

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

<b>PLANNING SUB-COMMITTEE B</b>		<b>AGENDA ITEM NO:</b>	<b>B6</b>
<b>Date:</b>	4 July 2013		

Application number	P2013/0087/FUL
Application type	Full Planning Application
Ward	Caledonian
Listed building	Locally listed grade C.
Conservation area	King's Cross/St Pancras
Development Plan Context	CAZ, Local Shopping Area, King's Cross Special Policy Area
Licensing Implications	
Site Address	Soho Books, 11 Caledonian Road, London N1 9DX
Proposal	Change of use of basement and ground floor from A1 use class (retail) to a sui generis use comprising of A3 (restaurants and cafes) and A4 (drinking establishments) use classes, construction of two storey rear extension, new plant equipment to rear, new shopfront to Caledonian Road and associated works.

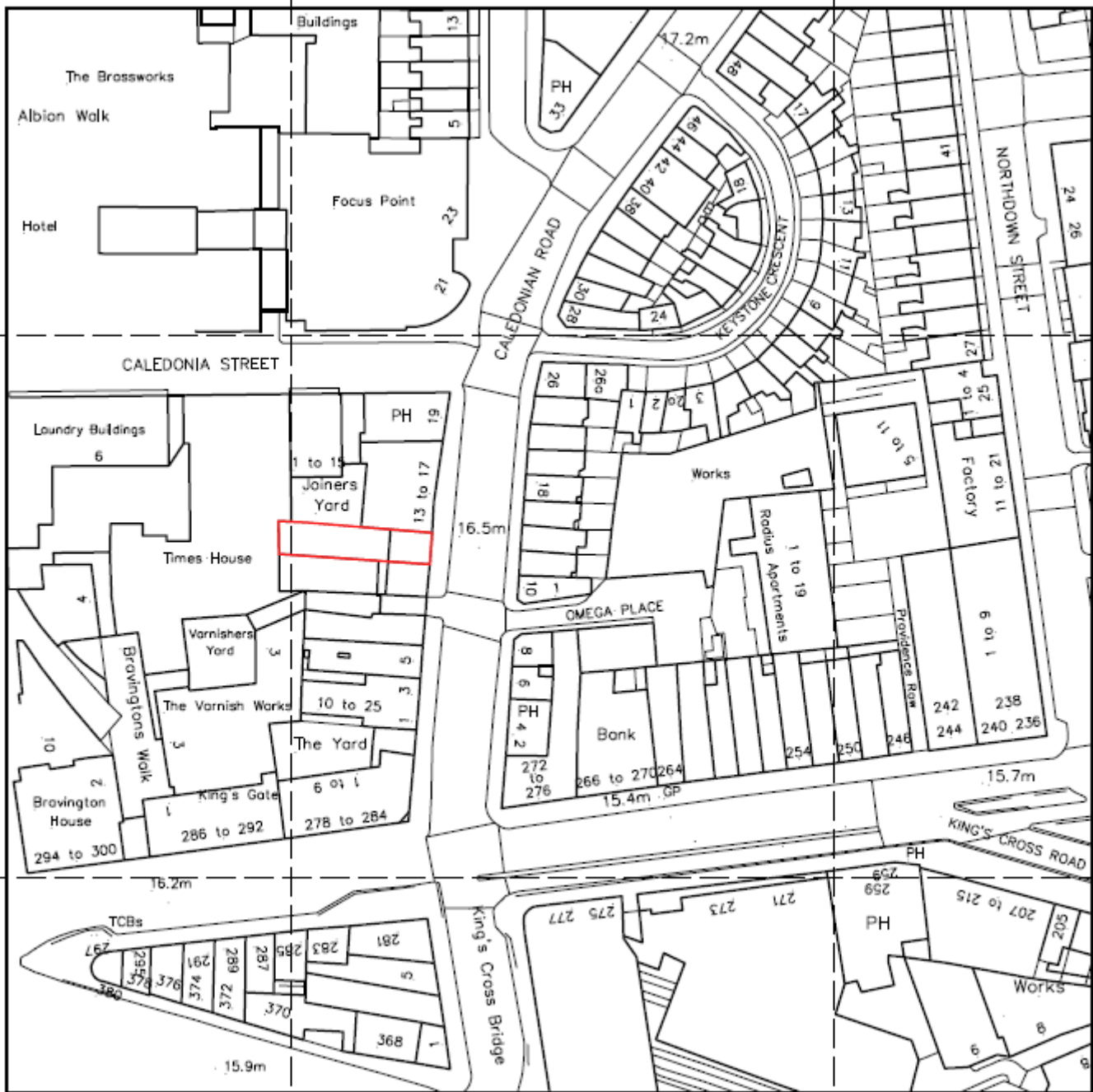
Case Officer	Russell Butchers
Applicant	Alan Poulton Ltd.
Agent	Proun Architects

## 1. RECOMMENDATION

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

1. for the reasons for approval;
2. subject to the conditions set out in Appendix 1;

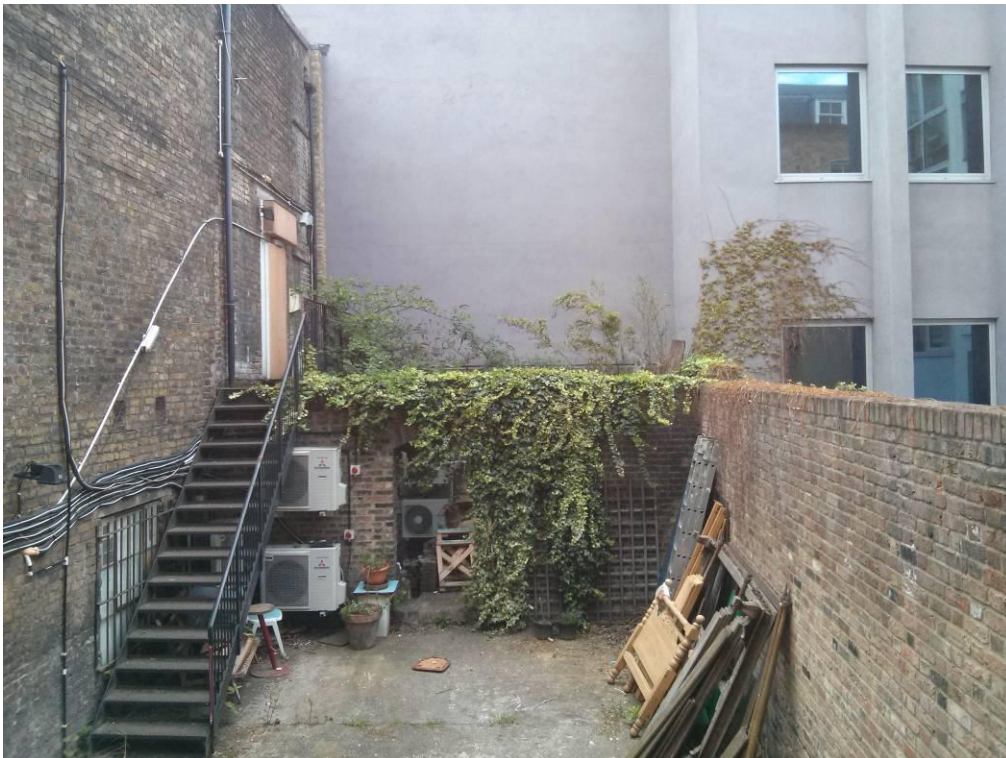
2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Shopfront on Caledonian Road.



Looking back to rear of site.



Towards rear elevation of building.



Boundary wall to the north.



Neighbouring apartments to the north of site.

## **4. SUMMARY**

- 4.1 The application proposes the change of use of basement and ground floor from A1 use class (retail) to a sui generis use comprising of A3 (restaurants and cafes) and A4 (drinking establishments) use classes, construction of two storey rear extension, new plant equipment to rear, new shopfront to Caledonian Road and associated works. The main issues relate to land-use, neighbouring amenity, conservation and design.
- 4.2 The proposal involves the loss of an A1 (retail) unit, currently occupied by an adult book store. Although the loss of the retail unit does conflict with some adopted policy, on balance it is considered acceptable as the proposal will result in a more active street frontage, the loss of the undesirable adult bookshop and because A3/A4 uses are to be acceptable uses within Local Shopping Areas.
- 4.3 Neighbouring amenity issues relate to the installation mechanical plant/flue and noise impacts from the proposed use. It is considered that these concerns could be overcome by appropriate planning conditions. The proposed two storey rear extension would be housed within the existing neighbouring boundary walls and would not adversely affect neighbouring amenity.
- 4.4 The building is locally listed grade C and alterations are proposed to the shopfront and amendments to the proposed design have resulted in an acceptable scheme that is supported by the conservation officer.

## **5. SITE AND SURROUNDINGS**

- 5.1 The application site is located on the southern part of Caledonian Road, towards the junction with Pentonville Road. The site is centrally located in three identical buildings which form part of the group in the terrace to the west of Caledonian Road.
- 5.2 The building consists of basement, ground, first, second and third floors. The ground floor is currently occupied by an adult bookshop with ancillary use in the basement.
- 5.3 The first to third floors are in residential use and accessed through a stairway within no. 9 Caledonian Road. No changes are proposed to the residential areas, except for the installation of a flue that will rise up along the back of the building.
- 5.4 The existing façade to Caledonian Road consists of a timber shopfront with a side door entrance at ground level. The shopfront is setback from the pavement and access over steps.
- 5.5 The building itself is locally, but not statutorily, listed and is within the King's Cross/St Pancras Conservation Area.

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

- 6.1 The application proposes the erection of a two storey rear extension and a change of use of the ground floor and basement from A1 (retail) to a sui generis use comprising A3 (Restaurants and cafes) and A4 (Drinking establishments) use and the installation of a flue and mechanical plant and the erection of a new shopfront.

### **Revision 1**

- 6.2 The location of the flue has been amended so that it rises up against the existing rear elevation of the building. The floor plan has been amended so that the application is for an A3/A4 use and does not incorporate A1 (retail).

## **Revision 2**

- 6.3 Alterations to shopfront following comments from conservation officer. Alterations to internal layout following comments from access and inclusive design officer.

## **7. RELEVANT HISTORY**

### **PLANNING APPLICATIONS:**

- 7.1 P081971 – Change of use from retail shop (A1) to cafe / restaurant (A3) together with erection of basement level rear extension and installation of external flue to rear elevation. Approved January 2009 (Not implemented and has now lapsed).
- 7.2 P041442 – Installation of new shopfront. Approved July 2004.
- 7.3 P040843 – Shop fascia sign. Approved July 2004.
- 7.4 P021768 - Erection of a two storey rear extension at basement and ground floor levels in connection with conversion of upper floors (1st, 2nd and 3rd) to form 3 self-contained flats. Approved December 2002.

### **ENFORCEMENT:**

- 7.5 No enforcement history.

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

- 7.6 R120723 – Change of use of ground and basement floor from A1 to A3/A4 and two storey rear extension. Advised on 11 December 2012 that A3/A4 use acceptable in principle. Loss of A1 may be contrary to policy. A more traditional shopfront would be appropriate. Potential neighbouring amenity concerns should be addressed.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 58 adjoining and nearby properties. A site notice and press advert were displayed.
- 8.2 At the time of the writing of this report a total of 11 objections had been received from the public with regard to the application. A petition with 6 signatories has also been submitted. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- 8.3 Objections:
- Noise and odour nuisance arising from proposed uses, plant equipment and flue; (10.14 – 10.20)
  - Public nuisance associated with licensed premises; (10.17)
  - Nuisance, disturbance and overlooking during construction; (10.25)
  - Increased risk of fire; (10.26)
  - Additional A3/A4 facilities are not required in surrounding area; (10.26)

## **External Consultees**

- 8.4 Metropolitan Police (Crime Prevention): No objection.
- 8.5 London Borough of Camden: No objection.

## **Internal Consultees**

- 8.6 Conservation and Design Officer: Following amendments to the proposed shopfront, no objection.
- 8.7 Access and Inclusive Design: The proposal to eliminate the stepped threshold and create a level approach and entrance is welcomed. The provision of a platform lift between the bar and restaurant area is welcomed.
- 8.8 Public Protection Division (Environmental Health): Any extraction system should contain carbon filters to mitigate any potential odours.
- 8.9 Public Protection Division (Noise Team): Further details as to the sound mitigation are required but can be secured by way of planning condition. Given the flats above the site a closing time of 23:00 is more appropriate than the 02:00 proposed. A 02:00 closing time may be acceptable for the basement floor subject to satisfactory sound insulation, to be secured by way of condition.
- 8.10 Planning Policy: Although the loss of A1 is not ideal, the positive benefits of the scheme outweigh any harm and the proposal is acceptable on balance.
- 8.11 Licensing: The premises are currently a licensed adult book shop. The applicant has implied that he will relinquish the sex shop license if planning permission is granted. The council's policy is that no further sexual entertainment licenses will be agreed for the site should it be relinquished.

## **9. RELEVANT POLICIES**

- 9.1 **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**

- 9.2 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.

### **Development Plan**

- 9.3 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

### **Emerging Local Development Framework Policy Documents**

- 9.4 Islington's Development Management Policies (Submission) June 2012.

9.5 The relevant emerging Local Development Framework policies to this application are listed at Appendix 2 to this report.

### **Designations**

9.6 The site has the following designations under the London Plan 2011 and Islington Unitary Development Plan (2002):

- **King's Cross Conservation Area**
- **Rail Safeguarding Consultation Area**
- **Locally Listed Building**
- **King's Cross Special Policy Area**
- **CAZ**
- **Strategic Views**

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

9.7 The relevant SPGs and/or SPDs are listed in Appendix 2.

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Land-use
- Design, conservation and heritage considerations
- Neighbouring amenity
- Accessibility

### **Land-use**

10.2 The current lawful use of the site is A1 (retail) and the premises are currently occupied by an adult bookshop and hold a sex shop licence. This application seeks a change of use to a mixed A3 (restaurants and cafes) and A4 (drinking establishments) use. A two storey rear extension will further increase the amount of space available.

10.3 Core strategy policy CS6 seeks to retain shopping uses along Caledonian Road and refers to opportunities to improve the public realm. Although the proposal would result in the loss of an A1 unit these concerns are alleviated by the loss of the undesirable adult book shop use and that the proposal would result in a more active street frontage. Under these circumstances the change of use is considered acceptable.

10.4 The site is also located within the King's Cross Local Shopping Area (LSA) as designated by emerging policy DM23. This policy aims to achieve a mix and balance of uses within a LSA including, inter alia, A3 and A4 uses.

10.5 The council's planning policy officer has not raised any objection to the change of use and the application is generally supported by council's licensing team. Overall, it is considered that although the proposal would result in the loss of an A1 unit in a LSA, the positive benefits of the application outweigh any negatives and the proposal is consistent with policy.

### **Design, Conservation and Heritage Considerations (including Archaeology)**

10.6 The site is located within the King's Cross/St Pancras Conservation Area and is a locally listed building (Grade C). The building is not statutorily listed.

10.7 The proposal involves a replacement shopfront which has been designed in accordance with the Islington Shopfront Design Guide and resembles a traditional shopfront. This is appropriate given that the building is locally listed building and overall it is considered



that the replacement shopfront would enhance the character and appearance of the conservation area.

- 10.8 The two-storey rear extension would not be visible from the public realm but would be visible from the private views of surrounding properties. The majority of the proposed two storey extension is to be located between existing high boundary walls. The siting, massing and height of the proposed rear extension is considered to fit well with the vernacular of the immediate terrace given the rear yards of neighbouring commercial properties have already been in-filled. The extension would also be adjacent to a car park and loading area to the neighbouring residential development which is set back from the residential building.
- 10.9 The rear extension will be constructed of London stock brick with natural light provided by a 10.5m long rooflight.
- 10.10 An extraction flue is proposed to rise up the existing rear elevation of the building and will protrude approximately 600mm above the top of the building. The flue would not be visible from any public areas but would be visible from adjoining properties. The location of the flue has been amended so that it rises flush with the rear elevation which will better preserve the outlook for the residential properties located on the first to third floors. A condition requiring that the flue be painted a heat resistant matt black is considered appropriate.
- 10.11 Overall it is considered that the proposed alterations to the shopfront, the two storey rear extension and installation of an extraction flue would preserve the character and appearance of the locally listed building and the King's Cross/St Pancras conservation area.

### **Accessibility**

- 10.12 Existing access to the shop is via a small set of stairs which are to be replaced with a level threshold to allow access for wheelchair users. Although there are variations in floor height within the development, a new internal lift will give access to all floors including ground and basement of the existing building. The access officer welcomes the proposed changes and raises no objection to the application.

### **Neighbouring Amenity**

- 10.13 The proposed two storey rear extension would be largely housed between the existing high boundary walls of neighbouring sites and as such would not result in any loss of light or outlook or any shadowing to neighbouring occupiers. No side or rear windows are proposed and therefore there would not be any overlooking as a result of the proposal.
- 10.14 The main concern regarding amenity of neighbouring residents is considered to be potential noise and odour nuisance associated with the proposed use.
- 10.15 The potential for noise nuisance would come from the proposed plant equipment and noise associated with the A3/A4 use, i.e. patron noise and music. The applicant proposes to house the plant equipment on the flat roof of the ground floor extension. This plant will be housed within a sound reducing enclosure in order to reduce sounds to an acceptable level. Full details of the design and installation of the proposed plant, including the air conditioning, chiller units and extraction system, as well as details relating to the flue can be secured by way of planning condition.
- 10.16 There is also potential for noise to emanate from the proposed A3/A4 use to the flat above and this has been addressed by the applicant by providing sound insulation to

mitigate any transfer of sound. Further details of the exact method of this sound insulation will be required and can be secured by way of planning condition.

- 10.17 The application states that deliveries are to take place between 10:00 and 16:00 and the opening hours are proposed to be from 11:00 to 00:00 (A3) and 11:00 to 02:00 (A4). The deliveries and servicing times are acceptable however due to the location of the flats above the premises a closing time of 23:00 is considered to be more suitable for a potentially noisy use such as A3/A4, with noise from amplified music, patron noise and dispersal noise all posing potential problems. It is likely that amplified music will need to be controlled by a limiter at a relatively low level. A condition requiring the submission of a site management plan detailing methods for the mitigation of patron noise is considered appropriate. It is also noted that patron noise and nuisance would be assessed within any application for a premises licence.
- 10.18 Subject to the applicant demonstrating compliance with Islington Council's *Technical Advice for Consultants on Sound Insulation and Noise Control Criteria for Entertainment Licensed Premises* a closing time within the basement of 02.00hrs on Friday and Saturday nights may be acceptable.
- 10.19 Kitchen extract fans will be incorporated internally to the premises or within the housing to ensure noise and smells do not result in disturbance to neighbouring properties. The Council's environmental health officer considers that the air filtration should incorporate carbon filters and that the flue should have sufficient velocity to push air into the atmosphere for dispersal.
- 10.20 It is noted that many of the neighbouring objections relate to noise and odour nuisance, however it is considered that these potential effects from the development could be adequately controlled by way of planning conditions which would ensure that there is no undue harm caused to neighbouring amenity.

### **Sustainability**

- 10.21 The applicant states that the proposal incorporates the following sustainable design features:
- The latest and most environmentally friendly form of air conditioning;
  - Ventilation systems with heat exchanger;
  - High levels of thermal insulation;
  - Double glazing;
  - Low energy or LED light fittings;
  - Water saving sanitary ware including dual flush toilets;
  - Rooflights to minimise the use of artificial light;
  - Use of recycled materials where possible;
  - Minimisation of construction waste.
- 10.22 The proposal is therefore considered to be acceptable on sustainability grounds.

### **Highways and Transportation**

- 10.23 The application site is well served by public transports links with the highest PTAL rating of 6b. The sites central location means that there will be little or no visitors utilising private motorised transport.

### **Planning Obligations, Community Infrastructure Levy and local finance considerations**

- 10.24 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule, 2012. CIL will be payable to the London Borough of Islington after the planning consent has been implemented and will be used by the Mayor of London to pay for Crossrail in accordance with CIL Regulations 2010 (as amended).

### **Other Matters**

- 10.25 Neighbour have objected to the application on the grounds of disturbance during construction works. Planning permission could not reasonably be withheld on this basis, however contractor's would be bound by the standard construction hours which dictate that noise activities can only occur between 08:00am to 18:00am Monday – Friday and between 08:00 and 13:00 on Saturdays.
- 10.26 An objection was received on the grounds of increased risk of fire. This is a matter that would be assessed at the building regulations stage and is not material to the determination of this planning application.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The application involves a change of use of the basement and ground floors from A1 (retail) to a sui generis use comprising a mix of A3 (restaurants and cafes) and A4 (drinking establishments) uses. The installation of a new shopfront and a two storey rear extension are also proposed.
- 11.2 The change of use is considered to be acceptable due to the loss of the adult bookshop and that the proposed use will result in a more active street front. A3 and A4 uses are also appropriate uses within a Local Shopping Area.
- 11.3 Whilst the application does raise some concerns with regards to neighbouring amenity, by way of potential noise and odour nuisance, it is considered that these concerns can be overcome by the use of effective planning conditions relating to noise and odour mitigation measures and the restriction of operating hours.
- 11.4 The proposed alterations to the shopfront will enhance the character and appearance of the conservation area and the proposed rear extension would not result in any undue harm to neighbouring occupiers.
- 11.5 The application is also considered to be acceptable in terms of accessibility, sustainability, highways and transportation.

### **Conclusion**

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

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

That if members are minded to approve this proposal officers recommend that the following summary forms the **reasons for grant** to be published on the decision notice:

This proposal has been approved following consideration of all the relevant policies in the Development Plan (London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002), the National Planning Policy Framework (2012) and other material considerations.

- This decision was made by the Members of the Planning Sub-B Committee on the 4<sup>th</sup> of July 2013.
- The delivery of this scheme would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth, but also seeks to ensure social and environmental progress.
- The proposed loss of the A1 unit is considered acceptable as it will result in the loss of the undesirable adult bookshop use and a more active shopfront within the King's Cross Local Shopping Area. A3 and A4 uses are also considered to be appropriate uses within Local Shopping Areas.
- Subject to appropriate planning conditions the proposal would not have any significant adverse effect on the residential amenity of neighbouring occupiers and is considered consistent with policy D3 (Site Planning) of the Islington Unitary Development Plan (2002) which seeks to protect the residential amenity of neighbouring properties.
- The proposal is considered to be acceptable in overall design and not to have a material adverse visual impact on the appearance of the host locally listed building, or the surrounding conservation area. It is considered consistent with policies D4 (Designing in Context), D11 (Extensions and Alterations) and D24 (Materials) of the Islington Unitary Development Plan 2002, policies CS6 and CS9 of the Core Strategy 2011, and objectives of the Islington Urban Design Guide 2006, which seek to ensure high quality building design.
- The proposed development is therefore considered to comply with the National Planning Policy Framework (2012); The London Plan (2011); policies CS6 (King's Cross), CS9 (Protecting and Enhancing Islington's Built and Historic Environment) and CS10 (Sustainable Design), of the Core Strategy; policies D3 (Site Planning), D4 (Designing in Context), D11 (Alterations and Extension), D24 (Materials) of the Islington Unitary Development Plan (2002); and the requirements of the Islington Urban Design Guide (2006) and the Islington Planning Standard Guide (2002).

## RECOMMENDATION B

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

List of Conditions:

1	<p><b>Commencement</b></p> <p><b>CONDITION:</b> The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p><b>REASON:</b> To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p><b>Approved plans list</b></p> <p><b>CONDITION:</b> The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>2510/P/21, 2510/P22/, 2510/P/21, 2510/P/33, 2510/P/35, 2510/P/36, 2510/P/37, 2510/P/38, 2510/P/121C, 2510/P/122E, 2510/P/123B, 2510/P/131B 2510/P/132C, 2510/P/133B, 2510/P/134D, 2510/P/135B, 2510/P/136C, 2510/P/137B, 2510/P/138D, 2510/P/141A, Environmental Noise Survey &amp; Noise Assessment Report 18878/PNA2, Proun Design and Access Statement.</p> <p><b>REASON:</b> To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p><b>*Flues and Extraction (Details)</b></p> <p><b>CONDITION:</b> Details of proposed flues / extraction systems for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the unit to which they relate.</p> <p>Furthermore, the flue shall be painted a heat resistant matt black so as to appear more recessive.</p> <p>The filter systems of the approved flue / extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible.</p> <p>The flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the commercial units to which they relate and maintained as such thereafter.</p> <p><b>REASON:</b> In the interest of protecting future residential amenity and the appearance of the resulting building(s) in accordance with policies: 7.6 and 7.15 of the London Plan 2011, policies: Env17 and D4 of the Islington Unitary Development Plan 2002 and policy CS12F of the Islington Core Strategy 2011.</p>
4	<p><b>*Mechanical Ventilation (Details)</b></p> <p><b>CONDITION:</b> Details of the mechanical ventilation system(s) for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The mechanical ventilation system(s) shall be installed and operational prior to the first occupation of the development.</p>

	<p>The mechanical ventilation system(s) shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the development and maintained as such thereafter.</p> <p><b>REASON:</b> Insufficient detail has been provided indicating the design and operation of the mechanical ventilation system the details to be submitted would ensure compliance with policies: 5.1, 5.2, 5.3 and 7.15 of the London Plan 2011 and policy CS12F of the Islington Core Strategy 2011.</p>
5	<p><b>*Sound Insulation Between Different Uses (Details)</b></p> <p><b>CONDITION:</b> Full particulars and details of a scheme for sound insulation between the proposed A3/A4 use and residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. The insulation and measures shall be implemented prior to the first occupation of the development hereby approved.</p> <p><b>REASON:</b> In the interest of protecting future residential amenity against undue noise and nuisance arising from non-residential uses in accordance with PPG24, policy 7.15 of the London Plan 2011, policies: D3; Env17 and H3 of the Islington Unitary Development Plan 2002 and policy CS12F of the Islington Core Strategy 2011.</p>
6	<p><b>*Fixed Plant (Compliance)</b></p> <p><b>CONDITION:</b> The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p><b>REASON:</b> To ensure that the operation of fixed plant does not impact on residential amenity in accordance with policy 7.15 of the London Plan 2011, policies: D3; Env17 and H3 of the Islington Unitary Development Plan 2002 and policy CS12F of the Islington Core Strategy 2011.</p>
7	<p><b>Hours of Operation (Compliance)</b></p> <p><b>CONDITION:</b> The use hereby approved shall not operate outside the hours of:</p> <p><b>Monday to Sunday: 11:00hrs to 23:00hrs</b></p> <p>Subject to written approval by the Local Planning Authority the basement floor of the premises may operate until 02:00hrs on Saturday and Sunday mornings.</p> <p>Full particulars and details of a scheme for sound insulation that demonstrates compliance with Islington Council's <i>Technical Advice for Consultants on Sound Insulation and Noise Control Criteria for Entertainment Licensed Premises</i> shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p>

	<p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. The insulation and measures shall be implemented prior to the first occupation of the development hereby approved.</p> <p><b>REASON:</b> To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity in accordance with policies: D3 and Env17 of the Islington Unitary Development Plan 2002 and policy CS12F of the Islington Core Strategy 2011.</p>
8	<p><b>CONDITION:</b> Full particulars and details of a scheme for the management of patron noise shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The management policy shall demonstrate how patron noise will be mitigated and include measures such as slowly decreasing music volume and raising lighting levels, an amplified noise limiter, dispersal of patrons with security staff, management of any smoking areas, load in/load out methods and collections of glass bottles.</p> <p>The use shall be carried out strictly in accordance with the details so approved.</p> <p><b>REASON:</b> To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity in accordance with policies: D3 and Env17 of the Islington Unitary Development Plan 2002 and policy CS12F of the Islington Core Strategy 2011.</p>

**List of Informatives:**

1	<p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <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.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p><b>Pre-Commencement Conditions:</b></p> <p>These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
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## **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 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2011 - Spatial Development Strategy for Greater London**

##### **4 London's economy**

**Policy 4.1 Developing London's economy**

**Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision**

**Policy 4.7 Retail and town centre development**

**Policy 4.8 Supporting a successful and diverse retail sector**

**Policy 4.12 Improving opportunities for all**

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

**Policy 5.3 Sustainable design and construction**

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

**Policy 6.3 Assessing effects of development on transport capacity**

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

**Policy 7.1 Building London's neighbourhoods and communities**

**Policy 7.2 An inclusive environment**

**Policy 7.4 Local character**

**Policy 7.6 Architecture**

**Policy 7.8 Heritage assets and archaeology**

**Policy 7.15 Reducing noise and enhancing soundscapes**

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

##### **Spatial Strategy**

**Policy CS6 (King's Cross)**

##### **Strategic Policies**

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

**Policy CS10 (Sustainable Design)**

**Policy CS14 (Retail and Services)**



### C) Islington Unitary Development Plan (2002)

**Environment Policies:**  
Env10 (Streetscene)  
Env17 (Protection of Amenity)

**Implementation Policies:**  
Imp10 (Central London)

**Shopping & Town Centres Polices:**  
S30 (Loss of retail floorspace)  
S31 (A2 and A3 uses)

**Conservation and Design Policies:**  
D3 (Site Planning)  
D4 (Designing in Context)  
D11 (Alterations and extensions)  
D13 (Shopfronts)  
D22 (New Development)  
D24 (Materials)  
D28 (Rear extensions)  
D48 (Buildings on the local list)

### 3. Emerging Local Development Framework Policy Documents

Following the submission to the Secretary of State on 16/08/2012, the draft development plan documents listed below are currently subject to Independent Examination:

- Development Management Policies (Submission) June 2012

Hearings pertaining to the Independent Examination were held between 10 and 12 December 2012. Following these hearings, the council has proposed amendments to certain emerging policies/ allocations which aim to resolve objections raised by representors. Key policies/ allocations proposed to be amended and/or which are subject to unresolved objections are:

Development Management Policies:

Policy DM3 (Heritage)

All emerging policies and allocations have a degree of weight as material considerations in the decision-making process. However, prior to receipt of the Inspector's Report on the outcome of the Independent Examination (expected in summer 2013), policies/allocations listed above should be considered to have relatively limited weight. Other emerging policies and allocations contained within these draft documents carry more significant weight.

### A) Islington's Development Management Policies (Submission) June 2012

#### **Design and Heritage**

**DM1** Design  
**DM2** Inclusive design  
**DM3** Heritage  
**DM4** Protected views

#### **Shops, culture and services**

**DM18** Maintaining and promoting small and independent shops  
**DM19** Entertainment and the night-time economy  
**DM20** Location and concentration of uses  
**DM24** Dispersed Shops  
**DM25** Shopfronts

#### **Energy and Environmental Standards**

**DM40** Sustainable design and construction statements  
**DM41** Energy efficiency and carbon reduction in minor schemes  
**DM43** Sustainable design standards

#### **Transport**

**DM45** Movement hierarchy  
**DM46** Managing transport impacts

#### **Infrastructure**

**DM52** Planning obligations

#### 4. **Designations**

The site has the following designations under the London Plan 2011 and Islington Unitary Development Plan (2002):

- **Locally Listed Building (Grade C)**
- **King's Cross/St Pancras Conservation Area**
- **King's Cross Special Policy Area**
- **View Protection: Parliament Hill to St Paul's**
- **Central London Area Special Policy Zone**
- **Parliament Hill and Kenwood View Consultation Area**
- **Within 200m of Crossrail 2 and Channel Tunnel Link**

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

The following SPGs and/or SPDs are relevant:

- |  |   |
|--|---|
| <b>Islington UDP</b>                         | <b>London Plan</b>  |
| - <b>Conservation Area Design Guidelines</b> | - <b>Accessible London: Achieving and Inclusive Environment</b> |
| - <b>Green Construction</b>                  | - <b>Sustainable Design &amp; Construction</b>                  |
| - <b>Planning Standards Guidelines</b>       |   |
| - <b>Planning Obligations and S106</b>       |   |
| - <b>Urban Design Guide</b>                  |   |