

## PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB-COMMITTEE A</b>		
Date:	4 <sup>th</sup> June 2015	NON-EXEMPT

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

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

### 1. RECOMMENDATION

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

## 2. SITE PLAN (site outlined in black)



## 3. PHOTOS OF SITE/STREET



**Image 1:** The existing building from St Albans Place



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

#### **4.0 SUMMARY**

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

#### **5.0 SITE AND SURROUNDING**

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

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

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

## **6.0 PROPOSAL (in Detail)**

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

6.2 The existing single storey warehouse is in use as a carpet repair and cleaning business and is an unattractive pitched roofed building constructed of brick with a corrugated iron roof, and measures approximately 259m<sup>2</sup> and approximately 5.9m in height.

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

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

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

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

6.7 The scheme was amended as follows:

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

## 7.0 RELEVANT HISTORY:

### Planning applications

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

This application was refused for the following reason:

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

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

This application was refused for the following reason:

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

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

## **Enforcement**

7.5 None relevant

## **Pre-application advice**

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

## **8.0 CONSULTATION**

### **Public Consultation**

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

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

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

### **External Consultees**

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

### **Internal Consultees**

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

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

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

## 9 RELEVANT

## POLICIES

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

### National Guidance

- 9.1 The National Planning Policy Framework 2012 (para 7) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.2 The National Planning Practice Guidance 2014 is material consideration in the assessment of and has been taken into account as part of the assessment of these proposals.

### Development Plan

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

### **Designations**

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

Angel & Upper Street Conservation Area.  
Central Activities Zone  
Angel Town Centre

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

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

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

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

### **Loss of existing building/B1 use**

- 10.2 The proposal would include a change of the use of the land, from B1 to mixed B1 (Office) and C3 (Residential), including the relocation of the existing 259m<sup>2</sup> office unit from ground level to a newly created basement level and residential use at ground and first floor.
- 10.3 The scheme would result in net-loss of B1 floor space of approximately 40m<sup>2</sup> (the applicants put this figure at 38.8m<sup>2</sup>). The council would ordinarily resist the loss of B1 floorspace. Policy DM5.2 part A requires proposals involving the net loss of B1 floorspace to demonstrate exceptional circumstances including the provision of 2-years marketing and vacancy evidence to demonstrate lack of demand for the floorspace. In exceptional cases, a market demand analysis may be considered acceptable. Part B aims to restrict loss which would individually or cumulatively impact the area's primary economic function.
- 10.4 Strictly speaking, the application is not compliant with an element of Policy DM5.2 as no marketing and vacancy information or market demand analysis has been provided. However, there are exceptional circumstances unique to this case which must be considered.
- 10.5 The current floorspace is in use, but is of very poor quality; and it is likely that the demand for this space will be fairly limited. On the other hand, the demand for the new higher quality floorspace is likely to be higher and suitable for a range of occupiers.
- 10.6 Following discussions with Planning Policy, in terms of the impact on the wider Town Centre, the loss of existing floorspace in this case is a low absolute amount and is not considered to have an individual or cumulative detrimental impact on the



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

- 10.7 On balance, taking the above into account as well as provision of new residential units which contribute to meeting the boroughs housing targets, the application is considered to be acceptable, due to the circumstances unique to this case. This consistency is entirely dependent on the provision of new business floor space of a high quality which meets the criteria in Policy DM5.1 part F.
- 10.8 With regard to the new office floorspace, this proposal represents an opportunity to provide new B1 floorspace of a high quality, as the existing building provides very low quality floor space, for example the internal space is not served by any natural daylight.
- 10.9 Policy DM5.1 part F requires the design of the new B1 floorspace to be of a high quality, allowing for future flexibility for a range of uses, including future subdivision and/or amalgamation for a range of business accommodation, particularly for small businesses.
- 10.10 Whilst sited in the basement, the office space is separated into two smaller units, and natural light is provided by rooflights to the front and a rear courtyard. Waste storage, WCs and a bike storage area is also provided. It should also be noted that the proposed B1 use on the basement level was considered to be appropriate and acceptable for the previous applications on site in 2012 (P112614 & P112614) and provided 210m<sup>2</sup> of B1 space compared to this applications 219m<sup>2</sup>.
- 10.11 Policy DM5.1 (i) requires 'the maximum possible business floorspace reasonably possible on site, whilst complying with other relevant planning considerations'.
- 10.12 In this instance, the other relevant planning considerations relate to design concerns over height, delivery of housing, provision of floorspace which meets need of wide range of occupants. Part ii of this policy require a mix of complementary uses, and it is considered that B1 can co-exist with C3 comfortably in this instance.
- 10.13 As such, it is considered that the new B1 space is of sufficient high quality and therefore the provisions of the above policies are satisfied.

## **Residential Use**

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

## **Design**

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

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

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

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

**Standard of Accommodation for Future Occupiers**

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

10.27 The following table shows the proposed unit sizes.

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

10.28 The units therefore clearly comply in this regard.

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

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

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

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

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

### **Accessibility**

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

### **Neighbouring Amenity**

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

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

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

## **Transport**

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

## **Affordable Housing**

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

## **Sustainability**

- 10.59 Policy DM7.2 requires developments to achieve best practice energy efficiency standards, in terms of design and specification.
- 10.60 Minor new-build residential developments of one unit or more are required to achieve an on-site reduction in regulated CO2 emissions of at least 25% in comparison with regulated emissions from a building which complies with Building

Regulations Part L 2010 (equivalent to Code for Sustainable Homes level 4), unless it can be demonstrated that such provision is not feasible.

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

### **Waste/Recycling**

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

### **Others**

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

## **11 SUMMARY AND CONCLUSION**

### **Summary**

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

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

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

### RECOMMENDATION B

That the grant of planning permission be subject to conditions:

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<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>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Planning Statement (Montagu Evans Oct 2014) Daylight &amp; Sunlight Report (CHP Surveyors 11<sup>th</sup> Aug 2014) Design &amp; Access Statement (rev B) (Marek Wojciechowski Architects Aug 2014) Structural Statement P2 (Form Structural Design 15<sup>th</sup> Aug 2014) Archaeological Desk-Bound Assessment (ASE Aug 2014) Energy &amp; Sustainability Statement (A Breath of Fresh Air 13/8/14)</p> <p>P-20, D-01A, D-02A, D-03A, D-04A, D-05A, D-06A, D-07B, D-08B, D-09A, D-10A, D-11B, P-01B, P-02C, P-03E, P-04A, P-05B, P-06C, P-07B, P-08B, P-09C, P-10A, P-11B, P-12B, P-13C.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials</b>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ol style="list-style-type: none"><li>a) solid brickwork (including brick panels and mortar courses)</li><li>b) window treatment (including sections, fins and reveals);</li><li>c) roofing materials;</li><li>d) balustrading and timber screening treatment (including sections);</li><li>e) doors and entry system</li></ol> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>



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

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

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

### List of Informatives:

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

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

## **APPENDIX 2: RELEVANT POLICIES**

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

### **National Guidance**

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

### **Development Plan**

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

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

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

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

Spatial Strategy  
Policy CS8 (Enhancing Islington's Character)

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

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

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

## DM3.5 Private Amenity Space

Town centre uses

DM5.1 New business floorspace

DM5.2 loss of existing business floor space

## Designations

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

### Islington Local Plan

Angel & Upper Street Conservation Area

Angel Town Centre

Central Activities Zone

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

The following SPGs and/or SPDs are relevant:

### Islington Local Plan

Environmental Design

Urban Design Guide

Accessibility SPD

### London Plan

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