



## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department  
PO Box 3333  
222 Upper Street  
LONDON N1 1YA

PLANNING SUB COMMITTEE B		AGENDA ITEM NO:	
Date:	14 <sup>th</sup> March 2016		

Application number	P2015/3012/FUL
Application type	Full Planning Application
Ward	St. Marys
Listed building	Not listed
Conservation area	Upper Street North Conservation Area
Development Plan Context	Archaeological Priority Area (APA3) Upper Street Local Shopping Area
Licensing Implications	None
Site Address	1 Barnsbury Street, London, N1 1PW
Proposal	Demolition of existing building and erection of a three storey building over basement comprising of an A1 retail showroom on lower ground and ground floor and the creation of a 1 x 2 bedroom residential dwelling on upper floors.

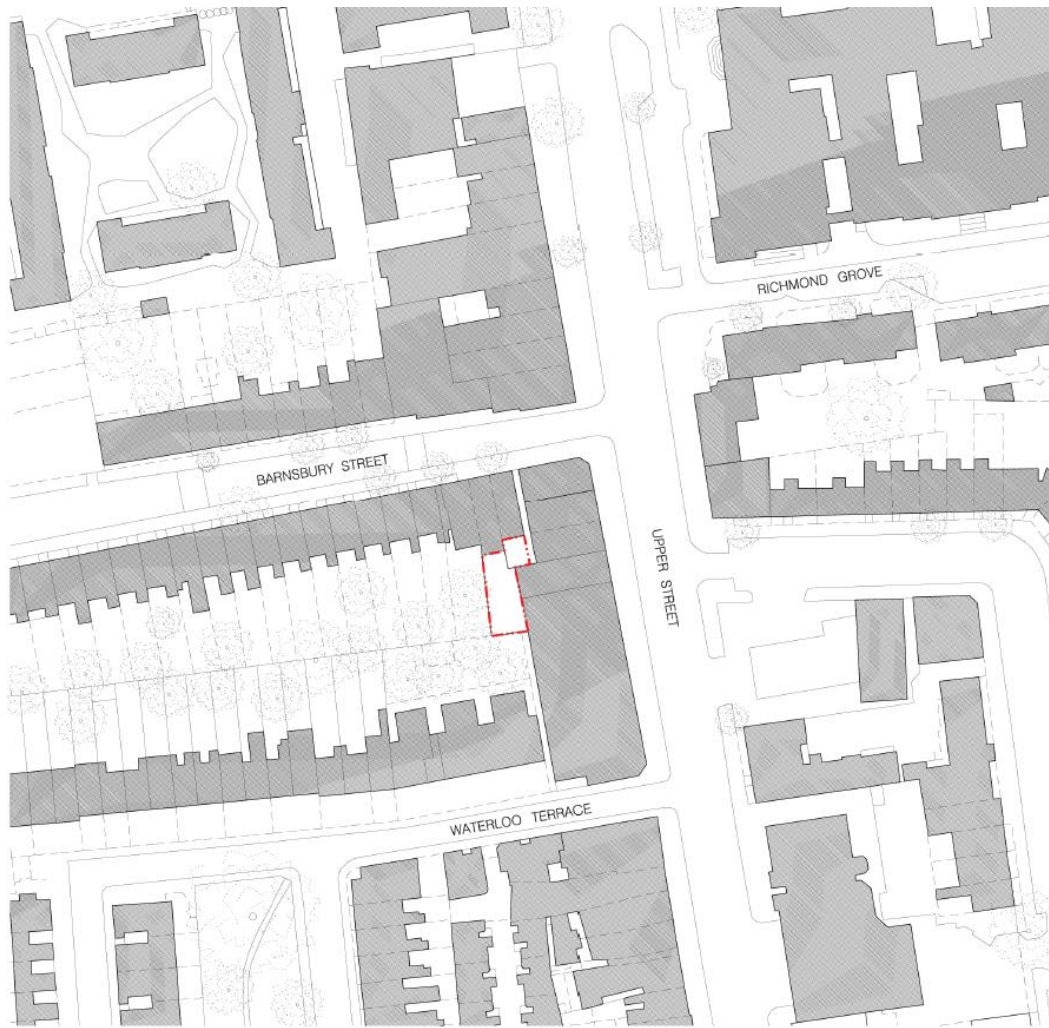
Case Officer	Daniel Power
Applicant	Mr David Smith
Agent	Amin Taha Architects - Mr Jason Coe

### 1. RECOMMENDATION

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

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

**2. SITE PLAN (site outlined in red)**



### 3. PHOTOS OF SITE/STREET

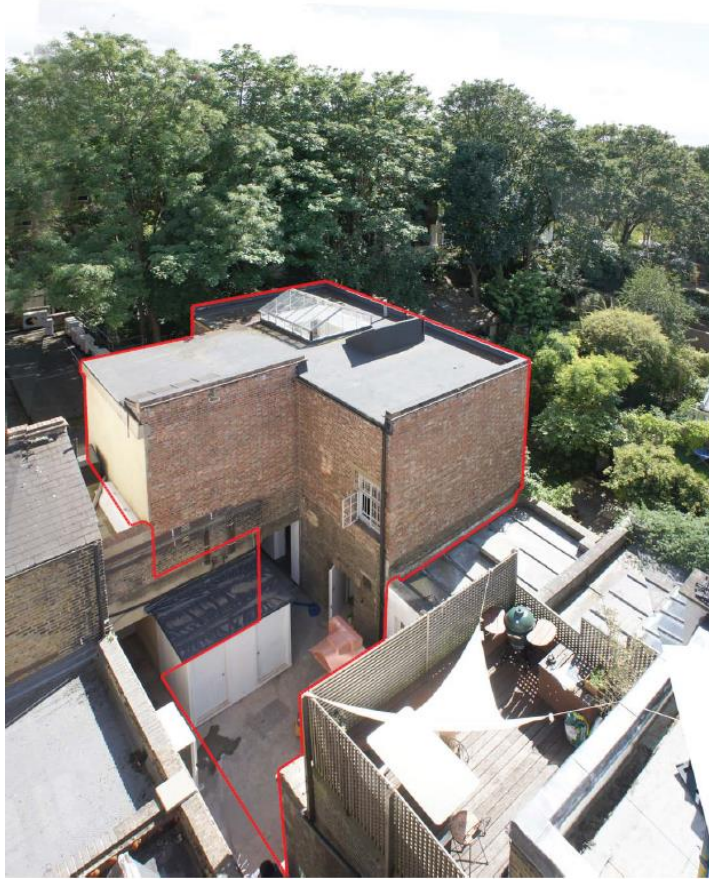


IMAGE 1: View of existing building from roof of Upper Street terraces



IMAGE 2: South elevation of existing building.



Fig.13

IMAGE 3: View of 157-165 Upper street from 1 Barnsbury Street



IMAGE 4: Properties to the north of the existing building



IMAGE 4: View to the south of the existing building

#### **4. SUMMARY**

- 4.1 This application seeks full planning permission for the demolition of the existing flat roofed brick building and the erection of a three storey building plus full basement level building. The proposed building would comprise of a A1 retail showroom and storage room on lower ground and ground floors which would be ancillary and linked to the main retail unit under construction at present at 168 Upper Street which will be used by a well-established retail outlet in Upper Street known as Aria. The proposal also seeks permission to create a 2 bedroom self-contained residential on the first and second floors of the proposed building.
- 4.2 The introduction of further retail spaces linked to the main retail unit and residential use on the site is considered acceptable in principle. The frontage of the surrounding buildings are characterised by a wide variety of A1/A2 /A3 units with residential units above commercial uses at lower ground and ground floor levels. In July 2014 Planning Committee granted permission for the redevelopment of a site on the corner of Barnsbury Street and Upper Street to provide a 6 storey plus basement building with retail A1 uses at basement and ground floor level and the creation of 3 self-contained residential units. This current application would allow a similar land use with further retail and storage space for retail uses and self-contained accommodation above.
- 4.3 Prior approval for the conversion of the existing building from a B1 (a) office a dwelling C3 in 2013, the permission was implemented and the building was used as a dwelling until recently. The site is located within Upper Street Conservation Area and abuts the boundary of the Barnsbury Conservation Area. The layout, scale and massing of the proposed development is considered to offer a contemporary yet high quality in its design. Subject to the submission of detailed conditions regarding the final finishing materials the proposed development is considered to enhance the character and appearance of the surrounding conservation area.

- 4.4 The impact of the development on neighbours has been considered. It is important to note the existing potential for overlooking and the scale of the existing building. The submitted plans have sought to address the potential for overlooking by the use of deep window reveals and partly obscure glazed windows. It is therefore considered that the overall proposed massing and height of the development combined with the position and use of privacy glazing, would not have a significant impact on the amenity levels of adjoining occupiers in this case. It is not considered that the proposed development would give rise to any material adverse impacts on adjoining properties in terms of increased enclosure levels, loss of outlook or loss of daylight/sunlight in this case.
- 4.5 It is noted that the existing structure which is proposed to be demolished is located close to some residential properties and gardens. A condition has been attached for the applicants to submit a Structural Methods statement before the works are commenced for approval by the council.
- 4.6 The quality and sustainability of the resulting scheme is considered to be acceptable. The dwelling would comply with the minimum internal space standards required by the London Plan and Mayor's Housing SPG (Nov, 2012). The redevelopment of the site has no vehicle parking on site and is therefore in accordance with Islington Core Strategy policy CS10 Section which identifies that all new development shall be car free.
- 4.7 There are limited views from the wider public of the application site and while the proposed is of contemporary design it is not considered that the development would become a dominant or incongruous feature when seen within the local context surrounding the site. The proposed building offers a high quality in design that is sympathetic to its context in terms of its scale, massing and materials, yet different in its design in comparison to the surrounding development.
- 4.8 In summary, the proposal is considered to be acceptable and to be broadly in accordance with the Development Plan policies.

## **5. SITE AND SURROUNDING**

- 5.1 The site is located at the rear corner of Barnsbury Street and Upper Street, with Highbury and Islington immediately to the north and Angel to the south. The local area is largely residential which sit alongside a high concentration of retail and employment uses along the length of Upper Street. The site is located within the Upper Street Conservation Area and abuts the boundary of the Barnsbury Conservation Area. The building to the north of the site No. 5 Barnsbury Street is locally listed with the terrace of dwelling to the west grade II listed, in addition the eastern boundary of the site is an Employment Growth Area.
- 5.2 The existing building of 1 Barnsbury Street is of post war design and constructed from red bricks, whilst the surrounding buildings are constructed from yellow London stock bricks. The existing building has a flat roof with a large number of openings along its southern elevation.
- 5.3 The surrounding built form is mainly 6 storey buildings to the north, east and south with garden areas to the west, with a large number of mature trees. Upper Street to the east comprises of commercial on the lower floors and residential above, with Barnsbury Street to the north and Waterloo Terrace being predominantly residential.

## **6. PROPOSAL (IN DETAIL)**

- 6.1 This application seeks full planning permission for the demolition of the existing flat roofed brick building and the erection of a three storey building with a full basement level. The proposed building would comprise of showroom and storage room at lower ground and ground floors which would be ancillary to the main retail unit and 1no. 2 bedrooomed dwelling on upper floors.
- 6.2 The proposed building is on the same footprint as the existing building and while the height of the proposal is similar to the existing building, the overall mass has been increased by raising a single storey element to a full three storeys. The building's design reflects the constraints of the

site and the scale of the existing building. The walls of the proposal would be yellow London stock brick, in keeping with the surrounding buildings, however the design of the proposed building is contemporary. The centre part of the roof would have a terrace with the remainder being a green roof with roof lights.

- 6.3 The proposed building would measure 6.3 metres at the eave rising to 7 metres at the centre of the building. The length of the building is 23 metres on the western elevation, with the width of the southern 10 metres and the north being 7 metres. The north elevation has a curved entrance door, which project to the west curved round the proposed courtyard. The proposed building comprises of a basement approximately 3.5 metres in depth, which is accessed via an internal staircase within the west of the building. The proposed building would be on the same footprint as the existing building and would be the same overall height as the existing building but would increase the bulk in parts. The main increase in proposals bulk over the existing is on the southern elevation, which projects a further 7 metres of three storey building on the existing footprint. The proposed building's materials would be yellow London stock brick for the walls, with a green roof and painted brass windows and doors.
- 6.4 As a result of the constrained site the building has a minimal amount of windows, with the windows proposed having deep reveals and angled glazing with privacy glass to reduce overlooking to neighbouring properties.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

- 7.1 168 Upper Street, London N1: P2014/0189/FUL: Redevelopment of the site to provide a 6 storey plus basement building with retail A1 uses at basement and ground floor level, the creation of 3 self contained residential units (3 x 2 beds), new ground floor shop frontages and associated alterations.



Artists Impression of approved scheme at 168 Upper Street.

- 7.2 P2013/2161/PRA: Application for prior approval of the Local Planning Authority for the change of use from B1 (a) office accommodation to one (1) self-contained flat (C3 Use Class)
- 7.3 168 Upper Street, London N1: P2013/0499/ADV: Refused advertisement and subsequent dismissed appeal at Advertisement hoarding. 2.84m high hoardings with 'Aria' logo painted four times.
- 7.4 P110603: Planning permission granted on the 31<sup>st</sup> October 2013 for the change of use of ground and basement floors to create 4 retail units (A1 use) and one restaurant/bar (A3/A4 dual use) together with external alterations at ground floor level to street frontages and rear. (Adjoining site 159-167 Upper Street)
- 7.5 The majority of the upper floors of 159-167 Upper Street have numerous recent prior approvals allowing the change of use of the vacant office floorspace to residential units of a variety of mix's and numbers under the government relaxed change of use allowances.

#### **PRE-APPLICATION ADVICE:**

- 7.6 No Pre-application advice was sought.

### **8. CONSULTATION**

#### **Public Consultation**

- 8.1 Letters were sent to occupants of 175 adjoining and nearby properties at Upper Street, Barnsbury Street and Waterloo Terrace on 17 November 2015. A site notice and press advert was displayed on 5 November 2015. The public consultation of the application therefore expired on 26 November 2015, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report a total of 4 responses had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Feel the building would tarnish the skyline (See paragraphs 10.8 to 10.10)
  - Loss of a period building (See paragraphs 10.8 to 10.10)
  - Harmful to the character of the street (10.8 to 10.10)
  - Requesting conditions with regard to materials (See paragraphs 10.8 to 10.10)
  - The green roof could discolour the bricks. (See paragraphs 10.8 to 10.10)
  - Concerns with the materials proposed (See paragraphs 10.8 to 10.10)
  - Increase of footfall as a result of the storage room and showroom. (See paragraph 10.22)
  - Basement concerns and structural issues ( See paragraphs 10.11- 10.14)

#### **Internal Consultees**

- 8.3 **Access Officer:** The Council's access officer made a series of requests to amend the drawings to improve the accessibility of the proposed development. Amended drawings have been received which address many of the requests made. The officer raised no objections overall to the scheme subject to a further access condition to achieve category 2 accessibility standards.

- 8.4 **Design and Conservation:** Officers have no objection to the proposal noting both the very limited views of the site form the public realm and also welcomed the high quality contemporary design of the proposal.
- 8.5 **Planning Policy:** Have no objections to the proposal. The officer welcomes the additional retail floorspace in the Upper Street Local Shopping Area

## 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 (NPPF) 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.

### Development Plan

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

### Designations

- 9.3 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:
- Archaeological Priority Area (APA3)
  - Upper Street Local Shopping Area
  - Upper Street North Conservation Area

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

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

## 10.0 ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:
- Land Use;
  - Design, scale, appearance and impacts of the proposed development on the character and appearance of the surrounding conservation area.
  - Neighbouring amenity impacts;
  - Quality of resulting accommodation;
  - Sustainability & Energy efficiency and renewable energy;
  - Affordable housing and small sites contributions
  - Transport and highways
  - Accessibility
  - Refuse facilities

### **Land-use**

- 10.2 The site is located to the west of the Local Shopping Frontage and the Employment Growth Area as allocated within Islington's Development Management Plan.
- 10.3 Prior approval was granted under planning ref P2013/2161/PRA dated for for the conversion of the existing building onsite from a B1 (a) office to a C3 dwelling in 2013, the permission was implemented and the building was used as a dwelling up until Christmas of last year. This current application seeks permission for the creation of a residential unit at the upper floors and storage and retail space/showrooms in connection with the main retail Aria shop under construction at present at 168 Upper Street on the ground and basement levels.
- 10.4 The site is located behind an existing frontage of retails and commercial uses, with residential above. The application proposes that the proposed retail element of the building will be link to the existing retail uses recently approved and currently being constructed. The proposed building would be accessed via an entrance to the side of the main retail shop as such the proposed retail element of the proposed building would not have a shop frontage. Given the access of the proposed unit through the entrance of the existing shop, this would result in its use being linked to the main shop. In additional given the proposed buildings location and means of access this would limit the extent of the building use and the times it could be used. Therefore given the sites close proximity to the shop for which it will be ancillary to and the extant A1 unit currently under construction at 168 Upper Street. The proposed uses in this case are considered to be acceptable in principle.

### **Design and Appearance**

- 10.5 Policy DM2.1 of Islington's Development Management Policies state 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. 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.
- 10.6 The Islington Urban Design Guide states that new buildings should reinforce the character of an area by creating an appropriate and durable fit that harmonise with their setting. They should create a scale and form of development that is appropriate in relation to the existing built form so that it provides a consistent / coherent setting for the space or street that it defines.
- 10.7 The site is located within the Upper Street Conservation Area and adjacent to the Barnsbury Conservation Area. The application site is located to the rear of Barnsbury Street, Upper Street and Waterloo Terrace and accessed from Barnsbury Street. The existing building is not widely visible from public views and is only visible from within the site or from the rear of adjacent buildings.
- 10.8 The application proposes to demolish the existing building and erect a three storey building with a basement. The building would comprise of a showroom on lower ground and ground floor which would be ancillary to the main shop and 1no. 2 bedroomed dwelling on upper floors with a roof terrace and a green roof. The proposed building would be located on the same footprint as the existing building and similar in terms of its massing and scale to the existing building, but would increase a single storey element to a full three storeys. The building's design reflects the constraints of the site and the scale of the existing building. The walls of the proposal would be yellow London stock brick, in keeping with the surrounding buildings, however the design of the proposed building is contemporary. The central part of the roof would have a terrace with the remainder being a green roof with roof lights.

- 10.9 As a result of the sites context and constraints in terms of overlooking and surrounding uses the architects have chosen to explore a contemporary design yet using materials that are in keeping with the surrounding development. The proposal design sets a clear definition between the modern proposed buildings and the surrounding development. The Councils Design and conservation officers were consulted on the scheme and commented that the development represents a high quality, contemporary design and they have no objections to the proposal.
- 10.10 Objections have been received stating the proposal would tarnish the surrounding skyline and would fail to preserve or enhance the character and appearance of the surrounding conservation area. The proposed building would be of a similar scale and massing than the existing building, while there would be an increase in the size of the building in comparison to the existing, the proposed building would not be higher than the existing. The existing building is considered to offer a rather neutral visual appearance and it is considered that the proposed replacement building is of a high quality and would enhance the character and appearance of the conservation area. The existing building is not locally or statutory listed in any way. Following the submission of amendments the building would have a green roof which would soften the mass of the new built form. It is considered that high quality finished and final facing materials can be secured via condition in this case.
- 10.11 Basement Development: In January 2016 the Council adopted its Basement development supplementary planning document (SPD). The document seeks that all basement development potential impact in terms of structural impact is appropriately assessed and is appropriate to its location.
- 10.12 This application includes the provision of a basement for retail and storage space, which would be accessed internally. The basement SPD states that for all development involving the provision of a basement that a Structural Method Statement must be submitted with the application. The application was submitted prior to the adaptation of the SPD, therefore it is recommended a condition is attached to any permission require a Structural Method Statement be submitted prior to commencement of works on site. In addition the SPD states that basement should occupy less than 50% of the original garden/unbuilt upon area. The proposed basement would be confined to the footprint of the proposed building and would not extend further. It is noted that the site is tightly constrained area surrounded by residential gardens and a mix of residential and commercial properties. A construction methods statement is suggested as a condition for approval so officers can be sure that the development can be adequately planned and mitigation measures taken to adequately safeguard the amenity levels of adjoining occupiers.
- 10.13 The basement SPD also states a basement should not involve excavation of more than one storey. The proposal would only involve the creation of one storey below ground level. The proposed basement would serve retail and storage areas for the linked site at 168 Upper Street.



Image: Existing and proposed views of the site from the rear of Upper Street Properties.

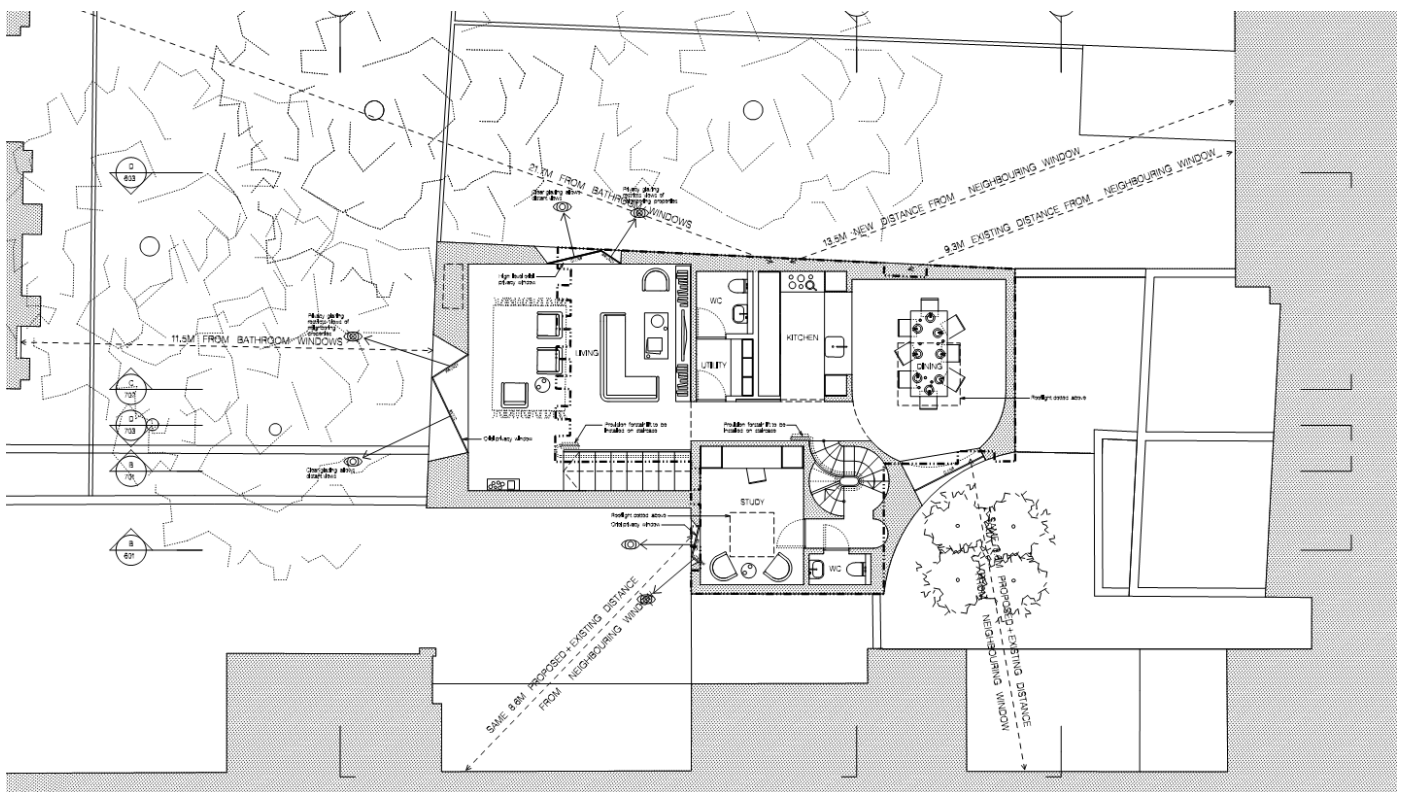
- 10.14 It is considered that the proposed building offers a high quality in design that is sympathetic to its context in terms of its scale, massing and materials, yet different in its design in comparison to the surrounding development. It is also important to note the limited views from the wider public of the application site and while the proposed is of contemporary design it is not considered that the development would become a dominant or incongruous feature when seen within the local context surrounding the site. In addition it is recommended that a condition is attached to any permission granted requiring samples of the proposed materials. It is therefore considered that the proposal is in accordance with policies 7.4, 7.6 and 7.8 of the London Plan 2011, CS9 of the Core Strategy 2011, Policies DM2.1 (Design) and DM2.3 (Heritage) of the Development Management Policies 2013

### **Neighbouring Amenity**

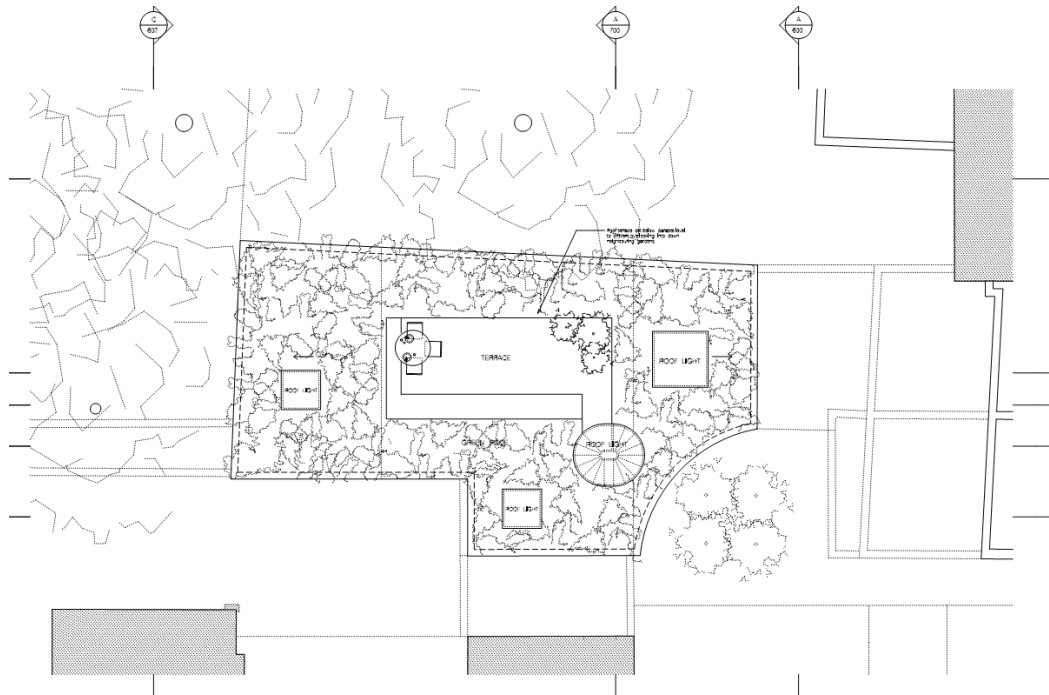
- 10.15 Policy DM2.1 of the Council's Development Management Policies state that development should not have an adverse impact on neighbouring amenity in terms of overshadowing, overlooking, privacy, direct sunlight and day light, over dominance, sense of enclosure and outlook.
- 10.16 There have been no objections received from any adjoining residents highlighting concerns regarding any potential adverse impacts of the development on their amenity levels apart from concerns from the increased footfall to the showrooms and storage room.
- 10.17 General context: The application proposes retail and storages rooms at the ground and basement which would be ancillary to the main shop. These could be accessed via the new shop currently being constructed on Upper Street or via a separate entrance currently on Barnsbury Street. In addition a residential unit would be located on the upper floors. The overall height and design of the scheme has been broken up into component parts to ensure there is no overwhelming mass that would materially affect light or sense of enclosure to adjoining properties.
- 10.18 Daylight and overshadowing: A detailed study was carried out by Lighting Analysts Ltd on behalf of the applicant. The study follows the guidance and methodology provided under BRE practice. The study tested 126 windows around the site. The report concluded that *the Development will not adversely impact upon the daylight amenity received to the neighbouring properties and will have limited effect on the sunlight amenity levels received to one property, which, in the main, will retain levels in accordance with and above the expectations of occupants in urban areas.* Based on the submitted information and studies as part of the Sunlight/daylight report officers are satisfied that the results in terms of potential loss of sunlight/daylight to all adjoining and

relevant windows facing the site are within acceptable limits and these residents amenity levels will not be materially adversely affected. .

- 10.19 Overlooking and privacy: The existing building has windows on three elevations facing, east, south and west. The existing windows on the southern elevation are large and while set back over a single storey element are not obscurely glazed. The existing window to the east serve a stair case and the window to the west serve a bathroom. The site is surrounded by residential properties with view to the west over garden areas.
- 10.20 The proposed windows would be located on the same elevations as the existing building. The windows on the southern elevation would be closer to the dwellings to the south however all the windows on the proposal have been designed in such a way to minimise overlooking. The proposed windows are within deep reveals with angled glazing and using privacy and clear glazing to allow limited views, while also allowing light into the building. Some windows limit views to areas which would not cause overlooking to neighbouring properties, but would give external views future occupiers. The proposed roof terrace area is central located and is set back from the edge of the building and would not give rise to any adverse material impacts in terms of increased overlooking or loss of privacy in this case due to its acceptable scale, location and proposed distances from adjoining residential uses and rear and side windows. The drawing below shows typical distances between the facades of the proposed building and the rear of adjoining properties.



Proposed 1<sup>ST</sup> floor plan showing relationship and distances of this floors main windows to adjoining properties.



Proposed roof plan showing proposed roof terrace in relation to adjoining properties.

- 10.21 **Sense of enclosure:** Overall the acceptable scale, massing acceptable distances between adjoining uses around the site and the final design of the proposal are considered to ensure that the development will not have discernible adverse impact on the amenity levels of adjoining occupiers in this case.
- 10.22 Given the buildings location to the rear of residential units and its means of access it is recommended that a condition is imposed to any grant of permission limiting its use to be linked to the A1 use of the extant A1 unit at 168 Upper Street. Given the assessment above it is therefore considered that the proposed building and its use would not have a detrimental impact on the amenity of surrounding properties in terms of privacy and security as both the residential and commercial uses function from day to day. It is considered that the backland nature of the site and linkage to the extant permission at 168 Upper Street will ensure that the intensity of the use can be controlled to ensure that there is no material increases in noise and disturbances to adjoining occupiers during normal commercial hours.

### **Quality of Resulting Residential Accommodation**

- 10.23 The National Planning Policy Framework acknowledges the importance of planning positively for high quality and inclusive design for all development, and requires the boroughs to deliver a wide choice of quality homes. The London Plan (2015) recognises that design quality is a fundamental issue for all tenures and that the size of housing is a central issue affecting quality.
- 10.24 The existing building received prior approval for both floors of the building to be used as residential. The proposed residential unit exceeds the required internal space standards and are therefore in compliance with local and national standards. A detailed study was carried out by Lighting Analysts Ltd on behalf of the applicant. In respect to the proposed building the report stated that *all habitable rooms would achieve daylight levels that meet or exceed BRE Report guidance and all rooms deemed to have a greater requirement for daylight and sunlight amenity, being the living room and the kitchen/diner, would see adequate distribution of daylight, in line with guidance set out in the BRE Report. In terms of sunlight amenity, the roof garden will achieve levels that exceed criteria given in the BRE Report, and assessment of the habitable rooms served by windows facing within 90 degrees due south demonstrates that all would meet or exceed BRE Report Criteria for annual-sun, and would achieve levels of winter-sun that exceed expectations for the area, particularly given the city centre location and the enclosed nature of the site.*

- 10.25 As a result of the constrained site the outlook has been restricted, however the dwelling would offer a good level of living accommodation as the unit is well laid out and would form attractive and high quality internal living environments, with some room's double height. In addition the application proposes a roof terrace which would provide sufficient outside amenity space.
- 10.26 There would be provision for a stair lift which would allow access from the street to the internal stairwell to the first floor and basement. With a number of the access officers concerns address following the submission of amended plans.
- 10.27 The proposal includes the use of the courtyard as a secure residential entrance. This area would be improved and would include the provision for cycle storage for the residential unit and the shop, in a safe and secure storage area. The courtyard would also allow the store the refuses bins. Policies CS9 and CS12 of the Core Strategy, and policy DM3.4 of Islington's Development Management Policies Document state that new development should provide accommodation of an acceptable standard with satisfactory aspect, daylight and sunlight. On the basis of the above, it is considered that the proposed residential unit would provide an acceptable living environment for future occupiers.

### **Sustainability, Energy Efficiency and Renewable Energy**

- 10.28 The applicant has submitted a Sustainability Statement that confirms the development will make a positive contribute towards renewal energy and climate change and a condition would be placed on any approval of permission requiring compliance. The proposal is designed to be a low and passive consumer of energy with high insulation values and appropriate sourcing of material.
- 10.29 The council adopted the Environmental Design Planning Guidance Supplementary Planning Document (SPD) on 25 October 2012. This document is supplementary to Islington's Core Strategy policy CS10 Part A, which requires minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the off-set contribution is a flat fee based on the development type as follows: Houses (£1,000 per unit). The applicant has submitted a draft agreement to pay sum in respect of carbon offsetting. If members are minded to approve this application no decision would be issued until the UU is fully completed to secure both these necessary contributions.
- 10.30 Further conditions are suggested within Appendix 1 to secure adequate SUDS features for the development and to secure that the new dwelling be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013.

### **Highways and Transportation**

- 10.31 The development would be car free, as required by Core Strategy Policy CS10 and as per a condition to the application, which restricts future of occupiers of both the retail space and residential units, from obtaining a residents permit. This will ensure adequate provision of spaces for existing users.

### **Accessibility**

- 10.32 Since the application has been submitted, the lifetime homes standard has been revoked and replaced with National Standards for Housing Design, set out within the Building Regulations. On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via

Written Ministerial Statement issued 25th March 2015

- Deregulation Bill (amendments to Building Act 1984) – to enable 'optional requirements'
- Deregulation Bill received Royal Assent 26th March 2015

- 10.33 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years.
- 10.34 Planners are only permitted to require (by Condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The GLA by way of Minor Alterations to the London Plan 2015, has reframed LPP 3.8 Housing Choice to require that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London. In this regard, as part of this assessment, these emerging revised London Plan policies are given weight and inform the approach below.
- 10.35 Amendments have been made to the scheme to address the concerns expressed by the Councils Access officer. The residential unit embraces lifetime home standards and have spaces to accommodate a chair lift into the future if required. Generally the development is considered to create an acceptably inclusive development bearing in mind the scale and physical constraints of the site. The final accessibility credential of the site will be secured via condition to ensure the development merits as many as possible of the council flexible home standards prior to the implementation of the scheme

### **Refuse facilities**

- 10.36 There is a designated refuse facility located in the courtyard to the front of the proposed building which is considered to provide adequate refuse facilities for the units. As this application seeks ancillary retail space to the main shop, the commercial elements of the proposal will use the existing facilities proposed by the previous permission.

### **Small Sites affordable housing contribution**

- 10.37 As there is an existing lawful dwelling on the site this application would not result in the net increase in residential units so therefore the proposal would not be liable to make a financial contribution towards affordable housing policy. The proposed development would still be liable for the Mayor's CIL
- 10.38 The site is located within Archaeological Priority Area, therefore it is recommended to attach a condition stating that in the event of a buried heritage asset being found during site clearance or construction works no further works shall take place on site unless and until the applicant has undertaken a programme of building recording and historic analysis.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The application would result in the introduction of further retail spaces linked to the main retail unit and residential use in an area which similar mixture of development. In July 2014 Planning Committee granted permission for the redevelopment of a site on the corner of Barnsbury Street and Upper Street to provide a 6 storey plus basement building with retail A1 uses at basement and ground floor level and the creation of 3 self-contained residential units. This current application would allow a similar land use with further retail and storage space for retail uses and self-contained accommodation above.
- 11.2 The proposed design, scale and massing of the proposed new building is considered to be of a high quality which respects its surrounding context while creating an attractive and contextual design bearing in mind the constraints of the site. The creation of a new full site basement level is not considered excessive bearing in mind the size of the plot and overall scale of the development. A condition is also suggested to ensure that works can be carried out without adversely affect the structural integrity of adjoining properties through the submission of a Structural Methods Statement for approval.

- 11.3 The submitted plans have addressed the potential for overlooking by the use of deep window reveals and partly obscure glazed windows. Given the proposed massing and scale of the development combined with the position and use of privacy glazing, it is considered that the development would not have a significant impact on the amenity levels of adjoining occupiers in this case.
- 11.4 On balance the quality and sustainability of the resulting scheme is considered to be acceptable. The dwelling would comply with the minimum internal space standards required by the London Plan and Mayor's Housing SPG (Nov, 2012). The redevelopment of the site has no vehicle parking on site and is therefore in accordance with Islington Core Strategy policy CS10 Section which identifies that all new development shall be car free.
- 11.5 In summary, the proposal is considered to be acceptable and to be in accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

### **Conclusion**

- 11.6 It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

# APPENDIX 1 – RECOMMENDATIONS

It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

The Heads of Terms are:

- £1,000 towards carbon off-setting.

## RECOMMENDATION B

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

### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>235-160 Rev C, 235-161 Rev C, 235-162 Rev C, 235-163 Rev C, 235-170 Rev C, 235-171 Rev C, 235-100 Rev D, 235-101 Rev C, 235-102 Rev C, 235-503 Rev G, 235-504 Rev F, 235-502 Rev G, 235-500 Rev G, 235-600 rev D, 235-610 Rev E, 235-601 Rev D, 235-611 Rev E, 235-602 Rev D, 235-612 Rev E, 235-603 Rev D, 235-613 Rev E, 235-700 Rev D, 235-701 Rev D, 235-702 Rev D, 235-703 Rev D,</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>
<b>3</b>	<b>Materials</b>
	<p>MATERIALS (DETAILS): 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>solid brickwork (including brick panels and mortar courses)</li> <li>render (including colour, texture and method of application);</li> <li>window treatment (including sections and reveals);</li> <li>roofing materials;</li> <li>balustrading treatment (including sections);</li> <li>any other materials to be used.</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>	<b>Green Roof Details</b>
	<p>GREEN/BROWN BIODIVERSITY ROOFS (DETAILS): 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> <ul style="list-style-type: none"> <li>d) biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>e) laid out in accordance with plan [xxxx] hereby approved; and</li> <li>f) 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).</li> </ul> <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>
<b>5</b>	<b>Accessible Housing</b>
	<p>ACCESSIBLE HOUSING - MINOR SCHEMES (DETAILS): Notwithstanding the Design and Access Statement and plans hereby approved, the residential unit shall be constructed to meet the requirements of Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON - To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs.</p>
<b>6</b>	<b>Waste Management</b>
	<p>WASTE MANAGEMENT STRATEGY (DETAILS): Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The details shall include:</p> <ul style="list-style-type: none"> <li>a) the layout, design and appearance (shown in context) of the dedicated refuse / recycling enclosure(s);</li> <li>b) a waste management plan</li> </ul> <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development 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>
<b>7</b>	<b>Linked retail use to 168 Upper Street</b>
	<p>CONDITION : The hereby approved A1 retail showroom and storage space shall be used in conjunction with the retail unit at 168 Upper Street. The unit shall not be used as an independent or self-contained retail unit in any form.</p> <p>REASON: In the interests of adjacent residential amenity.</p>

<b>8</b>	<b>Car free housing</b>
	<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> <ul style="list-style-type: none"> <li>i) In the case of disabled persons;</li> <li>ii) In the case of units designated in this planning permission as "non car free"; or</li> <li>iii) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</li> </ul> <p>REASON: To ensure that the development remains car free.</p>
<b>9</b>	<b>Archaeological evidence condition</b>
	<p>CONDITION: In the event of a buried heritage asset being found during site clearance or construction works no further works (including demolition works) shall take place on site unless and until the applicant has undertaken a programme of building recording and historic analysis, which considers building structure, architectural detail and archaeological evidence along with details of mitigation and asset protection.</p> <p>This shall be undertaken in accordance with a written scheme of investigation submitted by the applicant and approved by the Local Planning Authority.</p> <p>REASON: Built heritage assets of archaeological interest may survive on the site. The Local Planning Authority (in conjunction with English Heritage) wishes to secure the protection of archaeological assets if they are discovered</p>
<b>10</b>	<b>Structural Method Statement Details</b>
	<p>CONDITION: No development shall be commenced on site unless and until an updated structural engineers report and excavation strategy including methodology for excavation and its effect on all neighbouring boundaries and neighbouring listed buildings has been submitted to and agreed in writing by the Local Planning Authority.</p> <p>This strategy shall be fully implemented in accordance with the approved details.</p> <p>REASON: to ensure that the proposed development would have no undue impact on the structural integrity of the neighbouring listed buildings.</p>
<b>11</b>	<b>Construction Method Statement (Details):</b>
	<p>CONDITION: Construction Method Statement (Details): No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust and dirt during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> <li>viii mitigation measures of controlling noise from construction machinery during business hours</li> <li>xi. site access plan - detailing which roads will be used to access the site.</li> </ul> <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</p>

	<p>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>12</b>	<b>A Sustainable Design and Construction Statement</b>
	<p>CONDITION: A Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall detail how the dwellings hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 25% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2010, and not exceed water use targets of 95L/person/day.</p> <p>REASON: In the interest of sustainable development.</p>
<b>13</b>	<b>Window details</b>
	<p>CONDITION: Notwithstanding the details submitted, scaled elevations and cross sections detailing the levels and extent of obscure glazing to all the hereby approved residential units windows shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. 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.</p>

**List of Informatives:**

<b>1</b>	<b>S106</b>
	<p><b>SECTION 106 AGREEMENT</b></p> <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>2</b>	<b>Superstructure</b>
	<p><b>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</b></p> <p>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>
<b>3</b>	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	<p><b>INFORMATIVE:</b> 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 Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with 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 that is payable.</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. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov">www.planningportal.gov</a>.</p>

<b>4</b>	<b>Car-Free Development</b>
	INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. 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.

## 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 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.

### 2. **Development Plan**

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 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**

##### **2 London's places**

Policy 2.2 London and the wider metropolitan area  
Policy 2.5 Sub-regions  
Policy 2.9 Inner London  
predominantly local activities

##### **3 London's people**

Policy 3.3 Increasing housing supply  
Policy 3.4 Optimising housing potential  
Policy 3.5 Quality and design of housing developments  
Policy 3.11 Affordable housing targets  
Policy 3.13 Affordable housing thresholds

##### **5 London's response to climate change**

Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.6 Decentralised energy in development proposals  
Policy 5.7 Renewable energy  
Policy 5.9 Overheating and cooling  
Policy 5.10 Urban greening  
Policy 5.11 Green roofs and development site environs  
Policy 5.13 Sustainable drainage

##### **6 London's transport**

##### **safeguarding land for transport**

Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.13 Parking

##### **7 London's living places and spaces**

Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.6 Architecture

##### **8 Implementation, monitoring and review**

Policy 8.1 Implementation  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

## B) Islington Core Strategy 2011

### **Spatial Strategy**

Policy CS8 (Enhancing Islington's Character)

### **Strategic Policies**

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

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS12 (Meeting the Housing Challenge)

### **Infrastructure and Implementation**

Policy CS18 (Delivery and Infrastructure)

Policy CS19 (Health Impact Assessments)

## C) Development Management Policies June 2013

### **Design and Heritage**

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

### **Transport**

DM8.3 Public Transport

DM8.4 Walking and cycling

DM8.5 Vehicle Parking

### **Housing**

DM3.4 Housing Standards

DM3.5 Private Outdoor Space

DM3.7 Noise and Vibration (residential uses)

### **Infrastructure**

DM9.1 Infrastructure

DM9.2 Planning Obligations

DM9.3 Implementation

### **Health and Open Space**

DM6.1 Healthy development

DM6.5 Landscaping, trees and biodiversity

### **Energy and Environmental Standards**

DM7.1 Sustainable design and construction statements

DM7.2 Energy efficiency and carbon reduction in minor schemes

DM7.3 Decentralised energy networks

DM7.4 Sustainable design standards

## 5. Designations

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

- **Core Strategy Key Area**

**Upper Street North Conservation Area**

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

### **Islington UDP**

- Accessible Housing in Islington
- Car Free Housing
- Conservation Area Design Guidelines
- Inclusive Landscape Design
- Planning Standards Guidelines
- Planning Obligations and S106
- Urban Design Guide

### **London Plan**

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction
- Planning for Equality and Diversity in London