

PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE	
Date:	13th December 2016

Application number	P2015/5102/FUL
Application type	Full Planning Application
Ward	Caledonian Ward
Listed building	N/A
Conservation area	No
Development Plan Context	Kings Cross Key Area Local Cycle Routes Local View from Dartmouth Park Hill Vale Royal & Brewery Road Locally Significant Industrial Site
Licensing Implications	N/A
Site Address	55-61 Brewery Road, London, N7 9QH
Proposal	Demolition of the existing building and the erection of a 5-storey (plus basement) building incorporating a total of 1,319sqm (GEA) of B1 office and 426sqm (GEA) of B1(c) floorspace.

Case Officer	Stefan Sanctuary
Applicant	A&K Kaimakamis
Agent	Savills

APPLICATION DEFERRED

1. The current application was previously heard at the Planning Committee held on the 13th October 2016. The application was deferred by Committee to enable the proposal to be considered by the Design Review Panel.

FURTHER RESPONSES

2. Since the Committee of the 13th October 2016, no further responses have been received from residents, internal or external consultees. The proposal was however

considered by the Design Review Panel on the 2nd November 2016. The panel's response to the application and how this has been addressed is summarised below and the DRP response is shown in full as Appendix 4.

DESIGN REVIEW PANEL

1st DRP comment

3. Panel members accepted that one of the key issues raised by Committee Members had been the height of the building. Panel members felt that the proposed height was appropriate for the site and wider developing area, which is characterised by undulation in height. As such, the proposed building should not be deferential to the neighbouring corner building which is of poor architectural quality. Questions were asked regarding the sunlight and daylight impact on the residential building to the rear of the site, particularly in light of the recently approved additional windows to the north elevation of the residential building.

Response

4. A full daylight / sunlight assessment has already been carried out. This now includes the yet-to-be-built windows of a consented scheme at 34 Brandon Road. These windows serve corridors and hallways but nonetheless have now been assessed. There is no loss of sunlight because they would be north-facing windows but as expected, there is a significant loss of daylight to these windows. However, as stated in the initial report, the loss of daylight to non-habitable windows, such as windows serving circulation space, is not seen as an impediment to development. Furthermore, the habitable spaces (kitchen, dining, living and bedrooms) will achieve levels of daylight which comply with the BRE guidelines.

2nd DRP comment

5. The panel questioned how the subdivision of the office space would affect the cross-ventilation strategy.

Response

6. A condition has been recommended which requires that prior to any works commencing on site a dynamic thermal modelling analysis be submitted to and approved in writing by the Local Planning Authority (*condition 17*). The analysis and any necessary amendments to the design of the development hereby approved shall include modelling to demonstrate how overheating of the development shall be prevented. This is considered to provide sufficiently robust assurance that risks of overheating have been minimised.

3rd DRP comment

7. The Panel questioned the height of the plant enclosures and whether or not these would project into the protected viewing corridor for St Paul's Cathedral.

Response

8. This has now been clarified by the design team and it is confirmed that the proposal does not compromise the viewing corridor. A view from Dartmouth Hill over London, including the development site and St Paul's Cathedral, has been provided.

4th DRP comment

9. Panel members supported the proposed industrial use for the ground floor unit and suggested that a requirement for this use was added to the consent to ensure an appropriate use of the space. They questioned the servicing required for this unit and were not convinced that the fully glazed ground floor would provide an appropriate solution for access into and out of the industrial unit. Better connection between ground and lower ground floor should also be provided.

Response

10. The ground floor frontage has now been amended in two ways. Firstly, the single door in the first bay of the light industrial unit has been changed to a larger 1.7m wide glazed door. This will allow larger items, trolleys etc. to pass through on a day to day basis. Secondly, the central bay is now split into 3 panels, with the final panel being on a pivot hinge so that the full bay can be opened up. This would allow for larger pieces of equipment to access the ground floor if required. The Council's Design & Conservation team have been consulted on the change and they have confirmed that they are supportive of the design change. A further change has been made to the ground floor plan involving the provision of two glass floor access hatches to provide a better connection between the two lower levels.

5th DRP comment

11. The Panel questioned the use of brick cladding and were concerned that this may result in a building that does not appear as robust and industrial looking as intended by the design team. Panel members felt that it was important that a high level of detail was submitted, as part of the condition discharge for materials, if the application is approved in order to ensure that a high quality finish is achieved.

Response

12. Additional detail has been added to the proposed material condition as shown in the subsequent section of this report (*condition 3*). The requirement to provide 1:20 scale drawings would ensure that the building's final appearance engenders a robust aesthetic.

6th DRP comment

13. Some panel members questioned the detail to the top of the building and felt it may not provide a good solution in terms of the proportions in relation to the base and middle of the building. It was suggested that the design team explore options where the top of the pilasters are dropped which may help create a visually softer transition between the scale of the proposed building and that of others around it that are currently lower.

Response

14. A new elevation has been submitted which shows the pad-stones and extended steel lintels at third floor level as well as at fourth floor level. The amendment brings out the top floor more successfully and is considered to provide a better balance to the overall design. The Council's Design & Conservation team have been consulted on the change and they have confirmed that they welcome the design.

CONCLUSION AND UPDATED CONDITIONS

15. While the Design Review Panel commended the design and supported the height and massing of the proposal, a couple of points were made that could improve the proposal.
16. The applicant was willing to respond to these points and have therefore made some design changes to the proposal. In order to include these suggestions into the final design of the proposal and fully take on board the DRP's comments, it is recommended to amend two of the conditions. As such, the following changes are made to the original report Appendix 5;
- **condition 2 is amended so that new elevational drawings and floor plans are added to the approved plans list, and**
 - **condition 3 is amended as per the details shown below.**

17. Amendment to condition 3:

CONDITION 3: *A Green Procurement Plan for sourcing the materials to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste. The materials shall be procured and the development shall be carried out strictly in accordance with the Green Procurement Plan so approved.*

*Details of facing materials including samples **as well as 1:20 drawings of the front elevation** shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details and samples shall include:*

- a) *brickwork, bond and mortar courses;*
- b) *steel beams;*
- d) *windows, doors and balustrades;*
- e) *roofing materials; and*
- f) *any other materials to be used on the exterior of the development.*

The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: In the interests of securing sustainable development and to ensure that the

resulting appearance and construction of the development is of a high standard and contributes positively to the significance of heritage assets in accordance with policies 5.3, 7.4, 7.5, 7.6, 7.8 and 7.9 of the London Plan 2015, policies CS9 and CS10 of Islington's Core Strategy 2011, and policies DM2.1, DM2.3 and DM7.4 of Islington's Development Management Policies 2013.

18. These changes are reflected in Recommendation B of Appendix 1, as shown below.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- Section 278 agreement to be entered into with TfL for the repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by TfL, paid for by the applicant and the work carried out by TfL (unless otherwise advised in writing by TfL). Conditions surveys may be required.
- Compliance with the Code of Employment and Training.
- Facilitation, during the construction phase of the development, of 1 work placements. Each placement must last a minimum of 26 weeks. The council's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practise of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£9.15 as at 04/04/2015). If these placements are not provided, a fee of £5,000 to be paid to the council.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £512, and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- The provision of 1 additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £2,000.
- A contribution towards offsetting any projected residual carbon dioxide emissions of the development, to be charged at the established price per tonne of carbon dioxide for Islington (currently £920). Total amount: £39,652.
- Connection to a local energy network (Bunhill heat network), if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network)

and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.

- Submission of a Green Performance Plan.
- Submission of a draft full Travel Plan for council approval prior to occupation, and of a full Travel Plan for council approval 6 months from first occupation of the development or phase (provision of Travel Plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

That, should the Section 106 Deed of Planning Obligation not be completed within the Planning Performance Agreement timeframe the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

RECOMMENDATION B

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

List of Conditions:

1	Commencement (Compliance)
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans and documents list (Compliance)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Drawing Numbers: BR55-61_EX_P_L; G200_E_N_001_OP03 Rev C; G200_E_S_001 Rev E; G200_E_E_001 Rev C; G200_E_W_001 Rev C; G200_P_B1_001 Rev D; G200_P_00_001 Rev E; G200_P_TY_001 Rev B; G200_P_RF_001 Rev B; G200_S_AA_001 Rev C.</p> <p>Planning Statement by Savills dated November 2015; Design & Access Statement by Squire & Partners dated August 2016; Daylight and Sunlight Study (Neighbouring Properties) (Revised) dated 15th November 2015;</p>

	<p>Delivery & Servicing Management Plan by ttp consulting dated October 2015; Draft Workplace Travel Plan by ttp consulting dated October 2015; Transport Statement by ttp consulting dated October 2015; Site Noise Survey & Preliminary Noise Assessment dated June 2016; Energy & Sustainability Statement dated June 2016; Response to Energy Officer comments by MecServe dated September 2016; Green Performance Plan by MecServe; Phase 1 Desk Top Study by Chelmer dated February 2016; Utilities Statement by MecServe dated January 2016; Preliminary Construction Management and Site Waste Management Plans by Clancy Consulting dated March 2016; Note on Servicing Strategy by ttp consulting dated October 2016.</p> <p>REASON: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials and samples (Details)</p>
	<p>CONDITION: A Green Procurement Plan for sourcing the materials to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste. The materials shall be procured and the development shall be carried out strictly in accordance with the Green Procurement Plan so approved.</p> <p>Details of facing materials including samples as well as 1:20 drawings of the front elevation shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details and samples shall include:</p> <ul style="list-style-type: none"> a) brickwork, bond and mortar courses; b) steel beams; d) windows, doors and balustrades; e) roofing materials; and f) any other materials to be used on the exterior of the development. <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard and contributes positively to the significance of heritage assets in accordance with policies 5.3, 7.4, 7.5, 7.6, 7.8 and 7.9 of the London Plan 2015, policies CS9 and CS10 of Islington's Core Strategy 2011, and policies DM2.1, DM2.3 and DM7.4 of Islington's Development Management Policies 2013.</p>
4	<p>Roof-level structures (Details)</p>
	<p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts, plant, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to any</p>

	<p>superstructure works commencing. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding streetscene or the character and appearance of the area in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2015, policy CS9 of Islington’s Core Strategy 2011, and policy DM2.1 of Islington’s Development Management Policies 2013.</p>
5	External pipes, cables and CCTV (Compliance and Details)
	<p>CONDITION: No cables, plumbing, down pipes, rainwater pipes, foul pipes or CCTV cameras or related equipment and installations shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional cables, pipes be considered necessary the details of these shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>Notwithstanding the drawings hereby approved, no CCTV cameras or related equipment and installations are hereby approved.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard, and to ensure that the development is in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2015, policy CS9 of Islington’s Core Strategy 2011, and policy DM2.1 of Islington’s Development Management Policies 2013.</p>
6	Inclusive design – business floorspace (Details)
	<p>CONDITION: Details including floorplans, sections and elevations of all business floorspace at a scale of 1:50 shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the development’s business floorspace. The details shall include:</p> <ul style="list-style-type: none"> • accessible WC provision; • public entrances including sections showing level access, door furniture and manifestations to glazing; • space for the storage and charging of mobility scooters; • details of accessible changing facilities for staff; • details of how the development would comply with the relevant parts of the Inclusive Design in Islington SPD; and • refuge area and management strategy in the event of fire evacuation. <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p>

	<p>REASON: To ensure the development is of an inclusive design in accordance with policy 7.2 of the London Plan 2015, policy CS12 of Islington's Core Strategy 2011, and policy DM2.2 of Islington's Development Management Policies 2013.</p>
7	<p>Cycle parking (Compliance)</p> <p>CONDITION: The bicycle storage areas, which shall be secure and provide for no less than 20 bicycle spaces (and additional space for accessible parking, the parking of trailers or tricycles, and the parking and charging of mobility scooters) shall be provided prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure adequate and suitable bicycle parking is available and easily accessible on site and to promote sustainable modes of transport in accordance with policy 6.9 of the London Plan 2015, policy CS10 of Islington's Core Strategy 2011, and policy DM8.4 of Islington's Development Management Policies 2013.</p>
8	<p>Micro and small enterprises (Details)</p> <p>CONDITION: Details, including floorplans, of business accommodation suitable for occupation by micro and small enterprises shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the development's business floorspace.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure adequate provision of business accommodation suitable for occupation by micro and small enterprises in accordance with policy BC8 of the Finsbury Local Plan 2013.</p>
9	<p>Restriction of B1 uses</p> <p>CONDITION: At least 353sqm (GIA) of B1(c) floorspace shall be provided. The B1(c) shall be strictly limited to uses within the use B1(c) use class and not for the purposes of Use Class B1a or B1b – of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order).</p> <p>REASON: To ensure that the use hereby approved is not able to change to B1a via permitted rights allowed under the Town and Country Planning (Use Class) Order 1987 (As Amended) in the interest of preserving the economic function of the Locally Significant Industrial Site.</p>
10	<p>Green roofs (Details and Compliance)</p> <p>CONDITION: Notwithstanding the plans hereby approved, details of green roofs to the development hereby approved (including details of the extent of green roofs, and the species to be planted/seeded) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The green roofs shall:</p> <ul style="list-style-type: none"> • form biodiversity-based roofs with extensive substrate bases (depth 80-

	<p>150mm);</p> <ul style="list-style-type: none"> cover at least all of the areas shown in the drawings hereby approved, confirmed by a location/extent plan; and be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works. <p>An explanation as to why any areas of roof would not be covered with green roofs shall be included with the above details. Green roofs shall be expected to extend beneath any photovoltaic arrays proposed at roof level.</p> <p>No roofs, including the green roofs, shall 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 development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity, to protect neighbouring privacy, and to ensure surface water run-off rates are reduced in accordance with policies 5.3, 5.10, 5.11, 5.13 and 7.19 of the London Plan 2015, policies CS10 and CS15 of Islington’s Core Strategy 2011, and policies DM2.1, DM6.5, DM6.6 and DM7.1 of Islington’s Development Management Policies 2013.</p>
11	<p>Sustainable urban drainage (Details)</p>
	<p>CONDITION: Prior to any works commencing on site a drainage strategy including full justification for any non-compliance with the requirements of Development Management Policy DM6.6 and London Plan policy 5.13, and confirmation that best endeavours have been made to comply with these policies, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the drainage strategy so approved, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development achieves appropriate surface water run-off rates in accordance with policy 5.13 of the London Plan 2015 and policy DM6.6 of Islington’s Development Management Policies 2013.</p>
12	<p>Basement – Structural Method Statement (Details)</p>
	<p>CONDITION: Prior to commencement of development a Structural Method Statement, prepared by a Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E), shall be submitted to and approved in writing by the Local Planning Authority in consultation with London Underground.</p> <p>The statement shall be in line with the requirements of Chapter 6 (Site investigations to inform design) and appendix B of Islington’s Basement Development SPD 2016.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably</p>

	qualified and experienced professional.
13	Basement – inspection and monitoring (Compliance)
	<p>CONDITION: The certifying professional that endorsed the Structural Method Statement (or a suitably qualified person with relevant experience) shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design approved within the Structural Method Statement and a Building Control body.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
14	Piling and foundations (Details)
	<p>CONDITION: No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.</p>
15	BREEAM (Compliance)
	<p>CONDITION: All business floorspace within the development hereby approved shall achieve a BREEAM (2014) New Construction Scheme rating of no less than “Excellent”.</p> <p>REASON: In the interests of sustainable development and addressing climate change in accordance with policies 5.2 and 5.3 of the London Plan 2015, policy CS10 of Islington’s Core Strategy 2011 and policy DM7.4 of Islington’s Development Management Policies 2013.</p>
16	Energy/carbon dioxide reduction (Compliance)
	<p>CONDITION: The proposed measures relevant to energy as set out in the Energy and Sustainability Statement hereby approved which shall together provide for no less than a 29.3% on-site total (regulated and unregulated) carbon dioxide reduction in comparison with total emissions from a building which complies with Building Regulations 2013 shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interests of sustainable development and to ensure that the Local Planning Authority may be satisfied that the carbon dioxide reduction target is met in accordance with policies 5.2, 5.3 and 5.7 of the London Plan 2015, policy CS10 of the Islington Core Strategy 2011, and policies DM7.1 and DM7.3 of Islington’s Development Management Policies 2013.</p>
17	Dynamic thermal modelling (Details)
	CONDITION: Prior to any works commencing on site a dynamic thermal modelling

	<p>analysis shall be submitted to and approved in writing by the Local Planning Authority. The analysis and any necessary amendments to the design of the development hereby approved shall include modelling to demonstrate how overheating of the development shall be prevented.</p> <p>REASON: To ensure that the effects of climate change on the development hereby approved are suitably mitigated and to ensure the future residents of the development do not experience overheating in accordance with policy 5.9 of the London Plan 2015, policy CS10 of the Islington Core Strategy 2011, and policy DM7.5 of Islington's Development Management Policies 2013.</p>
18	Demolition and Construction Management and Logistics Plan (Details)
	<p>CONDITION: No demolition shall take place unless and until a Demolition and Construction Management and Logistics Plan (DCMLP) and Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development has been submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London.</p> <p>The development shall be carried out strictly in accordance with the approved DCMLP throughout the demolition and construction period.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development in accordance with policies 6.3, 6.14, 7.14 and 7.15 of the London Plan 2015 and policy DM2.1 and DM8.6 of Islington's Development Management Policies 2013.</p>
19	Delivery and Servicing Management Plan and Waste Management Plan (Details)
	<p>CONDITION: Prior to any works commencing on site, a Delivery and Servicing Management Plan (DSMP), including a Waste Management Plan (WSP), shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.</p> <p>The DSMP shall include details of all servicing and delivery requirements, including details of how waste (including recyclable waste) would be transferred and collected, and shall confirm the timings of all deliveries and collections from service vehicles.</p> <p>The development shall be carried out strictly in accordance with the DSMP so approved.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development in accordance with policies 5.16, 6.3 and 6.14 of the London Plan 2015, policy CS11 of Islington's Core Strategy 2011, and policies DM2.1 and DM8.6 of Islington's Development Management Policies 2013.</p>
20	Waste storage (Compliance)
	<p>CONDITION: The dedicated refuse/recycling stores, which shall incorporate facilities for the recycling of compostable waste hereby approved shall be provided prior to first occupation of the development hereby approved and shall be</p>

	<p>maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure the necessary physical waste storage to support the development is provided in accordance with policy 5.16 of the London Plan 2015, policy CS11 of Islington's Core Strategy 2011 and policy DM2.1 of Islington's Development Management Policies 2013.</p>
21	<p>Plant noise (Compliance and Details)</p>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq,T}$ arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90,T}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142:1997.</p> <p>A report to demonstrate compliance with the above requirements and prepared by an appropriately experienced and qualified professional shall be submitted to and approved by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the scheme and report so approved prior to first occupation, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations in accordance with policy in accordance with policy 7.15 of the London Plan 2015, policy CS12 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
22	<p>Site contamination (Details)</p>
	<p>CONDITION: Following completion of measures identified in the Chelmer Consultancy Services desktop study report dated February 2016 ref DTS/6425, a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority.</p> <p>REASON: Previous industrial and/or commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment in accordance with paragraphs 109 and 121 of the National Planning Policy Framework, policies 5.14 and 5.21 of the London Plan 2015 and policy DM6.1 of Islington's Development Management Policies 2013.</p>

List of Informatives:

1	Section 106 Agreement
	You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
2	Definition of ‘Superstructure’ and ‘Practical Completion’
	A number of conditions attached to this permission have the time restrictions ‘prior to superstructure works commencing on site’ and/or ‘following practical completion’. The council considers the definition of ‘superstructure’ as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of ‘practical completion’ to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington’s Community Infrastructure Levy (CIL) and the Mayor of London’s Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the council at cil@islington.gov.uk. The council will then issue a Liability Notice setting out the amount of CIL 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: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions: 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>
4	Sustainable Sourcing of Materials
	Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE’s Green Guide Specification.
5	Groundwater
	A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water’s Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality .

<p>6</p>	<p>Thames Water</p> <p>Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.</p> <p>Water Comments</p> <p>On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.</p> <p>Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
<p>7</p>	<p>Surface Water Drainage</p> <p>Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.</p> <p>Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.</p>

APPENDIX 2 – RELEVANT POLICIES

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

1 National Guidance

The National Planning Policy Framework 2012 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.

Since March 2014 Planning Practice Guidance for England has been published online.

2 Development Plan

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

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

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.9 Inner London

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.12 Improving opportunities for all

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 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

6 London's transport

Policy 6.1 Strategic approach

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.1 Lifetime neighbourhoods

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.14 Improving air quality

Policy 7.15 Reducing and managing

noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

8 Implementation, monitoring and review

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

In 2015 the Mayor of London published proposed Minor Alterations to the London Plan (MALP).

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS6 (King's Cross 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)
Policy CS13 (Employment Spaces)
Policy CS16 (Play Space)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

C) Islington's Development Management Policies June 2013

Design and Heritage

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

Employment

DM5.4 Size and affordability of workspace

Health and open space

DM6.1 Healthy development
DM6.6 Flood prevention

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements
DM7.4 Sustainable design standards
DM7.5 Heating and cooling

Transport

DM8.1 Movement hierarchy
DM8.2 Managing transport impacts
DM8.3 Public transport
DM8.4 Walking and cycling
DM8.5 Vehicle parking
DM8.6 Delivery and servicing for new developments

Infrastructure

DM9.1 Infrastructure
DM9.2 Planning obligations
DM9.3 Implementation

D) Finsbury Local Plan June 2013

BC8 Achieving a balanced mix of uses
BC9 Tall buildings and contextual considerations for building heights

BC10 Implementation

3 Designations

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

Islington Local Plan
Kings Cross Key Area Local Cycle Routes Local View from Dartmouth Park Hill Vale Royal & Brewery Road Locally Significant Industrial Area

4 Supplementary Planning Guidance (SPG) / Documents (SPD)

The following SPGs and SPDs are relevant:

Islington Local Plan

- Basement Development SPD
- Development Viability SPD
- Environmental Design SPD
- Inclusive Design in Islington SPD
- Inclusive Landscape Design SPD
- Planning Obligations (Section 106) SPD
- Streetbook SPD
- Urban Design Guide SPD

London Plan

- Accessible London: Achieving an Inclusive Environment SPG
- The Control of Dust and Emissions During Construction and Demolition SPG
- Planning for Equality and Diversity in London SPG
- Shaping Neighbourhoods – Character and Context SPG
- Shaping Neighbourhoods – Play and Informal Recreation SPG
- Social Infrastructure SPG
- Sustainable Design and Construction SPG

APPENDIX 3



Appeal Decision

Site visit made on 4 April 2016

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 26 May 2016

Appeal Ref: APP/V5570/W/15/3140588
55-61 Brewery Road, Islington, London, N7 9QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Atlas Property against the decision of the Council of the London Borough of Islington.
 - The application Ref P2015/2817/FUL, dated 2 July 2015, was refused by notice dated 28 October 2015.
 - The development proposed is demolition of the existing building and erection of a 5 storey building plus basement level accommodating 333sqm of commercial (B class) use over the basement and ground floors and 9 flats over the upper floors.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the primary economic function of the Islington Locally Significant Industrial Site.

Reasons

3. The appeal site is currently occupied by a three storey brick building and is located near the junction of Brewery Road and York Way. On the east side of York Way, Brewery Road and the streets to the south are primarily commercial in character, whilst on the west side of York Way the area has a more residential character. The ground floor of the building is used for storage by a local business and the two upper floors are currently in use as an Islamic school, education centre and mosque. The Council have stated that the use of the upper floors is not authorised by a grant of planning permission and that the current lawful use of the upper floors is as offices falling within Use Class B1(a) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). The total internal floor area of the existing building is 790m².
4. The appeal site lies within the designated Islington Locally Significant Industrial Site (LSIS) and the development plan policies seek to retain business floor space within this area as it is the last significant concentration of industrial land in the Borough. It is recognised by both parties that there is both a Certificate of Lawfulness and a Prior Approval which relate to the conversion of the upper floors of the present building to a residential use consisting of 8 flats, which would retain the storage use at ground floor level but remove 530m² of office

floor space. It is suggested by the appellant that these circumstances represent a fallback position which should have been afforded significant weight when considering the proposal.

5. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications and appeals must be determined in accordance with the development plan unless material considerations indicate otherwise. The existence of a fallback position is a material consideration and whilst the Council do not contest that a fallback position exists, they question the weight that should be attributed to it.
6. It is necessary to consider whether there is a realistic prospect of the fallback position being implemented. The Prior Approval was granted on 29 October 2013 and amendments to the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) which came into force on 6th April 2016 allow three years for development under what is now Class O of the GPDO to be implemented. Although I do not have full details of the development for which Prior Approval was granted before me, I have been provided with a proposed schedule of works which allows 12 weeks for completion of the conversion scheme. The Council have suggested that there may be doubts over funding for the scheme but have not questioned the timescale for the completion of the works. Consequently, I consider that it is likely these works could be completed before 29 October 2016 when the Prior Approval expires and that there is therefore a realistic prospect of the fallback position being implemented. This is a material consideration which must be given appropriate weight in determining the appeal. In determining the weight that should be given to the fallback position, the principle question is whether the fallback scheme is less desirable than the appeal scheme in terms of its effects on the LSIS and its primary economic function.
7. The purpose of the development plan policies is to retain business floor space in LSIS and the reason for refusal states that the proposal results in the loss of B1 floor space within the LSIS. The Council suggest that the proposal results in an overall loss of 790m² of business floor space and its replacement with 330m² of B1(a) floor space, which is not a priority in the LSIS in terms of Policy DM5.3. However, whilst policy DM5.3 does not prioritise B1(a) floor space, neither does it preclude it, and this notwithstanding, Use Class B1 as defined by the Use Classes Order allows the use for any or all of the purposes falling within subgroups (a), (b) or (c), and the proper operation of the Use Classes Order would not restrict the use to that specified in the planning application provided that the use was one that could be carried out in any residential area without detriment to the amenity of the area.
8. The fallback position would result in 260m² of B8 floor space remaining on the site alongside the residential use whereas the appeal proposal would provide 330m² of B1 floor space. I note that the appellant has suggested that the appeal proposal would create 440m² of additional business floor space compared to 260m² in the fallback proposal, however, the figure of 440m² is the gross external area whilst the figure quoted for the fallback is the gross internal area. Therefore, the additional resulting floor space over and above that retained in the fallback proposal is not as large as suggested. In terms of business floor space remaining post development, whilst the appeal proposal would provide an additional 73m² of business floor space above that retained in the fallback position scheme, I do not consider that this represents such a

significant uplift in retained floor space that the fallback proposal is demonstrably more harmful in this respect.

9. Although the appeal proposal would only introduce one more residential unit into the scheme, the overall floor area of the residential use would be much greater than in the fallback proposal with 1,056m² of residential floor area as opposed to 530m². Whilst noting the appellant's point that not all of the dwellings that would be created by the fallback proposal would meet the floor space standards set out in the London Plan and that the dwellings created by the appeal proposal are of higher standard, the appeal proposal would represent a greater and more intensive encroachment of a residential use into an area designated for commercial purposes than the fallback proposal.
10. Consequently, as the fallback proposal would retain only slightly less business floorspace but would introduce significantly less residential floorspace into a primarily commercial area, it is not inherently less desirable or more harmful than the appeal proposal and as such I can only attach limited weight to the fallback position.
11. The Vale Royal/Brewery Road LSIS is the last significant concentration of industrial land in the Borough and Policy CS13 of the Islington Core Strategy seeks to retain this for industrial/warehousing and employment land. This is supplemented by Policies DM5.2 and DM5.3 of the Islington Development Management Policies 2013 which seek to prevent the loss of business floor space and retain uses appropriate to the role of the LSIS, particularly uses falling within the B1 c), B2 and B8 Use Classes. Policy DM5.3 requires that exceptional circumstances must be shown to justify a loss or reduction of business floor space which would have a detrimental individual or cumulative impact on the areas primary economic function.
12. No substantive evidence has been put before me to show that the premises have been marketed for the period required by the policy and the premises were not vacant at the time of my site visit. In the absence of any evidence to the contrary, I have to conclude that the premises are not redundant, nor is there a lack of demand for employment space of this nature. As the majority of the floor space in the new building would be residential, this would not be ancillary to a primary employment use of the building or provide services or facilities that are ancillary to, and support the economic and employment function of the LSIS as required by Policy DM5.3. I also saw on my site visit that the building next to the appeal site on the junction of Brewery Road and York Way is a recent mixed use building with a commercial use on the ground floor and residential use above and that there are three storey flats on the north side of Brewery Road opposite the appeal site. The appeal proposal would introduce a further intensive residential use into the area which in combination with the existing residential uses at the west end of Brewery Road would cumulatively erode the commercial nature of the area.
13. The appellant has drawn my attention to two appeal decisions relating to fallback positions as a material consideration. I do not have full details of these cases before me and so cannot be certain that they are directly comparable, but in any event, I have had regard to the fallback position in this case and have concluded that the fallback position would not have a significantly greater impact than the appeal proposal to the extent that it would justify making a decision which does not accord with the development plan.

14. I therefore find that the proposed development would cause harm to the primary economic function of the Islington Locally Significant Industrial Site and is therefore contrary to Policies 2.17, 4.1, 4.2, 4.4 and 4.12 of the London Plan 2015, policy CS13 of the Islington Core Strategy 2011 and policies DM5.2 and DM5.3 of the Islington Development Management Policies 2013 which seek to support a diverse economy and retain employment space within the Borough.

Conclusion

15. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR