



**Resources Department
Town Hall, Upper Street, London, N1 2UD**

AGENDA FOR THE PLANNING SUB COMMITTEE B

Members of Planning Sub Committee B are summoned to a meeting, which will be held in the Council Chamber, Town Hall, Upper Street, N1 2UD on **11 February 2020 at 7.30 pm.**

Enquiries to : Jonathan Moore
Tel : 020 7527 3308
E-mail : democracy@islington.gov.uk
Despatched : 3 February 2020

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 Kay (Chair)	- Mildmay;	Councillor Picknell	- St Mary's;
Councillor Klute	- St Peter's;	Councillor Convery	- Caledonian;
Councillor Poyser	- Hillrise;	Councillor Graham	- Bunhill;
Councillor Spall	- Hillrise;	Councillor Nathan	- Clerkenwell;
Councillor Woolf	- Canonbury;	Councillor Chowdhury	- Barnsbury;
		Councillor Clarke	- St George's;
		Councillor Gill	- St George's;
		Councillor Hamitouche	- Barnsbury;
		Councillor Mackmurdie	- Clerkenwell;
		Councillor Turan	- St Mary's;
		Councillor Wayne	- Canonbury;
		Councillor Webbe	- Bunhill;

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

B.	Consideration of Planning Applications	Page
1.	60 Morland Mews, London, N1 1HN	9 - 66
2.	74-76 St John Street, Islington, London, EC1M 4DZ	67 - 118

C. Consideration of other planning matters

D. Urgent non-exempt items

Any non-exempt items which the Chair is of the opinion should be considered as a matter of urgency and to consider whether the special circumstances included in the report as to why it was not included on and circulated with the agenda are acceptable for recording in the minutes.

E. Exclusion of press and public

To consider whether, in view of the nature of the remaining items 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.

F. Confidential/exempt items

G. 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 B, 6 April 2020

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 Jackie Tunstall on 020 7527 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 B - 1 October 2019

Minutes of the meeting of the Planning Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 1 October 2019 at 7.30 pm.

Present: **Councillors:** Kay (Chair), Gill, Poyser, Spall and Woolf

Councillor Jenny Kay in the Chair

1 INTRODUCTIONS (Item A1)

Councillor Kay welcomed everyone to the meeting. Members of the Sub-Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.

2 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Klute.

3 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Gill substituted for Councillor Klute.

4 DECLARATIONS OF INTEREST (Item A4)

None.

5 ORDER OF BUSINESS (Item A5)

The order of business was as per the agenda.

6 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the previous meeting held on 16 July 2019 be agreed as a correct record and the Chair be authorised to sign them.

7 **CANALETTO TOWER, BLOCK A AND BLOCK B, 257 CITY ROAD, LONDON**
EC1V 1AD (Item B1)

Change of use of mezzanine level podium commercial unit (Block A) from flexible commercial use (A1/A2/A3/A4/A5/B1) to crèche (D1) and associated external buggy storage area; change of use of upper ground floor level commercial unit (Block B) from flexible commercial use (A1/A2/A3/A4/A5/B1) to crèche (D1) and creation of external covered play area at podium level, and associated works.

(Planning application number: P2019/1442/FUL)

In the discussion the following points were made:

- The Planning Officer corrected paragraph 4.3 of the report to clarify that seven objections had been received in relation to the application.
- The Planning Officer corrected Condition 6 to insert the names Charlotte Rosier and Fabienne O'Neill as the Directors of Cuckooz Nest Ltd.
- The Planning Officer provided an overview of the application and summarised objections received. Objections included the loss of office and retail space, the impact on residential amenity, air quality concerns, and matters related to the design and use of materials, such as the use of timber and the proposed location of the buggy store. The Planning Officer explained how these objections could be mitigated, including through the use of conditions.
- The Planning Officer advised that the property had been vacant since construction and therefore the change of use could be considered appropriate.
- The design of the buggy store was similar to the cycle store and was therefore considered acceptable by the Planning Officer.
- An air quality assessment had been provided by the applicant. This had been reviewed by the local authority and officers considered that air quality concerns could be successfully mitigated.
- The Sub-Committee queried the distance between the first floor balcony and the outdoor play area. In response, it was advised that the balcony did slightly overhang the play area and the Metropolitan Police had offered safety advice to the applicant.
- The Sub-Committee queried the impact on the residential amenity of nearby properties, particularly in relation to noise. In response, it was advised that the hours of operation of the outdoor space would be restricted to between 09.00 to 17.00 Monday to Friday. The property was currently designated as A3 use which would allow a restaurant to operate until 23.30 and, although the property was currently vacant, it was considered that the proposed use would generate substantially less noise than if a restaurant was operating in accordance with the existing permission.
- The applicant advised that they were content with the proposed conditions and wanted to be a good neighbour to local residents.
- The Chair indicated that she was interested in the applicant's proposals regarding affordable provision for families in nearby social housing, and in

response it was suggested that this information could be provided outside of the meeting.

The Chair proposed that the application be granted as per the recommendations in the officer's report, incorporating the corrected Condition 6 as set out by Planning Officer. This was seconded by Councillor Woolf and carried.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Sub-Committee, and submitted representations and objections provided, planning permission be granted subject to the conditions and informatives set out at Appendix 1 of the officer report and the corrected Condition 6 set out above.

8 GULLIVER'S HOUSE, 27 GOSWELL ROAD [INC LAND & ACCESS TO REAR ADJ TO 14 CHARTERHOUSE BUILDINGS], LONDON, EC1M 7GT (Item B2)

Refurbishment and recladding of existing office building with remodelling on the ground and 6th to 8th floors on the front elevation, a part 9 storey rear extension from lower ground to 7th floor, and an 8th floor of office accommodation instead of plant (with existing plant equipment consolidated and relocated to lower ground level), rear roof terraces (8th and lower ground floors) and associated alterations, and a change of use of part of ground floor from existing office (Use Class B1(a)) to retail (Use Class A1), together with the introduction of cycle parking and other works.

(Planning application number: P2018/3231/FUL)

In the discussion the following points were made:

- The Planning Officer summarised the application. It was advised that two additional conditions had been proposed:
 - ADDITIONAL CONDITION 1: The development hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013. No occupation of the approved additional office floorspace shall take place until details of how these measures have been achieved have been submitted to and approved in writing by the local planning authority.
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.
 - ADDITIONAL CONDITION 2: Notwithstanding the approved drawings, full details of evacuation lifts and provision of 2 no. refuge on all of the floors, above ground floor level, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being operational. A report from a suitably qualified engineer shall be provided that

demonstrates the feasibility of the lifts being converted to be used as evacuation lifts in the case of an emergency.

REASON: To ensure the safe egress of those with mobility difficulties in the case of an emergency.

- It was advised that the applicant was content with the proposed additional conditions.
- The application site was within the setting of the Charterhouse Square and Hat and Feathers conservation areas. The Planning Officer advised that the planning authority's Design and Conservation Officer had concluded that the application did not present any harm to nearby heritage assets.
- The Planning Officer advised that a Daylight/Sunlight assessment had been carried out and concluded that the development would result in some loss of light to neighbouring properties in excess of BRE guidelines. However, despite this loss, the properties' retained levels of light would still be considered to be very good for a central London location.
- The Planning Officer advised that a condition had been proposed to ensure that the development would be subject to twice weekly refuse and recycling collections.
- The Planning Officer advised that the application included works to improve the accessibility of the building, including the provision of accessible toilets, lifts on all floors, and the removal of the revolving entrance door.
- In response to a question, the Planning Officer confirmed that the Corporation of London and Charterhouse had not submitted objections to the application.
- The Sub-Committee queried if the materials proposed for the exterior of the building would adversely impact on the streetscene. In response, the planning officer advised that the materials had been debated in pre-application discussions and the Planning Authority had secured amendments to the colour, materials, window design and other aspects. It was advised that the Design and Conservation Officer considered that the original design presented marginal harm to nearby heritage assets, however no harm was associated with the revised design.
- A member of the public spoke in objection to the application, stating that the development would overlook her property and would result in a loss of light to her home. Following a discussion between the Planning Officer, the objector and the applicant, the location of the objector's property was established and it was concluded that the development would not overlook this property as there were no windows in the flank wall of the proposed roof extension, and there would be no adverse impact on daylight receipt.
- The applicant addressed the Sub-Committee and summarised key aspects of the application, including the environmental and sustainability improvements that would be secured through the application.
- The Sub-Committee considered the use of materials on the exterior façade of the building, including the yellow exterior feature column. The Sub-Committee noted that the Design and Conservation Officer had not expressed concern in relation to this aspect of the development, however it was requested that the officer look again at the design and colour of the feature column as well as review the paleness of the concrete finish of the

building prior to the materials being approved by the Local Planning Authority in accordance with Condition 3.

The Chair proposed that the application be granted as per the recommendations in the officer's report, including the two additional conditions proposed by the Planning Officer, with an amendment to Condition 3 to secure a review of the paleness of the concrete and the colour of the feature column before materials are approved by the Local Planning Authority. The final wording of the conditions and informatives would be delegated to officers. This was seconded by Councillor Woolf and carried.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Sub-Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions and informatives set out at Appendix 1 of the officer report, the additional conditions described by the case officer (CO2 reduction and access for escape) and the amendment to Condition 3 set out above.

The meeting ended at 8.30 pm

CHAIR

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COMMITTEE AGENDA

1 60 Morland Mews

London
N1 1HN

2 74-76 St John Street

London
EC1M 4DZ

1 60 Morland Mews

London
N1 1HN

Application Number: P2019/1945/FUL

Ward: Barnsbury

Proposed Development: Conversion of 33 existing garages and 32 storage units to create six new residential units (1no. studio, 1 no. 1 bed, 4 no. 2 bed) (following external alterations and front extensions), a replacement community centre and caretaker's office and the use of three further existing garages for refuse and cycle storage, together with associated landscaping and estate improvement works.

FURTHER CONSULTATION REASON: Amended drawings including internal layout and external alterations

Application Type: Full Planning Application

Case Officer: Daniel Jeffries

Name of Applicant: c/o Agent

Recommendation:

2 74-76 St John Street

London
EC1M 4DZ

Application Number: P2018/1580/FUL

Ward: Bunhill

Proposed Development: RECONSULTATION: Change of use of part ground floor, basement and lower basement from Use Class B8 (storage) to flexible commercial use within Use Classes A3, A4 and D2. Replacement of ground floor facade and entrance doors, and fenestration to enclose existing ramp. REASON FOR RECONSULTATION: Additional documents published to website including marketing, servicing, extract, refuse and roof enclosure details.

Application Type: Full Planning Application

Case Officer: Nathan Stringer

Name of Applicant: Venaglass Haymarket Limited - Mr David Rogers

Recommendation:

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB-COMMITTEE B		AGENDA ITEM NO:
Date:	11 th February 2020	NON-EXEMPT

Application number	P2019/1945/FUL
Application type	Full Planning Application
Ward	Barnsbury
Listed building	No
Conservation area	Barnsbury Conservation Area
Development Plan Context	Mayors Protected Vistas (Alexandra Palace viewing terrace to St Paul's Cathedral) Local cycle routes Article 4 Direction (Barnsbury Conservation Area) Article 4 Direction A1-A2 (Town Centres)
Licensing Implications	None
Site Address	60 Morland Mews, London N1 1HN
Proposal	Conversion of 33 existing garages and 32 storage units to create six new residential units (1no. studio, 1 no. 1 bed, 4 no. 2 bed) (following external alterations and front extensions), a community centre and caretaker's office and the use of three further existing garages for refuse and cycle storage, together with associated landscaping and estate improvement works.

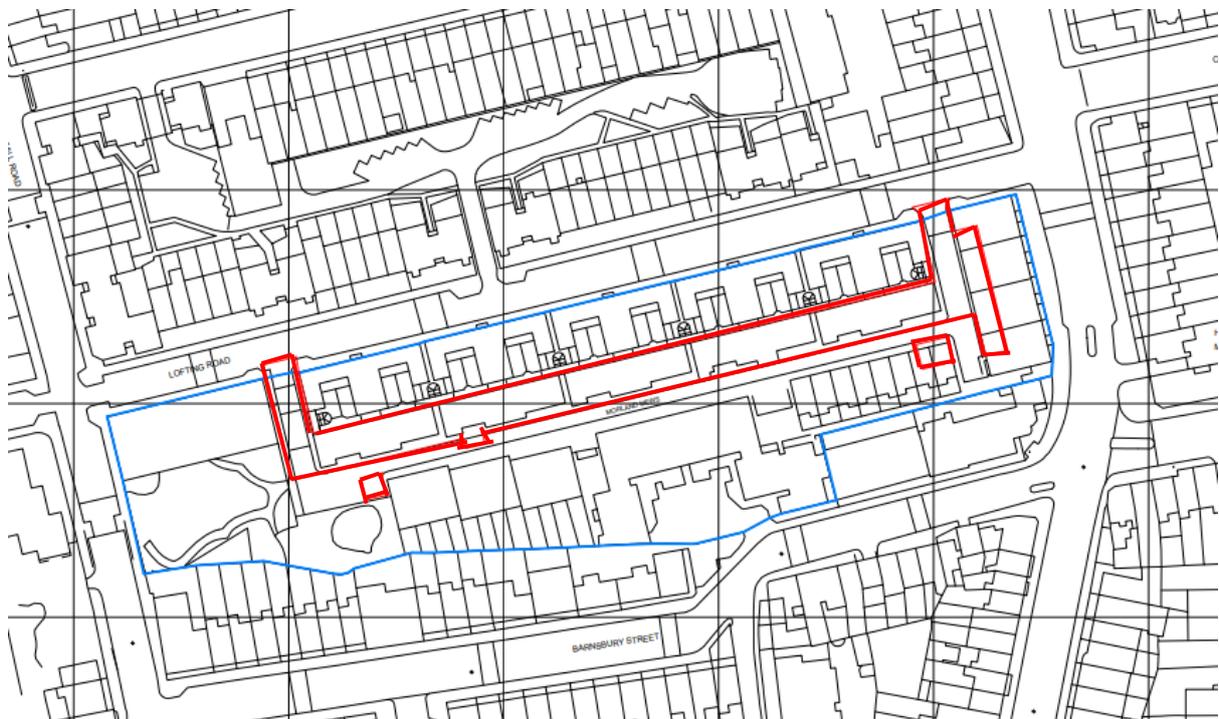
Case Officer	Mr Daniel Jeffries
Applicant	Barnsbury Housing Association
Agent	Mr Richard Norman - Lichfields Limited

1. RECOMMENDATION

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

1. for the reasons for approval;
2. subject to the conditions set out in Appendix 1;
3. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET

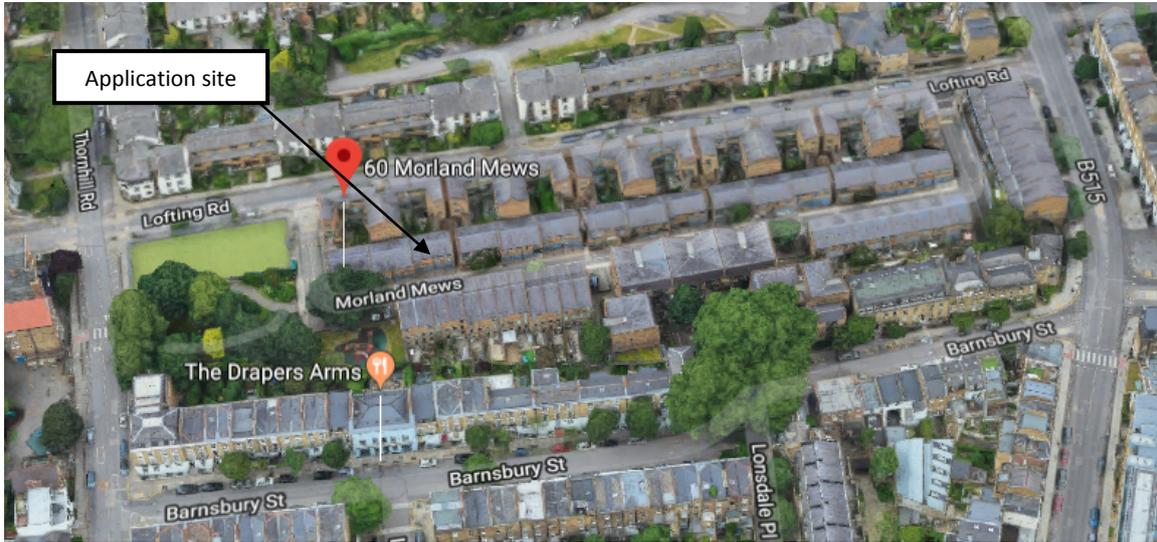


Image 1: Aerial view of the site facing north

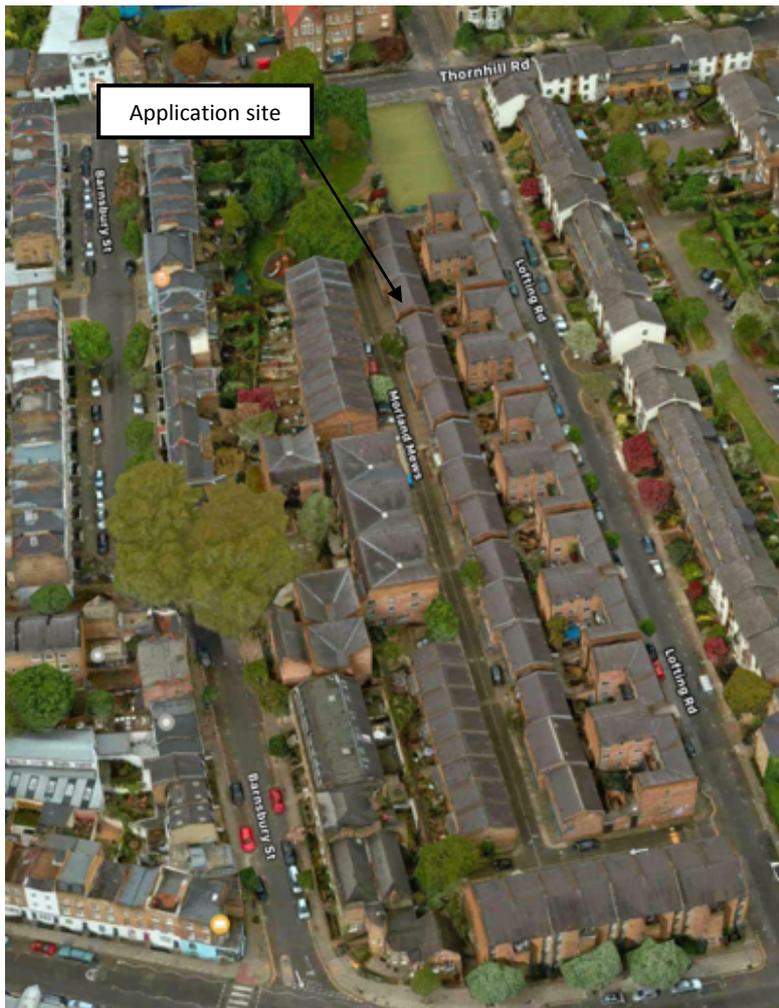


Image 2: Aerial view of the site facing west

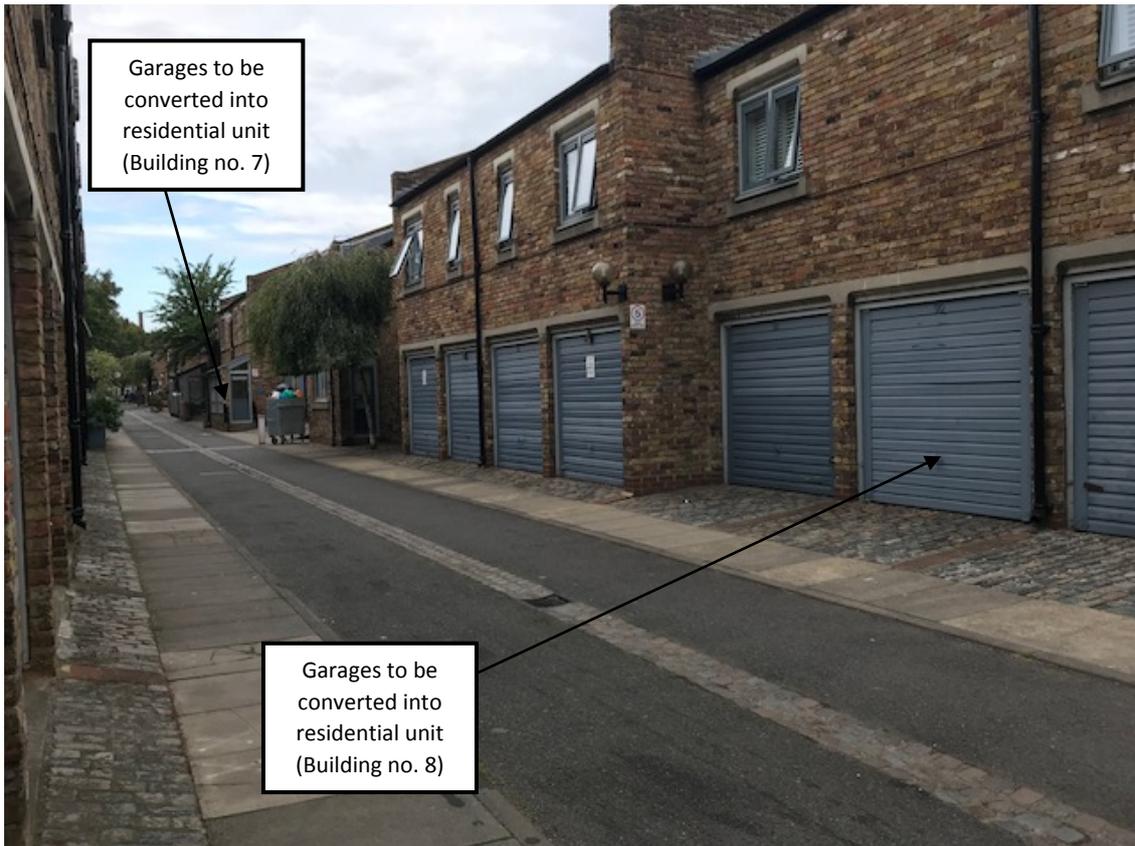


Image 3: View of existing Morland Mews frontage

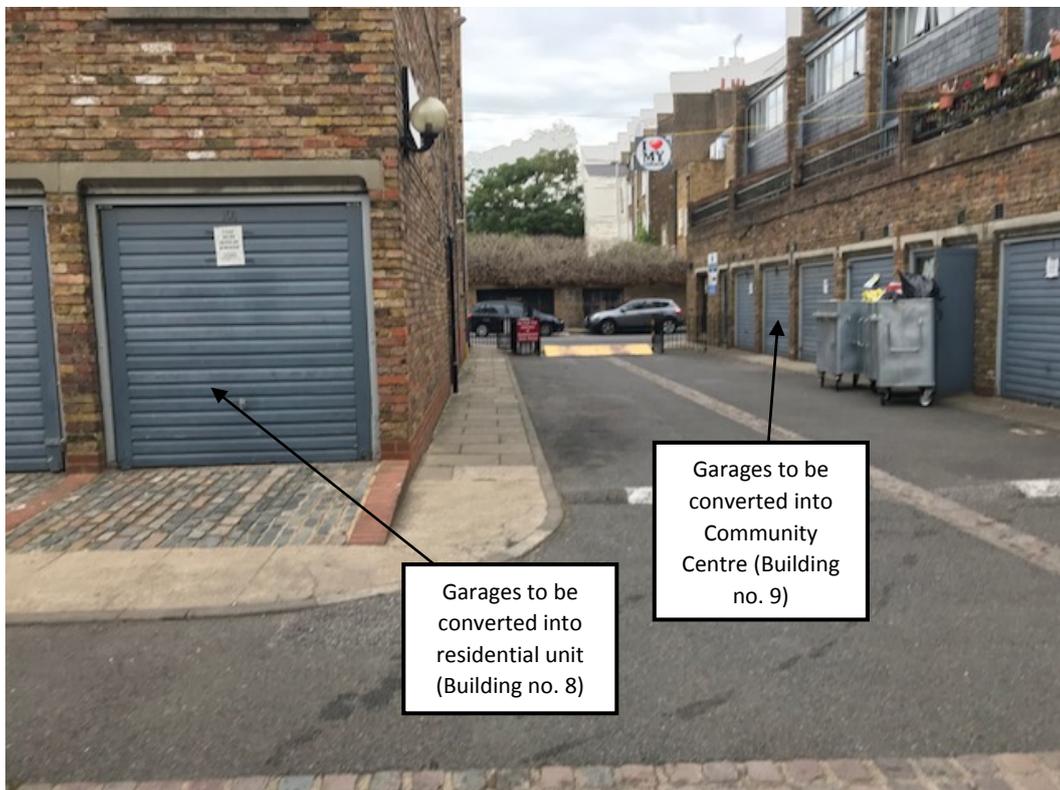


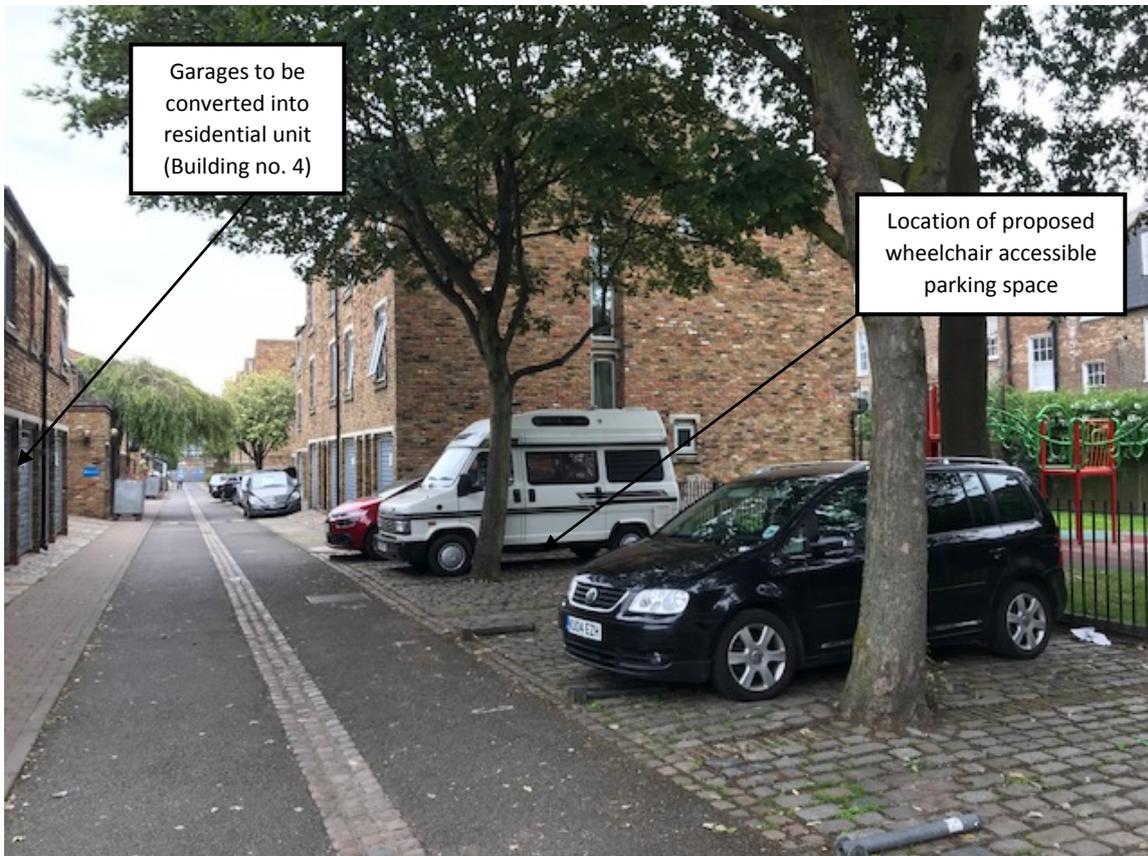
Image 4: View of existing vehicle and pedestrian access from Lofting Road



Existing area of open space and tennis courts to west of the site

Existing residential at ground floor (Building no. 4)

Image 5: View of pedestrian access and exit point for vehicles on to Lofting Road from Morland Mews



Garages to be converted into residential unit (Building no. 4)

Location of proposed wheelchair accessible parking space

Image 6: View facing east showing existing car parking and Morland Mews frontage

4. SUMMARY

- 4.1 The application seeks planning permission for the conversion and change of use of 33 existing garages and 32 storage units to create six new residential units, following external alterations and front extensions, a new community room and caretaker's office and the use of three further existing garages for refuse and cycle storage, together with associated landscaping and estate improvement works.
- 4.2 The site as existing is made up of garages and storage units which are used as ancillary to the existing residential units within Morland Mews, which are located at ground floor and at upper floor levels. The proposed six new self-contained units would consist of 1no. studio unit, located towards the east of the site, and 1 no. 1 bedroom (2 person bedspace) unit and 4 no. 2 bedroom units, located to the north side of Morland Mews. One of the 2 bedroom units. would be classified as wheelchair accessible with associated wheelchair accessible parking space. The proposal would deliver a 100% Affordable Housing scheme
- 4.3 Principally, the proposed residential units are considered to provide a good standard of residential accommodation, providing acceptable level of daylight/sunlight, meeting and exceeding the minimum floorspace space standards, outlook and apart from the studio unit, all being dual aspect.
- 4.4 The proposal also involves the introduction of cycle storage and community room, towards the east of the site, caretakers office, to the south east corner, and refuse storage positioned centrally to the north side of Morland Mews, within the existing garages.
- 4.5 The proposed extensions would be located to the front elevation of two of the existing buildings (Building nos 4 and 5). These two extensions would infill an area to the existing frontage, being single storey measuring an area of 3.29 sqm (no.4) and 6.14 sqm (no. 5). The proposal would also introduce boundary walls/planters to the front elevation to each of the 1 and 2 bedroom units to the north side of Morland Mews, measuring 0.7m in height, around the area of proposed amenity space. The proposal would also alter the existing fenestration to all of the garages and garages subject to this application. The design, layout, scale and massing of the proposed development is considered acceptable, and considered to pay special regard to preserving the visual appearance and historic character of the wider Barnsbury Conservation Area.
- 4.7 The proposed alterations, and the introduction of residential units and ancillary functions associated with the proposal are not considered to prejudice the residential amenity of neighbouring properties insofar of loss of sunlight and daylight, increased sense of enclosure, overlooking, overshadowing or loss of privacy, or the wider public highway network and conditions have been recommended in relation to noise and the highway, including during the construction phase and upon occupation. The proposal therefore accords with policy DM2.1 of the Development Management Policies 2013.
- 4.8 Although 2 no. trees will be removed, these trees are considered poor in quality (Category U – dead, dangerous or dying) and the Tree Officer is satisfied that the remaining trees would be protected. Overall, the proposal is considered not to result in significant detrimental impact on the remaining trees, and conditions have been recommended to ensure the protection of trees during construction. A further landscaping condition is recommended to ensure maximisation of green space/landscaping where possible.

4.9 The application is referred to committee given the significant number of objections received.

4.10 The proposal is considered to accord with the relevant policies in the Development Plan.

5. SITE AND SURROUNDINGS

5.1 The application site is located on the north and east side of Morland Mews, which is accessed from the south side of Lofting Road, with car access restricted via the use of a key fob security system. Immediately to the west of the site, on the corner of Lofting Road and Thornhill Road, there is an existing play area and tennis courts, which can be accessed via Morland Mews. The mews style two and three storey buildings within the estate are post WW2 buildings, built during the 1970s. The buildings were constructed using a palette of materials, including yellow/red multi stock brick, with concrete sills and lintels. The ground-floor edges along Morland Mews are characterised by a repeating rhythm of garage doors and brick piers. There are 155 no. social rented homes within the estate which are owned and managed by Barnsbury Housing Association, this includes some garages within the estate which have already been converted into residential units containing habitable rooms on the ground floor, with the remaining residential units located on the upper floors. The residential units on the upper floors to the north side of Morland Mews are accessed via the pedestrian route Gissing Walk located to the rear, which runs parallel to Morland Mews.

5.2 The host buildings subject to this application are not listed, with the nearest listed buildings being the row of Grade II listed terraced properties along the north side of Barnsbury Street, to the south of the play area and immediately adjacent to the existing building to the south side and west of Morland Mews. There are also rows of the Grade II listed terraced properties either side of Barnsbury Street. The application is within the Barnsbury Conservation Area, which is characterised by its Victorian terraces and leafy green areas.

5.3 The surrounding area is characterised as dense urban containing residential properties, with a mix of purpose built development and period Victorian conversions and dwellings with several parks in close proximity.

6. PROPOSAL (in Detail)

6.1 The application seeks permission for the change of use and conversion of 33 no. existing garages and 32 storage units to create six new residential units (1no. studio, 1 no. x 1 bed, 4 no. x 2 bed) (following external alterations and front extensions), a community room and caretaker's office and the use of three further existing garages for refuse and cycle storage, together with associated landscaping and estate improvement works. This application follows a recent application which was withdrawn (ref. P2018/2178/FUL). The main changes to this revised scheme, in comparison to the withdrawn application, include the following:

- The number of garages and storage units (previously 35 no. existing garages and 28 storage units)
- Number of residential units (previously 7 no.)
- Housing mix (previously 1 no. studio, 2 no. 1-bed, 3 no. 2-bed, and 1 no. 3-bed)
- Revised cycle/refuse storage arrangements

- 6.2 The proposal includes single storey extensions to the front elevation of 2 no. of the existing garages (Building nos. 4 and 5) to the north of Morland Mews. The external alterations include the infilling of the existing garage openings, and the creation of windows and doors to the relevant front and rear elevations of the relevant garages. To provide defensible space the proposal includes the creation of a 0.7m high boundary wall/planters to the front elevation of the proposed residential units, positioned to the north of Morland Mews.
- 6.3 The proposal will be is an Affordable/Social Housing scheme which will be secured with Barnsbury Housing Association through a legal agreement. The housing mix will comprise compromising 6 no. units (1 no. x 1 bed, and 4 no. x 2 bed units and 1 no. x studio).
- 6.4 The proposal also includes the creation of a community room and ancillary caretaker's office for the wider housing estate, located towards the east of the site and the use of three further existing garages for refuse and cycle storage. The existing community facilities are located centrally within the Barnsbury Housing Association offices (within Building no. 7), where there is a small space used as a community area where resident led societies are able to hold meetings.
- 6.5 Amended plans were received in November 2019, to include alterations to the layout and to dwelling mix including removal of 1no. 3-bedroom studios and addition of 1no. 2-bedroom 4 person unit, as well as changes to the external appearance of the garage units. This is following comments made by the Council's Design and Conservation Officer and concerns about the lack of adequate amenity space for the proposed family sized 3-bedroom unit.
- 6.6 Whilst not part of this application (outside the application site boundary), it also noted in the supporting Planning Statement that Barnsbury Housing Association propose wider estate improvements including lighting, repainting, childrens play area and landscaping.

7. RELEVANT HISTORY

60 Morland Mews

- 7.1 920933: Change of use of one domestic garage to Housing Association office and alterations to existing office. Approved on 07/09/1992.
- 7.2 P2018/2178/FUL: Conversion of 35 no. existing garages and 28 no. storage units to create 7 no. new residential units (1 x studio, 2 x 1 bedroom, 3 x 2 bedroom, 1 x 3 bedroom) a replacement community centre and caretaker's office and the use of three further existing garages for refuse and cycle storage, together with associated landscaping, including removal of 2 no. trees, and estate improvement works. Withdrawn on 26/11/2018.

27 Morland Mews

- 7.3 992512: Incorporation of disused garages and part of communal hallway and conversion to form a wheelchair accessible 2- bedroom flat with consequent elevational alterations. Approved with conditions on 18/01/2000.

7 & 8 Morland Mews

- 7.4 P091447: Extension of two houses by incorporating four existing garages into existing dwellings and the formation of a raised planter bed. Refused on 24/12/2009.

REASON 01: The proposal would have a detrimental effect on neighbouring residential amenity by virtue of loss of privacy.

REASON 02: The proposal would lead to decreased levels of security for the application properties by virtue of the limited scope of the application.

REASON 03: The proposal would involve the loss of off-street residents parking places which in this particular case would increase the demand for on-street parking to the detriment of general amenity.

- 7.5 P100737: Conversion of existing four garages into habitable rooms and the provision of external raised planting beds. Refused on 02/06/2010.

REASON 01: The proposal would lead to decreased levels of security for the application properties by virtue of the limited scope of the application.

REASON 02: The proposal would have a detrimental effect on neighbouring residential amenity by virtue of loss of privacy.

REASON 03: The proposal would involve the loss of off-street residents parking places which in this particular case would increase the demand for on-street parking to the detriment of general amenity.

Appeal (ref. APP/V5570/A/10/2131028) Allowed with conditions on 11/10/2010.

In terms of the Character and Appearance of Barnsbury Conservation Area

The Inspectorate commented "the proposal would involve the removal of 4 of the 16 garages in the terrace and their replacement with living accommodation, with windows fronting onto the mews from behind a projecting planter. Whilst the proposal would interrupt the uniformity of the façade, this façade, in itself, is rather flat and uninteresting and the proposed alterations would add a degree of visual interest at ground floor level. Far from being detrimental to the appearance of the area, I believe it would enhance it, albeit marginally.

In terms of a safe and secure environment

The Inspectorate commented "In my view, the insertion of ground floor windows, where none at present exist, is likely to increase natural surveillance and may just deter such activity at this end of the mews. Whilst I understand the Council's desire for the matter to be addressed in a comprehensive, rather than piecemeal, manner, I can see no sustainable objection to the proposal on security grounds...likewise I am not convinced that the proposal would result in any real safety problems (paragraph 8)

In terms of the existing parking

The Inspectorate stated that "It is suggested that the loss of four garages would lead to more vehicles parking in the mews, causing congestion and danger for pedestrian users. However it is claimed, on the part of the appellants, that none of the garages in question are used for parking vehicles and that, indeed, less than a third of all garages in the overall development are used for their intended purposes. I noted that

the two garages on site, to which I was given access, were used entirely for storage purposes. The minimal size of the garages (only some 4.5m x2 m), in my view, would deter their usage for parking cars and I observed that elsewhere in the Mews, particularly among the three storey units, similar ground floor garages have been converted into living accommodation.” (paragraph 9)

In terms of the planters in front of the proposed ground floor accommodation

The Inspectorate commented that “the proposed ground floor accommodation would reduce the carriageway in the mews by some 0.5m, but I do not consider that this would force pedestrians into the path of vehicles or contribute to any diminution in safety.... I consider that the proposed planter in front of the windows would provide sufficient separation from the public domain and adequate protection of the privacy of occupants.” (paragraphs 10 and 13)

Pre-application – 60 Morland Mews

- 7.6 Q2017/1862/MJR: Conversion of garages in mews to residential units to create 14 additional units. Reconfiguration of storage and garage areas within mews. Completed on 11/07/2017.

Officers response:

- *The principle of change the use of the existing garages to residential units is acceptable in land use terms.*
- *The scheme would need to be a 100% affordable housing scheme to meet the Council’s policies.*
- *The proposed units would need to provide a good standard of accommodation, have an appropriate housing mix and meet inclusive design requirements.*
- *Any design changes would need to be in keeping with the wider area.*
- *The proposal would need to have an acceptable impact on neighbouring properties.*

- 7.4 Q2017/3447/MJR: Conversion of existing garages to create 11 affordable residential units (2 x Studio, 4 x 1b, 5 x 2b) and redevelopment of existing ball court to create new sports pitch/MUGA and up to 10 affordable residential units (2 options proposed). Completed on 07/12/2017.

Officers response:

- *The principle of change the use of the existing garages to residential units is acceptable in land use terms.*
- *The scheme would need to be a 100% affordable housing scheme to meet the Council’s policies.*
- *The proposed units would need to provide a good standard of accommodation, have an appropriate housing mix and meet inclusive design requirements.*
- *Any design changes would need to be in keeping with the wider area.*
- *The proposal would need to have an acceptable impact on neighbouring properties.*

8. CONSULTATION

Public Consultation

- 8.1 Letters were originally sent to occupants of adjoining and nearby properties on 4th July 2019, and following the submission of amended drawings, further consultation letters were sent on 7th November 2019, and Site and Press Adverts were also displayed. The consultation period has expired, on 22nd November 2019. However, the Council accepts any representations up until the determination of the application.
- 8.2 At the time of the writing of this report, a total of 51no. letters and a 158 no. named petition raising objections and 15no. letters of support were received. , including letters from the Barnsbury Ward Councillors (Councillor Champion, Councillor Chowdhury and Councillor Hamitouche), the Tenants Association of the Barnsbury Housing Association. The letters of representation raised the following summarised concerns and comments (with the paragraph that provides responses to each issue indicated within brackets).

Land use

- Loss of garage as a storage and as a vehicle parking space (**paragraphs 10.2 to 10.8**)
- Increased density/overcrowding for existing residents (**paragraphs 10.10 to 10.12**).
- Loss of the existing community facilities(**paragraphs 10.13 to 10.14**).

Design and character

- Proposed front boundary walls/planters have a detrimental impact on the visual appearance of the area. (**paragraphs 10.31 to 10.35**)
- Proposed front extensions disrupts rhythm of existing terrace (**paragraphs 10.31 to 10.35**)
- Design of the fenestration details to garage frontage, including position of entrances to residential units (**paragraph 10.36 to 10.40**)
- Loss of the paving and forecourt (**paragraph 10.41**)

Neighbouring amenity

Privacy

- Loss of privacy to occupiers of existing properties (**paragraphs 10.47 to 10.50**).

Noise

- Increased noise, dust and disruption during the construction phase, including safety of children (**paragraphs 10.61 to 10.64**)
- Increase noise from use of the garages as residential units (**paragraphs 10.61 and 10.62**)

Land contamination

- *The existing garages are subject to hazardous waste* (**paragraph 10.59**)

Odour

- Increased odour from residential properties (**paragraph 10.65**)

Quality of Accommodation

- Poor standard of residential accommodation including levels of light, outlook, privacy and security, and ceiling heights (**paragraphs 10.67 to 10.82**)
- Lack of daylight/sunlight, outlook and noise from Gissing Walk to proposed residential units (**paragraphs 10.67 to 10.82**)
- Lack of defensible space and security issues including along Gissing Walk, and general anti-social behaviour in surrounding area (**paragraph 10.83**)
- Use of translucent windows to front and rear will reduce levels of daylight/sunlight (**paragraphs 10.84 to 10.82**)
- Proposed amenity space does not meet standards and is of poor quality (**paragraphs 10.84 to 10.87**)
- Poor standard of the community space in comparison to existing accommodation (**paragraphs 10.88 and 10.89**)

Trees, Landscaping and Biodiversity

- Loss of trees (**paragraphs 10.105 to 10.109**)
- Lack of bird/bat boxes (**paragraph 10.104**)

Highways and Refuse

- Use of large vehicles, skips and building materials during the construction phase (**paragraph 10.99**)
- Restricted access for pedestrians/vehicles to Morland Mews (**paragraph 10.99**)
- The lack of details of the proposed cycle storage and compliance with the London Cycle Design Standards (**paragraph 10.97**)
- Impact on users accessing existing car parking spaces along Morland Mews (**paragraphs 10.98**)
- Proposal will prevent users parking along Morland Mews (**paragraph 10.99**)
- Increased rubbish and recycling (**paragraph 10.100**)

Other matters

- Use of hazardous materials used and impact on human health (**paragraph 10.111**)
- Structural issues including subsidence to the surrounding area (**paragraph 10.112**)
- Damp, mould and holes in roofs, and general poor maintenance of existing buildings and wall mounted gas pipes on the ground floor would create risk to life if affected by fire or decay (**paragraph 10.112**)
- No temporary housing is being offered during construction phase (**paragraph 10.113**)
- Loss of employment (**paragraph 10.115**)
- Lack of consultation prior to submission of application (**paragraph 10.114**)

8.2 Letters of support::

- Welcomes the creation of new residential units
- Considers that Affordable housing is required in the Borough

- Considers that the proposal provides good quality of residential accommodation
- Improve any anti-social behaviour in the area
- Improve the visual appearance of the area
- Supportive of the use of key worker studio flat

Internal Consultees

- 8.3 **Tree Officer:** No objection, and confirmed that the details in the submitted Arb. Report and Method Statement (ADAS June 2019) are acceptable, including the removal of 2 no. trees within the estate, and to protect the one remaining tree on site that may be directly affected by the proposal due to the poor condition of the trees which are considered Category U (Dead, dying or dangerous). However, the Officer requested that a condition for a construction management plan, and recommends the inclusion of green infrastructure to improve amenity and the street scene.
- 8.4 **Design and Conservation officer:** No objection, requested that conditions are attached to any approval relating to the details of the materials infill elements to replace the garage doors and the existing garage ramps, formed in granite sets, are retained.
- 8.5 **Pollution Officer:** No objection, and the Pollution Officer confirmed that in relation to contamination that the site is not on the list of hazardous sites for further investigation. The site has already been developed and is covered with hardstanding. The proposal remains covered with hardstanding, with the amenity area by the front entrance hardstanding and planters. Therefore, further information or conditions in relation to land contamination would not be required as the works proposed are on existing hardstanding with no historic hazardous recorded. However, he recommended that the any approval recommends a condition relating to a Construction Management Plan.
- 8.6 **Inclusive Design Officer:** confirmed that the flat layouts meet Category 2 and 3 Standards and acceptable. The compliant Wheelchair residential is welcomed.
- 8.7 **Housing Officer:** no objections, and confirmed that the standard of accommodation and housing mix of the proposed units would be acceptable and meet the Council's requirements as Affordable Housing.
- 8.8 **Planning Policy Officer:** no objections to the proposal.

External Consultees

- 8.9 **Crime Prevention Officer (MPS):** No objection, following a site visit and a review of the crime statistics at the location, crime in the area from non-residents misusing Morland Mews is fairly low. A request has been made for the inclusion of a planning condition to achieve Secured by Design accreditation. This would include PAS 24 2016 rated doors and accessible windows, shrouded letter plates, defensible space, no recesses on the building line deeper than 600mm, secure cycle storage any parking should be overlooked by the property it serves. Recommended that the proposed boundary walls/planters, providing defensible space to the front entrance of the proposed units to the north side of Morland Mews, are reduced in height, and include planting above.
9. **RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES**

- 9.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
 - In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.
 - In line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the listed buildings, their setting and any features of special architectural or historic interest
- 9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 9.3 At paragraph 8 the NPPF states that the planning system has three overarching objectives in achieving sustainable development, being an economic objective, a social objective and an environmental objective.
- 9.4 The National Planning Policy Framework 2019 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.
- 9.5 Since March 2014 Planning Practice Guidance for England has been published online
- 9.6 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.7 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

- 9.8 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.9 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

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

Designations

- 9.11 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Islington's Development Management Policies 2013 and Site Allocations Document 2013:
- Barnsbury Conservation Area
 - Mayors Protected Vistas (Alexandra Palace viewing terrace to St Paul's Cathedral)
 - Local cycle routes
 - Article 4 Direction (Barnsbury Conservation Area)
 - Article 4 Direction A1-A2 (Town Centres)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:
- Land use
 - Design and assessment of any heritage impacts
 - Impact on the amenity of neighbouring residents.
 - Quality of accommodation
 - Accessibility
 - Highways and refuse facilities
 - Landscaping, trees and biodiversity
 - Affordable housing
 - Other matters

Land Use

- 10.2 The existing site is not within an Employment Growth Area, Employment designated area or within the Central Activities Zone (CAZ). The site is however within the Barnsbury Conservation Area. The application relates to the existing garages and storage rooms, which are ancillary to the existing residential units.
- 10.3 The supporting Planning Statement confirms that there were originally 96 no. undercroft garages on Morland Mews within the estate, with 20 no. garages having already been converted through previously granted planning and appeal decisions, either into the old office or into residential units. Stating that of the remaining 76 no. garages, 37 no. are let to tenants on the estate while the remainder are used by Barnsbury Housing Association, are empty or are let externally. The information states that the existing garages which are let to tenants, the majority are used for storage, with only a handful are used for cars/motorbikes. The applicant confirms that a few tenants within the estate have more than one garage, many have a garage plus a store and/or an allocated parking space.
- 10.4 The proposal would result in the loss of 33 no. existing garages and 32 no. storage units within the wider estate, within Building nos. 1, 4, 5, 6, 7, 8, and 9 (see image 7). The proposal would retain 37 no. garages and 48 no. storage areas which would be available for letting by residents of the estate. On the current take up, there would be sufficient garages/storage space retained within the site. The statement indicates that tenants leasing garages can take up vacant garage spaces if desired. There is no policy protection for retaining garages within the Development Plan

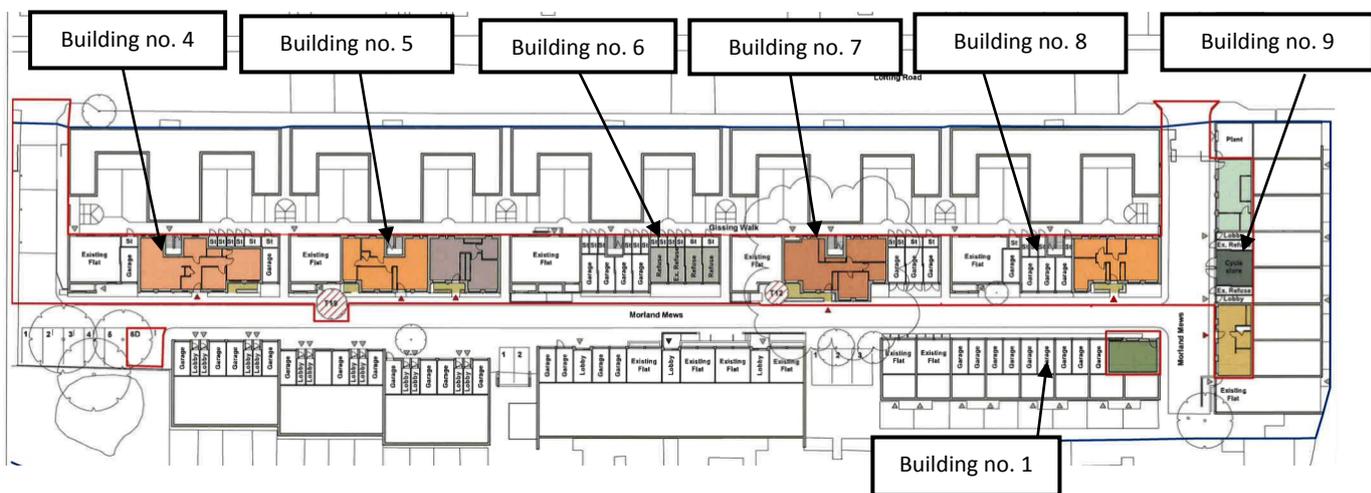


Image 7: Site Plan showing proposed layout of Morland Mews

- 10.5 In terms of the loss of garages used for vehicle parking, Part A of Policy DM8.5 of the Development Management Policies (2013) does not allow residential parking (for use class C3) for new homes, except for essential drop-off and wheelchair-accessible parking, and no parking permits will be issued to occupiers to new occupiers.

- 10.6 Therefore, the proposed loss of the existing ancillary garages as vehicle parking is considered to be consistent with the Council's policies to reduce car ownership in this regard, given they are not considered to be essential and are not supporting wheelchair users. It is also noted there are a number of existing car parking spaces located to the south side of Morland Mews which would be retained, apart from the 2 no. lost as a result of the proposed accessible car parking space for wheelchair users. It is therefore considered that the loss of the existing garages is acceptable in land use terms, in this respect. It must also be added that within the allowed appeal decision in 2010 the Inspectorate commented "*it is claimed, on the part of the appellants, that none of the garages in question are used for parking vehicles and that, indeed, less than a third of all garages in the overall development are used for their intended purposes. I noted that the two garages on site, to which I was given access, were used entirely for storage purposes. The minimal size of the garages (only some 4.5m x2 m), in my view, would deter their usage for parking cars and I observed that elsewhere in the Mews, particularly among the three storey units, similar ground floor garages have been converted into living accommodation.*" (See appendix 3) Officers would concur that most of the garages would not be suitable for modern vehicle standards and ultimately these were installed during an era when vehicles were promoted in design. This is no longer the case and policies have moved towards more sustainable development.
- 10.7 It is acknowledged that in addition to the use of the existing garages for vehicle parking, the proposal would result in the loss of existing storage spaces within these garages and the existing storage units. Whilst the proposed residential units are assessed in terms of having adequate levels of storage, in terms of having acceptable standard of accommodation, there are no specific policies relating to the loss of existing storage areas, therefore the refusal of the application on the loss of storage is not considered to be reasonable. However, it is appreciated how important storage is to the occupiers of the existing residential units. The applicant has confirmed that some of the smaller flats have limited internal storage space, and as such they have made a commitment to develop a fairer policy for storage spaces, so that tenants who want one can, in the future, have either a garage or a store. The Barnsbury Housing Association have also committed, within the supporting Planning Statement, that everyone who currently has a garage and who wants to rent one in the future will be able to.
- 10.8 Whilst this commitment made by the applicant falls outside the remit of this application, the retained 37 no. garages and 48 no. storage units considered to be adequate storage for the occupiers of the existing residential units, particularly given the proposed units would benefit from internal storage which meet the Council's policy requirements. Therefore, the proposed loss of the existing garages and storage units are considered acceptable in land use terms.
- 10.9 In land use terms, the proposal seeks to introduce 6 no. residential units (4 no. 2 bed, 1 no. 1-bed, and 1 no. studio), which would be affordable housing units, associated community centre and caretaker's office, as well as other ancillary functions including storage.
- 10.10 Policy CS12 of Islington Core Strategy Policies (2011) seeks to ensure Islington will meet its housing challenge, to provide more high quality, inclusive and affordable homes. Part G of Policy CS12 confirms that the Council will seek to increase the delivery of affordable housing in both minor and major development scheme. It is therefore considered that the principle of providing additional affordable housing is acceptable.
- 10.11 Development Management Policies (2013) confirms that high density development is needed to accommodate the projected population growth within the borough. In the

London Plan (2016) Policy 3.4, which deals specifically with optimising housing potential, confirms that housing density should take into account the local context and character, the design, and public transport capacity.

- 10.12 The application site is part of a large social housing development with approximately 150 no. existing residential units built in the 1970s. The existing housing stock is a mixture of unit sizes which is located and including from ground to second floor, the principle of the provision of residential units has been established in the area. In terms of public transport, using the Transport for London's Public Transport Accessibility Level (PTAL) Index, which is used to derive accessibility maps for London, the site is in a highly accessible location with very good transport (PTAL 5) provision, where a PTAL of 6 is the best. Whilst the acceptability of the residential units, including the housing mix, the standard of accommodation and other material considerations are assessed later within this report, the principle of providing additional residential units is considered acceptable, especially given that all of the proposed units would be for affordable housing. The addition of a further 6 no. residential units would comply with the broad aims of the Council's policies. It should also be noted that the principle of the development, in terms of the loss of the existing garages into residential use has been established since 1999 following the granting of planning permission (ref. 992512) in 1999 at no. 27 Morland Mews. In the context of the original development, Officers consider that the inclusion of 6 additional residential units would not lead to an overdevelopment, given the sites accessible location, its retention of sufficient storage and key communal spaces as well as the creation of a designated community room. It would increase the number of residential units within the wider development by approximately four percent. This is considered an acceptable increase.

Community room and Caretakers office

- 10.13 The proposal would also result in loss of the existing Barnsbury Housing Association office located within Building no. 7. The introduction of this office following the change of use of the pre-existing garages was approved (ref. 920933) in September 1992. The applicant has confirmed that the current space was converted from five garages and two sheds.
- 10.14 The drawing labelled Existing Ground Floor Plan - Building no. 7 (drawing no. BMM-LGA-07-00-DR-A-001-00/Rev. P2) provides an outline of the existing space showing 2 no. rooms within this building which would be lost. Whilst this space was originally approved for an office use (92/0933), over the elapsed period of time since granting of the original development, the existing space is now multi-functional space. The applicant has confirmed that the smaller room (11sqm) is currently used as the caretaker's office. The existing layout of the main room (66 sqm) is subdivided and includes a room used as an office or for meetings by the BHA, kitchen and toilet facilities, with the remaining part of the room used as a community space. The applicant has confirmed that there is also a computer terminal with free internet access and printer, for tenants' use only.
- 10.15 In terms of the existing community use of the large room, the applicant has confirmed that it is not used on a commercial basis or let externally, and it is only used by residents of the estate and BHA staff and, but is used for a range of activities. These activities include monthly meetings by the Morland Mews Tenants' & Residents Association usually taking place in the evenings, as well as their Christmas party, and coffee mornings (attended by 6-8 tenants) which are organised by the BHA. In addition, it is used for tenant organised weekly bingo sessions, exercise classes for older tenants, and knitting groups. These weekly activities generally take place during daytime hours and are attended by 6-10 tenants. There are also other meetings organised by BHA with tenants living on the estate, which are made on an ad hoc basis.

- 10.16 The existing caretaker office located in the small room, has no separate entrance, the caretaker is required to use the main entrance to access the existing office. As a result, this may mean that the activities taking place within the larger room are disrupted. The applicant has also confirmed that the existing facilities do not provide wheelchair accessible accommodation, including having a steep external ramp, have restricted internal doors and no accessible kitchen or toilet. The applicant considers that the existing space is not fit for its current needs being poorly laid out, with two large supporting pillars, which restricts the space and usability of the room.
- 10.17 To mitigate this the loss of the existing facilities, the proposal includes the provision of new dedicated facilities with a community room (43 sqm) and caretakers office (27 sqm). The community room would be located adjacent to the east entrance from Lofting Road (Building no. 9) and the caretakers office to the south side of Morland Mews to the east corner (Building no.1).
- 10.18 The provision of a new caretakers office is welcomed, and is considered to be an improvement on the existing facilities especially as the caretakers office would now be separate from the proposed community room given two defined ancillary spaces on site. It would result in a dedicated community room specifically for the tenants living in the complex and an uplift of facility provision (16sqm) in comparison to the existing situation.
- 10.19 In terms of the proposed community facilities, the proposed layout drawings confirm that this would include an open-plan community room (27sqm), small kitchen (7sqm) and toilet (3sqm) and a computer terminal. The applicant has confirmed that all of the existing community activities that currently take place within Building no. 7 would be retained, and the applicant hopes to expand the number of groups that use the proposed space.
- 10.20 Overall, it is acknowledged that the proposal would result in the loss of the existing BHA office space (within Building. No. 7) which has been used by the applicant and tenants of the estate, as both a caretakers office and a community facility. Whilst it is technically not a loss of a community facility, given it was originally approved as office accommodation, the existing facility is considered to be compromised by the multi-functional nature of the space and lacks accessible accommodation or a cohesive defined layout given its shared use as Office/community space. In addition to the proposal would provide dedicated caretakers office (which increases the provision) and community facilities which are purpose built, this loss is considered acceptable.

Refuse/cycle storage

- 10.21 The other proposed ancillary elements of the proposed development are to provide additional and centralised cycle (within Building no. 9) and refuse (within Building no. 6) storage for the wider estate. Whilst the acceptability of these elements of the proposal are assessed later in the report, including the standard of the provision, the principle of their introduction is considered to be acceptable in land use terms.
- 10.16 Overall, the loss of the existing garages and storage areas, to be replaced with proposed affordable housing units and ancillary functions, including dedicated community room, caretakers office, cycle and refuse storage are considered to be acceptable and would provide an acceptable housing mix in the context of existing estate also providing six units that will be secured legal agreement.

Affordable Housing/Small Sites

- 10.17 Islington's Core Strategy Policy CS 12 - Meeting the housing challenge – states in part G that to provide affordable housing 50% of additional housing to be built in the Borough over the plan period should be affordable. All sites capable of delivering 10 or more units gross should provide affordable homes on site. Schemes below this threshold should provide a financial contribution towards affordable housing provision elsewhere in the Borough.
- 10.18 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (the SPD) supports the implementation of the Core Strategy. The SPD confirms that all minor residential developments resulting in the creation of 1 or more additional residential units(s) are required to provide a commuted sum towards the cost of affordable housing on other sites in the Borough. The requirement applies not only to new build but also conversions of existing buildings resulting in the creation of new units and the subdivision of residential properties resulting in net additional units.
- 10.19 Para 4.04 of the Affordable Housing Small Sites Contributions SPD states that financial contributions towards affordable housing relates to residential schemes proposing between 1-9 units which do not provide social rented housing on site. Schemes by Registered Providers, the council or any other developer which include on site provision of social rented housing will not be required to make a financial contribution as set out in the SPD, unless the unit/s proposed on site are worth less than the full financial contribution that would be required for the scheme.
- 10.20 The Council's Housing Team have confirmed that proposal which provides 6 no. self-contained social housing residential units would meet Islington Core Strategy 2011 Policy CS12 Part G requirements of delivering 100% Affordable Housing. It is therefore considered that the proposal would be acceptable in this regard. Barnsbury Housing Association has agreed to signed a Section 106 Legal Agreement that provides on-site affordable housing provision.

Design and Conservation

- 10.22 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should contribute positively to making places better for people.
- 10.23 Paragraph 131 of the NPPF (2019) states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 10.24 Policy CS8 of Islington's Core Strategy (2011) sets out the general principles to be followed by new development in the Borough. Policy CS9 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.

- 10.25 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. The proposal is located within Barnsbury Conservation Area.
- 10.26 As noted in the site and surroundings section above, the application site is characterised as a mews style development with two and three storey buildings within the estate are post WW2 buildings, built during the 1970s. The mews style development has frontage along 2 no. major arterial routes with Liverpool Road to the east and Lofting Road directly to the north. Along Liverpool Road the buildings tend to be four storeys in height with the main entrance serving a mixture of flats. Along Lofting Road there are 2 no. access points, with a separate entrance and exit point for vehicles (one way system) which are controlled by fob security. The buildings tend to be three storeys in height and are a mixture of flats and maisonettes. The elevational treatment facing Lofting Road reflects this anterior route. The buildings along Morland Mews were constructed using a palette of materials, including yellow/red multi stock brick, with concrete sills and lintels. The ground-floor edges along Morland Mews are characterised by a repeating rhythm of garage doors and brick piers. There are also a number of these garages which have been converted into residential use, which has required external alterations to allow this adaptation.
- 10.27 Most recently, the existing buildings were assessed and rejected for Grade II statutory listing status by Historic England, on 10th August 2018. Historic England concluded that whilst the development is of interest in its planning context, the buildings are not of sufficient architectural interest to meet the high bar for national statutory listing. Nevertheless, Historic England stated that Barnsbury Mews is 'clearly of local interest for its careful, contextual, architecture and planning' and is 'good, creatively planned, housing'. On this basis, Barnsbury Mews, including Morland Mews, could conceivably be considered for Local Listing at some point in the future, particularly on the basis of its design quality and association with Kenneth Pring.
- 10.28 The Council's Design and Conservation Officer considers that the architectural interest of the original development is undoubtedly the use of the mews typology, with residential accommodation above garages or storage space, which is considered important to its character. Whilst the assessment by Historic England has identified that the host buildings *could be conceivably be considered for Local Listing at some point in the future*, the host buildings have not been designated as a Locally Listed building, and therefore the assessment of the proposal in design terms is the impact on the historic character and visual appearance of the host buildings as part of the wider Barnsbury Conservation Area, and the setting of the Grade II Listed buildings along the north side of Barnsbury Street, to the south of the site.
- 10.29 Therefore, in accordance with Section 72(1) and 66(1) of the Town and Country Planning Act (1990) the proposal is required to pay special regard to preserving or enhancing the visual appearance and historic character of the host building, setting of the Grade II listed buildings, located to the south of the site, along the north side of Barnsbury Street, and wider Barnsbury Conservation Area.
- 10.30 The design advice found within the Islington Urban Design Guide 2017 and Barnsbury Conservation Area Design Guidelines should be taken into consideration of the assessment of the proposal in design terms.
- 10.31 The proposal would involve a number of external alterations to the existing buildings subject to the application. The proposal includes extensions to two of the existing

buildings (Building nos. 4 and 5), introducing boundary walls/planters as well removing the existing garage doors and ramps, which would be infilled with matching brickwork, and altering the existing fenestration pattern, with the introduction of windows and doors.

10.32 The two extensions would infill an area to the existing frontage, of Building nos. 4 and 5, located to the north side of Morland Mews and towards the west of the estate. These extensions would be single storey in height measuring an area of 3.29 sqm (no.4) and 6.14 sqm (no. 5), and finished in brickwork and materials matching the existing development. The proposal would also introduce concrete boundary walls/planters to the front elevation to each of the 1 and 2 bedroom units to the north side of Morland Mews, measuring 0.7m in height, around the area of proposed amenity space.

10.33 Paragraphs 5.131 to 5.137 of the UDG provide advice in relation to extensions to residential properties. Whilst it is acknowledged that this advice is not strictly applicable to this proposal, given that it does not relate to a residential property per se, the advice including that they *should take into account bulk, height, massing, materials and proportion and how they relate to adjacent heritage assets, uses, building alignment and general treatment of setting*, is considered applicable in this instance. Also given that the extensions are positioned to the street frontage, the UDG advice in paragraphs 5.34 to 5.40 is also relevant which notes that *the most successful streets and places are normally well defined by a consistent building line that delivers:*

- *A sense of enclosure.*
- *Coherent architectural identity and local distinctiveness.*
- *Occasional gaps that provide light to the rear of the property but that are secured within the private realm.*

10.34 The advice in the Barnsbury Conservation Area Design Guidelines which notes that extensions and refurbishments of existing buildings, blend in with and reinforce the character and appearance of the area is created by the survival of 18th and 19th century buildings, using brick, stucco, stone, timber for windows and doors and slate or tile roofing.



Image 8: South elevation (Building no. 4) drawing showing existing (left) and proposed (middle and right) fenestration treatment

- 10.35 The proposed extensions and boundary walls/planters located to the street frontage would infill recessed areas to the front elevation of the host buildings, to the north side of Morland Mews, and would not project beyond the street frontage, aligning with the existing building line. In addition, the footprint of the proposed extensions and the boundary walls/planters are considered to be relatively modest in scale to the existing buildings, and given their height and width are considered to be relatively minor additions to the existing two storey host buildings and the wider street frontage. It is therefore considered that these additions would be subordinate to the host buildings, in terms of their scale, bulk, height, and massing.
- 10.36 Notwithstanding the above, the acceptability of the proposed changes is dependent on the proposed fenestration which would replace the existing doors to the garages and stores facing towards the street frontage, as well as the introduction of windows to the rear elevation on the units to the north of Morland Mews. Paragraph 5.48 to 5.58 of the UDG provides advice in relation to active frontages, noting that *front elevation, particularly the fenestration, should be designed so that it provides clear views onto the street from inside*. It notes that *main entrances should be located on the street. Buildings with long frontages should incorporate entrances at regular/frequent intervals to maximise the interface between the street and building*.
- 10.37 Paragraphs 5.91 to 5.95 of the UDG provide advice in relation to the design of the window arrangement and style. It confirms that *windows are a key component of the façade that help define a building's character and their arrangement is an important element in breaking down the scale of building frontages. Care needs to be taken to ensure that the windows are of an appropriate scale to the façade and that windows in the façade have some relationship with each other*. The Barnsbury Conservation Area Design Guidelines advises that development should conform to the existing pattern of fenestration.
- 10.38 As noted in para 10.26, the original mews development responded to the unique position of fronting two major routeways with its mews frontage or elevational treatment facing inwards thereby forming a new street elevation in the mews level and thereby increasing natural surveillance which is supported and create more cohesive street environment. The proposed entrance doors to each of the proposed residential units and the ancillary buildings would be located to the street frontage which is considered to accord with the above advice with the replacement garages with windows facing inwards across the street. In terms of the windows to both the front and rear elevations are considered to conform to the existing pattern of fenestration, and would be similar in design terms to the existing windows found along Morland Mews which relate to residential units. An example of the fenestration pattern on an existing ground floor residential unit along the north side of Morland Mews is shown in Image 8, which is within Building no. 4 and would be similar in design to the windows proposed as part of this application. Given the similarity of the proposed fenestration pattern to the existing ground floor residential units within the estate, it is considered that it would be in keeping the visual appearance of the streetscene and wider Barnsbury Conservation Area.
- 10.39 In terms of materiality of the proposal, as noted above, the Barnsbury Conservation Area Design Guidelines recommends that extensions and refurbishments of existing buildings, blend in with and reinforce the character and appearance of the area is created by the survival of 18th and 19th century buildings, using brick, stucco, stone, timber for windows and doors and slate or tile roofing. Paragraphs 5.111 to 5.126 of the UDG provides advice in relation to proposed materials, noting that use of materials needs to be considered in terms of their innate qualities (including in relation to thermal

performance), their relationship with the surrounding built environment, the articulation of the façade, and their durability and the appearance of durability.

- 10.40 The Design and Access Statement submitted in support of the application has provided details in relation to the proposed materials for the external alteration. This includes a number of options for the brick infill panels were explored, including consideration of lightweight versus a more solid and robust option. The documentation confirms that a number of colour and tone options were considered for the brickwork, for the proposed extensions and for the garage infills drawing on the existing varied colour palette. Following this review by the applicant they considered that a darker tone brick helps to define the recessed infill panels, accentuating the retained piers and mirroring the setback of the existing garage doors. The proposal would also retain the existing piers and concrete lintels. The new concrete window cills are proposed, which are considered by the applicant to echo the existing window cills to the flats above. The proposed boundary walls/planters which would be placed at entrances and in front of habitable rooms would be constructed using concrete. Also the proposal includes the floor slabs are lowered and existing ramps are removed, in order to create a level access threshold to the flats. The pavement would also be extended up to the front of the new dwellings, providing a more unified and continuous pedestrian walkway.
- 10.41 The Design and Conservation Officer also strongly recommended that the existing garage ramps, formed in granite sets, are retained (where they are not in front of the proposed entrances), for a number of reasons. Firstly, in the opinion of the Design and Conservation Officer they are key to the mews like character of the original design and add interest. Noting that they help form a buffer zone in front of ground level bedroom windows which would otherwise directly front onto the pavement. It was also recommended that having a distinction between the public walkway and a semi-private space by varying the surface treatment could be of great benefit to the sense of privacy of potential occupiers. Also, that if it is desirable to level the ramps, the granite sets should still be retained, a condition (19) has been recommended in this regard.
- 10.42 Whilst there are no objections to the proposed materials generally, a condition (3) has been recommended for the submission of their details, including samples, to ensure that they are in keeping with the historic character and visual appearance of the host building, the Barnsbury Conservation Area and the setting of the Grade II listed buildings.
- 10.43 Notwithstanding the above assessment, In addition, the proposed planter and walls to the front elevation to all of the proposed residential units to the north side of Morland Mews would maintain this consistent building line in terms of their projection, located within existing recessed areas. The applicant has confirmed this has been included to provide the units with defensible space and amenity space. Whilst the acceptability of the proposed amenity space is discussed within the quality of accommodation section of the report, paragraphs 5.32 and 5.33 of the UDG provide advice in relation to defining public and private space. It notes that boundary walls/railings should be designed in a manner that is consistent with the existing street and should provide an open aspect. Also that protection for residential uses from direct overlooking from the street should normally be provided by a shallow front threshold/garden area to provide the necessary defensible space between the back of the footway and the front of a residential property.
- 10.44 In this instance, as noted above the proposal provides an area of defensible space for each units to the north of Morland Mews, with the introduction of a boundary/wall planter along the street frontage. Paragraph 5.55 of the UDG confirms that *on residential streets, protection from direct overlooking from the street should normally*

be provided by a shallow front threshold/garden area to provide the necessary defensible space between the back of the footway and the front of the residential block. The introduction of this boundary wall/planter is considered acceptable in terms of its scale, position and general visual appearance, and inclusion within the streetscene. The UDG advice also confirms that *any boundary treatment should be designed in a manner that is appropriate to the existing street and should provide an open aspect.* Officers consider that this treatment would compliment the design of the development creating more active frontage and softening the appearance of the street.

- 10.45 Whilst the Metropolitan Police's Secured by Design Officer has welcomed the proposed introduction of defensible and raised no objections to the proposal generally, in terms of safety and security, they have raised concerns with the height of the proposed walls, which could be used as hiding places for potential intruders. As such the Officer has suggested that these boundary walls/planters are reduced in height, in terms of the wall, with the introduction planting above, which should be retained at the overall originally proposed height of 0.7m. This is considered to improve natural surveillance from both street level and internally from the occupiers of both the existing and proposed residential units. As recommended by the Secured by Design Officer the details are secured by condition (4) in the event the application was recommended for approval. It is considered that these changes would provide a safe and secure environment for future occupiers of the proposed units.
- 10.46 Overall, it is considered that subject to the recommended conditions relating to the details of the materials (3), the retention of the granite sets (19), as well as details of the planter/boundary walls (4), the proposal would be in keeping with the visual appearance and historic character of the area. In line with Section 16, 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Barnsbury Conservation Area and the Grade II Listed buildings along Barnsbury Street (to the south of the site), their setting and any of its features of special architectural or historic interest. It is considered that the proposed development positively reflects the character of the existing buildings and character of the Barnsbury Conservation Area, and would preserve the visual appearance and historic character of the setting of the conservation area and Grade II Listed Buildings to the south of the site, and is acceptable in design terms.

Neighbouring Amenity

Overlooking and Loss of Privacy

- 10.47 All new development is subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. The proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.
- 10.48 Paragraph 2.14 of the Development Management Policies 2013 states that *'there should be a minimum distance of 18 metres between windows of habitable rooms. This*

does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.'

- 10.49 In this instance, it is acknowledged that the proposal would result in a degree of overlooking between the proposed residential units to the north of Morland Mews (Building nos. 4 to 8) and the existing residential units (within Building nos. 2 and 3) to the south, having a 5 to 9 metre separation distance. However, the position of the units has been designed so the majority of the proposed front elevation windows would face towards either gaps between the buildings on the south side of Morland Mews or towards the existing garage doors, with the front elevation windows associated with the 2 bed unit in building no. 8, and the studio unit, in building no. 9, facing towards the proposed caretaker's office. In addition, two of the windows located on the southern elevation of the flat are now proposed to have translucent glazing.

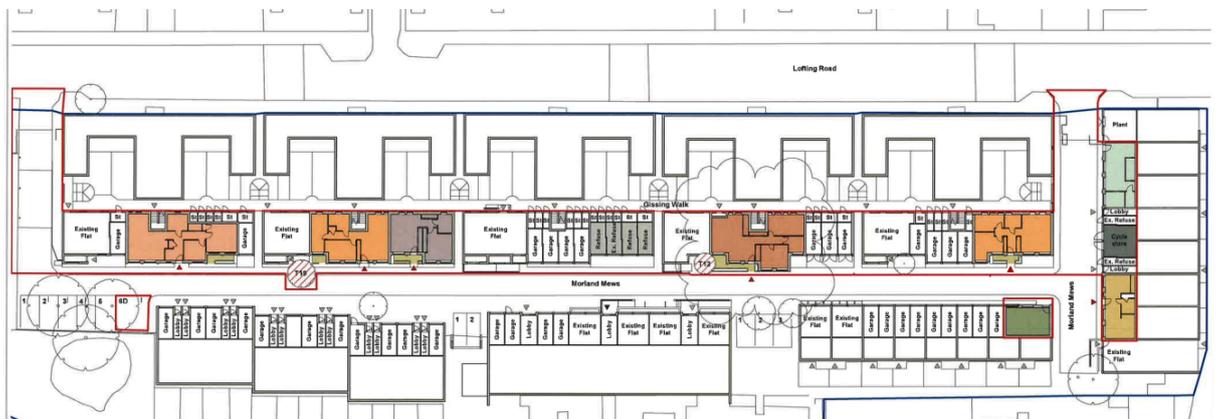


Image 9: Proposed layout showing relationship of proposed units

- 10.50 It is acknowledged that the windows to rear elevation of the proposed residential units (in Building nos. 7, 8 and 9) to the north of Morland Mews, which face on to Gissing Walk and the rear elevation of the properties along the south side of Lofting Road, would have a separation distance which would be below the 18m threshold, at 10m from the recessed rear elevation area of these residential properties. However, the layout of the units would mean that some of the windows (being the units in Building nos. 4, 5 and 6) would face towards the rear elevation of the outrigger, at 1.8m away, which has no ground floor windows. Also the layout of units results in some of these windows on this north elevation would service non-habitable rooms (being 1 no. window to each of the units in Building nos. 4, 5 and 8) with the proposed bathroom windows being fixed shut and obscurely glazed. The north facing windows that serve habitable rooms including living areas, which may result in a degree of overlooking are found within Building nos. 5, 7 and 8, as such a condition (20) has been recommended for the use of obscure glazing to the north elevation, given these windows are secondary windows (serving living areas) of these units. It should be noted that the separation distances and the relationship between the previously converted garage windows to the north side of Morland Mews, and the nearby residential properties to the north and south of the proposed residential units already exists, with 5 no. existing ground floor units located to the north side of Morland Mews, some of which are directly opposite existing residential units on the south side.

Outlook and enclosure

- 10.51 The proposed single storey extensions of building nos. 4 and 5 as well as the introduction of boundary walls fronting Morland Mews, and other external works to the

buildings, would not project beyond the north elevation of the existing garage buildings subject to this application, and would not project beyond the most southern elevation building line. There are no other changes proposed to the footprints of the remaining buildings subject to this application.

- 10.52 It is therefore considered that these alterations would not give rise to any significant loss of outlook or enclosure to neighbouring properties in the surrounding area.
- 10.53 Overall, the addition of 6 no. new units at ground floor including a single storey infill extensions would not have a detrimental impact, outlook, privacy and overlooking and would therefore be in compliance with policies DM2.1 of the Development Management Policies 2013 and the guidance set out in the Urban Design Guide 2017.

Daylight and Sunlight

- 10.54 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 10.55 The loss of daylight can be assessed by calculating the Vertical Sky Component (VSC) which measures the daylight at the external face of the building. Access to daylight is considered to be acceptable when windows receive at least 27% of their VSC value or retain at least 80% of their former value following the implementation of a development. The parameters of window size, glass transmissivity, room size and internal surface reflectance are then evaluated against the VSC for the window location to get the resulting average daylight factor (ADF). Whilst ADF is not the ordinary daylight test and normally used for assessing proposed developments' daylight receipt, it nevertheless provides supplemental information of the likely impacts.
- 10.56 Daylight is also measured by the no sky-line or daylight distribution contour which shows the extent of light penetration into a room at working plane level, 850mm above floor level. If a substantial part of the room falls behind the no sky-line contour, the distribution of light within the room may be considered to be poor.
- 10.57 In terms of sunlight, a window may be adversely affected by a new development if a point at the centre of the window receives in the year less than 25% of the annual probable sunlight hours including at least 5% of annual probable sunlight hours during the winter months and less than 0.8 times its former sunlight hours during either period. It should be noted that BRE guidance advises that sunlight is only an issue to a neighbouring property where the new development is located within 90 degrees of due south.
- 10.58 The proposal involves converting existing building stock with limited operational development, the only external works associated with the proposal include proposed extensions and alterations and elevations of the host buildings subject to this application. The proposed single storey extensions and the inclusion of 0.7m high boundary wall/planters, positioned along the south elevation of the host buildings to the north side of Morland Mews, would benefit from a separation distances (5 to 9 metres) between the nearest neighbouring properties to the south side of Morland Mews, to ensure that there would not be a loss of daylight/sunlight over above the existing situation to these residential properties, given the distance, positioning and height of the extensions proposed.

Land contamination

- 10.59 Objections were received in relation to potential hazardous waste and land contamination in the surrounding area. The development would not be subject to the Health & Safety Legislation and the Council's Pollution Officer raised no objections, commenting that the site is not on the Council's list of sites for hazardous waste or further investigation in relation to this matter. He confirmed that the site has already been developed and is covered with hardstanding, as such, the proposal is not considered to lead to significant contamination or hazardous waste on site. Given the proposal remains covered with hardstanding, it would not give rise to the requirement for a contaminated land condition in this instance.
- 10.60 During construction if any hazardous material are found, including asbestos or other materials identified it would require compliance with the relevant legislation identified in Health and Safety Executive, which is separate to the planning process.

Noise/dust and disruption

- 10.61 Policy DM3.7 seeks to ensure all residential development proposals shall demonstrate how potential adverse noise impact on and between dwellings will be mitigated by housing layout, design and materials. The document titled Acoustic Design Review (ref. 16500.ADR.02 dated 19th February 2019) by KP Acoustics) was submitted in support of the application. The report identifies measures to mitigate noise through the use of materials, including wall and floor constructions, hydraulic systems and non-glazed external building fabric, including the use of exterior opening glazing (doors and windows) to be airtight. Council's Pollution Officer confirmed that the site is screened from major roads and has relatively low background sound levels.
- 10.62 The Pollution Officer considers that the site is screened from major roads and has relatively low background sound levels. The Pollution Officer has noted that the performance standards for the facades and the separation between the units is more relevant in terms of assessing the proposed impact from residential properties in terms of the noise impact. As such the Officer has advised that a standard of 5dB better than the Building Regs approved document E is used as the design target. A condition (8) has been recommended to achieve this standard.
- 10.63 The proposed ancillary accommodation including community room, caretakers office and cycle/refuse storage areas are unlikely to result in any significant noise issues to neighbouring properties. The community room and caretaker's office currently take place in the existing Barnsbury Housing Association office which is a multi-functional space used by BHA staff and residents. The applicant has confirmed that the new community room will be available to the tenants of the estate when required for society's and activities, examples of these activities include weekly knitting club run by the Tenants Association, weekly exercise classes, coffee mornings, Welfare Benefits Advice, free use of computers. Additional uses of the new dedicated space include the potential for BHA to expand upon a new community development approach which will explore services such as free-cycling, community pantries, homework clubs, community gardening clubs etc, but this will obviously respond to resident demand. Given the varied use of the community room, the use of the caretakers room, which is likely to include use of equipment, and the relationship with existing residential units, a condition (9) has been recommended for details of noise mitigation between the community room and caretakers office and the nearby residential units. In addition, in order to ensure that the potential impact of the proposed community facilities would not have a detrimental impact on the occupiers of the residential properties within the surrounding area, a management plan has been recommended within the Section 106

legal agreement to secure details of the hours of use, activities and availability of this facility.

- 10.64 In addition, the Pollution Officer has acknowledged that there would be some disruption during the construction phase of the development, and has recommended that in the event the proposed development is approved, a condition (5) is recommended for a Construction and Environmental Management Plan prior to the commencement of development. This will include compliance with the hours of construction in line with Islington hours, being Monday to Friday 8am to 6pm, Saturday half day and no construction on Sundays and Bank Holidays.

Odour

- 10.65 The additional residential units are not considered to result in any additional issues in terms of odour, over and above the existing situation found from the existing residential units. This is a large residential complex and an additional 6 units would not lead to significant increases in odour.

Quality of Accommodation

Housing mix

- 10.66 Policy DM3.1 of the Islington Development Management Policies provides that all sites should provide a good mix of housing sizes. Table 3.1 sets out an indicative housing size mix required for each housing tenure. For social housing schemes, 0% of units should be 1-bed, 20% should be 2-bed, 30% should be 3-bed and 50% should be 4-bed or more. The proposal provides a mix of only 1 no. studio unit, 1 no. 1 bed unit, and 4 no. 2 bed units. Following the submission of amended drawings for the housing mix, which removed 1 no. 3 bed unit, to become a 2-bed unit. This is as a result of the site constraints as the provision of the appropriate sized private outdoor space was not possible. Given the site constraints and the Council's Housing Team who manage the Council's social housing provision, raised no objections to housing mix confirming it meets Council's social housing needs, the proposed mix is considered acceptable in this stance. The overall quality of the units and the amenity space requirements for these units is discussed in this section below.

Quality of residential accommodation

- 10.67 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also be dual aspect. London Plan (2016) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.
- 10.68 The Nationally Described Space Standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015.

10.69 Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) sets the context for housing standards for new development. Table 3.2, which supports this Policy and gives the minimum gross internal areas (GIA) that new residential developments would be expected to achieve.

10.70 The table below provides a summary of how the proposal meets the minimum floorspace standards:

Table 1: Minimum floor and storage space

No.	Bedrooms / Expected Occupancy	Floor Space Provided	Minimum Required	Provided Storage	Required Storage
	Studio	42 sqm	37 sqm	2 sqm	1.5 sqm
	1 bed/2 person	57 sqm	50 sqm	5 sqm	1.5 sqm
	2 bed/3 person	69 sqm	61 sqm	2 sqm	2 sqm
	2 bed/3 person	67 sqm	61 sqm	2 sqm	2 sqm
	2 bed/3 person (Accessible)	89 sqm	61 sqm	4 sqm	2 sqm
	2 bed/4 person	84 sqm	70 sqm	4 sqm	2.5 sqm

10.71 The proposed dwellings would all comply with the space standards in both the size of the units and the size of bedrooms, additionally, the living spaces including kitchen, dining and living space comply with the requirements of Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) and the London Plan (2016) Policy 3.5 providing a good level of floorspace for each unit. Units would provide a good level of storage, some going well beyond the standards.

10.72 The London Plan states that a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged. The Development Management Policies go further than this, advising that ceiling heights of at least 2.6m provide a greater sense of space and help keep rooms cool in summer months.

10.73 It is acknowledged that the proposed units would be short of DM Policies 2.6m, being 2.4m, but the floor to ceiling heights are constrained by the existing height on the ground floor and the additional excavation works necessary to achieve Islington's height standards would compromise design and accessibility. In this instance, given the site constraints of the existing building (floor to ceilings) and the fact the proposal relates to a conversion of an underutilised existing building space, the overall internal floor to ceiling height is considered acceptable by Officers and the proposal would meet the nationally described space standard sets a minimum ceiling height of 2.3 metres for at least 75% of the gross internal area of the dwelling, it is considered to be acceptable. It must however also be noted that the proposal would include the majority of units providing generous floorspace which is over and above the minimum

requirements. On balance, therefore, the proposed floor to ceiling heights are considered acceptable.

- 10.74 Dual aspect flats must be provided in all situations in accordance with policy CS9F of the Core Strategy 2011, and policy DM3.4D of the Development Management Policies 2013, unless exceptional circumstances can be demonstrated. Policy DM3.4E also stipulates that all living areas, kitchens and dining spaces should preferably receive direct sunlight. It is considered that apart from the proposed studio unit, all of the proposed dwellings would satisfy the requirements for dual aspect. Whilst some of the rear elevation windows facing Gissold Walk are restricted in terms of the outlook, some of these windows facing this orientation serve non habitable spaces such as bathrooms (4 no.) and include bedrooms (3 no.). However, given the proposed units to the north side of Morland Mews are dual aspect, meet and in some cases significantly exceed the minimum floorspace requirements, and likely to receive direct sunlight, given their orientation and generally provide a good standard of accommodation this situation is considered acceptable.
- 10.75 It is acknowledged that the studio unit would be single aspect with the only windows on the front elevation facing west, which would not ordinarily be accepted. The unit is also restricted in terms of its depth thereby maximising light to this unit, and its layout, with the bathroom/storage located to the rear wall, meaning the main living and sleeping areas are adjacent to the proposed openings. The unit would also exceed the minimum floorspace standards so it is therefore considered to provide future occupiers with a good level of accommodation, in terms of the levels of daylight/sunlight, outlook and aspect, and the lack of dual aspect is considered acceptable on balance.
- 10.76 The report titled 'Daylight Report' dated 27th February 2019 by JAW Sustainability was submitted and outlines the results of internal daylight calculations to support the planning application. It outlines the results of the internal daylight calculations undertaken for all the habitable rooms of the proposed scheme. The assessment has been undertaken in line with the guidance available in Building Research Establishment Report 'Site layout planning for daylight and sunlight - A guide to good practice' (2011) and British Standard BS 8206-02 'Lighting for buildings – Part 2: Code of practice for daylighting' (2008).
- 10.77 The report confirms that the average daylight factor (ADF) is used as the measure of general illumination from skylight. The average daylight factor is the ratio of total daylight flux incident on a reference area to the total area of the reference plane, expressed as a percentage of outdoor illuminance on a horizontal plane due to an unobstructed hemisphere of sky of assumed or known luminance distribution. The assessment has been carried out only for the habitable rooms where occupants have a reasonable expectation of daylight. As the BRE guide states that 'The guidelines given here are intended for use in adjoining dwellings where daylight is required, including living rooms, kitchens and bedrooms. Windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed.' The assessment was carried out under an overcast sky condition to ascertain the daylight availability

within the rooms in worst scenario when the outside illumination is minimum. In London the outside illuminance level in such scenario is approximately 4000lux.

10.78 In addition to the BRE guide, the British Standard BS 8206-02 ‘Lighting for buildings – Part 2: Code of practice for daylighting’ (2008) has also been used to identify the minimum daylighting requirements in a dwelling. These are as following:

- 1% in bedrooms
- 2% in kitchens, and
- 1.5% in living rooms

10.79 The guidance confirms that where rooms are used for more than one function, the higher value of ADF must be met. Therefore, for a living/kitchen or studio apartment the minimum daylighting required is 2%.

10.80 As shown in the table below, which was carried out on the original proposal and includes a 3 bedroom unit in the assessment, the proposal would meet and exceed the required ADF requirements in terms of providing adequate levels of daylight/sunlight to all habitable rooms:

Table 2: Annual Daylight Factor (ADF) results of proposed habitable rooms

Table 4-1 Average Daylight Factor results

Building No.	Room Use	ADF achieved (%)	ADF required (%)
Building 4	L/K/D	3.16	2%
	Bedroom 1	1.70	1%
	Bedroom 2	1.43	1%
Building 5 (2B 3P)	L/K/D	3.03	2%
	Bedroom 1	2.55	1%
	Bedroom 2	1.61	1%
Building 5 (1B 2P)	L/K/D	2.65	2%
	Bedroom 1	2.27	1%
Building 7 (3B 4P)	L/K/D	3.01	2%
	Bedroom 1	3.15	1%
	Bedroom 2	2.52	1%
	Bedroom 3	1.01	1%
Building 8	L/K/D	3.00	2%
	Bedroom 1	3.10	1%
	Bedroom 2	1.15	1%
Building 9	Studio-Apt	3.68	2%

Please note now a 2 bed unit

10.81 The originally proposed 3 bedroom unit (Building no. 7) has been altered to be a larger 2 bedroom unit, meaning that ‘Bedroom 3’ which meets the minimum requirement would be improved in terms of the level of daylight/sunlight experienced

by future occupiers, by the amendments made within the application. It is therefore considered that the proposal would provide an acceptable standard of residential accommodation for future occupiers.

- 10.82 Concerns have been raised in relation to the position of the entrances to the residential units. However, their position to the front of the units is considered to be appropriate, providing natural surveillance along Morland Mews and provide a street frontage.

Secured by Design

- 10.83 The Metropolitan Police Secured by Design Officer has considered that the proposal would meet secured by design principles. Whilst the Officer has welcomed the introduction of defensible space, with the inclusion of planters/boundary wall to the street frontage, the Officer has considered that the details should be secured by way of condition (4), to reduce the height of the boundary wall, and increase the height of the planters. In addition, the Secured by Design Officer has confirmed that the Police records indicate that there is no history of anti-social behaviour in the area from outside intruders, and that records indicate that they are domestic related instances.

Private outdoor space

- 10.84 Policy DM3.5 identifies that 'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'. In order to address this policy the proposal has included an area to the units to the front elevation of the proposed 1 and 2 bed units on the north side of Morland Mews. This would result in all of the units (apart from the studio unit) having a small outdoor amenity space measuring between 3-7 sqm. Officers do note that this amenity space is not private however within the context of the wider development there are few private amenity spaces. The adoption of amenity space to the front is akin to mews style development and would overtime help create a sense of place and thereby contributing towards active streets and towards a sense of community. It must be the wider estate is in close proximity to other green spaces such as Barnard Park, Thornhill Road Garden, Lonsdale Square Garden and Barnsbury Square Garden, which are all within walking distance.
- 10.85 It is acknowledged that the lack of any amenity space for the studio unit, and restricted size and quality of the amenity space for the other units, means that the proposal would not strictly accord with the minimum outdoor space requirements identified within Policy DM3.5. However, the lack of compliance with the private amenity space standards would be more of a concern for larger family sized (3 bedroom) units. The proposal has no family sized units, and the constraints of the site means that providing the recommended sized private amenity space for each unit is more difficult. Therefore, a more balanced approach is required taking into consideration the overall size of the units. In this regard, it is considered that the amenity space provided is the maximum that could reasonably be provided, given the constraints of

the site, and given each of the proposed units exceed the minimum floorspace standards, on balance, this lack of compliance is considered acceptable.

- 10.86 Additionally, future occupiers would benefit from the existing area of open space located immediately to the west of the site, which includes a play area and tennis courts. This area which measures 1.2 square kilometres (excluding the tennis courts) is located between Morland Mews and Thornhill Road. Whilst not part of the proposed planning application, the applicant has confirmed that they will be carrying out enhancements and improvements to the wider estate, including to this area. These enhancements include the resurfacing of the play area and the relandscaping on the open space. Given the time period for the construction of the proposal it is likely that any future occupiers of the proposed residential units would benefit from these improved facilities if these changes were made. Therefore, on balance it is considered that the non-compliance of the scheme with Policy DM3.5 is acceptable in this instance.



Image 8: View facing west from pedestrian entrance from Morland Mews of existing area of open space



Image 9: View of existing play area within existing open space to west of Morland Mews

- 10.87 For the above reasons, it is concluded that the proposed residential element of the development provides acceptable living conditions for future occupants in terms of the standard of accommodation and amenity space. Therefore, the proposal accords with policy 3.5 of the London Plan 2016, policies CS8, CS9 and CS12 of the Islington Core Strategy 2011 and policies DM2.1, DM3.4 and DM3.5 of the Islington Development Management Policies 2013 and the National Space Standard 2015.

Quality of community room accommodation

- 10.88 Concerns have been raised in relation to the quality of the accommodation of the proposed community room associated with the proposed residential units. The applicant has confirmed that this is an area for local residents where resident led societies are able to hold meetings amongst other activities, which are currently held in the main Barnsbury Housing Association office.
- 10.89 Policy DM4.12 confirms that new social infrastructure should be inclusive, accessible, flexible and be designed to have space standards to meet the needs of its intended occupiers of the intended occupiers. However, it should be noted that the function of the community room and caretaker's office are not independent from the residential units and would be managed by the Barnsbury Housing Association. The layout of the community room includes a kitchen, toilets as well as the main room. Whilst there are no minimum standards for these types of uses, at 43 sqm, the community room, and the caretaker's office, at 27 sqm, are considered to be adequate in terms of size and would provide a much needed suitable space for meetings, for the community room, and other proposed activities. As highlighted earlier in the report (paras 10.13 to 10.20) the creation of a community space separate from the office would ensure more clarity to the function of the space and Officers would view this as a benefit to the overall scheme.

Accessibility

- 10.90 As a result of the change introduced by the Deregulation Bill (Royal Assent 26th March 2015) Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor wheelchair housing standards.
- 10.91 On 1st October 2015, a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, to be enforced by an Approved Inspector. Residential development containing fewer than 10 units should be designed so that all dwellings meet Category 2 of the National Housing Standards. A written statement explaining how each of the units meets the requisite standard should be provided with the application (this can be contained within the Planning Statement). Plans should indicate notional furniture layouts.
- 10.92 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires developments to

demonstrate, *inter alia*, that they produce places and spaces that are convenient and enjoyable to use for everyone.

- 10.93 In terms of assessing the acceptability of the proposal in meeting the Council's policies in terms of providing accessible the 2015 edition of Approved document M, Volume 1: Dwellings, introduced three different types of dwelling:
- Category 1 – Visitable dwellings. Compliance with this requirement is achieved when a new dwelling makes reasonable provision for most people, which includes wheelchair users to access and enter the dwelling, and access habitable rooms and sanitary facilities on the entrance level.
 - Category 2 – Accessible and adaptable dwellings. This requirement is met when a new dwelling provides reasonable provision for most people to access the dwelling and includes features that make it suitable for a range of potential occupants, including older people, individuals with reduced mobility and some wheelchair users.
 - Category 3 – Wheelchair user dwellings. Wheelchair user dwellings. This requirement is achieved when a new dwelling provides reasonable provisions for a wheelchair user to live in the dwelling and have the ability to use any outdoor space, parking and communal facilities.
- 10.94 Following a review of the proposal, the Council's Inclusive Design Officer has raised no objections in regards to providing accessible accommodation. The Officer has welcomed the proposed wheelchair accessible unit, which is for a 2 bedroom/3 bedroom unit, located towards the west of Morland Mews, in addition to the inclusion of an accessible car parking space immediately opposite this unit. Following the submission of amended to ensure the proposed residential units would meet M4(2) Category 2: Accessible and adaptable dwellings and M4(3) Category 3: Wheelchair user dwellings (for the wheelchair accessible unit) the Inclusive Design Officer is satisfied that that the proposal would meet the Council's requirements of providing accessible accommodation.

Highways and refuse facilities

- 10.95 Islington policy identifies that all new development shall be car free. Policy DM8.5 stipulates that no provision for vehicle parking or waiting will be allowed for new homes, except for essential drop-off and wheelchair accessible parking. The proposal does not include the provision of off-street car parking, apart from the creation of 1 no. wheelchair accessible parking space and the loss of the existing 2 no. parking spaces is considered to be acceptable. A condition (17) has been recommended to ensure the wheelchair accessible parking would be set out in accordance with best practice standards, as set out in the council's Planning Obligations SPD and Accessible Housing SPD, and BS8300:2009, to meet the requirements of Policy DM8.5C.
- 10.96 Car free development means 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. This will be secured via a s106 agreement as set out in the terms of Appendix 1 of this report.

- 10.97 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines' and Policy DM8.4 and Appendix 6 of the Development Management Policies 2013. In accordance with Appendix 6, 10 bicycle spaces should be provided for the 8 bedrooms proposed. The development will provide 11 no. cycle spaces within a dedicated cycle store, to the east of the site, which will be created through the conversion of three existing ground floor storage units. This provision would surpass the requirements for the proposed development which would fulfil the requirements under Appendix 6. The arrangements are considered acceptable in principle and these shall be provided subject to a pre-commencement condition for details of the cycle storage. This space has the potential to provide more cycle parking to the wider estate to benefit existing residents. The proposal is considered to accord with policy DM8.4 and Appendix 6 of the Development Management Policies 2013 and the Cycle Parking Standards – TfL Proposed Guidance
- 10.98 The submitted Transport Statement (by EAS dated June 2019) has provided details of a swept path analysis to determine that cars will be able to enter and leave the parking spaces in the east – west portion of the Mews. The analysis also included a test of whether these cars would be able to pass a location, immediately to the left of the pair, where cars have been observed to park informally in front of garages. The swept path analysis has confirmed that the cars can enter and leave the car parking spaces in the Mews without difficulty.
- 10.99 Concerns have been raised in relation to the impact of the proposed development on vehicles, including access for emergency vehicles, delivering packages and for refuse vehicles, as well as vehicle parking along Morland Mews. The concerns relate to the narrowness of the existing access, with the proposed extensions further reducing the ability for vehicles to pass. It must be noted that speed restrictions are in play and incoming security fob system ensuring traffic is slow. Whilst it is acknowledged that the proposed single storey extensions and planters would result in the loss of some of the existing pavement to the existing street frontage, given that these elements would be limited to only two relatively modest sized areas (to building nos. 4 and 5) and would match the building line of the south elevation, infilling recessed areas, it is not considered to result in a significant impact over and above the existing situation.
- 10.100 Paragraph 5.2 of the Islington Street Environment Services 'Recycling and Refuse Storage Requirements' provides advice in relation to acceptable refuse and recycling provision for new residential units. The proposed refuse areas have been consolidated and shown on the proposed plan as being located to the ground floor of Building no. 6 following the conversion of the existing garage and storage areas. When taking into consideration that the refuse area would not be visible from the street, the proposed refuse storage requirements are acceptable and would cause no harm to the character or appearance of the host building. The arrangements are

acceptable in principle, however further details including plans and sections shall be provided subject to a pre-commencement condition for the approval of the Local Planning Authority prior to occupation of the development.

Sustainability and Ecology

- 10.101 Policy DM7.1 provides advice in relation to sustainable design and construction, stating 'Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development'.
- 10.102 The Sustainable Design Statement submitted states that the scheme has been designed in accordance with London Plan Policies 5.2 and 5.3 which seek to address sustainable design and construction, including minimising carbon dioxide emissions.
- 10.103 The Sustainable Design Statement concludes that the development follows the energy hierarchy, incorporating passive design measures and energy efficient equipment. The development employs an efficient building fabric, including new insulation and highly efficient glazing, efficient gas heating and heat recovery ventilation to maximise carbon savings for the site. Measures are also incorporated to minimise pollution and reduce water use. It is considered therefore that the development complies with the sustainability policy of the London Borough of Islington and the London Plan, for minor developments
- 10.104 In light of comments received from the Islington Swifts Society, it is recommended that a pre-commencement condition be included to ensure bat and bird boxes are implemented based on information on the most suitable locations in accordance with the Council's biodiversity objectives.

Landscaping, Trees and Biodiversity

- 10.105 DM6.5 states that Developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. Developments are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits, including through the incorporation of wildlife habitats that complement surrounding habitats and support the council's Biodiversity Action Plan.
- 10.106 The applicant site is located adjacent to existing (non-designated) play area, and there are a number trees within this play area and along Morland Mews. These trees are protected by their location within the Barnsbury Conservation Area. Policy DM6.5B seeks to ensure *developments are required to minimise any impacts on trees, shrubs and other significant vegetation. Any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits, must be agreed with the council and suitably reprovided. Developments within proximity of existing trees are required to provide protection from any damage during development.* This policy confirms that the

Council will refuse permission or consent for the removal of protected trees (TPO trees, and trees within a conservation area) and for proposals that would have a detrimental impact on the health of protected trees.

- 10.107 To assess the impact of the existing affected trees an Arboricultural Planning Statement (dated June 2019 by RSK ADAS Ltd) was submitted in support of the application. This report was reviewed by the Council's Tree Officer, who has confirmed that the two small trees to be removed to facilitate the development are considered to be of poor condition being Category U, those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years. Also that the details in the submitted Arb. Report and Method Statement (ADAS June 2019) are adequate to protect the remaining trees on site that may be directly affected by the proposal.
- 10.108 However, the Tree Officer notes that no construction management plan appears to be submitted and has therefore recommended that a Construction Management Plan is submitted for the construction activities (site storage, welfare facilities, etc.) which may overspill on to adjacent 'open areas' (outside of the red-line) where more significant trees are located. A condition (5) has been recommended to secure the submission of these details and it is therefore considered that the proposal is considered acceptable in this regard.
- 10.109 Notwithstanding the above, the Tree Officer has identified that that no landscaping, including tree planting, has been proposed, which would improve the amenity and the street scene and provide eco-system service benefits. A condition (14) has been recommended that details of landscaping details, including tree planting are submitted for proposed landscaping for the area.
- 10.110 Whilst they are not part of this proposal, the applicant has confirmed that are to carry out a number of wider estate improvements and enhancements which would cost up to £35,000. These include increased defensible space by way of planting beds, improved lighting to Gissing Walk, repainting of garage and storage units, upgrading waste and recycling and upgrades to the existing amenity space. The enhancements to the amenity space would include to the existing open space and play area to the west of the estate and Morland Mews. The open green space is proposed to be re-landscaped, and the children's play area will be resurfaced. Given the limited details provided to the Council in relation to these enhancements, and that these improvements are likely to be part of a general estate maintenance, the Council has not included these as part of any legal agreement, and whilst welcomed fall outside the scope of this application. A landscaping condition (14) would ensure that improvement to the hard and soft surfacing are provided within the site curtilage via further details to be submitted and approved. Any changes outside the site red line would still benefit existing and future occupiers from these enhanced facilities and improvements to the estate.

Other Matters

- 10.111 Whilst there is no reason to believe the applicant would use materials which would be hazardous to human health, a condition has been recommended in relation to the details of materials.
- 10.112 A number of matters have been raised in the consultation which are not considered to be material planning considerations and therefore cannot be considered in the determination of the application. This includes structural issues such as subsidence to the existing buildings. The proposal does not include any basement excavation and any structural issues are likely to be covered within the Building Regulations process. The concerns relating to damp, mould and holes in roofs, and general poor maintenance of existing buildings are a matter for the applicant and fall outside the assessment of the application and not considered to be relevant to the assessment of the application. The potential for fire or decay as a result of the installation of wall mounted gas pipes on the ground floor, none of which are proposed, is not considered to warrant the refusal of the application. The proposed units would also be required meet Building Regulations required in this regard. An informative has been attached noting the need to comply with other requirements.
- 10.113 Given the limited scale of the proposal, the fact that alternative accommodation is not being offered during construction phase is not considered to warrant the refusal of the application.
- 10.114 Whilst there is no statutory requirement for consultation prior to the submission, for the scale of the development proposed, the submitted Design and Access Statement has detailed the level of consultation carried out by the applicant, including consultation carried out with the existing residents, Tenants' Association and the Council.
- 10.115 Concerns have been raised in relation to the loss of earnings and employment as a result of the loss of the existing garage. However, the Council's planning or VOA records do not indicate that there are any garages authorised to be used as a commercial garage. The garages were part of the original social housing scheme as ancillary storage/vehicular parking, as identified in the land use section, and as noted a large proportion remain empty at present.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The principle of the loss of the existing ancillary garages and storages are considered acceptable in land use terms, and compliant with the Council's car-free policies. The proposal to introduce 6 no. self-contained residential units in this location, particularly affordable housing units, which is one the Council's key objectives is considered to be acceptable in land use terms.
- 11.2 The proposal, subject to detailed conditions in relation to the materials and the height of the planter/boundary walls, is considered to pay special regard to the visual

appearance and historic character of the host buildings, wider estate and the Barnsbury Conservation Area, is considered acceptable in design terms.

- 11.3 The proposed affordable housing units, being for 5no. (1 no. 1 bed, 4 no. 2 bed) social rented housing and for 1 no. studio unit for key workers, let at London Living Rent, are considered to meet the Council's objectives of achieving 100% affordable housing for scheme Registered Social Landlords. The units are considered to provide an acceptable standard of accommodation, meet the minimum requirements in terms of Annual Daylight Factor, have dual aspect (apart from the studio unit), good level of outlook and exceed the minimum floorspace standards, including 1 no. wheelchair accessible unit with an associated wheelchair car parking space. The proposal would also provide improved ancillary accommodation, including a centralised refuse and cycle storage, a new community room and a caretaker's office, which represents a wider benefit to the estate.
- 11.4 Conditions have been recommended to mitigate the impact of the development on the amenity of the occupiers of the existing residential units in the surrounding area, the trees within surrounding area, and to the surrounding public highway network, including a legal agreement to restrict future occupiers from obtaining car parking permits, as well as securing the management of the community room.
- 11.5 Overall, subject to conditions, the proposal is considered to accord with the relevant policies found within the Development Plan and is recommended for approval.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service:

- Requiring the 6 no. units (1 no. x studio, 1 no. x 1-bed, 4 no. x 2-bed) to be social/affordable housing
- Restrict future occupiers from obtaining car parking permits
- Community office management plan: detailing hours of use, activities and availability

ALTERNATIVELY, should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

RECOMMENDATION B

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

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>Existing drawings: BMM-LGA-00-00-DR-A-100-00/Rev.P2 (Site Location Plan), BMM-LGA-00-00-DR-A-001-00/Rev.P3 (Existing Site Plan), BMM-LGA-01-00-DR-A-001-00/Rev.P2 (Existing Ground Floor Plan - Building 1), BMM-LGA-04-00-DR-A-001-00/Rev.P2 (Existing Ground Floor Plan - Building 4), BMM-LGA-05-00-DR-A-001-00/Rev.P2 (Existing Ground Floor Plan - Building 5), BMM-LGA-07-00-DR-A-001-00/Rev.P2 (Existing Ground Floor Plan - Building 7), BMM-LGA-08-00-DR-A-001-00/Rev.P2 (Existing Ground Floor Plan - Building 8), BMM-LGA-09-00-DR-A-001-00/Rev.P2 (Existing Ground Floor Plan - Building 9), BMM-LGA-01-00-DR-A-003-01/Rev.P2 (Existing Elevations - Building 1), BMM-LGA-04-00-DR-A-003-01/Rev.P2 (Existing Elevations - Building 4), BMM-LGA-05-00-DR-A-003-01/Rev.P2 (Existing Elevations - Building 5), BMM-LGA-07-00-DR-A-003-01/Rev.P2 (Existing Elevations - Building 7), BMM-LGA-08-00-DR-A-003-01/Rev.P2 (Existing Elevations - Building 8), BMM-LGA-09-00-DR-A-003-01/Rev.P2 (Existing Elevations - Building 9), BMM-LGA-05-00-DR-A-002-02/Rev.P2 (Existing Section - Building 5 Flat 2), BMM-LGA-08-00-DR-A-002-01/Rev.P2 (Existing Section - Building 8), BMM-LGA-09-00-DR-A-002-02/Rev.P2 (Existing Section - Building 9 Studio), BMM-LGA-00-00-DR-A-002-AA/Rev.P2 (Existing Site Section AA), BMM-LGA-00-00-DR-A-002-BB/Rev.P2 (Existing Site Section BB),</p> <p>Proposed drawings: BMM-LGA-00-00-DR-A-100-01/Rev.P3 (Proposed Site Plan), BMM-LGA-00-00-DR-A-100-03/Rev.P3 (Site Plan - Proposed Extensions), BMM-LGA-00-00-DR-A-10-04/Rev.P3 (Site Plan - Showing rationale of selected garages to be converted), Site Plan BMM-LGA-01-00-DR-A-010-00/Rev.P2 (Proposed Ground Floor Plan - Building 1), BMM-LGA-04-00-DR-A-010-00/Rev.P2 (Proposed Ground Floor Plan - Building 4), BMM-LGA-05-00-DR-A-010-00/Rev.P2 (Proposed Ground Floor Plan - Building 5), BMM-LGA-07-00-DR-A-010-00/Rev.P5 (Proposed Ground Floor Plan - Building 7), BMM-LGA-08-00-DR-A-010-00/Rev.P2 (Proposed Ground Floor Plan - Building 8), BMM-LGA-09-00-DR-A-010-00/Rev.P2 (Proposed Ground Floor Plan - Building 9), BMM-LGA-01-00-DR-A-030-01/Rev.P3 (Proposed Elevations - Building 1), BMM-LGA-04-00-DR-A-030-01/Rev.P3 (Proposed Elevations - Building 4), BMM-LGA-05-00-DR-A-030-01/Rev.P3 (Proposed Elevations - Building 5), BMM-LGA-07-00-DR-A-030-01/Rev.P4 (Proposed Elevations - Building 7), BMM-LGA-08-00-DR-A-030-01/Rev.P3 (Proposed Elevations -</p>

	<p>Building 8), BMM-LGA-09-00-DR-A-030-01/Rev.P3 (Proposed Elevations - Building 9), BMM-LGA-05-00-DR-A-020-02/Rev.P2 (Proposed Section - Building 5 Flat 2), BMM-LGA-08-00-DR-A-020-01/Rev.P2 (Proposed Section - Building 8), BMM-LGA-09-00-DR-A-020-02/Rev.P2 (Proposed Section - Building 9 Studio), BMM-LGA-00-00-DR-A-020-AA/Rev.P2 (Proposed Site Section AA), BMM-LGA-00-00-DR-A-020-bb/Rev.P4 (Proposed Site Section BB)</p> <p>Reports: Acoustic Design Review by KP Acoustics ref. 16500.ADR.02 dated 19 February 2019, Arboricultural Planning Statement by RSK ADAS Ltd dated June 2019, Daylight Report by Jaw Sustainability dated 27th February 2019, Morland Mews Design and Access Statement dated May 2019 v.2.0, Planning Statement dated 21 January 2020, Transport Statement ref. 1468/2019 Rev. D dated 25/06/2019, Noise Impact Assessment ref. 16500.NIA.01/Rev.A dated 22/02/2019, Sustainability Statement by Jaw Sustainability dated 4th March 2019,</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials (Details)
	<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 works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Final colour, type and sample panel of brickwork for the main elevations b) window and door treatment (including sections and reveals); c) pavements (including details to retain the granite sets) d) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</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 and preserves the character and appearance of the Barnsbury Conservation Area.</p>
4	Details of boundary wall/planter
	<p>CONDITION: Notwithstanding the details shown within the hereby approved drawings, details of the boundary walls/planters positioned adjacent to the area described as amenity space shall be submitted and approved in writing prior to the relevant part of the development commences. The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To protect the amenity of neighbouring properties and future occupiers.</p>
5	Construction and Environmental Management Plan

CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP shall include details and arrangements regarding:

- a) The notification of neighbours with regard to specific works;
- b) Advance notification of any access way, pavement, or road closures;
- c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period;
- d) Details regarding the planned demolition and construction vehicle routes and access to the site;
- e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;
- f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;
- g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)
- h) Details of any proposed external illumination and/or floodlighting during construction, including positions and hours of lighting;
- i) Details of measures taken to prevent noise disturbance to surrounding residents;
- j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;
- k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)
- l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic at all times, including emergency service vehicles;
- m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and
- n) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.
- o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration.
- p) Details of tree protection measures during construction

The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.

	<p>The demolition and development shall thereafter be carried out in accordance with the approved details and measures.</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: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
6	Refuse/Recycling
	<p>CONDITION: Details of refuse / recycling storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.</p> <p>The refuse / recycling storage and collection arrangements shall ensure that storage bins do not obstruct the public highway. The dedicated refuse / recycling enclosure(s) approved shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
7	Cycle parking
	<p>CYCLE PARKING PROVISION (DETAILS): Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) for the site shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the residential units approved under this consent. The storage area(s) shall be secure and provide maximum number of cycle spaces for both proposed and existing residents of the estate.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, 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>
8	Acoustic Design Statement
	<p>CONDITION: The hereby approved development shall be carried out in accordance with the measures identified within the hereby approved Noise Impact Assessment by KP Acoustics (ref. 16500.NIA.01 Rev. A dated 04/02/2019), including achieving the standard of 5dB better than the Building Regulations Part E, and be retained thereafter into perpetuity.</p> <p>REASON: To protect the amenity of neighbouring properties and future occupiers.</p>

9	Details of noise mitigation (community room/caretakers office)
	<p>CONDITION: Prior to the first occupation of the hereby approved development details of noise mitigation details to protect the amenity of the adjoining residential units for the use of the approved community room and caretakers office. The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To protect the amenity of neighbouring properties and future occupiers.</p>
10	Secured by Design accreditation
	<p>SECURED BY DESIGN: Prior to commencement of the development hereby approved, details of how the development achieves Secured by Design accreditation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of safety and security.</p>
11	Sustainable Design Measures
	<p>CONDITION: The hereby approved development shall be constructed in accordance with the measures identified within the approved Sustainable Statement (JAW Sustainability) dated 4th March 2019 including energy performance, materials, waste management and construction, noise and light pollution. The details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To ensure a sustainable development</p>
12	Water efficiency requirements
	<p>CONDITION: Prior to the occupation of the hereby approved development, details shall be submitted and approved in writing, demonstrating compliance with the water efficiency requirements of Part G of Policy 7.4 of Development Management Policies (2013) and Environmental Design SPD. The approved measures shall be implemented in full and retained thereafter.</p> <p>REASON: To ensure the water efficiency of the development.</p>
13	Carbon efficiency
	<p>CONDITION: The development hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2015 and an on-site reduction in regulated CO2 emissions of at least 25% in comparison with regulated emissions from a building which complies with <i>Building Regulations Part L 2010</i> (equivalent to Code for Sustainable Homes level 4), unless such provision is not feasible.</p> <p>REASON: In the interest of securing sustainable development.</p>

14	Landscaping
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The landscaping and tree planting shall have a two-year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. 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 biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
15	Ecology protection
	<p>CONDITION: The hereby approved development shall provide a minimum of 3 no. bird/boxes and retained thereafter into perpetuity.</p> <p>REASON: To provide suitable nesting locations in accordance with the Council's biodiversity objectives.</p>
16	Accessible Homes Standards
	<p>ACCESSIBLE HOMES STANDARDS - (COMPLIANCE): The residential dwellings, in accordance with the Design and Access Statement and plans hereby approved, shall be constructed to the standards for the requirements set out in M4(2) Accessible and adaptable dwellings and M4(3) Wheelchair user dwellings.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>
17	Wheelchair car parking space
	<p>CONDITION: The hereby approved wheelchair accessible car parking space shall be implemented prior to the first occupation of the hereby approved residential units. The car parking space shall be constructed in accordance with the with best practice standards, as set out in the Islington Council's Planning Obligations SPD and Inclusive Design SPD, and BS8300:2009, and retained thereafter into perpetuity.</p> <p>REASON: To ensure adequate wheelchair accessible car parking.</p>
18	Tree Protection Measures
	<p>CONDITION: The hereby approved development shall be constructed in accordance with the tree protection measures hereby approved Arboricultural Planning Statement prepared by RSK ADAS Ltd dated June 2019. The measures shall be implemented in full throughout the duration of the development.</p>

	REASON: To ensure the protection of trees
19	Granite sets
	<p>CONDITION: Notwithstanding the details shown on the hereby approved drawings, apart from where they are positioned immediately in front of the entrance to the approved residential units, the granite sets shall be retained.</p> <p>REASON: To preserve the visual appearance and historic character of the host building and wider area.</p>
20	Obscure glazing
	<p>CONDITION: For the hereby approved residential units the windows in the north elevation serving habitable rooms shall be obscurely glazed up until a height of 1.7m above the finished floor level, prior to their first occupation, and retained thereafter.</p> <p>REASON: To protect the amenity of neighbouring properties.</p>

List of Informatives:

1	Construction works
	Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
2	Highways Requirements
	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. <u>All agreements relating to the above need to be in place prior to works commencing.</u></p> <p>Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. <u>Section 50 license must be agreed prior to any works commencing.</u></p> <p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk.</p>

	<p>Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk.</p> <p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk.</p>
	<p>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.</p>

APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE

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

1. National and Regional Guidance

The National Planning Policy Framework 2019 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.

- NPPF (2019)

2. Development Plan

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

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

Policy 3.3 Increasing Housing Supply
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality & Design of Housing Developments
Policy 3.8 Housing choice
Policy 3.12 Negotiating affordable housing
Policy 3.14 Existing housing
Policy 4.3 Mixed use development and offices
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.9 Overheating and cooling
Policy 6.7 Better streets and surface transport
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.1 Lifetime neighbourhoods
Policy 7.2 An inclusive environment
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.8 Heritage Assets and Archaeology

B) Islington Core Strategy 2011

Policy CS8 Enhancing Islington's character
Policy CS9 Protecting and enhancing Islington's built and historic environment
Policy CS10 Sustainable design
Policy CS11 Waste
Policy CS12 Meeting the Housing Challenge
Policy CS18 Delivery and infrastructure

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage

Housing

DM3.1 Mix of housing sizes
DM3.3 Residential conversions and extensions
DM3.4 Housing standards
DM3.5 Private outdoor space
DM3.7 Noise and vibration (residential uses)

Shops, culture and services

DM4.4 Promoting Islington's Town Centre
DM4.5 Primary and Secondary Frontages

Health and Open Space

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

Energy and Environmental Standards

DM7.1 Sustainable Design and Construction
DM7.2 Energy efficiency and carbon reduction in minor schemes

Transport

DM8.4 Walking and Cycling
DM8.5 Vehicle Parking
DM8.6 Delivery and servicing for new developments

3. Designations

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

4. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

<u>London Plan</u>	Accessible London (2016)
	Character and Context (2014)
	Housing (2016)
	Sustainable Design and Construction (2014)
	Town Centres (2014)

Islington

Conservation Area Design Guidelines (Canonbury Conservation Area; 2002)

Basement Development (2016)

Environmental Design (2012)

Inclusive Design in Islington (2014)

Islington Urban Design Guide (2017)

APPENDIX 3: Appeal Decision



Appeal Decision

Site visit made on 4 October 2010

by Graham Edward Snowden BA BPhil
Dip Mgmt MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.qsi.gov.uk

Decision date:
11 October 2010

Appeal Ref: APP/V5570/A/10/2131028
Houses 7 and 8 Morland Mews, London N1 1HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Geoff Lewis of Barnsbury Housing Association against the decision of the Council of the London Borough of Islington.
- The application Ref P100737, dated 1 April 2010, was refused by notice dated 2 June 2010.
- The development proposed is the conversion of existing four garages into habitable rooms and the provision of external raised planting beds.

Application for Costs

1. An application for costs was made by Mr Geoff Lewis of Barnsbury Housing Association against the Council of the London Borough of Islington. This application is the subject of a separate decision.

Decision

2. I allow the appeal, and grant planning permission for the conversion of existing four garages into habitable rooms and the provision of external raised planting beds in accordance with the terms of the application, Ref P100737, dated 1 April 2010, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos. MM1-P.02 and MM1-P.05.

Main issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of Barnsbury Conservation Area;
 - the maintenance of a safe and secure environment and
 - the privacy of occupants.

Reasons

Character and appearance of Barnsbury Conservation Area

4. The Conservation Area, which is predominantly residential in nature, is dominated by early to mid C19 formally laid out development of two and three

storey squares, terraces and crescents. Some modern development exists, including the 1970s development on the south side of Lofting Road, which comprises of three storey brick frontage development, with smaller scale rear mews development, in a modern interpretation of a traditional arrangement. The appeal properties are two units of an 8 unit terrace, which is part of the rear mews development. The rear elevations of this terrace face the mews itself and are of a uniform appearance with serried ranks of garages at ground floor level, taking directly off the back of footway.

5. The proposal would involve the removal of 4 of the 16 garages in the terrace and their replacement with living accommodation, with windows fronting onto the mews from behind a projecting planter. Whilst the proposal would interrupt the uniformity of the façade, this façade, in itself, is rather flat and uninteresting and the proposed alterations would add a degree of visual interest at ground floor level. Far from being detrimental to the appearance of the area, I believe it would enhance it, albeit marginally.
6. In line with the advice in section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In my view, the proposal would preserve the character and marginally improve the appearance of the Conservation Area, and this does not appear to be disputed by the Council.

The creation of a safe and secure environment

7. Policy D3 in the Islington Unitary Development Plan (UDP) requires new development to be designed to create a safe and secure environment and Policy Env12 gives the highest priority to enhancing community safety and reducing opportunities for crime. In their objections to the present proposal, residents refer to anti-social behaviour in the mews, particularly the problems of youths congregating and riding scooters up and down the roadway.
8. In my view, the insertion of ground floor windows, where none at present exist, is likely to increase natural surveillance and may just deter such activity at this end of the mews. Whilst I understand the Council's desire for the matter to be addressed in a comprehensive, rather than piecemeal, manner, I can see no sustainable objection to the proposal on security grounds.
9. Likewise, I am not convinced that the proposal would result in any real safety problems. It is suggested that the loss of four garages would lead to more vehicles parking in the mews, causing congestion and danger for pedestrian users. However it is claimed, on the part of the appellants, that none of the garages in question are used for parking vehicles and that, indeed, less than a third of all garages in the overall development are used for their intended purposes. This is not disputed by the Council and I noted that the two garages on site, to which I was given access, were used entirely for storage purposes. The minimal size of the garages (only some 4.5 x 2 metres), in my view, would deter their usage for parking cars and I observed that elsewhere in the Mews, particularly among the three storey units, similar ground floor garages have been converted into living accommodation. I consider, therefore, that there is little evidence to suggest that the proposal would lead to any significant

parking congestion or increased potential conflict between pedestrians and vehicles.

10. The creation of planters in front of the proposed ground floor accommodation would reduce the carriageway in the mews by some 0.5 metres, but I do not consider that this would force pedestrians into the path of vehicles or contribute to any diminution in safety. The mews is a shared surface area, with restricted access for vehicles and, whilst appreciating the concerns of elderly residents, I do not consider that the proposal would have any significant effect on pedestrian safety.
11. On this issue, therefore, I conclude that the proposal would not have any effect on the maintenance of a safe and secure environment and, to that extent would not be in conflict with UDP Policies D3 or Env12.

The privacy of occupiers

12. The proposal would not result in any change in existing separation distances between dwellings and I noted that the properties on the opposite side of the mews had garages at ground floor level. The proposal would not create any real opportunity for increased mutual overlooking.
13. Although the proposal would introduce windows at ground floor level, lighting living accommodation, this is not an environment with unrestricted access, or adjacent to a public through route. In such circumstances, I consider that the proposed planter in front of the windows would provide sufficient separation from the public domain and adequate protection of the privacy of occupants. This would comply with the provisions of criterion ii) under UDP Policy D3 that new development should be designed to respect privacy.

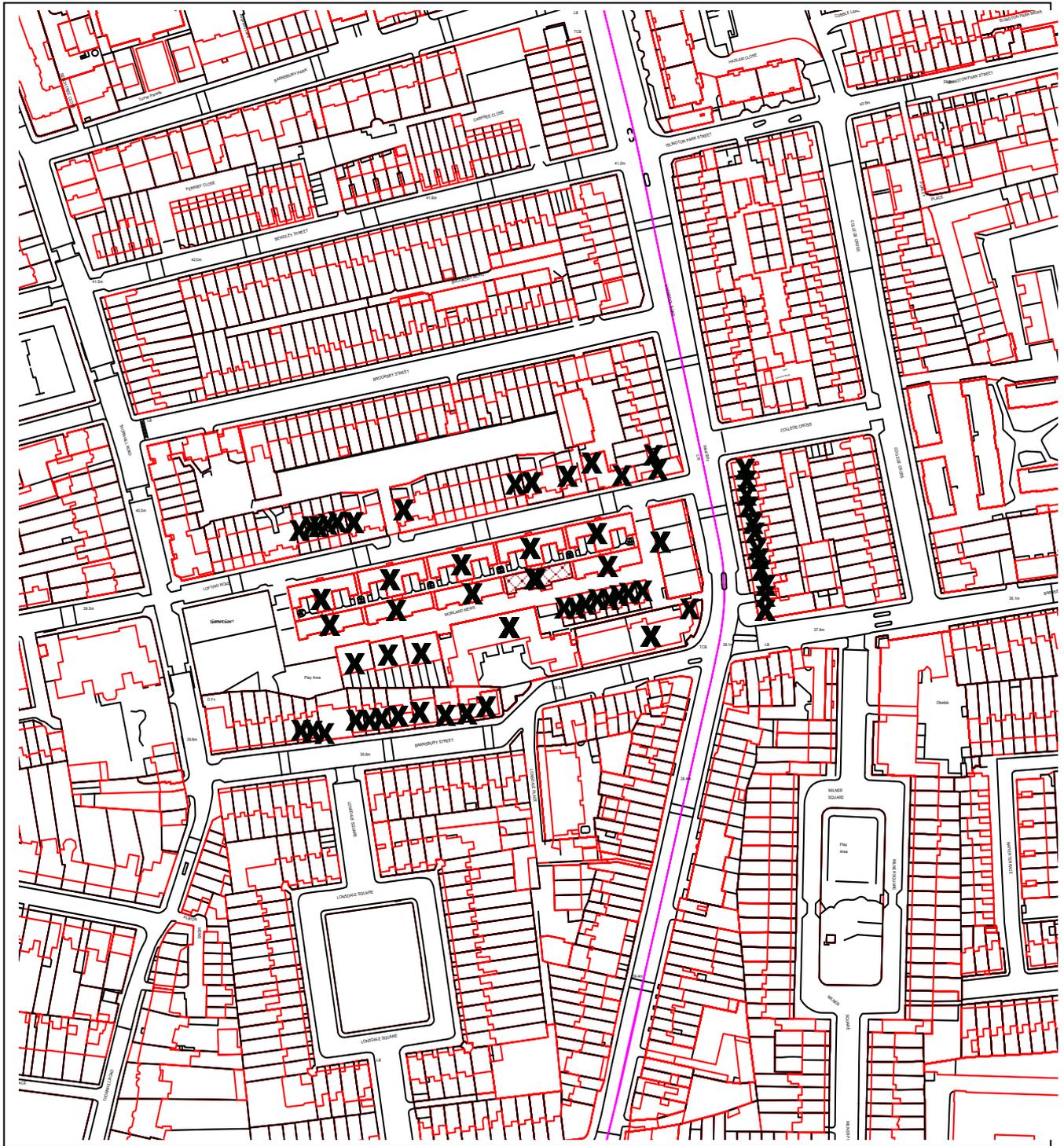
Other considerations

14. In reaching my conclusions, I have taken into account arguments advanced on behalf of the appellants that there is a shortage of family housing in Islington and that the loss of garages would be in line with UDP Policy T18 to discourage private car journeys. Whilst these are valid considerations, they are by no means determinative. However, they reinforce my conclusion that the development is acceptable. On the other hand, whilst appreciating the concern of elderly residents, who predominate in the area, I am not convinced that the creation of two units of family housing would result in any significant noise nuisance.
15. Apart from the standard time limit condition, the Council has not suggested any conditions in the event of the appeal being allowed. However, for the avoidance of doubt, I shall impose a condition defining the plans with which the development should accord.
16. Subject to those conditions, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Graham E Snowdon

INSPECTOR

Islington SE GIS Print Template



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ADDENDUM TO PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department



PLANNING SUB-COMMITTEE B		
Date:	11 February 2020	NON-EXEMPT

Application number	P2018/1580/FUL
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Not listed
Conservation area	Clerkenwell Green Conservation Area (and Article 4 Direction Within 50m of Charterhouse Square Conservation Area)
Development Plan Context	Core Strategy Key Area – Bunhill & Clerkenwell Central Activities Zone Employment Priority Area (General) Cherkenwell Archeaological Priority Area Major Cycle Route Finsbury Local Plan Area – Bunhill & Clerkenwell Mayor’s Protected Vistas – Alexandra Palace viewing terrace to St Paul’s Cathedral Local views from St John Street Local view from Angel Local view from Archway Road Article 4 Direction (B1(c) to C3) Adjoining Grade II listed building – No. 72 St John Street Adjoining Grade II listed building – No. 78 St John Street Adjacent Grade I and Grade II listed buildings – Charterhouse
Licensing Implications	Bunhill Cumulative Impact Policy Area A4 Drinking Establishment A3 Restaurant and Café No licensing application details have been provided by the Applicant.
Site Address	74-76 St John Street, Islington, London, EC1M 4DZ
Proposal	Change of use of part ground floor, basement and lower basement from Use Class B8 (storage) to flexible commercial use within Use Classes A3, A4 and D2. Replacement of ground floor facade and entrance doors, and fenestration to enclose existing ramp.

Case Officer	Nathan Stringer
Applicant	Venaglass Haymarket Limited
Agent	Quod – Mr Stephen Rose

1. RECOMMENDATION

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

- 1.1 the conditions set out in Appendix 1; and
- 1.2 conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1.

2. BACKGROUND OF DEFERRALS

- 2.1 This application was previously published to the agenda for the Planning Sub-Committee A meeting on 07 November 2019. However, following the publication of the agenda, officers became aware that a number of documents submitted as part of the application (specifically relating to site demand analysis) had not been made publicly available on the Council's website, and were therefore not available review. As a result, the relevant documents were published to the website and the application was subject to an additional consultation period which was carried out from the 8th November 2019 and ended on the 8th December 2019. To accommodate the required re-consultation period, the application was withdrawn from the agenda of the Planning Sub-Committee A meeting prior to the meeting to facilitate the inclusion of the site demand report to go online and for adjoining residents and third parties to fully consider it.
- 2.2 This application was also previously published to the agenda for the Planning Sub-Committee A meeting on 14 January 2020. However, due to an administrative error, a number of registered objectors did not receive letters of invitation to the meeting. As a result, the application was withdrawn from the agenda of the Planning Sub-Committee A meeting prior to the meeting.
- 2.3 It is important to note that no additional information has been provided by the applicant since the publication of the agenda for either the Planning Sub-Committee A meetings on 07 November 2019 or 14 January 2020.
- 2.4 It is also important to note that as the application was withdrawn from the agenda from both the November and January Sub-Committee A prior to the meetings and as such was not considered by that Committee. Therefore, the application is being brought forward for the consideration of the Planning Sub-Committee B Members given the delay and the significant time to the next Planning Sub-Committee A, which would be over four months from after the item was first listed.
- 2.5 The Planning Sub-Committee Report, which was withdrawn from the agenda for the 07 November 2019 meeting, is attached at Appendix 2.

3. CONSULTATION

- 3.1 The application has been subject to one round of re-consultation following the publishing of the relevant documents to the Council's website for public viewing. Letters were sent to occupants of 161 adjoining and nearby properties on 08 October 2019. A site notice and press advert were also displayed. The public re-consultation period therefore expired on 08th December 2019, however it is the Council's practice to consider representations made up until the date of a decision.
- 3.2 Six additional objections and one additional comment were received during the re-consultation period (beginning 8th November 2019), including 6no. objections and comment from previous objectors, and 1no. new objection from a neighbouring resident.

In addition to the issues raised by residents following the first consultation period, the further concerns raised during the re-consultation period include:

- The proposed low-level extractor would cause significant harm to neighbouring amenity with regard to noise and odour issues, exacerbated by the constraints of the site and nearby sensitive uses (**see paragraphs 5.1 and 5.2**)
- The consultation of the proposal has been inadequate, and some documents not available (**see officer's note below**)
- Loss of business floorspace within the Central Activities Zone is based upon submitted evidence which is at least 3 years old (**see paragraphs 5.3-5.4**)
- Noise and odour impact of the proposal, including concern that the information provided to date is insufficient and noting that the Environmental Health officer recommends a condition requiring further details regarding flues and extractors to be submitted prior to first occupation of the A3/A4/D2 use to which they relate (**see paragraphs 5.1 and 5.2**)
- Outline Operational Management Plan is inadequate (**a further Scheme of Management is required to be submitted for approval under recommended Condition 8**)
- Concern that the proposed servicing and delivery details would not adequately manage the servicing/deliveries required at the site (**see paragraphs 5.5**)
- The application should be refused because the noise and odour implications of the proposal cannot be adequately assessed in the absence of detailed professional reports for such matters (**see paragraphs 5.1-5.2**)
- Concern with regard to the previous Inspector's consideration regarding neighbouring amenity concerns (**Inspector's Appeal Decision is attached at Appendix 3 of the original Committee Report**)
- Concern that the building at no. 66 was not specifically mentioned within the Committee Report (**whilst not explicitly named, the officer assessment of the proposal considered all adjoining and adjacent properties within the 'neighbouring amenity' section of the report**) and
- Concern relating to the recommended conditions of approval, including the absence of a condition requiring the proposed glazed roof to be fixed shut (**see paragraphs 5.6-5.10**).

Officers Note: upon commencement of the re-consultation period, officers noted that the relevant documents recommended for approval were publicly available on the Council's website. This was also confirmed at the writing of this addendum report (31 January 2020).

4. UPDATES FOLLOWING AGENDA FOR PLANNING SUB-COMMITTEE A 07TH NOVEMBER 2019

- 4.1 A number of the recommended conditions have been revised to address the matters raised during the re-consultation period, as well as to strengthen the recommendation for approval. These are discussed further below.

- 4.2 No updates are recommended following the withdrawal of the application from the agenda for the 14 January 2020 Sub-Committee A meeting.

5. FURTHER OFFICER ASSESSMENT FOLLOWING THE RE-CONSULTATION PERIOD

Proposed extractor/flue unit/s

- 5.1 Significant concerns have been raised by neighbouring occupiers with regard to the impact of the proposed low-level extractor unit upon the level of amenity afforded to residents of adjoining buildings, particularly with regard to noise, vibration and odour. During the re-consultation period of the application, officers attended a site visit to no. 66 St John Street, which adjoins the rear of the application site. During this site visit, it was observed that the low-level location of the proposed kitchen extractor would likely cause harm to neighbouring occupiers as a result of the close proximity of the extractor, and that any impacts would require further officer assessment should such a system be required. Therefore, it is recommended that **Conditions 2 and 9** are revised to explicitly state that no permission is hereby granted for the extractor as shown on proposed drawing number M-4761-XX-(57)-002 Rev P0. This is further discussed within paragraphs 5.6-5.9 of this addendum report.
- 5.2 Neighbour concern has also been raised with regard to the lack of information submitted with regard to the proposed extractor flues, and absence of detailed professional reports for matters such as noise, vibration and odour impacts. These matters were previously addressed within the Committee Report, and the assessment remains unchanged; these matters are also covered by recommended **Conditions 6 (noise), 7 (mechanical plant compliance report) and 9 (flues/extraction systems) as updated.**

Loss of Business floorspace within the Central Activities Zone

- 5.3 Additional concerns were raised during the re-consultation period that the proposed loss of business floorspace is based upon submitted evidence which is at least 3 years old.
- 5.4 As noted within the Committee Report, the information submitted with the application is considered to be sufficient in detail and scope to demonstrate that the loss of the business floorspace is acceptable in this specific case. This information has been scrutinized by the Planning Policy Officer, who considers that the asking price advertised as part of the marketing exercise for the unit is reasonable; the submitted evidence demonstrates that marketing particulars had been provided during the two-year process; and that whilst no additional commentary has been submitted with regard to the current and likely future demand for floorspace within the market area, on balance the information provided is sufficient to satisfy the marketing requirements outlined in Appendix 11 of the Development Management Policies 2013.

Delivery and Servicing

- 5.5 Whilst neighbour concern has been raised with regard to the proposed servicing and delivery procedures, it must be noted that these have been reviewed by the Council's Highways Officer who has raised no concern with regard to the impact of the procedures upon the safe and efficient operation of the highway. Specifically, when a query was raised with regard to whether or not a dedicated loading bay would be required, the officer advised that the proposed method of parking on the existing yellow lines would be sufficient for the requirements of the use.

Amended recommended conditions

- 5.6 Some concern has been raised with regard to the strength of the recommended conditions in ensuring that the proposal does not have an unacceptable impact upon the level of amenity experienced by neighbouring occupiers. Generally, officers consider that the conditions previously recommended are sufficient to ensure that no undue harm is caused; this is further outlined within the Committee Report. However, there are some recommended alterations to the list of recommended conditions.
- 5.7 Following the publication of the Planning Sub-Committee A Report (7th November 2019) for the application and the re-consultation of the development, some revisions to the recommended conditions of approval have been made.
- 5.8 It is recommended that document no. '**M-4761-XX-(57)-002 Rev P0**' is removed from the list of approved drawings and documents, and is therefore removed from **Condition 2**.
- 5.9 It is also recommended that **Condition 9** is re-worded to clarify that no permission is granted for the extractor details as submitted. Whilst **Condition 9** as originally drafted requires the submission and approval of details of any new extractor system prior to the first occupation of the development, for the avoidance of doubt the condition is re-worded to clarify that the outline extractor details provided within the drawings do not form part of the approval scheme.
- 5.10 It is also recommended that a new condition of approval is included, requiring that the proposed glazed roof above the access ramp is fixed shut prior to the first occupation of the unit and maintained as such into perpetuity. This matter was raised during the re-consultation period of the application, and officers noted during the site visit to no. 66 that any noise emanating from the rooflight may have the potential to cause harm to occupants of nearby residential dwellings in the case that it is openable. Concern has also been raised that any lightspill from the rooflight may also cause harm; however, officers consider that the low level of the rooflight (which is not located at the top of the lightwell) would ensure that no harmful lightspill is generated.

6. UPDATED CONDITIONS

Condition 2 Approved Plans:

The development hereby permitted shall be carried out in accordance with the following approved plans:

Change of Use Design Statement dated 28 January 2019; Email from Kamran Haider dated 02 July 2019; Covering letter dated 9 May 2018; Demand Analysis prepared by Richard Susskind and Company dated October 2017; Richard Susskind and Company – Marketing Particulars; Assessment of Marketing letter from Pater Johnson Merriman dated 1 November 2017; Letter from Howell Brooks and Partners LLP dated 20 July 2017; Letter from Jarvis Keller Stephens dated 20 September 2017; Letter from Imogen Blanning dated 20 July 2018 regarding quality of marketing evidence and Town Centre impact; Letter from Stephen Rose dated 12 February 2019; and Drawing Numbers: Location Plan, GA 01/F, GA 02/E, GA 03/C, GA 04/A, GA 05, GA 06, M-4761-XX-(57)-001 Rev P4, and M-4761-XX-(57)-003 Rev P4.

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.

Reworded Condition 9: Notwithstanding the hereby approved development, no permission is granted for the kitchen extractor system as shown on omitted drawing number M-4761-XX-(57)-003 Rev P4. Details of any proposed new and/or re-purposed kitchen and/or bathroom flues/extraction systems for the A3/A4/D2 unit hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the use to which they relate.

The filter systems of the approved flue/extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible.

The flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the use to which they relate and maintained as such thereafter.

REASON: In the interest of protecting future residential amenity and the appearance of the resulting building(s).

7. SUGGESTED NEW CONDITIONS

Condition 14: GLAZED ROOFLIGHT FIXED SHUT: Notwithstanding the hereby approved drawings and documents, the glazed monopitch rooflight as shown on approved drawing no. GA 01/F shall be fixed shut prior to the first occupation of the A3/A4/D2 unit, and shall be retained as such thereafter into perpetuity.

REASON: To ensure that the proposed development does not have an unacceptable adverse impact on neighbouring residential amenity.

8. CONCLUSION

- 8.1 The application was withdrawn from the agenda of the Planning Sub-Committee A meetings on 07 November 2019 and 14 January 2020. The application was re-consulted following its withdrawal from the November agenda. As the application was withdrawn prior to both meetings, the Planning Sub-Committee A has not considered the proposal. Therefore, it is being brought to the Planning Sub-Committee B.
- 8.2 For clarity, the recommended conditions (at Appendix 1) of this Addendum Report incorporate the above noted revisions to the originally recommended conditions. This is therefore the most recent list of recommended conditions, taking into consideration the additional officer assessment undertaken following the re-consultation of the application. The officer assessment of the application, as well as the reasoning for the inclusion of these conditions, is outlined above as well as within the original Sub-Committee Report for the 07 November 2019 meeting (attached at Appendix 2).
- 8.3 The application is therefore recommended for approval, subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1; and the conditions listed at Appendix 1.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service.

- Contribution of £2,371.58 towards the costs of highways reinstatement / reduction in width of existing crossover

ALTERNATIVELY, should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

RECOMMENDATION B

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

List of Conditions:

1	<p>Commencement</p> <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	<p>Approved plans list</p> <p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Change of Use Design Statement dated 28 January 2019; Email from Kamran Haider dated 02 July 2019; Covering letter dated 9 May 2018; Demand Analysis prepared by Richard Susskind and Company dated October 2017; Richard Susskind and Company – Marketing Particulars; Assessment of Marketing letter from Pater Johnson Merriman dated 1 November 2017; Letter from Howell Brooks and Partners LLP dated 20 July 2017; Letter from Jarvis Keller Stephens dated 20 September 2017; Letter from Imogen Blanning dated 20 July 2018 regarding quality of marketing evidence and Town Centre impact; Letter from Stephen Rose dated 12 February 2019; and Drawing Numbers: Location Plan, GA 01/F, GA 02/E, GA 03/C, GA 04/A, GA 05, GA 06, M-4761-XX-(57)-001 Rev P4, and M-4761-XX-(57)-003 Rev P4.</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	Hours of Operation
	<p>CONDITION: The A3, A4 or D2 unit hereby approved shall not operate outside the hours of:</p> <p>Monday to Thursday - 07.00am to 11.00pm. Friday to Saturday - 07.00am to Midnight Sunday and Bank Holidays – 08.00am to 10.00pm</p> <p>REASON: To ensure that the proposed development does not have an unacceptable adverse impact on neighbouring residential amenity.</p>
4	Delivery and Servicing
	<p>CONDITION: Details of delivery and servicing of the A3, A4 or D2 unit hereby approved shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the units.</p> <p>The servicing arrangements shall be operated strictly in accordance with the details hereby approved, shall be maintained as such thereafter and no change there from 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>
5	Hours of delivery and servicing
	<p>HOURS OF DELIVERY AND SERVICING: Deliveries, collections, unloading, loading for the A3, A4 or D2 unit hereby approved shall only be carried out between the following hours:</p> <ul style="list-style-type: none"> - Monday to Saturday - (08:00 - 20:00) - Sundays/Bank Holidays - not at all. <p>REASON: To minimise the impact of deliveries and servicing on neighbour amenity.</p>
6	Noise
	<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 at least 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: 2014.</p> <p>REASON: To control plant noise from kitchen extract, toilet extract and air conditioning units.</p>
7	Mechanical Plant Compliance Report
	<p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from required mechanical plant to demonstrate full compliance with condition 6. The report shall include measurement of the new plant following installation. The report shall be submitted to and approved in writing by the Local Planning Authority within 10 weeks of the commencement of the relevant use hereby permitted, and maintained as such thereafter.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>

8	Scheme of Management
	<p>CONDITION: A scheme for the management of the A3, A4 or D2 unit hereby approved hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the units hereby approved. The Scheme of Management shall include:</p> <p><u>A3/A4 uses</u></p> <ul style="list-style-type: none"> a) sound insulation measures b) a full dispersal policy and procedure; c) a door policy; d) signs to request patrons to leave in a quiet manner and not to loiter in the surrounding streets; e) servicing and delivery times/arrangements; f) bottling out and waste management noise and times; g) control and levels of noise from any amplified music within the unit; h) control of any noise from any designated smoking areas; i) close down policy with amplified music shut-off and increased lighting; j) security, including any additional proposed CCTV; k) any additional external or security lighting; l) capacity (of each use); m) private hire facilities/functions; <p><u>D2 use</u></p> <ul style="list-style-type: none"> n) sound insulation measures; o) control and levels of noise from any amplified music within the unit; p) treatment of structureborne noise & vibration transmission from impact noise i.e. free weights, kettlebells, weights machines, treadmills etc; q) servicing and delivery times/arrangements <p>The operation of the unit shall at all times be carried out in accordance with the approved Scheme of Management.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity, including cumulative impacts given the location of the site within a 'high concentration of alcohol licensed premises (2010)'.</p>
9	Flues/Extraction Systems (Details)
	<p>CONDITION: Notwithstanding the hereby approved development, no permission is granted for the kitchen extractor system as shown on omitted drawing number M-4761-XX-(57)-003 Rev P4. Details of any proposed new and/or re-purposed kitchen and/or bathroom flues/extraction systems for the A3/A4/D2 unit hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the use to which they relate.</p> <p>The filter systems of the approved flue/extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible.</p> <p>The flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the use to which they relate and maintained as such thereafter.</p> <p>REASON: In the interest of protecting future residential amenity and the appearance of the resulting building(s).</p>
10	Details of cycle storage
	CONDITION: Prior to the first occupation of the A3, A4 or D2 unit hereby approved

	<p>details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter into perpetuity. The proposed cycle storage must accommodate:</p> <p>(a) 10no. cycle parking spaces in the case of A3/A4 use; or (b) 3no. cycle parking spaces in the case of D2 use.</p> <p>REASON: To provide adequate cycle storage.</p>
11	Details of refuse and recycling
	<p>CONDITION: Should the hereby approved unit be occupied for a use under the A3 or A4 use class, details of how the proposed refuse and recycling storage provision would meet the minimum requirements of 1.5 cubic metres per 20 dining spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To ensure the proposal benefits from adequate refuse and recycling facilities.</p>
12	Inclusive Design
	<p>CONDITION: An access strategy detailing the means of access and egress for people with disabilities and older people to all parts of the A3, A4 or D2 unit hereby approved shall be to submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.</p> <p>REASON: To ensure that adequate access is provided to the development for people of all abilities, in line with policies 4.6, 7.1 and 7.2 of the London Plan 2016, policy CS7 of the Core Strategy 2011, and policies DM2.1, DM2.2, DM4.12 and DM8.2 of the Development Management Policies 2013.</p>
13	D2 Use
	<p>CONDITION: Notwithstanding the use class order, the flexible A3/A4/D2 unit hereby approved shall not be occupied by any other uses within the D2 use class order (assembly and leisure) other than as a gym.</p> <p>REASON: To avoid the additional potential issues of more noise and disturbance to adjoining residents through large gatherings of people resulting from other more intensive D2 uses.</p>
14	Glazed Rooflight Fixed Shut
	<p>CONDITION: Notwithstanding the hereby approved drawings and documents, the glazed monopitch rooflight as shown on approved drawing no. GA 01/F shall be fixed shut prior to the first occupation of the A3/A4/D2 unit, and shall be retained as such thereafter into perpetuity.</p> <p>REASON: To ensure that the proposed development does not have an unacceptable adverse impact on neighbouring residential amenity.</p>

List of Informatives:

1	Community infrastructure Levy (CIL)
	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

	<p>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>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>
2	Other Legislation
	You are advised that the planning permission hereby approved would be subject to fully complying with other legislation outside the realms of the planning regulations including licensing, environmental acts, building control and fire safety regulations.
3	D2 Gym Use
	No permission is granted for the use of the flexible unit for any other purposes which fall within the D2 use class other than a gym. Should you wish to use the unit for any other D2 purposes other than a gym, separate planning permission must be sought.

APPENDIX 2 – PLANNING COMMITTEE REPORT

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB-COMMITTEE A	AGENDA ITEM :B2
Date: 07 November 2019	NON-EXEMPT

Application number	P2018/1580/FUL
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Not listed
Conservation area	Clerkenwell Green Conservation Area (and Article 4 Direction Within 50m of Charterhouse Square Conservation Area
Development Plan Context	Core Strategy Key Area – Bunhill & Clerkenwell Central Activities Zone Employment Priority Area (General) Clerkenwell Archeological Priority Area Major Cycle Route Finsbury Local Plan Area – Bunhill & Clerkenwell Mayor’s Protected Vistas – Alexandra Palace viewing terrace to St Paul’s Cathedral Local views from St John Street Local view from Angel Local view from Archway Road Local view from Archway Bridge Article 4 Direction (A1-A2) Article 4 Direction (B1(c) to C3) Adjoining Grade II listed building – No. 72 St John Street Adjoining Grade II listed building – No. 78 St John Street Adjacent Grade I and Grade II listed buildings – Charterhouse
Licensing Implications	Bunhill Cumulative Impact Policy Area A4 Drinking Establishment A3 Restaurant and Café No licensing application details have been provided by the Applicant.
Site Address	74-76 St John Street, Islington, London, EC1M 4DZ
Proposal	Change of use of part ground floor, basement and lower basement from Use Class B8 (storage) to flexible commercial use within Use Classes A3, A4 and D2. Replacement of ground floor facade and entrance doors, and fenestration to enclose existing ramp.

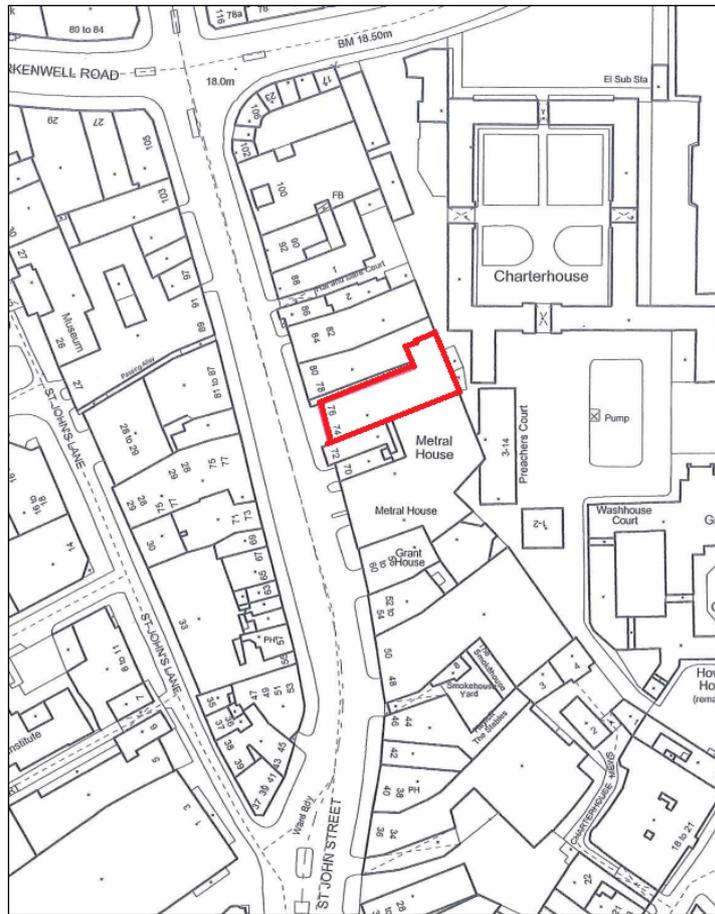
Case Officer	Nathan Stringer
Applicant	Venaadlass Havmarket Limited

1. RECOMMENDATION

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

- 1.1 the conditions set out in Appendix 1; and
- 1.2 the completion of a S106 legal agreement for the provision of costs attributable to the reduction of the existing crossover on the pavement fronting St John Street.

2. SITE PLAN (SITE OUTLINED IN RED)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the application site

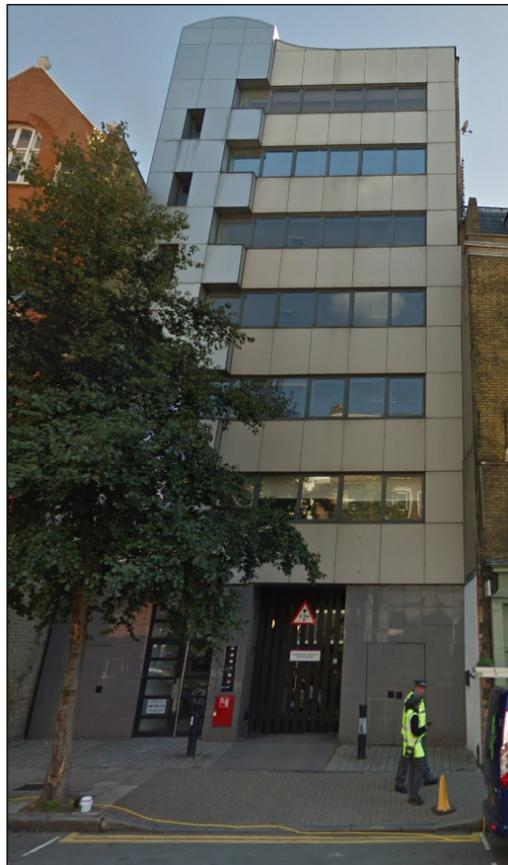


Image 2: The front elevation of the site as viewed from St John Street



Image 3: St John Street, looking north. Site is shown on the right.



Image 4: St John Street, looking south. Site is shown on the left.



Image 5: Basement interior view



Image 5: Basement ramp facing upward towards St John Street

4. SUMMARY

- 4.1 Planning permission is sought for the change of use of ground floor (part), basement and lower basement levels of the property at no. 74-76 St John Street from B8 (Storage) to flexible commercial use within Use Classes A3 (Restaurants and cafes), A4 (Drinking establishments) and D2 (Assembly and leisure). The proposal also includes the installation of a replacement ground floor front façade, and fenestration to enclose the existing ramp fronting St John Street. The key considerations in determining the application relate to the land use, including the loss of the B8 floorspace and the acceptability of the introduction of A3/A4/D2 uses at this location, the associated impact on neighbouring amenity at nos. 72 and 78-80 St John Street and the Charterhouse Buildings to the rear, and the impact of the external alterations on the appearance of the existing building and on the character and appearance of the surrounding conservation area and the setting of the adjoining and adjacent Grade I and Grade II listed buildings.
- 4.2 The proposal is brought to committee because it has received 12 objections from neighbouring residents, generating a lot of interest in the development. The main concerns from objectors include the impact of the proposed use on neighbouring amenity with regard to noise, odour, waste and safety impacts.
- 4.3 The application site comprises a seven storey (over-basement) mid-terrace building located on the eastern side of St John Street. The building also contains a two storey element at the rear. The property consists of storage (B8) use at (part) ground floor, basement and lower basement levels, and office (B1) on the upper floors. The site is excavated to basement level across the full extent of the site. This application relates to the (part) ground, basement and lower basement levels. The building is not listed; however, it is located within the Clerkenwell Green Conservation Area. Immediately to the rear of the site lies the Grade I listed London Charterhouse, and the building adjoins Grade II listed properties to the north and south at nos. 72 and 78-80 St John Street. The site is designated within the Central Activities Zone, the Bunhill & Clerkenwell Finsbury Local Plan Area, the Bunhill & Clerkenwell Core Strategy Key Area, an Employment Priority Area (General), and the Clerkenwell Archaeological Priority Area.
- 4.4 The proposed development would not result in an unjustified loss of guaranteed business floorspace at the site (including the lawful B8 use), and it is considered that the information provided is sufficient to demonstrate that a proposed A3/A4/D2 flexible use at the site would not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability of the borough's Town Centres or of the Central Activities Zone. The development therefore complies with the requirements of policy CS13 of the Core Strategy 2011, policy DM5.2 of the Development Management Policies 2013, and policy BC8 of the Finsbury Local Plan 2013.

- 4.5 The proposed flexible use, together with the proposed external alterations, are not considered to harm the character nor visual appearance of the host building, the surrounding conservation area, or the setting of the adjacent and adjoining statutorily listed buildings. Subject to conditions, the proposal is considered not to have a significant impact upon the local highway network or the amenity of neighbouring properties.
- 4.6 The proposal is therefore considered to be acceptable and it is recommended that the application is approved subject to conditions.

5. SITE AND SURROUNDING

- 5.1 The application site at no. 74-76 St John Street (known as 'Abbey House') is located on the eastern side of St John Street. Immediately at the rear of the site lies the Grade I listed London Charterhouse, and the site immediately adjoins Grade II listed buildings to the north and south. This section of St John Street is largely mixed use in character, with many commercial and residential buildings, and some ground floor retail/restaurant/bar uses.
- 5.2 The site is a seven storey (over-basement) mid-terrace building consists of storage (B8) use at (part) ground floor, basement and lower basement levels, and office (B1) on the upper floors. The site is excavated to basement level across the full extent of the site. This application relates to the (part) ground, basement and lower basement levels.
- 5.3 The property is not listed, however it is located within the Clerkenwell Green Conservation Area. The site is within the setting of Grade II listed buildings immediately adjoining the site at nos. 74 and 78-80 St John Street, and the Grade I and Grade II listed buildings to the rear at the Charterhouse site. The site is designated within the Central Activities Zone, the Bunhill & Clerkenwell Finsbury Local Plan Area, the Bunhill & Clerkenwell Core Strategy Key Area, an Employment Priority Area (General), and the Clerkenwell Archaeological Priority Area.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks permission for a change of use of 585 sqm of floorspace at ground floor (part), basement and lower basement levels of the property at no. 74-76 St John Street from B8 (Storage) to flexible commercial use within Use Classes A3 (Restaurants and cafes), A4 (Drinking establishments) and D2 (Assembly and leisure). The proposal also includes the installation of a replacement ground floor front façade, and fenestration to enclose the existing ramp fronting St John Street.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 **P2016/4605/FUL:** Change of use of part ground floor, basement and lower basement from Use Class B8 (storage) to flexible commercial use within Use Classes A1/A2/A3/A4/B1/D1/D2) use, replacement of ground floor facade and entrance doors, and fenestration to enclose existing ramp. Application refused under delegated authority dated 06/02/2017.

REASON: The proposed development would result in the loss of the lawful B8 use and insufficient evidence has been submitted with the application to indicate that there is no demand for the unit as business use. The development is as such contrary to policy CS13 of the Core Strategy (2011) and Policy BC8 of the Finsbury Local Plan (2013).

REASON: The applicant has failed to submit a Sequential Test to support the location of the proposed A uses and D2 use in an out of Town Centre location. The application has failed to demonstrate how the proposals would not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability of the borough's Town Centres. The proposal has failed to demonstrate how the proposed uses can be accommodated without adverse impact on the amenities of neighbouring residential occupiers. The proposal is therefore contrary to paragraph 24 of the National Planning Policy Framework (2012), and policy DM4.4B of the Development Management Policies (2013).

7.2 The applicant subsequently appealed the decision under appeal reference APP/V5570/W/17/3171820. The Planning Inspectorate dismissed the appeal dated 5 July 2017. The Inspector's decision is attached at Appendix 3.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 166 adjoining and nearby properties on 22 May 2018. A site notice and press advert were also displayed. The public consultation of the application therefore expired on 14 June 2018, however it is the Council's practice to consider representations made up until the date of a decision.

8.2 At the time of the writing of this report, 12 objections had been received from the public with regard to the application. The issues can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- Loss of business floorspace within the Central Activities Zone, without sufficient marketing evidence to demonstrate exceptional circumstances (**see paragraphs 10.2-10.15**)
- Impact of the change of use on neighbouring amenity, including noise, odour, deliveries and waste (**see paragraphs 10.41-10.55**)
- Further noise impacts from the proposal should customers be permitted to drink, dine or socialise on the street (**see paragraphs 10.41-10.55**)
- Increase in traffic movements resulting from the proposal (**see paragraphs 10.56-10.58; and 10.60**)
- Over-concentration of A3/A4 uses on St John Street as a result of the proposal (**see paragraphs 10.16-10.33**)
- Concern that the unit could be used as a night club (**see paragraph 10.62**)
- Note that a similar proposal was previously refused, and that the subsequent appeal was dismissed (**see officer's note below**)

Officer's Note: the site was subject to a previously refused planning application, which was upheld at appeal. The reasons given for the refusal of that application have been addressed in this report, paying special attention as to whether the information submitted is sufficient to overcome concerns.

Internal Consultees

- 8.3 **Policy Officer:** advises that, given the additional information has been provided and because the proposal does not involve A1 floorspace, they no longer have concern regarding the impact of the use upon Town Centres elsewhere within the Borough. Advises that the marketing evidence provided is sufficient to demonstrate that the loss of the business floorspace is acceptable.
- 8.4 **Public Protection Officer:** does not object to the proposal, however notes that the proposed flexible use could allow for restaurants, pubs and gyms at the site, all of which are potentially high noise generating uses with late night operation. Notes that sufficient detail for plant and machinery has not been provided, and that these matters would need to form a further planning application. Advises that a condition is included should permission be granted, requiring a scheme of management be submitted and approved in writing by the Local Planning Authority prior to first occupation of the unit.
- 8.5 **Environmental Health:** does not object to the proposal, however requests that conditions be included requiring further details of the proposed flues / extractor systems be submitted and approved in writing by the Local Planning Authority, and requiring that the flue be fitted with fine filtration or Electrostatic Precipitation followed by carbon filtration.
- 8.6 **Refuse and recycling:** No comment.
- 8.7 **Licensing Officer:** advised that the site is located within the Clerkenwell Cumulative Impact Area, and that any licensing requests would be subject to the provision of additional information to prove that the operation of the unit would not add to the cumulative impact. Also noted that any licence issued would be subject to restriction on hours of operation.
- 8.8 **Inclusive Design:** raised concern that the proposed unit would not include a lift, and that plans detailing the provision of accessible toilets and accessible cycle storage have not been provided. Recommended that a condition is included requiring that an access strategy is submitted to and approved by the Local Planning Authority prior to the commencement of works at the site.

External Consultees

8.9 None.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

- 9.1 Islington Council (Planning Sub-Committee A), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)

- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
 - As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
- 9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: “at the heart of the NPPF is a presumption in favour of sustainable development.”
- 9.3 At paragraph 8 the NPPF states that the planning system has three overarching objectives in achieving sustainable development, being an economic objective, a social objective and an environmental objective.
- 9.4 The NPPF 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.
- 9.5 Since March 2014 Planning Practice Guidance for England has been published online. In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.8 The Quality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity

between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

- 9.9 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.10 Weight is attributable to the Draft London Plan.
- 9.11 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013:
- Clerkenwell Green Conservation Area (and Article 4 Direction)
 - Within 50m of Charterhouse Square Conservation Area
 - Core Strategy Key Area – Bunhill & Clerkenwell
 - Central Activities Zone
 - Employment Priority Area (General)
 - Clerkenwell Archeological Priority Area
 - Major Cycle Route
 - Finsbury Local Plan Area – Bunhill & Clerkenwell
 - Mayor's Protected Vistas – Alexandra Palace viewing terrace to St Paul's Cathedral
 - Local views from St John Street
 - Local view from Angel
 - Local view from Archway Road
 - Local view from Archway Bridge
 - Article 4 Direction (A1-A2)
 - Article 4 Direction (B1(c) to C3)
 - Adjoining Grade II listed building – No. 72 St John Street
 - Adjoining Grade II listed building – No. 78 St John Street
 - Adjoining Grade I and Grade II listed buildings – Charterhouse

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

- Land Use
- Design and Conservation
- Neighbouring Amenity
- Delivery and Servicing
- Refuse
- Cycle Parking
- Accessibility
- Other Matters

Land Use

Loss of B8 floorspace

- 10.2 The application site is a seven storey plus two level basement building located on the eastern side of St John Street. The application pertains to (part) ground, basement and lower basement levels of the building. The proposed flexible use would result in the loss of guaranteed 353 square metres of B8 (storage) business floorspace on the site. The site also includes a car park of 262 square metres, however the application was presented in the initially submitted application as B8 storage. The supporting Planning Statement advises that the established use is B8 (storage) totalling 585 square metres. This was accepted as part of the assessment of the previously refused application ref: P2016/4605/FUL, and was also accepted by the Planning Inspectorate in their assessment of the subsequent appeal.
- 10.3 The site is within an Employment Priority Area (General) and includes 585 square metres of B8 (storage) floorspace. Therefore, Policy CS13 of the Core Strategy 2011, Policy DM5.2 of the Development Management Policies 2013 and Policy BC8A of the Finsbury Local Plan 2013 applies.
- 10.4 Policies CS13 of the Core Strategy and DM5.2 of the Development Management Policies 2013 seek to safeguard existing business floorspace throughout the Borough.
- 10.5 Policy BC8, Part A of the Finsbury Local Plan 2013 states:
- 'A. Within the Employment Priority Areas (General and Offices) designated on the Policies Map shown on Figure 16:*
- i. No net loss in business floorspace will be permitted, either through change of use or redevelopment, unless exceptional circumstances can be demonstrated, including through the submission of clear and robust marketing evidence which shows that there is no demand for the floorspace. This evidence must demonstrate that the floorspace has been vacant and continuous marketed for a period of at least two years. In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable. In addition, the loss of business floorspace will only be permitted where:*
 - a. The proposal would not have a detrimental individual or cumulative impact on the area's primary business role and would not compromise economic function/growth, or*
 - b. It can be demonstrated to the council's satisfaction that the site is no longer suitable for the provision of similar uses.*
 - ii. Proposals should incorporate the maximum amount of business floorspace reasonable possible on the site.'*
- 10.6 Where policies require marketing evidence to be submitted, Appendix 11 of the Development Management Policies 2013 sets out the details required in order to assess the acceptability, or otherwise, of the information submitted.

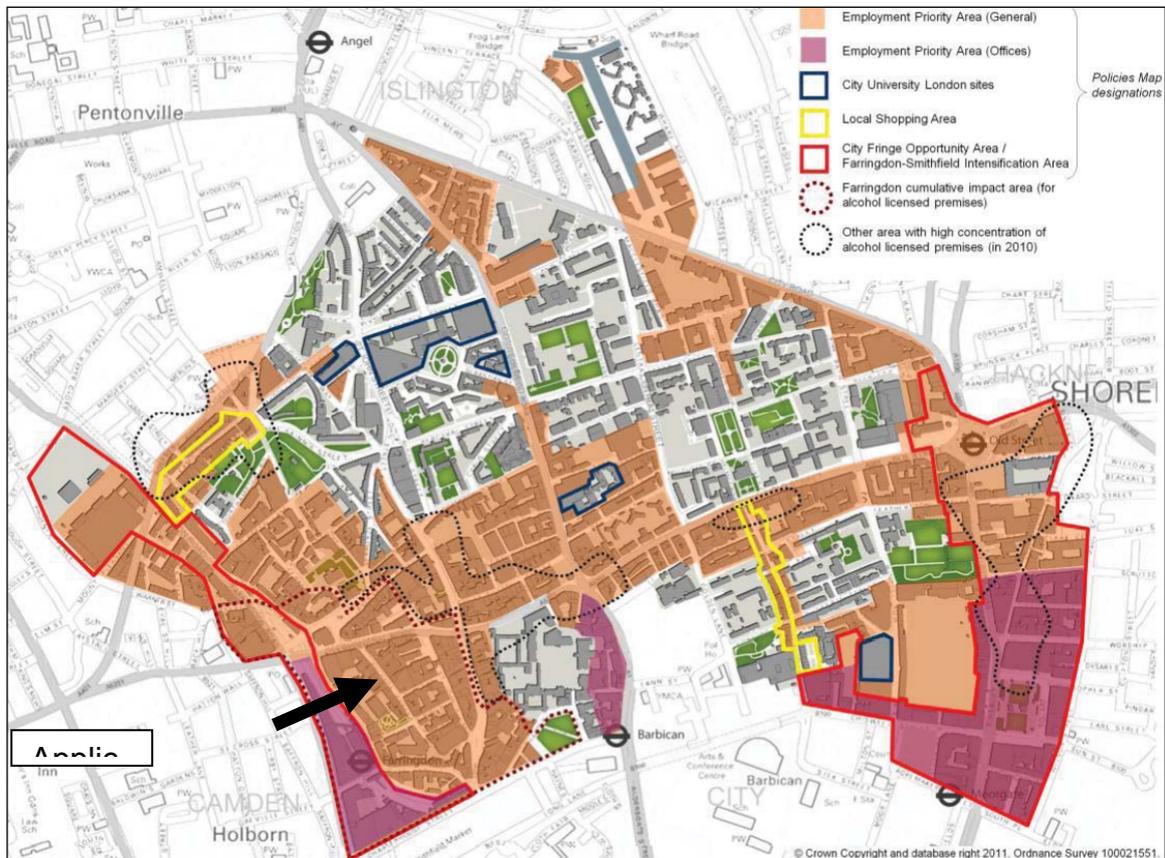
- 10.7 As set out in criteria (i) of the policy, no net loss of business floorspace is permitted unless exceptional circumstances can be demonstrated, including that the floorspace has been vacant and continuously marketed for a period of at least two years. The Applicant has provided evidence to demonstrate that the site was subject to active continuous marketing from June 2014 until June 2016. Marketing information states that offers were invited in excess of £130,000, a price verified by three independent opinions. The site was marketed on the basis of all commercial use classes, and attracted 37 viewings, only one of which was for business floorspace. During the period, five outcomes were unable to agree terms, as the offers provided were considered to be unacceptable.
- 10.8 The Council's policy officer has advised that the asking price advertised as part of the marketing exercise for the unit is considered to be reasonable, when considering comparables in the vicinity and noting that this has been supported by independent verification. The submitted evidence demonstrates that marketing particulars had been provided during the two-year process, including property details and contact information. Whilst the officer notes that no additional commentary has been submitted by the applicant with regard to the current and likely future demand for floorspace within the market area, the information provided is sufficient to satisfy the marketing requirements outlined in Appendix 11 of the Development Management Policies 2013.
- 10.9 As set out in criteria (ii) of the above policy, proposals should incorporate the maximum amount of business floorspace reasonable possible on the site. The existing B8 floorspace was previously used to support the operations of the B1 (office) floorspace on the upper levels of the building. The information provided demonstrates that the site was marketed for a range of business uses, including B1 business floorspace. Officers note that technological advancements have resulted in a reduced demand for business storage capacity, and therefore the loss of the B8 storage space is considered to be acceptable in this instance. Further, the Applicant has also demonstrated that there is no demand for the use of the unit (which has been vacant since at least June 2014) as B1 office floorspace. Given the above, overall it is considered that the proposal has considered the impact of the proposed loss of business floorspace on the area's primary business role, as required by part (a) of policy BC8 of the Finsbury Local Plan 2013. Therefore, the loss of the business floorspace is considered to be acceptable in this instance.
- 10.10 Policy BC8, Part B of the Finsbury Local Plan 2013 states:
- 'B. Within the Employment Priority Area (General) designated on the Policies Map and shown on Figure 16, the employment floorspace component of a development or change of use proposal should not be unfettered commercial (B1(a)) uses, but, where appropriate, must also include retail or leisure uses at ground floor, alongside:*
- i. A proportion of non-B1(a) business of business-related floorspace (e.g. light industrial workshops, galleries and exhibition space), and/or*
 - ii. Office (B1(a)) or retail (A1) floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management, and/or*
 - iii. Affordable workspace, to be managed for the benefit of occupants whose needs are not met by the market. [...]*
- 10.11 The proposed flexible use for the site does not incorporate any business floorspace. However, officers note that the upper levels of the building, including (part) ground floor and one to six, are used solely for B1 purposes. The application does not include the change of use of these levels, and therefore parts (i), (ii) and (iii) of the policy do not apply in this instance.

- 10.12 The development would include the change of use of (part) ground floor, basement and lower basement levels to a flexible A3/A4/D2 use. Each of these uses is considered to constitute a 'leisure' use, and would provide opportunity for non B1(a) floorspace to be provided at the site, in accordance with Part B of policy BC8.
- 10.13 The Council's intention is to deliver a diversity of uses at ground floor level in order to support the core B1(a) office function. Whilst the proposed flexible A3/A4/D2 use would be in the basement levels, it would be accessed through the ground floor street frontage.
- 10.14 As discussed above, it is considered that the applicant has considered the impact of the proposed loss of business floorspace at the site on the areas primary business role, and it has been demonstrated that there is no demand for the use of the basement floor levels (as well as the ground floor access to these levels) as business floorspace. The proposed uses would provide an opportunity to accommodate leisure uses at the ground and level floor levels at the site. The information submitted as part of this application is therefore considered to overcome the first reason given for the refusal of the previous planning application ref: P2016/4605/FUL.
- 10.15 Overall, it is considered that on balance the proposed development would not result in an unjustified loss of guaranteed business floorspace at the site (including the lawful B8 use). The development therefore complies with the requirements of policy CS13 of the Core Strategy 2011, policy DM5.2 of the Development Management Policies 2013, and policy BC8 of the Finsbury Local Plan 2013.

Proposed Flexible A3/A4/D2 Use

- 10.16 The application proposes the change of use to flexible A3/A4/D2 use. It is noted that the application does not involve a proposed mixed A3/A4/D2 use, and therefore the officer assessment must take into consideration that the entirety of the planning unit would be used as either A3, A4 or D2 (rather than a mix of the three). Consideration of the proposed uses is undertaken below.
- 10.17 Policy DM4.2 states that '*entertainment and night-time activities are generally inappropriate outside Town Centres.*' However, the policy notes that an exception applies to the area covered by the Finsbury Local Plan (Area Action Plan for Bunhill and Clerkenwell). Part G of policy BC8 of the Finsbury Local Plan, which applies to the site, stipulates that '*new entertainment uses will only be allowed within the designated Employment Priority Areas.*' Therefore, the principle of an A3 or A4 use may be acceptable, subject to details.
- 10.18 The proposed flexible use, should it result in either an A3 or A4 unit, would constitute an 'entertainment use' under the Finsbury Local Plan (Glossary). Whilst the site is not within a designated Town Centre, it is located within an Employment Priority Area (Finsbury Local Plan) and therefore the restrictions on entertainment and night-time activities noted within policy DM4.2 do not apply. Policy BC8, Part G of the plan notes that Employment Priority Areas may be suitable for new entertainment uses. Development Management Policies will be used to assess applications for new entertainment uses, in order to avoid an unacceptable concentration of such uses.
- 10.19 Paragraph 12.1.7 of the Finsbury Local Plan advises that, within the Central Activities Zone, in order to support and retain the area's nighttime economy whilst safeguarding residential amenity, policy BC8 restricts entertainment uses (i.e. A3, A4 and A5 uses, as well as nightclubs) to Employment Priority Areas. However, as a significant number of people live in these areas, applications for entertainment uses must meet the criteria set out in the relevant Development Management Policies. In its Licensing Policy (2011 to

2014), the council has identified an area around Farringdon that is subject to significant concentration of late-licensed premises. Figure 16 of the Finsbury Local Plan (shown below, Figure 1) identifies this area and other locations which have a high concentration of alcohol licensed premises, and which are therefore particularly prone to adverse impacts from night-time uses (e.g. pubs, bars, clubs and off-licenses). The application site at no. 74-76 St John Street is identified within Figure 16 as forming part of this area.



- 10.20 Policy DM4.3 assesses the location and concentration of uses in the borough and considers whether they would result in an unacceptable concentration of such uses in one area or would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area. This policy considers types of use, size of premises, hours of opening, operation and servicing and odour and noise issues and cumulative impacts within 500m radius of the site
- 10.21 Given that it is not located within a Town Centre or a Local Shopping Area, detailed land use surveys of this part of St John Street have not been undertaken. However, as part of the assessment of the application, planning officers have undertaken a land use survey of the ground floor units of the buildings fronting St Johns Street between Clerkenwell Road in the north and St Johns Lane in the south (the relevant section of which the application site forms a part). The frontage stretches 80m to the north, and 110m to the south of the application site.

- 10.22 The survey demonstrates that there are 39 ground floor units fronting St John Street in this vicinity. Of these, 1no. ground floor unit operates exclusively within the A4 use class (approximately 2.5% of units). An additional 6no. units operated within the A3 use class (approximately 15.3% of units). The remainder of the units are within the A1, A2 or B1 use classes. In accordance with policies DM4.3 of the Development Management Policies and paragraph 12.1.7 of the Finsbury Local Plan, it is therefore not considered that there is an over-concentration of either A3 restaurant/café, or A4 drinking establishments within this section of St John Street.
- 10.23 The proposed flexible A3/A4/D2 unit would have a floorspace of approximately 585 square metres. Whilst it is noted that there are some A3 and A4 units fronting this section of St John Street (approximately 17.8% of units in total), it is not considered that this would represent an over-concentration and it is considered that the proposed use would complement the existing mix of uses within the vicinity, subject to appropriate management.
- 10.24 The applicant has submitted an Outline Operational Management Plan, which outlines the principles for the good management of the premises for each of the proposed uses, having regard to the amenity of existing and future neighbours. As the final end-use or users of the unit is yet to be determined, the plan is designed to act as a framework to outline how the future operational details of the unit would be addressed, including the future provision of details with regard to licensing, noise, ventilation and extraction, hours of operation, servicing and delivery, capacity and door policy, management of external area (including smoking areas), close-down and dispersal policies, and measure to ensure public safety is not jeopardised.
- 10.25 Officers note that the Outline Operational Management Plan submitted does not provide a great level of detail. It relies heavily on the provision of further information following a grant of permission, to be required as per recommended conditions. Whilst officers consider that it would be beneficial for the proposal were this information to be provided upfront, it is accepted that the specific future management of each of the uses would only be confirmed once a tenant was selected. Officers are however confident that such measures are feasible.
- 10.26 Application for planning permission ref P2016/4605/FUL was refused under delegation on 06/02/2017. The application, which also included the change of use of the basement levels to a flexible use that incorporates A3, A4 and D2 uses, provided no detail as to how the impact of the proposed uses upon neighbouring amenity would be managed during operation. The Reason for Refusal 2 states that *'the proposal has failed to demonstrate how the proposed uses can be accommodated without adverse impact on the amenities of neighbouring residential occupiers.'* The application was subsequently upheld at appeal (appeal ref: APP/V5570/W/17/3171820 dated 5 July 2017). However, whilst the Inspector upheld the Council's decision to refuse the application, with regard to the impact of the proposed A3/A4/D2 uses on neighbouring amenity, she concluded that these could be addressed via condition (if the proposal were otherwise acceptable).
- 10.27 The Appeal Decision states:
- 'The nature of the proposed uses, in particular the A3 (restaurants and cafes), A4 (drinking establishments) and D2 (assembly and leisure) use classes, have the potential to adversely affect the living conditions of nearby residents by virtue of noise arising from congregations of customers, music and any extraction equipment. Odour caused by cooking inside the premises may also be an issue. There may also be noise and general disturbance caused by customers and delivery vehicles coming and going outside the premises. Such effects can be particularly intrusive when they take place late into the evening when other background noise levels generally diminish. Proposed uses falling**

within D1 use class may also have the potential for traffic generation, although I note that highway safety is not included as a reason for refusal.

Paragraph 4.21 of the DMP states that in assessing the likely impacts of a proposal, regard will be had to the type of use, proposed hours of opening, size of premises, operation and servicing and measures to mitigate odour and noise from the premises. I have regard to the conditions proposed by the appellant and also the Council. I consider that conditions relating to opening hours, submission and approval of extract and ventilation equipment, noise arising from music, customers or ventilation and extraction equipment, the timing of deliveries etc, potentially tailored to each specific use could have been imposed to address concerns had I decided to allow the appeal.

For the reasons stated above, I, therefore, conclude that with the suggested conditions, the proposal would not have a harmful effect on the living conditions of neighbouring occupiers. The proposal would not, therefore, be contrary to Criterion ii of Part B of Policy DM4.4 of the DMP or Policy DM4.3 of the DMP.'

- 10.28 The survey undertaken demonstrates that the location of the site within an area that does not contain any discernible clusters of A3 units. Given the nature of the Central Activities Zone and the suitability of night time economy uses, overconcentration on a purely quantitative basis is considered unlikely. Whilst officers believe that the provision of operational management details upfront would allow for a greater level of assessment and scrutiny of the application, given the conclusion of the Planning Inspector with regard to the previously refused application, overall it is considered that subject to conditions, the proposal would not have a harmful effect on the living conditions of neighbouring occupiers. As such, conditions have been attached to ensure that the information is provided to and approved by the Local Planning Authority prior to the commencement of relevant operations at the site.
- 10.29 Officers also note that the second reason for the refusal of the previous planning application ref: P2016/4605/FUL stipulated that the applicant had failed to provide a Sequential Test to support the location of the proposed A uses and D2 use in an out of Town Centre location. Therefore, the proposal was considered to have failed to demonstrate that it would not individually, or cumulatively with other developments, have a detrimental impact on the vitality and viability of the Borough's Town Centres. As part of this application, the applicant has provided additional information regarding the Town Centre impact of the proposal (noting that Angel is the closest Town Centre, which states that:
- the previous concern regarding A uses at the site was largely based upon the potential for an A1 unit, which would be large enough to accommodate a supermarket. A1 use has been removed from the current application.
 - an analysis of the Angel Town Centre suggests that food-led bar and restaurant businesses within the Town Centre made an average total of £18,000 in weekly sales, and that expenditure on eating and drinking out will grow by £89.6m by 2021 (from 2016) and almost £200m by 2026. Should permission be granted for an A3/A4 use at the application site, the forecast turnover would be only 1.1% of the growth expected between 2016 and 2021 in the Angel Town Centre. This would be below that which could be considered a "significant adverse impact".
 - should the site be used as a D2 use, this would likely be a gym. 3no. gyms currently operate within the Angel Town Centre, all of which rely on a subscription model. It is not considered that another gym, approximately 1.3km south of the Town Centre, would cause such a drop in membership to these gyms that they would harm the future operations of the Angel Town Centre.
 - It is noted that 'gym' uses are not mentioned in the 2017 Retail and Leisure Study, and are not a primary function of the Town Centre.

- 10.30 The Council's Planning Policy officer has reviewed the information provided with regard to the impact of the proposal on the Angel Town Centre, and has advised that whilst the proposal is for a significant quantum of floorspace, a large proportion of this is basement floor and most significantly the proposal does not include the A1 retail use class. Therefore, the use will not be an 'anchor' retail unit which would draw significant expenditure and footfall away from a Town Centre.
- 10.31 Further, the Policy officer notes that there is a cluster of food, drink and entertainment uses around the Smithfield Market, which is 5 minutes' walk away from the application site. The proposed unit would be accessible to this cluster and may strengthen the offer of the cluster. Given that population growth in central London will also drive increased demand for food, drink, entertainment, and leisure uses within the Central Activities Zone, it is considered that there is demand for additional premises within these use classes. Overall, officers are satisfied that the proposed uses are likely to complement this central London mix of uses and contribute to the vitality and viability of the Central Activities Zone.
- 10.32 Overall, it is considered that the information provided it is sufficient to demonstrate that a proposed A3/A4/D2 flexible use at the site would not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability of the borough's Town Centres or of the Central Activities Zone.
- 10.33 Therefore, officers consider that the flexible A3/A4/D2 uses would be acceptable in principle, subject to conditions. Further detail regarding the assessment of the proposal with regard to neighbouring amenity is provided in paragraphs 10.39-10.53.

Design and Conservation

- 10.34 Policy CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.35 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
- 10.36 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas within their area. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses.
- 10.37 The application proposes the replacement of the existing ramp and doors to stairwell at the ground floor street elevation with a glazed aluminium framed shopfront with bi-folding doors and a fixed glazed entrance door. The building's street frontage is set back further from the pavement than the adjoining Grade II listed buildings on either side, and therefore is not prevalent within the streetscene. Officers note that the existing frontage is largely blank and does not make a positive contribution to the streetscene, and its removal is considered to be acceptable in principle.

- 10.38 Whilst traditional materials are generally required to be used for developments within conservation areas, given the nature of the existing building it is not considered that a traditional shopfront would be appropriate in this instance. The proposed glazed aluminium elevation is considered to be acceptable in this instance, and it is considered that it would result in a more active and positive street frontage. Further, officers note that there are a number of glazed frontages to modern buildings along this section of St John Street, including (but not limited to) buildings at nos. 70 and 52. Overall, it is considered that the proposed ground floor elevation changes are acceptable. The alterations would not harm the character or appearance or the wider conservation area, nor would they cause harm to the setting of the adjoining Grade II listed buildings.
- 10.39 The application also proposes the installation of a glazed roof above the access ramp, within an open-roofed courtyard area at the rear of the primary seven storey frontage building and the two storey rear podium element; and the installation of louvres along the northern flank elevation of the site where it fronts an enclosed fire escape area, where AC condenser units and bin stores would be located. These would be minor alterations to allow for the full enclosure of the basement levels and the enclosure of servicing equipment, and would not be visible from public sightlines nor prominent in private views. No further alterations to the rear of the site have been proposed as part of this application. Whilst it is noted that a condition (Condition 9) has been recommended requiring the lodgement of separate planning applications should extractor units be required at the rear of the site, these details have not been provided as part of this application. Therefore, the proposal under consideration would not harm the setting of the Grade I and Grade II listed Charterhouse buildings at the rear of the site, nor the Grade II listed buildings immediately adjoining at nos. 72 and 78-80 St John Street.
- 10.40 In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the Clerkenwell Green Conservation Area. Further, in accordance with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been given to the desirability of preserving the adjacent listed buildings, their setting and any of their features of special architectural or historic interest. It is considered that the proposal accords with policies CS8 and CS9 of the Core Strategy 2011, policies DM2.1 and DM2.3 of the Development Management Policies 2013, the Islington Urban Design Guide 2017 and the Conservation Area Design Guideline.

Neighbouring Amenity

- 10.41 Policy 7.6 of the London Plan 2016 requires buildings and structures not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing, in particular. Policy DM2.1 of the Development Management Policies 2013 states that development should not have an adverse impact on neighbouring amenity in terms of noise, overshadowing, overlooking, privacy, sunlight and day light receipt, over-dominance, sense of enclosure and outlook.

- 10.42 Policy DM6.1G of the Development Management Policies 2013 states that noise generating uses should, where possible, be sited away from noise sensitive uses.
- 10.43 Paragraph 6.19 of the Development Management Policies advises that the Council will expect noise generating uses and sources to be adequately separated from established residential areas and other noise sensitive uses (such as care homes, schools and hospitals). However, given the borough's density and character it is acknowledged that noise generating uses cannot always be sited away from residential areas. Where potentially noisy developments (such as entertainment venues) are proposed within residential areas, the council will expect the use not to give rise to noise nuisance.
- 10.44 The proposed flexible A3/A4/D2 flexible use unit would cover the (part) ground floor, and basement and lower basement levels. Given the large size of the unit at approximately 585 square metres and the objections received by neighbouring residents, consideration must be given to the impact of the proposed uses on neighbouring amenity. The amenity impacts relating to A3 and A4 uses primarily relate to noise and potential anti-social behaviour late at night. The amenity impacts relating to D2 use primarily relate to noise.
- 10.45 The Council previously raised concerns that the proposal did not provide any details on how the higher sound levels generated within a typical restaurant and bar with longer operating hours would be mitigated for neighbouring residents, along with the noise of patrons coming and going and deliveries. Whilst no detailed plans have been provided regarding a suitable extract system for a A3/A4 use, the site currently hosts an existing extractor system from basement level, which is located within the (currently) open rear internal courtyard between the primary seven storey building and the rear two storey element of the site. The applicant has indicated that any future kitchen extractor unit could be accommodated within this existing extractor route. The outline details provided as part of the application advise that the system would be complete with commercial fine filtration followed by activated carbon filters (grade 20) to provide odour reduction in accordance with Defra guidance, with pre-filtration of grade M5 to EN779 to be included prior to activated carbon filters. The system would utilise ultra violet (uv-c) lamps and cartridges to reduce airborne grease particles and odour; these would break down the long chain hydro carbon molecules in the extract airstream by photolysis. Rigid pack filters would also be installed for the removal of any smoke.
- 10.46 The submitted information demonstrates that a system could be accommodated at the site without causing harm to neighbouring amenity, however officers do note that the information is limited with regard to detail. Whilst officers consider that the it would be beneficial for the proposal were this information to be provided upfront, it is accepted that the specific future management of each of the uses would only be confirmed once a tenant was selected, and therefore the provision of detailed extractor details at this stage is not possible in this instance. The presence of an existing extractor unit further demonstrates that the site can accommodate such a system. Significant material weight is also given to the Planning Inspectorate decision dated 5 July 2017, which concluded that neighbouring amenity concerns with regard to potential A3/A4/D2 uses at the site could be addressed via condition. Officers are therefore confident that such equipment can be feasibly accommodated at the site.

- 10.47 Further, the Council's Environmental Health officer advises that, should an extractor system be required, full details of the system must be submitted to and approved by the Local Planning Authority prior to its installation as there is a potential for odour impact on the offices above. She has recommended that any grant of permission should be subject to a condition requiring the submission of details of the plant and extract equipment to be installed, including details to ensure that the system meets stipulated minimum requirements including height of discharge and the provision of a filtration system. Whilst such equipment would generally be expected to terminate 1m above the eaves of the building (to avoid impact upon the offices above), officers note the presence of the existing extractor system at lower floor levels, and therefore considers that this sets a precedent for a replacement system to be installed at this location in this instance.
- 10.48 Therefore, the proposed extractor location is considered to be acceptable, subject to a condition (Condition 9) requiring the submission and approval of details of any kitchen and/or bathroom flues/extraction systems required, prior to the first occupation of the A3/A4/D2 uses hereby approved.
- 10.49 The Council's Public Protection Team does not object to the application, however notes that the proposed flexible use could allow for restaurants, pubs and gyms at the site, all of which are potentially high noise generating uses with late night operation. Officers note that the Outline Operational Management Plan submitted does not provide a great level of detail. It relies heavily on the provision of further information following a grant of permission, to be required as per recommended condition (Condition 8). Whilst officers consider that the provision of more detailed information would be beneficial for the assessment of the proposal, as discussed in paragraphs 10.25-10.28, the previous planning history at the site must be taken into consideration.
- 10.50 The applicant has also demonstrated that there would be sufficient space for the provision of AC condenser units at lower ground floor level, where these would open onto the escape route along the northern boundary of the site. These would be set behind louvres. No further information has been submitted, however officers are satisfied that the plans demonstrate that condenser units could be accommodated at the site. In order to ensure that the proposal would not result in harmful impacts to neighbouring amenity with regard to noise, conditions 6 and 7 have been included to ensure that the applicant submit for the approval of the LPA a report noting compliance with noise limits for all mechanical plant equipment required.
- 10.51 Overall, given that the Planning Inspectorate in its decision dated 5 July 2017, concluded that neighbouring amenity concerns with regard to potential A3/A4/D2 uses at the site could be addressed via condition, officers consider that the proposal would be acceptable subject to the inclusion of such detailed conditions (Conditions 3, 4, 5, 6, 7, 8 and 9).
- 10.52 The Council's Licensing Officer advises that, as the application site lies within the Clerkenwell Cumulative Impact area, the applicant would have to prove that they would not add to the cumulative impact. Any licence would limit the hours of operation to 8AM to 11PM Sunday to Thursday, and 8AM to 11PM Fridays and Saturdays.
- 10.53 Appendix 10, table 10.2 of the Development Management Policies 2013 provides guidance and standards for reducing impacts of noise generating entertainment uses, including façade treatments and the location of likely noise sources.

10.54 In order to ensure that the proposed development does not have an adverse impact on neighbouring residential amenity, including cumulative impacts given the location of the site within a high concentration of night-time uses, a condition (Condition 8) requiring the submission and approval of a Scheme of Management prior to the first occupation of the flexible A3/A4/D2 unit has also been recommended. This plan would include details of mitigation measures in order to protect residential amenity with regard to noise, waste and anti-social behaviour, notably:

For A3/A4 uses

- sound insulation measures
- a full dispersal policy and procedure;
- a door policy;
- signs to request patrons to leave in a quiet manner and not loiter in the surrounding streets;
- servicing and delivery times/arrangements;
- bottling out and waste management noise and times;
- control and levels of noise from amplified music;
- control of any noise from any designated smoking area;
- close down policy with amplified music shut-off and increased lighting;
- security, including any additional proposed CCTV;
- any additional external or security lighting;
- capacity (of each use); and
- private hire facilities/functions.

For D2 uses

- sound insulation measures;
- control and levels of noise from any amplified music within the unit;
- treatment of structureborne noise & vibration transmission from impact noise, i.e. free weights, kettlebells, weights machines, treadmills etc.; and
- servicing and delivery times/arrangements.

10.55 Further, a condition (Condition 3) has been recommended limiting the hours of operation of flexible A3/A4/D2 unit to between 07:00 and 23:00 Monday to Thursday, 07:00 and Midnight Friday to Saturday (in accordance with licensing requirements), and 8:00 and 22:00 on Sundays and Bank Holidays.

10.56 Overall, subject to conditions, the change of use of the (part) ground floor, basement and lower basement level unit to flexible A3/A4/D2 use class is not considered to likely result in unacceptable material amenity impacts to neighbouring occupiers. The proposal therefore complies with policies DM2.1, DM4.3 and DM6.1G of the Development Management Policies 2013.

Servicing and Delivery

10.57 Policy DM8.6 of the Development Management Policies states that delivery and servicing should be provided off-street, particularly for commercial developments over 200m² gross floor area, that details of the delivery and servicing needs for new developments should be submitted, and that delivery and servicing bays should be strictly controlled. Owing to the constraints of the site on St John Street, an Islington controlled road that is part of a Major Cycle Route, an appropriate off street location for deliveries is not available.

- 10.58 Due to the indicative nature of the needs associated with the end-users of the site, limited information has been provided with regard to the future delivery and servicing requirements of the proposed uses. Officers previously raised concern that the potential servicing requirements may cause harm to the efficient function of St John Street. The applicant has therefore provided further information prepared by a qualified transport planning professional, which advises that there will likely be a low number of servicing movements associated with the development (likely to be smaller vehicles rather than large HGVs). The existing access to the car park (which is kept clear to allow vehicles to enter and exit the site) will no longer be required following the implementation of the scheme, and the double lines directly outside the site could therefore be used by a van for loading/unloading purposes. It is noted that servicing for a number of the existing units along this section of St John Street takes place in a similar manner, i.e. on the yellow line waiting restrictions.
- 10.59 The Council's Highways officer has reviewed the additional submitted information, and considers that the servicing and delivery of the site could be accommodated in the manner proposed (parking on the yellow lines); no concerns were raised with regard to the impact of the proposal upon the safe and efficient operation of the highway. The officer does however note that the existing vehicle crossover will be made redundant following the implementation of the development, and that a smaller crossover will be required in order to allow for the on-street refuse collection. The costs of these works are to be borne by the applicant; therefore, the applicant has agreed to enter into a Section 106 agreement in order to provide the funds for such works, prior to the implementation of the permission. This negotiation and preparation of the agreement is currently being undertaken by the Council's Legal Team and the Applicant's legal representation; therefore, it is recommended that this application is approved subject to conditions and the completion of the legal agreement.
- 10.60 With regard to specific servicing and delivery arrangements, it is important to ensure that deliveries do not conflict with servicing arrangements of neighbouring users and to ensure that the process is effectively managed to ensure safe manoeuvres. Therefore, a condition (Condition 4) has been recommended requiring that details of delivery and servicing to be approved by the Local Planning Authority prior to the first occupation of the flexible A3/A4/D2 unit at the site. A condition (Condition 5) limiting deliveries, collections unloading and loading between the hours of 08:00-20:00 Monday to Saturday, and not at all on Sundays, is also recommended.

Refuse

- 10.61 The proposed plans include a details of a dedicated refuse and recycling store, which would be located at lower ground floor level along the emergency escape route from the rear of the building. Access to the store from the pavement at St John Street would be provided via the escape route. Islington's Recycling and Refuse Storage Requirements require the provision of 1.5 cubic metres of commercial waste storage per 20 dining spaces. The store would provide space for 4no. 240L bins, however as the final use of the unit is not confirmed (i.e. no dining space figures provided), it is difficult to determine whether this would be sufficient. Further, no comments have been received from the Council's waste and recycling team. It is however considered that the storage would be sufficient for a D2 gym use. However, given the scale of the unit, it is considered that there is scope for the appropriate management of refuse for an A3 or A4 unit to be accommodated. Therefore, a condition (Condition 11) has been recommended requiring details of proposed refuse and recycling to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the unit should it be used for either A3 or A4 purposes.

Cycle Parking

- 10.62 In accordance with policy DM8.4 and Appendix 6 of the Development Management Policies 2013, the proposed development should provide 1 cycle parking space per each 60 sqm of A3/A4 floorspace; and 1 space per each 275 sqm of 'Leisure and sports' floorspace (i.e. a gym). In this instance, 10no. cycle parking spaces should be provided for an A3 or A4 unit, and either 3no. or 12no. for a D2 unit (depending on the final end use). Although no cycle parking is proposed, the property is significant in size and therefore it is considered that there is sufficient space to securely store that number of cycles. Therefore, a condition (Condition 10) has been included requiring details of cycle storage for the appropriate number of bicycles (depending on the final end use) to be submitted and approved in writing by the LPA prior to the first occupation of the flexible A3/A4/D2 unit.

Accessibility

- 10.63 Policy DM2.2 DM2.2 seeks to ensure all developments demonstrate that they provide ease of and versatility in use, and deliver safe, legible and logical environments. In this instance, it is acknowledged that the proposal would be positioned over three floors. It is acknowledged that the only access to the lower floor levels would likely be via a staircase, and therefore would not comply with the Council's Inclusive Design requirements. However, the lack of compliance is not considered to warrant refusal given the application relates to an existing building and its resulting restricted layout. However, a condition (Condition 12) has been included requiring an access strategy to be submitted to and approved in writing the LPA prior to the commencement of works.

Other matters

- 10.64 Concern has been raised by neighbouring residents that the proposal would result in the use of the site as a nightclub, noting the disturbance caused by other existing nightclubs within the Farringdon area. Officers note that the application proposes the flexible use of the site as A3/A4/D2, neither of which allow for the operation of a nightclub which falls under the 'Sui Generis' use class. Whilst officers are satisfied that the proposal would not result in the use of the unit as a nightclub, specific restrictions on use within D2 are secured by condition. This would ensure that the proposed use would only be a gym, so as to avoid the additional potential issues of more noise and disturbance to residents through large gatherings of people resulting from other D2 uses.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed change of use of the (part) ground floor, basement and lower basement levels from an existing B8 (storage) use to a self-contained flexible A3/A4/D2 use unit is considered acceptable, on balance, in land use terms given the supporting documentation provided, and the inclusion of conditions for the management of operations, servicing and delivery, extract and plant equipment, and neighbouring amenity impacts (such as noise). The proposed loss of the B8 use and the proposed flexible use is considered to be acceptable and would not result in an overconcentration of drinking establishments/licensed premises.

- 11.2 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Further, in accordance with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been given to the desirability of preserving the adjacent listed buildings, their setting and any of their features of special architectural or historic interest. Overall, the external alterations are not considered to materially harm the character or appearance of the host building, the wider conservation area, or the setting of the adjoining and adjacent statutorily listed buildings.
- 11.3 Subject to conditions, the proposed flexible A3/A4/D2 unit is not considered to result in unacceptable significant harm to the amenity of occupiers of neighbouring properties.
- 11.4 As such, the proposed development is considered to accord with the policies of the National Planning Policy Framework 2012, the London Plan 2016, the Islington Core Strategy 2011, the Development Management Policies 2013, the Finsbury Local Plan 2013, and Supplementary Planning Documents and as such is recommended for approval subject to appropriate conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION

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

List of Conditions:

1	<p>Commencement</p> <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	<p>Approved plans list</p> <p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Change of Use Design Statement dated 28 January 2019; Email from Kamran Haider dated 02 July 2019; Covering letter dated 9 May 2018; Demand Analysis prepared by Richard Susskind and Company dated October 2017; Richard Susskind and Company – Marketing Particulars; Assessment of Marketing letter from Pater Johnson Merriman dated 1 November 2017; Letter from Howell Brooks and Partners LLP dated 20 July 2017; Letter from Jarvis Keller Stephens dated 20 September 2017; Letter from Imogen Blanning dated 20 July 2018 regarding quality of marketing evidence and Town Centre impact; Letter from Stephen Rose dated 12 February 2019; and Drawing Numbers: Location Plan, GA 01/F, GA 02/E, GA 03/C, GA 04/A, GA 05, GA 06, M-4761-XX-(57)-001 Rev P4, M-4761-XX-(57)-002 Rev P0, and M-4761-XX-(57)-003 Rev P4.</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	<p>Hours of Operation</p> <p>CONDITION: The A3, A4 or D2 unit hereby approved shall not operate outside the hours of:</p> <p>Monday to Thursday - 07.00am to 11.00pm. Friday to Saturday - 07.00am to Midnight Sunday and Bank Holidays – 08.00am to 10.00pm</p> <p>REASON: To ensure that the proposed development does not have an unacceptable adverse impact on neighbouring residential amenity.</p>
4	<p>Delivery and Servicing</p> <p>CONDITION: Details of delivery and servicing of the A3, A4 or D2 unit hereby approved shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the units.</p> <p>The servicing arrangements shall be operated strictly in accordance with the details</p>

	<p>hereby approved, shall be maintained as such thereafter and no change there from 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>
5	Hours of delivery and servicing
	<p>HOURS OF DELIVERY AND SERVICING: Deliveries, collections, unloading, loading for the A3, A4 or D2 unit hereby approved shall only be carried out between the following hours:</p> <ul style="list-style-type: none"> - Monday to Saturday - (08:00 - 20:00) - Sundays/Bank Holidays - not at all. <p>REASON: To minimise the impact of deliveries and servicing on neighbour amenity.</p>
6	Noise
	<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 at least 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: 2014.</p> <p>REASON: To control plant noise from kitchen extract, toilet extract and air conditioning units.</p>
7	Mechanical Plant Compliance Report
	<p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from required mechanical plant to demonstrate full compliance with condition 6. The report shall include measurement of the new plant following installation. The report shall be submitted to and approved in writing by the Local Planning Authority within 10 weeks of the commencement of the relevant use hereby permitted, and maintained as such thereafter.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
8	Scheme of Management
	<p>CONDITION: A scheme for the management of the A3, A4 or D2 unit hereby approved hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the units hereby approved. The Scheme of Management shall include:</p> <p><u>A3/A4 uses</u></p> <ul style="list-style-type: none"> r) sound insulation measures s) a full dispersal policy and procedure; t) a door policy; u) signs to request patrons to leave in a quiet manner and not to loiter in the surrounding streets; v) servicing and delivery times/arrangements; w) bottling out and waste management noise and times; x) control and levels of noise from any amplified music within the unit; y) control of any noise from any designated smoking areas; z) close down policy with amplified music shut-off and increased lighting;

	<p>aa) security, including any additional proposed CCTV;</p> <p>bb) any additional external or security lighting;</p> <p>cc) capacity (of each use);</p> <p>dd) private hire facilities/functions;</p> <p><u>D2 use</u></p> <p>ee) sound insulation measures;</p> <p>ff) control and levels of noise from any amplified music within the unit;</p> <p>gg) treatment of structureborne noise & vibration transmission from impact noise i.e. free weights, kettlebells, weights machines, treadmills etc;</p> <p>hh) servicing and delivery times/arrangements</p> <p>The operation of the unit shall at all times be carried out in accordance with the approved Scheme of Management.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity, including cumulative impacts given the location of the site within a 'high concentration of alcohol licensed premises (2010)'.</p>
9	Flues/Extraction Systems (Details)
	<p>CONDITION: Details of any proposed kitchen and/or bathroom flues/extraction systems for the A3/A4/D2 unit hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the use to which they relate.</p> <p>The filter systems of the approved flue/extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible.</p> <p>The flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the use to which they relate and maintained as such thereafter.</p> <p>REASON: In the interest of protecting future residential amenity and the appearance of the resulting building(s).</p>
10	Details of cycle storage
	<p>CONDITION: Prior to the first occupation of the A3, A4 or D2 unit hereby approved details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter into perpetuity. The proposed cycle storage must accommodate:</p> <p>(c) 10no. cycle parking spaces in the case of A3/A4 use; or</p> <p>(d) 3no. cycle parking spaces in the case of D2 use.</p> <p>REASON: To provide adequate cycle storage.</p>
11	Details of refuse and recycling
	<p>CONDITION: Should the hereby approved unit be occupied for a use under the A3 or A4 use class, details of how the proposed refuse and recycling storage provision would meet the minimum requirements of 1.5 cubic metres per 20 dining spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To ensure the proposal benefits from adequate refuse and recycling</p>

	facilities.
12	Inclusive Design
	<p>CONDITION: An access strategy detailing the means of access and egress for people with disabilities and older people to all parts of the A3, A4 or D2 unit hereby approved shall be to submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.</p> <p>REASON: To ensure that adequate access is provided to the development for people of all abilities, in line with policies 4.6, 7.1 and 7.2 of the London Plan 2016, policy CS7 of the Core Strategy 2011, and policies DM2.1, DM2.2, DM4.12 and DM8.2 of the Development Management Policies 2013.</p>
13	D2 Use
	<p>CONDITION: Notwithstanding the use class order, the flexible A3/A4/D2 unit hereby approved shall not be occupied by any other uses within the D2 use class order (assembly and leisure) other than as a gym.</p> <p>REASON: To avoid the additional potential issues of more noise and disturbance to adjoining residents through large gatherings of people resulting from other more intensive D2 uses.</p>

List of Informatives:

1	Community infrastructure Levy (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>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>
2	Other Legislation
	<p>You are advised that the planning permission hereby approved would be subject to fully complying with other legislation outside the realms of the planning regulations including licensing, environmental acts, building control and fire safety regulations.</p>
3	D2 Gym Use
	<p>No permission is granted for the use of the flexible unit for any other purposes which fall within the D2 use class other than a gym. Should you wish to use the unit for any other D2 purposes other than a gym, separate planning permission must be sought.</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 2016, 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 2016 - Spatial Development Strategy for Greater London

Chapter 4: London's Economy

Policy 4.1 Developing London's economy

Policy 4.4 Promoting Town Centres

Policy 4.3 Mixed use development and offices

b. Islington Core Strategy 2011

Policy CS 7 – Bunhill and Clerkenwell

Policy CS 13 – Employment Spaces

Policy CS 14 – Retail and services

c. Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.3 – Heritage
- Policy DM4.2 – Entertainment and the night-time economy
- Policy DM4.3 – Location and concentration of uses
- Policy DM5.2 – Loss of existing business floorspace
- Policy DM6.1 – Healthy development
- Policy DM8.2 – Managing transport impacts
- Policy DM8.4 – Walking and cycling
- Policy DM8.6 - Delivery and servicing for new developments
- Appendix 6 – Cycling

d. Finsbury Local Plan 2013

- Policy BC8 – Achieving a balanced mix of uses

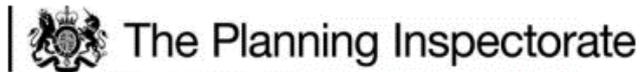
3. Designations

- Clerkenwell Green Conservation Area (and Article 4 Direction)
- Within 50m of Charterhouse Square Conservation Area
- Core Strategy Key Area – Bunhill & Clerkenwell
- Central Activities Zone
- Employment Priority Area (General)
- Clerkenwell Archeological Priority Area
- Major Cycle Route
- Finsbury Local Plan Area – Bunhill & Clerkenwell
- Mayor's Protected Vistas – Alexandra Palace viewing terrace to St Paul's Cathedral
- Local views from St John Street

- Local view from Angel
- Local view from Archway Road
- Local view from Archway Bridge
- Article 4 Direction (A1-A2)
- Article 4 Direction (B1(c) to C3)
- Adjoining Grade II listed building – No. 72 St John Street
- Adjoining Grade II listed building – No. 78 St John Street

4. SPD/SPGS

- Urban Design Guide 2017
- Conservation Area Design Guidelines



Appeal Decision

Site visit made on 5 June 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 5 July 2017

Appeal Ref: APP/V5570/W/17/3171820
74-76 St John Street, Islington, London EC1M 4DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Rogers, Venaglass Haymarket Limited against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/4605/FUL, dated 22 November 2016, was refused by notice dated 6 February 2017.
 - The development proposed is change of use of part ground floor, basement and lower basement from Use Class B8 (storage) to flexible commercial use within Use Classes A1/A2/A3/A4/B1/D1/D2) Use, replacement of ground floor façade and entrance doors and fenestration to enclose existing ramp.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr David Rogers, Venaglass Haymarket Limited against the Council of the London Borough of Islington. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this case are:
 - Whether the loss of the business floor space is justified;
 - Whether the proposal would harm the vitality and viability of neighbouring town centres; and
 - The effect of the proposal on the living conditions of existing occupiers.

Reasons

Loss of Class B8 (Storage or Distribution)

4. The appeal site comprises two levels at lower ground floor and basement level within a seven-storey office on St John Street. The site is situated within an Employment Priority Area (General). The ground floor is used for access, the first basement level for car parking and the lower basement level is currently vacant, but previously used for storage. The surrounding area is characterised by a mix of 3-7 storey buildings in a range of uses, typically with ground floor retail, café and showroom uses and office and residential uses on the upper floors.
-

5. Criterion B of Policy CS13 of the Council's Core Strategy 2011 seeks to safeguard existing business spaces throughout the Borough by protecting against change of use to non-business uses, particularly in the Central Activities Zone (CAZ). The supporting text explains that there is continuing pressure on employment floor space from other uses.
6. Criterion A i of Policy BC8 of the Finsbury Local Plan (FLP)–Area Action Plan for Bunhill and Clerkenwell 2013 states that within the Employment Priority Areas (General and Offices) no net loss in business floor space will be permitted, either through change of use or redevelopment, unless exceptional circumstances can be demonstrated, including through the submission of clear and robust evidence which shows that there is no demand for the floor space. This evidence must demonstrate that the floor space has been vacant and continuously marketed for a period of at least two years.
7. In addition, the loss of business floor space will only be permitted where the proposal would not have a detrimental individual or cumulative impact on the area's primary business role and would not compromise economic function/growth, or it can be demonstrated that the site is no longer suitable for the provision of similar uses. Appendix 11 of the Council's Development Management Policies sets out the evidence which is required to adequately demonstrate marketing and market demand.
8. The approach set out in Policy CS13 of the Core Strategy and Criterion A i of Policy BC8 of the FLP is consistent with paragraphs 18 and 19 of the National Planning Policy Framework (the Framework) which seeks to support sustainable economic growth. Furthermore, the approach provides the flexibility required by paragraph 22 of the Framework which seeks to avoid long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose, subject to the submission of evidence. I can, therefore, attach significant weight to those policies in my Decision.
9. The site includes a car park at 262m²; however, the application form indicates the established use is B8 (storage) of some 585m². The appellant indicates that the basement levels have been under-used for many years and that the owners have marketed the premises without success. An email from the commercial agent stating that the premises has been marketed from June 2014 and that during the marketing campaign there were numerous viewings, mainly from the gym sector. A handful of offers from Gym users were received but they did not materialise.
10. The marketing particulars are also included which shows that the premises were marketed for all uses at a rent in excess of £130,000 per annum exclusive. In addition, it is stated that details were initially sent to those parties with a suitable requirement and then to all active London agents. The property was on the agent's website and periodically sent to all London agents. A 'sample' of parties that viewed the property is also included.
11. Additional information has been submitted which includes details of completed deals between 1 June 2014 and 30 June 2016. This shows that the majority of lettings (45 of 50) secured higher rental incomes than £34 per sq ft per annum. Rents ranged from approximately £20 per sq ft to £67.50 per sq ft. The average (median) rental income secured in these lettings was £48.23/sq ft. Thus the rent sought for the appeal property was at the lower end of the rates expected in this location. Further information relating to current 'market comparables' has also been submitted which shows that the rental rate of £34 per sq ft per annum would

be below the rates asked in the EC1M postcode. However, this information does not amount to a professional valuation from at least three agents to confirm that the asking price is reasonable. Furthermore, the submitted information does not include any basement offices or any B8 spaces as there were none available for comparison. Consequently, I cannot be certain that the property was marketed at a reasonable price which takes account of the basement location and the nature of the premises.

12. Furthermore, the value of offers, the reasons why any offers fell through, why it was not possible to agree terms and why offers were refused are not included. Also no details are included as to why the property is 'not of interest'. Consequently, the evidence falls short of that required by Appendix 11 of the DMP. Due to the limited evidence before me, I cannot, therefore, be certain that the property has been marketed on appropriate terms at a reasonable asking price which reflects the nature of the property.
13. I have had regard to the fact that the property is currently vacant and as such there would not be the loss of an actual B8 or business use. However, there would be the loss of business floor space which Policy BC8 of the FLP seeks to protect.
14. The appellant draws attention to paragraph 11.1.3 of the FLP and suggests that the term business use is widely defined and covers all of the uses proposed. However, whilst Policy BC8 seeks to achieve a balanced mix of uses, including a wider range of employment generating uses, Criterion A i specifically refers to business floor space. Business floor space/buildings/development/uses are defined in the glossary as activities or uses that fall within the B-Use Class (i.e. offices, industry, or warehousing). Furthermore, there is insufficient evidence before me to conclude that there would be no demand for B8 or other business uses either now or in the future.
15. The appellant also suggests that the proposal is consistent with the underlying purpose of policy which is to promote employment growth and jobs. However, paragraph 3.47 of the Core Strategy states that the principle will be to continue to protect a variety of spaces and to achieve this, the Core Strategy protects specific types of business floor space where appropriate (B-use classes) within the more general definition of employment floor space. Criterion A i of Policy BC8 seeks to protect business floor space as part of a balanced mix of uses.
16. Attention is also drawn to Criterion B which states that within the Employment Priority Area (general) the employment floor space component of a development or change of use proposal should not be unfettered commercial (B1a) uses, but where appropriate must also include retail or leisure uses at ground floor alongside. Nonetheless, given the flexible nature of the proposal it may be implemented within a single use class resulting in the loss of all the business floor space which would be contrary to Criterion A i of the Policy.
17. For the reasons stated, there is insufficient evidence before me to conclude that the loss of business floor space is justified. The proposal is, therefore, contrary to Policy CS13 of the Core Strategy and Policy BC8 of the FLP.

Vitality and Viability of Town Centres

18. Policy DM4.4 of the DMP seeks to maintain and enhance the retail and service function of Islington's four town centres. Part B states that applications proposing more than 80m² of floor space for uses within the A Use Classes, D2 Use Class and for Sui Generis main town centre uses within the Central Activities Zone, must

demonstrate that the development would not individually or cumulatively with other development have a detrimental impact on the vitality and viability of Town Centres within Islington or in adjacent boroughs, or prejudice the prospect for further investment needed to safeguard their vitality and viability; the proposed uses can be accommodated without adverse effect on amenity; and the proposal would support and complement existing clusters of similar uses within or adjacent to the Central Activities Zone, particularly important retail frontages.

19. Criterion B of Policy CS7 of the Core Strategy relating to Bunhill and Clerkenwell states that there are a number of local centres within the area which are a foci for shops, facilities and/or the evening economy, including amongst others, St. John Street. It goes on to say that these centres will be protected and enhanced in a manner that ensures their vitality and vibrancy, whilst safeguarding the amenity of residential uses. However, the appeal site is not situated within a designated town centre or a defined local centre allocated for retail purposes as defined in appendix 3 of the DMP. Criterion c of Policy 2.11 of the London Plan 2016 states that retail capacity will be focused on the CAZ frontages. However, St John Street is not allocated as a Central Activity Zone frontage as defined in Annex 2 of the London Plan.
20. The proposed A1 retail element and the D2 Assembly and Leisure element are classed as main town centre uses by the Framework. The proposal could accommodate 615m² of A1 retail floor space which would be equivalent to a large 'express/local' supermarket and could, therefore, have an impact on neighbouring town centres, in particular Angel Town Centre.
21. At the time the application was determined retail impact and sequential assessment had not been undertaken. Consequently, the Council considered that insufficient evidence had been submitted to demonstrate that the proposal would not have an impact either individually or cumulatively on nearby Town Centres, in particular Angel Town Centre.
22. A brief Retail Impact Assessment (RIA) has been submitted in support of the appeal. The RIA includes an assessment of Angel Town Centre which draws heavily on the Islington's Town Centres: Review and Health Check (Health Check) (2012) which found that Angel Town Centre was performing very strongly overall due to a combination of a high number of A1 units, alongside complementary vibrant cultural and entertainment uses. The Health Check also found a diversity of uses and a low vacancy rate. On the basis of my site visit, I have no reason to disagree with this assessment.
23. The RIA suggests that the appeal site is relatively small, equating to approximately 1% of the total floor space of 51,496m² of total retail, leisure, financial and business services floor space within Angel Town Centre and concludes that no significant impact is likely as a result of the proposal. Attention is also drawn to the forecast retail sales (2021) set out in the Islington Retail Study Update 2008 which shows the combined turnover of both convenience and comparison goods of £401.6m.
24. It is acknowledged that the proposed retail or D2 floor space would be a small percentage of the total commercial floor space within Angel town centre. However, the proposed floor space of 615m² is significantly above the Council's threshold of 80m² and whilst a brief qualitative analysis has been undertaken, there is no quantitative analysis. In the absence of such analysis, including information such as the turnover of the proposed use, surplus expenditure in Angel

Town Centre and the extent of any trade draw, it is not possible to determine whether the proposal would harm the viability of Angel Town Centre or prejudice the prospect for further investment needed to safeguard its viability.

25. Attention is drawn to paragraph 4.27 of the DMP which states that proposals for retail, services, entertainment, assembly and leisure uses within the CAZ may be appropriate where these would not detrimentally affect the vitality and viability of town centres. It goes on to say that proposals involving these uses (especially those of a small scale) are unlikely to result in detrimental impacts and that the Policy, therefore, takes a flexible, judgement based approach as to whether a full impact assessment is required should be applied. However, in setting a threshold of 80m², the Council clearly considers that proposals above this threshold may have the potential to impact on other centres. The proposal would be larger than the majority of retail units in the street and would be significantly above the threshold set out in Policy DM4.4. Given the scale of the proposal, I consider that in this case a quantitative assessment should be required.
26. Attention is drawn to an appeal decision¹ in which the inspector commented that it is difficult to see how the vitality and viability of Nags Head could be threatened given that it provides a much greater variety of outlets of greater size and as the Sainsbury's Local outlets are planned with a 500m catchment in mind. This case was not in the CAZ and thus engaged Part A of Policy DM4.4 of the DMP. Nevertheless, the floor space threshold set out in part A of the Policy is the same. I note that this case is significantly smaller than the appeal proposal and that the inspector concluded that an impact test would be required. Furthermore, the proposal in this case was for convenience retailing which would be likely to have a local catchment. The flexible nature of the appeal proposal could result in 615m² of comparison retailing which would likely have a wider catchment and could, therefore, have an impact on the viability of Angel Town Centre. This case is not, therefore, directly comparable to the appeal proposal which limits the weight which I can attach to it in my Decision.
27. There is dispute between the parties as to whether a sequential assessment would be required to support the proposal. However, even were a sequential assessment required, in the absence of a quantitative retail assessment, I am unable to determine whether the proposal would have a detrimental impact on the viability of Angel Town Centre.
28. For the reasons stated, I conclude that there is insufficient evidence to determine whether the proposal would harm the vitality and viability of Angel Town Centre. The proposal is, therefore, contrary to Policy DM4.4B of the DMP. This conflict weighs against the scheme.

Living conditions of existing residents

29. The range of flexible uses proposed would permit occupiers such as a café, restaurant, drinking establishment, concert hall, dance hall, gymnasium and indoor sports or recreation. Such a range of uses could lead to potential noise, disturbance or odour for the occupiers of surrounding residential uses.
30. There is an existing void at the rear of the main building which sits adjacent to the rear of the residential properties at 66 St John Street. Indeed a number of objections have been received from occupiers of those units in terms of potential

¹ Appeal reference: APP/V5570/A/13/2210830

noise and disturbance. There are also residential properties above commercial units along St John Street.

31. Criterion ii of Part B of Policy DM4.4 of the DMP requires that proposed uses can be accommodated without adverse impact on amenity. Policy DM4.3 of the DMP states that proposals for cafes, restaurants, drinking establishments, off-licences, hot food takeaways and other such uses will be resisted where they would result in negative cumulative impacts due to an unacceptable concentration of such uses in one area; would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area.
32. The Council considers that on the basis of an A3 use survey, the evidence suggests that there are no discernible clusters of A3 units in the area. Given the nature of the Central Activities Zone and the suitability of night time economy uses, overconcentration on a purely quantitative basis is considered unlikely. I noted on my site visit that A3 and A4 uses were well distributed along the street interspersed with office and commercial uses at ground floor level. However, this does not preclude the need to assess any potential effects arising from the proposal itself.
33. The nature of the proposed uses, in particular the A3 (restaurants and cafes), A4 (drinking establishments) and D2 (assembly and leisure) use classes, have the potential to adversely affect the living conditions of nearby residents by virtue of noise arising from congregations of customers, music and any extraction equipment. Odour caused by cooking inside the premises may also be an issue. There may also be noise and general disturbance caused by customers and delivery vehicles coming and going outside the premises. Such effects can be particularly intrusive when they take place late into the evening when other background noise levels generally diminish. Proposed uses falling within D1 use class may also have the potential for traffic generation, although I note that highway safety is not included as a reason for refusal.
34. Paragraph 4.21 of the DMP states that in assessing the likely impacts of a proposal, regard will be had to the type of use, proposed hours of opening, size of premises, operation and servicing and measures to mitigate odour and noise from the premises. I have regard to the conditions proposed by the appellant and also the Council. I consider that conditions relating to opening hours, submission and approval of extract and ventilation equipment, noise arising from music, customers or ventilation and extraction equipment, the timing of deliveries etc, potentially tailored to each specific use could have been imposed to address concerns had I decided to allow the appeal.
35. For the reasons stated above, I, therefore, conclude that with the suggested conditions, the proposal would not have a harmful effect on the living conditions of neighbouring occupiers. The proposal would not, therefore, be contrary to Criterion ii of Part B of Policy DM4.4 of the DMP or Policy DM4.3 of the DMP.

Other matters

36. The proposal is situated within the Clerkenwell Green Conservation Area and adjacent to Nos 72, 78 and 80 St John Street, which are grade II listed buildings. The existing frontage of the appeal property is largely blank and does not make a positive contribution to the street scene. The proposal would involve the creation of a new facade, entrance and aluminium framed window which would result in a more active and positive frontage. The proposal would not, therefore, harm the

character or appearance of the Conservation Area or the setting of neighbouring listed buildings. The Charterhouse Almhouse lies to the rear of the site and is a grade II listed building. No alterations are proposed to the rear and consequently, the proposal would not harm the setting of this listed building.

Planning Balance

37. I have identified that with conditions, the proposal would not have a harmful effect on the living conditions of neighbouring residents. Furthermore, the proposal would have some benefits in terms of improving the frontage of the site, bringing a vacant, underused unit back into use, promoting a car-free development and contributing to the local economy. However, these benefits could be achieved by other means. I have identified that the proposal would result in the loss of business floor space and have the potential to harm the vitality and viability of Angel Town Centre. I consider that the totality of this harm would outweigh the benefits of the proposal.

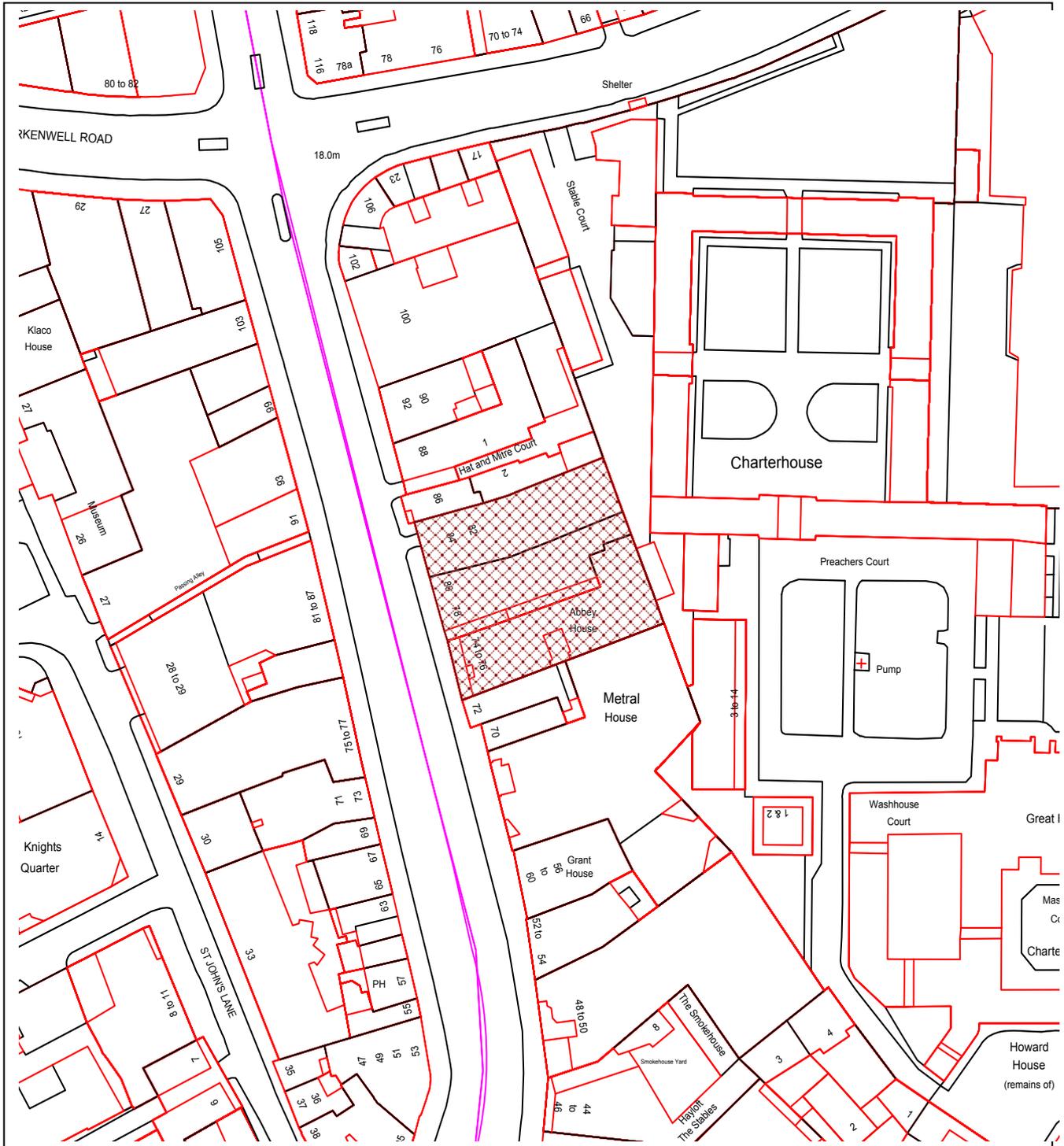
Conclusion

38. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector

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