

PLANNING SUB-COMMITTEE A		
Date:	4 th June 2015	NON-EXEMPT

Application number	P2014/4396/FUL
Application type	Full Planning Application
Ward	St Marys
Listed building	Not Listed
Conservation area	Angel & Upper Street
Development Plan Context	Central Activities Zone, Angel Town Centre
Licensing Implications	None
Site Address	The Alban Building R/O 71-73 Upper Street, 1 St Albans Place N1 0NX
Proposal	Demolition of existing single storey workshop and the construction of a three storey building (basement, ground and one upper floor) comprising office (Class B1) floor space over lower ground floor and 4 x 2 bed duplex residential apartments (Class C3) on the ground and first floor and associated works.

Case Officer	Ben Phillips
Applicant	Grays Road Investments Limited
Agent	MONTAGU EVANS LLP

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions and S106 agreement (affordable housing and carbon offsetting) as set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: The existing building from St Albans Place



Image 2: application site from rear terrace of No 73 Upper Street

4.0 SUMMARY

- 4.1 Planning permission is sought for the demolition of an existing single storey workshop and the construction of a three storey building (including basement) comprising of lower ground floor/basement B1 Office space, and 4x2 bed duplex (C3 use) residential apartments on the ground and first floors.
- 4.2 It should be noted that the plans have been amended since first submission in order to address concerns raised by the case officer, namely relating to overlooking issues at the rear.
- 4.3 The mixed use development is considered to comply with the relevant national and local plan policies and is appropriate in this location.
- 4.4 The development will not result in significant adverse impacts upon the amenities of neighbouring properties.
- 4.8 It is therefore recommended that planning permission be granted subject to conditions.

5.0 SITE AND SURROUNDING

- 5.1 The site is located on the Eastern Side of St Alban's Place accessed through a narrow lane from Upper Street. The site comprises of a single storey warehouse building and is surrounded by a mixture of uses, with the properties along Upper Street to the rear being commercial (mostly restaurants) on the ground and basement levels with residential above. Directly to the West is the Hilton Hotel.

5.2 The existing pitched roofed single storey warehouse building is unattractive and makes no positive contribution to the surrounding Angel & Upper Street Conservation Area.

5.3 The site is also located within the Angel Town Centre and the Central Activities Zone.

6.0 PROPOSAL (in Detail)

6.1 The application consists of the demolition of the existing mid 20th century single storey warehouse (light industrial building B1 use –still in use as a carpet repair and storage) building and its replacement with a two storey (over basement level building) terrace of four residential units with B1 office space at the basement levels. The B1 office space will be served by two air conditioning units sited in the rear courtyard.

6.2 The existing single storey warehouse is in use as a carpet repair and cleaning business and is an unattractive pitched roofed building constructed of brick with a corrugated iron roof, and measures approximately 259m² and approximately 5.9m in height.

6.3 The proposed two storey over basement level building (in total 3 storeys) will provide a total of 219m² of B1 office space, along with 4x 2 bed duplex apartments (and 6.3m approx. height).

6.4 Each residential unit will have external outdoor space by means of an external rooftop terrace as well as small balcony areas to the front (west). (The scheme originally included balcony areas to the rear, but these have been removed on officer advice to prevent overlooking). Units 3 and 4 have a small terrace area to the rear on the ground floor.

6.5 Following officer advice, each unit will have obscured fenestration at the rear at first floor level (up to 1.9m above floor level), and louvered fins have also been introduced at this level to prevent mutual overlooking from the rear terraces of the upper floor Upper Street residential units.

6.6 The internal layout and detailing has also been amended to address concerns raised by the Inclusive Design Officer.

6.7 The scheme was amended as follows:

- rear balconies removed
- rear first floor windows obscure glazed
- louvered fins at rear introduced
- first floor rear elevation fenestration set back by approx.500mm

7.0 RELEVANT HISTORY:

Planning applications

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

This application was refused for the following reason:

The proposed two storey, plus basement building is considered to be an unacceptable form of development, due to its size, scale bulk and height. Its construction would have a detrimental impact on the character and appearance of the Conservation Area and the amenities of the adjoining neighbours and also would not comply with policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment), Policy CS13 (Employment Spaces) of the Core Strategy; policies D3 (Site Planning), D4 (Designing in context), D22 (New Development) and D24 (Materials) of the Islington Unitary Development Plan (2002); and the objectives of the Islington Urban Design Guide (2006) and Conservation Area Guidance notes.

- 7.3 **P112615** - The demolition of a single storey warehouse and the erection of a three storey plus basement building, comprising six 2-bedroom flats and two B1 office/workshop spaces. **(Refused 23/07/2012)**

This application was refused for the following reason:

The proposed three storey, plus basement building is considered to be an unacceptable form of development, due to its size, scale bulk and height. Its construction would have a detrimental impact on the character and appearance of the Conservation Area and the amenities of the adjoining neighbours and also would not comply with policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment), Policy CS13 (Employment Spaces) of the Core Strategy; policies D3 (Site Planning), D4 (Designing in context), D22 (New Development) and D24 (Materials) of the Islington Unitary Development Plan (2002); and the objectives of the Islington Urban Design Guide (2006) and Conservation Area Guidance notes and the National Planning Policy Framework 2012.

- 7.4 **851849** Redevelopment to provide a part two part three storey building for printing workshop with ancillary offices. **(Granted 06/06/1986).**
- 7.5 **P112030** (No 5-8 St Alban's Place) Demolition of the existing light industrial building (B1 Use Class) and erection of a four storey building incorporating office space (B1 Use Class) at ground floor level and residential accommodation (8 x two-bed flat and 1 one-bed flat) (C3 Use Class) on the upper floors. **(Granted 14/03/2012)**

Enforcement

7.5 None relevant

Pre-application advice

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

8.0 CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 44 neighbouring properties on the 29/10/14 (and again following amendments to the rear elevations on the 23/2/15). A site notice was also erected on the 26/2/15, expiring on the 19/3/15. However it is council policy to accept letters of representation up until the date of determination.

8.2 At the time of the writing of this report 10 letters objecting to the proposal have been received, which are summarised as follows (with paragraph numbers stated in brackets stating where the issue is addressed)

- There is too much noise and smells in this location for residential units (10.34- 10.36)
- The development will overlook neighbouring residential properties (10.45-10.48)
- The proposed building is too large (10.23)
- The site is not easily accessed by construction traffic (10.62)
- There are no parking spaces (10.52)
- The development will lead to a loss of business floor space (10.2-10.13)
- The development may compromise the existing neighbouring commercial units (10.34-10.37)
- The construction could block a fire escape (10.64)
- The development will lead to a loss of light to neighbouring residential properties (10.40-10.44)

External Consultees

8.4 **English Heritage (GLAAS):** - the submitted archaeological assessment is very informative. No objection.

Internal Consultees

8.5 **Design and Conservation Officer** (for pre application submission Q2014/1300/MIN – no change in design): The existing single storey workshop/garage type, and is of no architectural merit and no objections to its demolition. The proposed two storey (above ground) building is considered to be of an appropriate scale for the location and has both vertical and horizontal

proportions. The design is a modern, contemporary approach which is distinct from anything in its surroundings but is of sufficient design quality to make a positive contribution to the conservation area.

- 8.6 **Inclusive Design Officer** Concerns were initially raised regarding the layout of the scheme, given that it would be not visitable but adaptable. The future installation of a lift, upper ground/lower ground configuration and that the units meet Lifetime Homes and Islington's flexible homes standards. These issues have been addressed through the submission of amended plans.
- 8.7 **Acoustic Officer** Given the siting of the scheme, concern is raised about the noise levels for the outdoor amenity spaces. For internal living areas the plant noise can be mitigated and conditioned. A condition relating to the noise output of the new plants is also recommended.
- 8.8 **Planning Policy Officer** The Council would normally resist the net loss of B1 floor space. Exceptional circumstances are required. In this case the loss of B1 in absolute terms is low and this is an opportunity to provide new high quality B1 space to replace the existing low quality floor space. On balance the application can be considered to be consistent with policy DM5.2 without the provision of marketing vacancy evidence or market demand analysis. This is dependent on the uplift in floor space quality.

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 (para 7) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.2 The National Planning Practice Guidance 2014 is material consideration in the assessment of and has been taken into account as part of the assessment of these proposals.

Development Plan

- 9.3 The Development Plan comprises of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Designations

- 9.4 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

Supplementary Planning Guidance (SPG) / Document (SPD)

9.5 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:

- Loss of existing building/B1 use
- Principle of residential use
- Design and visual impact on the street scene and conservation area.
- Mix and standard of accommodation
- Inclusive design
- Impact on neighbouring amenity
- Transport
- Affordable housing
- Sustainability

Loss of existing building/B1 use

10.2 The proposal would include a change of the use of the land, from B1 to mixed B1 (Office) and C3 (Residential), including the relocation of the existing 259m² office unit from ground level to a newly created basement level and residential use at ground and first floor.

10.3 The scheme would result in net-loss of B1 floor space of approximately 40m² (the applicants put this figure at 38.8m²). The council would ordinarily resist the loss of B1 floorspace. Policy DM5.2 part A requires proposals involving the net loss of B1 floorspace to demonstrate exceptional circumstances including the provision of 2-years marketing and vacancy evidence to demonstrate lack of demand for the floorspace. In exceptional cases, a market demand analysis may be considered acceptable. Part B aims to restrict loss which would individually or cumulatively impact the area's primary economic function.

10.4 Strictly speaking, the application is not compliant with an element of Policy DM5.2 as no marketing and vacancy information or market demand analysis has been provided. However, there are exceptional circumstances unique to this case which must be considered.

10.5 The current floorspace is in use, but is of very poor quality; and it is likely that the demand for this space will be fairly limited. On the other hand, the demand for the new higher quality floorspace is likely to be higher and suitable for a range of occupiers.

10.6 Following discussions with Planning Policy, in terms of the impact on the wider Town Centre, the loss of existing floorspace in this case is a low absolute amount and is not considered to have an individual or cumulative detrimental impact on the

provision of office space in Angel Town Centre, based on figures from recent Annual Monitoring Reports (as stated by the Policy Officer). It is considered that higher quality floorspace, even though the absolute amount is smaller, would be more likely to be occupied and hence would contribute to the Core Strategy employment projections and the Council's objectives to protect and enhance opportunities. Using the HCA Employment Densities Guide 2010 (2nd edition) as a proxy, there would be a loss of 2 potential FTE jobs when comparing the current and proposed amount of overall office NIA floorspace. It is considered that this loss is a relatively low amount, and is acceptable given the particulars in this case, especially when the proposed higher quality office floorspace makes it much more likely that FTE jobs will be realised, which is not the case with the current low quality floorspace.

- 10.7 On balance, taking the above into account as well as provision of new residential units which contribute to meeting the boroughs housing targets, the application is considered to be acceptable, due to the circumstances unique to this case. This consistency is entirely dependent on the provision of new business floor space of a high quality which meets the criteria in Policy DM5.1 part F.
- 10.8 With regard to the new office floorspace, this proposal represents an opportunity to provide new B1 floorspace of a high quality, as the existing building provides very low quality floor space, for example the internal space is not served by any natural daylight.
- 10.9 Policy DM5.1 part F requires the design of the new B1 floorspace to be of a high quality, allowing for future flexibility for a range of uses, including future subdivision and/or amalgamation for a range of business accommodation, particularly for small businesses.
- 10.10 Whilst sited in the basement, the office space is separated into two smaller units, and natural light is provided by rooflights to the front and a rear courtyard. Waste storage, WCs and a bike storage area is also provided. It should also be noted that the proposed B1 use on the basement level was considered to be appropriate and acceptable for the previous applications on site in 2012 (P112614 & P112614) and provided 210m² of B1 space compared to this applications 219m².
- 10.11 Policy DM5.1 (i) requires 'the maximum possible business floorspace reasonably possible on site, whilst complying with other relevant planning considerations'.
- 10.12 In this instance, the other relevant planning considerations relate to design concerns over height, delivery of housing, provision of floorspace which meets need of wide range of occupants. Part ii of this policy require a mix of complementary uses, and it is considered that B1 can co-exist with C3 comfortably in this instance.
- 10.13 As such, it is considered that the new B1 space is of sufficient high quality and therefore the provisions of the above policies are satisfied.

Residential Use

- 10.14 The site is located within the Angel /Upper Street Town Centre. Policy DM5.1 states that proposals for the redevelopment or change of use of sites are required to incorporate a mix of complementary uses, including active frontages, whilst also providing the maximum amount of business floor space possible on the site.
- 10.15 Policy 3.4 of the London Plan encourages boroughs to optimise housing output, taking into account local context and character, design principles and transport capacity. This is supported by Core Strategy policy CS12 which seeks to provide more high quality, inclusive and affordable homes within the borough.
- 10.16 As such, in principle, it is considered that the redevelopment of this site for residential units is acceptable, subject to the amount of B1 provision being satisfactory (see above).
- 10.17 It is also considered that, given this narrow back land lane location, other commercial uses such as retail may not work, and an active frontage in this case, is not necessary. Therefore it is considered that residential use at ground floor as a complementary use to B1 floor space is acceptable.

Design

- 10.18 Paragraph 63 of the National Planning Policy Framework states that "in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area".
- 10.19 Policy DM2.1 states that 'all forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Permission will be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'
- 10.20 The site is also located within the Angel & Upper Street Conservation Area, in a dense urban location (although not on a main street frontage). The Conservation Area Design Guide states that the council will operate special policies in the Angel and Upper Street North Conservation Areas in order to preserve and enhance the special character and appearance of these areas.
- 10.21 As stated above, the existing structure does not contribute to the character and appearance of the Angel & Upper Street Conservation Area.
- 10.22 The area of St Alban's Place where this site is located is to the rear of 71-73 Upper Street, there are yards between the rear of the Upper Street buildings and the smaller buildings which are within St. Alban's Place. There is a mixture of building scales and designs, from the large hotel to the West and the four storey residential development currently under construction at No 5-8 St Albans Place.
- 10.23 In terms of height, the officer reports for previous applications stated clearly that a two storey building (plus basement) in principle would be acceptable (P112614 and P112615) in this location. The previous proposals were considered to be

unacceptable because of their scale and height (P112614 proposed a two storey plus basement building approx. 1.5m higher than this application, which ranges between 200mm and 400mm taller than the existing building).The proposed two storey (plus basement) building is considered to be of an appropriate scale for the location and has both vertical and horizontal proportions.

10.24 The Design & Conservation Officer states that, unlike the previous poorly designed schemes (which were neither contextual nor high quality modern architecture), the design is a modern, contemporary approach which is distinct from anything in its surroundings but is of sufficient design quality to make a positive contribution to the conservation area. The proposed materials, mostly London Stock brickwork, with timber slatted balustrades to the roof terraces, and bronze louvered fins to the rear, are considered appropriate to this location and do not detract from the character and appearance of the Conservation Area.

10.25 As such, it considered that the proposed building will enhance the character and appearance of the Conservation Area and will comply with the above policies.

Standard of Accommodation for Future Occupiers

10.26 Policy DM3.4 of the Islington’s Development Management Policies (June 2013) sets out the standards expected of accommodation in the borough.

10.27 The following table shows the proposed unit sizes.

<i>Unit</i>	<i>Bedrooms</i>	<i>Required Floor Space (m2)</i>	<i>Provided Floor Space (m2)</i>
1	2	70	85
2	2	70	87
3	2	70	85
4	2	70	87

10.28 The units therefore clearly comply in this regard.

10.29 In terms of amenity space, DMP policy DM3.5 states that all new residential development and conversions are required to provide good quality private outdoor space.

<i>Unit</i>	<i>required amenity space (m2)</i>	<i>amenity space (m2)</i>
Unit 1	15	21
Unit 2	15	21
Unit 3	15	28
Unit 4	15	26

10.30 The proposed amenity space is made up of the front first floor balcony areas, the rear terrace (ground floor) to Units 3 and 4 only, and the roof top terraces. The proposed units comply with the amenity space guidelines outlined above.

10.31 Policy DM3.4 states that all new housing developments are required to provide dual aspect accommodation, adequate daylight and sunlight provision, legible, logical and level entrances, and acceptable shared circulation space.

- 10.32 The proposed units are all dual aspect and provide a good level of sunlight and daylight from both aspects. The submitted Daylight and Sunlight assessment shows that all rooms in the residential part of the scheme comply with both Annual Daylight Factor and Vertical Sky Component, in accordance with the BRE guidelines.
- 10.33 The first floor rear elevation fenestration is obscure glazed up to a height of 1.9m, with top opening tilt turn windows above (for ventilation purposes). These windows do serve a habitable room (kitchen/diner) however, save for the central stair case, the first floor is one open space and so is served by the front elevation fenestration (and balconies). On balance it is considered that this will provide sufficient light and outlook and provide an acceptable standard of accommodation.
- 10.34 It should also be noted that, given the siting of the proposed development immediately to the rear of a number of commercial restaurants, there are a large number of flues and air conditioning plants between the Upper Street units and the development site.
- 10.35 The Acoustic Officer raises concern regarding the noise impact of these flues on the outside amenity space of the proposed residential units. However on balance, this would be no worse than that experienced by the existing residential units along Upper Street.
- 10.36 Conditions relating to the submission of a scheme for sound insulation and noise control measures are recommended to ensure that the internal space of the new units are acceptable in this regard. The units are also dual aspect so the front elevation first floor balconies will be quieter.
- 10.37 As such, subject to these conditions, it is considered that all 4 units will provide a satisfactory standard of accommodation, and will also not compromise the existing commercial use of neighbouring commercial units.

Accessibility

- 10.38 The Inclusive Design Officer requested some alterations to the original scheme, namely that the bathroom doors are not inwardly opening, the original platform lift from the basement is now a passenger lift, and the relocation of the accessible WC so that there are no obstructions to it.
- 10.39 These alterations have been included in amended plans, and therefore on balance is considered to be sufficiently visitable and adaptable to meet the Lifetime Homes and Islington's flexible homes standards.

Neighbouring Amenity

- 10.40 Policy DM2.1 states that the design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing.
- 10.41 It goes on to state that development must not unduly prejudice (considerations of range of negative impacts on amenity, such as in relation to privacy, direct sunlight or daylight) the satisfactory development or operation of adjoining land and/or the

development of the surrounding area as a whole. It should be noted that the previous schemes were refused on the impact on adjoining residential amenities.

- 10.42 In terms of massing and height, the proposed building is only approximately 200-400mm higher than the ridge of the existing building, compared to approximately 2m + for the previous schemes. The east (rear) elevation sits some 5.5m from the boundary with the properties along Upper Street. The impact upon the neighbouring properties in this respect is reduced compared to the previous scheme.
- 10.43 The submitted Daylight & Sunlight report illustrates that the proposed development passes all relevant tests as required by the BRE guidelines (Vertical Sky Component, Average Probable Sunlight Hours) in terms of its impact upon the habitable rooms of the neighbouring residential properties.
- 10.44 Given the limited additional scale therefore of the proposed building compared to the previous schemes, it is not considered that the development would have an unacceptable overbearing or overshadowing impact upon the neighbouring properties.
- 10.45 However, given the limited separation distances (5.5m) between the rear of the development and the properties along Upper Street, overlooking is clearly a concern.
- 10.46 The rear elevation of the upper floors (residential) of the properties along Upper Street are set a distance of approximately 10-12m from the proposed building (except for one high level bedroom window in No 72). However these dwellings have rear terraces.
- 10.47 As stated above, the rear balconies originally proposed for the scheme have been removed. In addition, the rear facing first floor windows (serving the kitchen area) are obscurely glazed to a height of 1.9m to prevent unacceptable mutual overlooking. Finally, louvred fins have been introduced to the first floor rear elevation in order to further prevent overlooking.
- 10.48 The proposed roof top terraces are set back from the rear elevation by approximately 2.7m and are also obscured from this direction (from Upper Street) by 1.8m tall timber balustrade. This will prevent direct mutual overlooking between the new units and the Upper Street terraces.
- 10.49 The development also proposes air conditioning plants, two serving the basement office space located in the basement courtyard at the rear and one for each residential unit (x4) sited on the roof top. Policy DM7.5 states that 'buildings should be designed and constructed to be comfortable in higher temperatures, without resorting to energy intensive air conditioning'. It is therefore recommended that a condition is imposed to remove these units, and minimise unnecessary energy intensive cooling.
- 10.50 As such and on balance, subject to the recommended conditions, it is considered that the scheme has been reduced in scale sufficiently from the previously refused proposals to ensure that it would not have an unacceptable impact on the amenity of neighbouring properties.

Transport

- 10.51 The development will be car free in accordance with the policy CS10 of the Core Strategy. The exceptions to this are blue badge holders and Islington residents who have already held a permit for the specified period of one year. A condition to ensure this is recommended.
- 10.52 Policy DM8.4 states that minor developments creating new residential are required to provide cycle parking in accordance with the minimum standards set out in appendix 6. Cycle parking is required to be designed to best practice standards and shall be secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible.
- 10.53 In this instance, 1 cycle space per bedroom (8) should be provided. Cycle parking space for 6 is provided at the front of the dwellings (unit 1 & 2) or at the rear (units 3 and 4) with a further 2 spaces for folding bikes internally for units 1 and 2.
- 10.54 Whilst there is a shortfall of 2 cycle spaces, and they are not sited in a particularly practical position, given the compact nature of the Mews development, on balance, it is not considered that it would be reasonable to require further cycle space provision. It should also be noted that 2 cycle spaces for the B1 space is provided, which accords with the requirements of this policy.
- 10.55 With regards to the servicing of the B1 offices, whilst this access lane is not ideal, as stated above, the existing B1 unit on site is slightly larger than that proposed and therefore it is not considered that a recommendation of refusal in this regard is reasonable as the impact are considered to be no greater.

Affordable Housing

- 10.56 The Core Strategy Policy CS 12 – ‘Meeting the Housing Challenge’ requires (part G) "... all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide financial contribution towards affordable housing provision elsewhere in the borough."
- 10.57 The SPD ‘Affordable Housing Small Sites’ states that in line with the evidence base, the council will expect developers to be able to pay a commuted sum of £50,000 per unit for sites delivering fewer than 10 residential units in the north and middle parts of the borough.
- 10.58 The applicants have submitted a s106 legal agreement to secure the full amount (£200,000) and as such, it is considered that this policy requirement has been satisfied and therefore the proposal is acceptable in this regard.

Sustainability

- 10.59 Policy DM7.2 requires developments to achieve best practice energy efficiency standards, in terms of design and specification.
- 10.60 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.

- 10.61 An Energy and Sustainability statement has been submitted. The document illustrates that the scheme will achieve the standards set by Code for sustainable homes level 4. A condition will ensure this, as well as a contribution of £1000 per unit towards carbon offsetting secured through a legal agreement.
- 10.62 A condition requiring a construction method statement will ensure that any construction is undertaken in an appropriate manner and to protect the amenities of surrounding occupiers.

Waste/Recycling

- 10.63 Each residential unit has a dedicated waste/recycling space in the kitchen areas and the B1 use and there is a ventilated refuse storage area.

Others

- 10.64 Notwithstanding this, the issue of the side fire escape to the properties along Upper Street has been raised by an objection. The plans show that this existing side access along the northern side and part of the rear of the building will not be affected by the development. The construction method statement should ensure that the construction is undertaken in a manner which does not compromise this access.

11 SUMMARY AND CONCLUSION

Summary

- 11.1 In accordance with the above assessment, it is considered that the proposed demolition of existing single storey workshop and the construction of a three storey building (basement, ground and one upper floor) comprising office (Class B1) floorspace over lower ground floor and 4 x 2 bed duplex residential apartments (Class C3) on the ground and first floor and associated works is acceptable in land use terms, would have an acceptable impact upon the character and appearance of the street scene and wider Conservation Area and will not, on balance, have a detrimental impact upon the amenities of neighbouring properties.
- 11.2 As such, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies, and the National Planning Framework and is recommended for approval subject to appropriate conditions.

Conclusion

- 11.3 It is recommended that planning permission be granted subject to a s106 agreement and conditions as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- a) A financial contribution of £200,000 towards the provision of off-site affordable housing.
- b) A financial contribution of £4000 towards CO2 off setting.

RECOMMENDATION B

That the grant of planning permission be subject to conditions:

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Planning Statement (Montagu Evans Oct 2014) Daylight & Sunlight Report (CHP Surveyors 11th Aug 2014) Design & Access Statement (rev B) (Marek Wojciechowski Architects Aug 2014) Structural Statement P2 (Form Structural Design 15th Aug 2014) Archaeological Desk-Bound Assessment (ASE Aug 2014) Energy & Sustainability Statement (A Breath of Fresh Air 13/8/14)</p> <p>P-20, D-01A, D-02A, D-03A, D-04A, D-05A, D-06A, D-07B, D-08B, D-09A, D-10A, D-11B, P-01B, P-02C, P-03E, P-04A, P-05B, P-06C, P-07B, P-08B, P-09C, P-10A, P-11B, P-12B, P-13C.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ol style="list-style-type: none">a) solid brickwork (including brick panels and mortar courses)b) window treatment (including sections, fins and reveals);c) roofing materials;d) balustrading and timber screening treatment (including sections);e) doors and entry system <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>

	<p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Accessible Homes
	<p>CONDITION: The residential dwellings, in accordance with the Access Statement and plans hereby approved, shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>
5	Code for sustainable homes
	<p>CONDITION: The development shall achieve a BREEAM [Office/Retail/Schools/Bespoke/multi-residential rating (2008) / BREEAM New Construction rating (2011)] of no less than 'Excellent' and Code of Sustainable Homes rating of no less than 'Level 4'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
6	Cycle parking
	<p>CONDITION The bicycle storage area(s) hereby approved, which shall be covered, secure and provide for no less than 8 bicycle spaces shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
7	Car Free Housing
	<p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <ol style="list-style-type: none"> 1) In the case of disabled persons 2) In the case of units designated in this planning permission as 'non car free'; or 3) In the case of the resident who is an existing holder of residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least a year. <p>REASON: To ensure that the development remains car free.</p>
8	Construction Method Statement
	<p>No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials

	<p>iii. storage of plant and materials used in constructing the development</p> <p>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</p> <p>v. wheel washing facilities</p> <p>vi. measures to control the emission of dust and dirt during construction</p> <p>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</p> <p>viii mitigation measures of controlling noise from construction machinery during business hours</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
9	Green Roof
	<p>Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm); and</p> <p>b) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
10	Sound Insulation
	<p>A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <p style="padding-left: 40px;">Bedrooms (23.00-07.00 hrs) 30 dB $L_{Aeq, 8 \text{ hour}}$ and 45 dB $L_{max (fast)}$</p> <p style="padding-left: 40px;">Living Rooms (07.00-23.00 hrs) 35 dB $L_{Aeq, 16 \text{ hour}}$</p> <p style="padding-left: 40px;">Dining rooms (07.00 –23.00 hrs) 40 dB $L_{Aeq, 16 \text{ hour}}$</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first</p>

	<p>occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>Reason: In order to protect the amenities of neighbouring properties.</p>
11	Noise Protection
	<p>The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997."</p> <p>"A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 11. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter."</p> <p>Reason: In order to protect the amenities of neighbouring properties.</p>
12	Obscure Glazing
	<p>The rear (East) facing first floor windows of all 4 residential units shall be obscure glazed to a height of 1.9m above floor level.</p> <p>Reason: In order to protect the amenities of neighbouring properties.</p>
13	Removal of air conditioning units
	<p>Notwithstanding the plans hereby approved, the 4 roof top air conditioning units (serving the 4 residential units) shall be removed from the scheme.</p> <p>REASON: To minimise unnecessary energy intensive cooling.</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>

2	CIL
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>
3	Car Free
	<p>All new developments are car free. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
4	Section 106 Agreement
	<p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
5	Definitions
	<p>(Definition of 'Superstructure' and 'Practical Completion') A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals. The National Planning Practice Guidance 2014 is material consideration in the assessment of and has been taken into account as part of the assessment of these proposals

Development Plan

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2015 - Spatial Development Strategy for Greater London

7 London's living places and spaces
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Spatial Strategy
Policy CS8 (Enhancing Islington's Character)

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

C) Development Management Policies June 2013

Design and Heritage	Transport
DM2.1 Design	DM8.4 Walking & Cycling
DM2.2 Inclusive Design	DM8.6 Delivery & Servicing
DM2.3 Heritage	
DM3.1 Housing Mix	
DM3.4 Housing Standards	

DM3.5 Private Amenity Space

Town centre uses

DM5.1 New business floorspace

DM5.2 loss of existing business floor space

Designations

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

Islington Local Plan

Angel & Upper Street Conservation Area

Angel Town Centre

Central Activities Zone

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Environmental Design

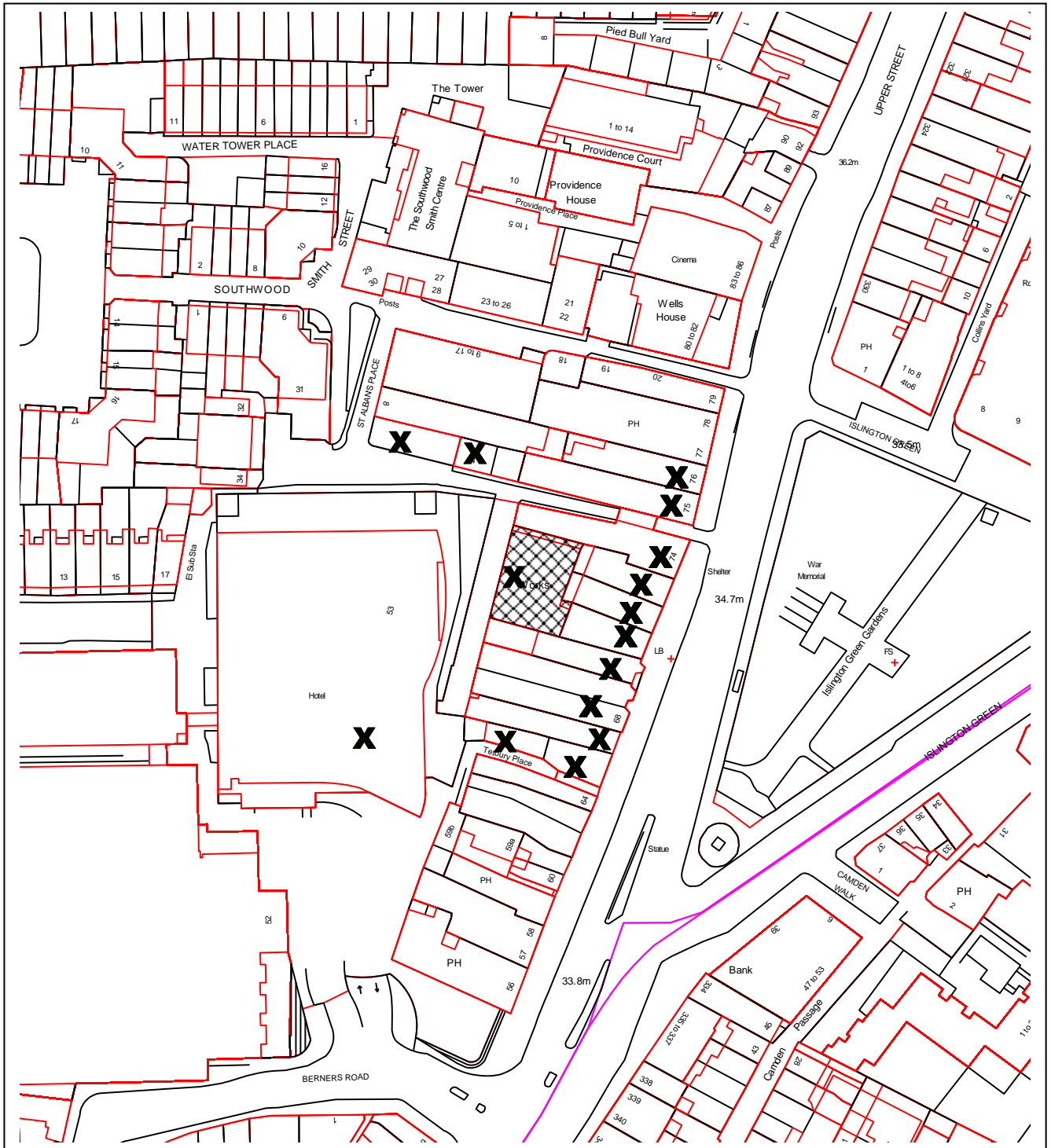
Urban Design Guide

Accessibility SPD

London Plan

Accessible London: Achieving and Inclusive Environment
Planning for Equality and Diversity in London

ISLINGTON SE GIS Print Template



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