

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		AGENDA ITEM NO:
Date:	13th October 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

1 RECOMMENDATION

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

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

2 SITE PLAN (SITE OUTLINED IN RED/BLACK)



3 PHOTOS OF SITE/STREET



Photograph 1: Brewery Road frontage



Photograph 2: Existing front elevation



Photograph 3: York Way looking south

4 SUMMARY

- 4.1 The application site is currently unlawfully occupied at first and second floor by the York Way Masjid, a mosque and education centre, however the ground floor of the building is largely vacant. Retrospective planning permission for the retention of the existing first and second floor uses was recently refused (July 2016) because of loss of business floorspace within the Locally Significant Industrial Site. The site is within the Locally Significant Industrial Area of Vale Royal and Brewery Road but is not within any conservation area.
- 4.2 The applicant proposes the demolition of the existing building on site and the erection of a 5-storey (plus basement) building incorporating a total of 1,118sqm (GIA) of B1 office and 353sqm (GIA) of B1(c) floorspace. The proposed development would overall accommodate 1,471sqm (GIA) of new B1 floorspace.

- 4.3 The redevelopment of the site is welcomed and supported in principle, and the application has been considered with regard to the National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development.
- 4.4 The proposal is considered largely acceptable in terms of land use, transportation and servicing, its impact on neighbours, sustainability and energy, and would be subject to conditions and an appropriate Section 106 agreement. Appropriate Section 106 Heads of Terms have been agreed with the applicant.
- 4.5 The benefits of the proposed development (including the increase in B1(c) floorspace and the quality of the replacement building) are noted, and have been considered in the final balance of planning considerations, along with the shortcomings of the proposed development. On balance, it is recommended that permission be granted.

5 SITE AND SURROUNDINGS

- 5.1 The application site is 0.032 hectares in size, is rectangular in shape and has one street frontage onto Brewery Road. The existing building on site is a 3-storey commercial building with storage on the ground floor and office uses on the upper floors, though the building is currently in use as a mosque. The existing lawful use comprises 260sqm GIA (240sqm NIA) of B8 floorspace and 530sqm GIA (500sqm NIA) of B1 floorspace. The application site has no trees or areas of soft landscaping and is almost entirely covered by building.

Site Location Plan



- 5.2 The site is bordered by a four storey residential building on its western boundary, 252-254 York Way, while to the east is a four storey warehouse/storage building 45-53 Brewery Road. To the north of the site are some residential and light industrial buildings, including an old converted public house, 256 York Way, now in use as an

HMO and a residential apartment building at 126 Brewery Road. To the south of the site, the area is characterized by industrial and warehouse buildings typical of the industrial area, though there are also a number of buildings in residential use that need to be considered. In particular, 248-250 York Way as well as 34 Brandon Road, which border the site to the south, are in residential use.

- 5.3 The site is wholly within the Vale Royal and Brewery Road Locally Significant Industrial Area, which is largely characterised by post-war industrial/warehouse buildings as well as some late-Victorian residential buildings. The site is not within a conservation area nor does the immediate context offer much by the way of architectural or heritage value.
- 5.4 The site is in close proximity to the Brewery Road junction with York Way. The site has a PTAL of 4 and is within walking distance to Caledonian Road underground station and a number of bus routes.

6 PROPOSAL (IN DETAIL)

- 6.1 The applicant proposes the demolition of the existing building and the erection of a 5-storey (plus basement) building incorporating a total of 1,118sqm (GIA) of B1 office and 353sqm (GIA) of B1(c) floorspace. The following table provides detail of existing and proposed uses, expressed in gross / net external and internal floorspace area:

	Existing	Proposed	Uplift
Gross External Area	570sqm (B1(a))	1,319sqm (B1(a))	749sqm
	285sqm (B8)	426sqm (B1(c))	141sqm
Gross Internal Area	530sqm (B1(a))	1,118 (B1(a))	588sqm
	260sqm (B8)	353sqm (B1(c))	93sqm
Net Internal Area	500sqm (B1(a))	780sqm (B1(a))	280sqm
	240sqm (B8)	272sqm (B1(c))	32sqm

- 6.2 The proposed building is entranced at ground floor from Brewery Road via an office lobby providing access to a lift / stair core. The lobby provides direct access to 159sqm of B1(c) (light industry) floorspace as well as a cycle storage area and a small open yard at the rear with further cycle parking. At basement level, the proposed building incorporates a further 113sqm of B1(c) floorspace as well as further cycle parking, mobility scooter storage, shower/changing facilities, accessible toilets and refuse storage.
- 6.3 The upper floors of the proposed building each provide 195sqm of B1 (office) floorspace with associated toilet and kitchen facilities. At roof level the proposal includes plant equipment and solar panels. No on-site car parking is proposed.

Revisions

6.4 The application has been amended since it was originally submitted. The proposal has been reduced by one storey and consequently the amount of B1 office floorspace proposed has been reduced.

7 RELEVANT HISTORY

Planning Applications

7.1 The following is the most recent and relevant planning history for the site and surroundings:

- On the 18th December 2013, a prior approval application for the change of use of the building (or identified part of building) to residential use (C3) use class creating 8 (2x1 and 6 x 2 bedroom) residential units was approved under reference P2013/4110/PRA.
- On the 17th March 2014, a Certificate of Lawful Development in relation to the proposed change of use of the first and second floor of the building from B1(a) office use to 8 residential dwellings (C3 Use class) under Class J of Part 3 of Schedule 2 of the (TCP General Permitted Development) (Amendment) (England) Order 2013 was approved.
- On the 28th October 2015, an application for the demolition of the existing building and erection of a 5 storey building plus basement level accommodating 320sqm of commercial (B1(a) class) use over the basement and ground floors and 9no.flats (1x1 bed, 6x 2 bed and 2 x 3 bed) over the upper floors with associated balconies and terraces was refused under application reference P2015/2817/FUL for loss of employment floorspace. The appeal was subsequently dismissed (APP/V5570/W/15/3140588).
- On the 11th July 2016, an application for the retention of change of use of first and second floor from B1 (Business) to D1 (Community, Religious and Educational Centre) and insertion of double-glazed UPVC windows was refused under planning application reference P112868 because of the loss of B1 floorspace and the failure to meet inclusive design standards.
- 34 Brandon Road P2016/2692/FUL, removal of existing single storey ground floor side element to workshop and the introduction of entrance courtyard to residential and workshop plus alterations to rear ground floor roof slope. Erection of four storey side extension. Erection of three storey rear extension plus roof extension and associated roof terrace. Alterations to rear fenestration and to ground floor front elevation. Internal reconfiguration of workshop space. APPROVED 26/08/2016 but not yet implemented.

Enforcement

7.2 An enforcement investigation was opened in 2014 in response to the subject site's ongoing use as a mosque and education facility. The case was closed on the 22nd July 2015 pending a decision on planning application reference P112868 and in the absence of any substantiated complaints about the use of the premises.

Pre-application Advice

- 7.3 The applicant did not engage the council in pre-application advice but used the 2015 appeal scheme to inform their proposal. A copy of the appeal decision is attached as Appendix 3.
- 7.4 Design Review Panel: the scheme was not presented to the Design Review Panel.

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 119 adjoining and nearby properties on York Way, Brandon Road, Brewery Road, Tileyard Road, Marquis Road, Agar Grove on the 18th July 2016. A site notice and press advertisement were displayed on the 17th August 2016. The expiry date was thus the 7th September 2016 though it is the Council's practice to consider objections and representations up until the date of decision.
- 8.2 A total of 6 letters received from members of the public. The following points were made [*with the paragraph that provides responses to each issue indicated within square brackets*]:
- That the building's construction should not be disruptive. In particular that the construction process should not prejudice the continued operation of the nearby London Ambulance Service NHS Trust at 88 Brewery Road [*paragraphs 10.45 and 10.65 and condition 18*];
 - The building should not be demolished as it would result in the loss of the mosque which provides an important community facility [*paragraph 10.2*].
- 8.3 In addition to the letters received, a petition has been received with over 400 signatures objecting to the loss of the mosque.

External Consultees

- 8.4 Thames Water (commented 20th July 2016) – Developer is responsible for making proper provision for drainage. No objection in relation to sewerage and water infrastructure capacity. Recommend condition (14) requiring details of impact piling method statement, and an informative.
- 8.5 Camden Council were consulted as a neighbouring borough. No objections were received.

Internal Consultees

- 8.6 Design and Conservation Officer: No objections to the proposal subject to a reduction in height from six storeys to five storeys.
- 8.7 Energy Conservation Officer: Following initial comments and subsequent revisions, the following comments were issued:
- Carbon offset requirement will be £39,652.

- The proposed doors meet the required u-values and have no further issues with this.
- The need for artificial cooling will need to be demonstrated using this modelling for this to be accepted. Thermal modelling should be carried out to meet the requirements outlined in the Environmental Design SPD (*condition 17*).
- We note the confirmation that the building will be future proofed for connection to a future District Heating System.
- We accept that the PV modules suggested have an acceptable output and have no further queries on this.
- We accept that a carbon target has been set for the building and this can be amended to fit the usage profile of the eventual tenant in the final GPP.

8.8 Inclusive Design Officer: The following comments were made:

- A proportion of cycle parking should be accessible to ambulant disabled people. Officer comment: *The proposal has now been amended accordingly and a 1500mm clear space has been provided beside the accessible cycle rack.*
- Consideration should also be given to the provision of storage and charging facilities for mobility scooters. Officer comment: *A 1800mm long mobility scooter storage space with a 1200mm long manoeuvring space has now been provided.*
- There is a concern around the safe evacuation of mobility impaired employees and visitors. Officer comment: *The proposal provides refuge space within the lift lobby.*

8.9 Public Protection: No objection subject to conditions on land contamination and construction.

8.10 Highways: No objection.

8.11 Transportation: Initial objections to cycle parking layout and on-street servicing. Following amendments and justifications provided, the objection was removed. The trip rate calculations have been provided and the parking restrictions have been made available and on this basis it is considered that on-street servicing would be acceptable in this instance. This is considered in more detail in the highways and Transportation section of this report (*paragraphs 10.59-10.62*).

8.12 Sustainability Officer: No objections.

8.13 Lead Local Flood Risk Authority: No comments.

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.
- 9.3 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.4 Under the Ministerial Statement of 18/12/2014, the Government seeks to increase the weight given to SuDS being delivered in favour of traditional drainage solutions. Further guidance from the DCLG has confirmed that local planning authorities will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).

Development Plan

- 9.5 The Development Plan comprises the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.6 In 2015 the Mayor of London published proposed Minor Alterations to the London Plan (MALP), which have weight as a material consideration relevant to this application.

Designations

- 9.7 The site has the following designations under the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013:
- Kings Cross & Pentonville Road Key Area
 - Local Cycle Routes
 - Local View from Dartmouth Park Hill
 - Vale Royal & Brewery Road Locally Significant Industrial Area

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10 ASSESSMENT

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

- Principle of development
- Land use
- Design and conservation
- Inclusive design
- Neighbour amenity
- Sustainability, energy efficiency and renewable energy
- Highways and transportation
- Planning obligations

Principle of Development

- 10.2 The site's existing building is under-used, dated, and offers very poor accessibility to people with disabilities. The subject building's upper floors are currently unlawfully used as a mosque and school, though a retrospective planning application for this use has recently been refused as it is not considered to be appropriate to the economic functioning of the Vale Royal and Brewery Road Locally Significant Industrial Area.
- 10.3 The ground floor is currently not in use though its lawful use is for warehousing/storage (B8 Use Class). Redevelopment of the site is considered acceptable in principle, as it provides an opportunity to provide business floorspace to a better standard than currently exists. These are benefits of the proposed development which weigh positively in the balance of planning considerations relevant to this application.
- 10.4 The above in-principle position regarding redevelopment of the site accords with the National Planning Policy Framework's presumption in favour of sustainable development.

Land Use

- 10.5 The application site is within the Vale Royal / Brewery Road Locally Significant Industrial Area. Policy CS13 of Islington's Core Strategy states that the Vale Royal / Brewery Road Site will be retained for industrial / warehousing / employment land. In support of this policy, Development Management Policy DM5.3 encourages the retention and intensification of uses appropriate to the role of the Locally Significant Industrial Site (i.e. within the B1(c), B2 and B8 Use Classes).
- 10.6 In general, planning policies relevant to this proposal and site safeguard existing employment floorspace, and encourage office development. The supporting text of London Plan Policy 4.2 identifies a need for significant increases in office floorspace in the years to 2031. Part B of policy CS13 of Islington's Core Strategy 2011 states that in relation to existing employment floorspace, development which improves the quality and quantity of existing business provision will be encouraged.
- 10.7 The site is also within the King's Cross Key Area for which Policy CS6 of Islington's Core Strategy is of relevance. The King's Cross area will be expected to accommodate estimated growth in jobs of approximately 3,200 from B-use floorspace. Moreover, Policy CS6 also states that the Vale Royal / Brewery Road area will be retained as the only locally significant concentration of industrial/warehousing/employment land in the borough.
- 10.8 Set against this policy objective is the prior approval legislation, which has already resulted in permission being granted to convert the existing office floorspace on site to 8 residential units under reference P2013/4110/PRA. Within this context, the proposal to provide a new building with 1,118 sqm of B1 office floorspace and 353 sqm of B1(c) floorspace is welcome and considered appropriate in land use terms. This constitutes an uplift of some 588sqm of B1 office floorspace and an uplift of 93sqm of floorspace considered appropriate to the role of the Locally Significant Industrial Site, in this case B1(c) floorspace.

Proposed uses

Levels	B1 OFFICE						B1c LIGHT INDUSTRY					
	GEA		GIA		NIA		GEA		GIA		NIA	
	sq.m.	sq.ft.	sq.m.	sq.ft.	sq.m.	sq.ft.	sq.m.	sq.ft.	sq.m.	sq.ft.	sq.m.	sq.ft.
B1	125	1,345	99	1,069			190	2,042	149	1,600	113	1,216
00	61	654	49	527			229	2,469	198	2,131	159	1,711
01	283	3,046	242	2,610	195	2,099	2	19	2	17		
02	283	3,046	242	2,610	195	2,099	2	19	2	17		
03	283	3,046	242	2,610	195	2,099	2	19	2	17		
04	283	3,046	242	2,610	195	2,099	2	19	2	17		
Total	1,319	14,196	1,118	12,035	780	8,396	426	4,589	353	3,797	272	2,928

- 10.9 The floorspace proposed is flexible in nature and would meet the needs of small enterprises in line with Policy CS13 which requires a proportion of small, micro and/or affordable workspace from major non-residential developments. The B1(c) floorspace provided within the basement is 113sqm in size and can be accessed from an internal staircase as well as the central lift/stair core. The ground floor B1(c) floorspace is 159sqm in area and can be accessed directly from the street or from the main entrance lobby. The workspace can be easily subdivided to create smaller units suitable for micro enterprises if necessary (*condition 8*).

Conclusion

- 10.10 The proposal would replace the site's existing substandard, poor quality office accommodation and warehouse floorspace with a greater quantum and quality of useable business floor space and floorspace suitable for the role of the Industrial Site. As such, it is considered that the proposal is acceptable in land use terms and in accordance with Policies CS6, CS13, Development Management Policy DM5.3 and London Plan Policy 4.2.

Design, Conservation and Heritage Considerations

- 10.11 The National Planning Policy Framework confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies relevant to design and conservation are set out in chapter 7 of the London Plan. Policies CS8, CS9 and CS10 in Islington's Core Strategy, and policies in chapter 2 of Islington's Development Management Policies, are also relevant. The council's Urban Design Guide SPD and the Mayor of London's Character and Context SPG are also relevant to the consideration of the current application.

Site and surroundings

- 10.12 The subject site's immediate neighbours are a four-storey residential building on the corner of York Way and Brewery Road and a four storey warehouse / storage building on its eastern boundary. Across the street on the other side of Brewery Road is one of the few buildings in the surrounding area with any architectural or historic value, an old Victorian pub now converted to an HMO, 256 York Way. Immediately to the east of this building is a three-storey modern apartment building, whilst the remainder of Brewery Road is generally characterized by relatively low-rise light industrial and warehouse buildings. To the west of the subject site is York Way, which is characterized by a

variety of light industrial and warehouse buildings, four-storey Victorian terraces and more high-rise apartment buildings.

Demolition of existing buildings

- 10.13 The existing building is not itself of any architectural or historic value and does not relate particularly well to its neighbours in terms of its height, massing or rhythm of fenestration. As such, the building's demolition is supported in principle.

Heights and massing

- 10.14 London Plan policy 7.4 states that development should have regard to the scale, mass and orientation of surrounding buildings, and that buildings should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. London Plan policy 7.6 states that buildings should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should not cause unacceptable harm to the amenity of surrounding land and buildings. The Mayor of London's Character and Context SPG notes at paragraph 7.26 that "the key or essential characteristics of a place provide an important reference point against which change can be assessed".
- 10.15 At the local level, policy CS9 of Islington's Core Strategy sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity. Policy DM2.1 of Islington's Development Management Policies requires development to be based upon an understanding and evaluation of an area's defining characteristics, confirms that acceptable development will be required to respect and respond positively to existing buildings, and sets out a list of elements of a site and its surroundings that must be successfully addressed – this list includes urban form including building heights and massing.
- 10.16 The application was originally submitted as a six-storey building with a set-back top floor. The application has been amended and the proposal is now for a five-storey apartment building. The building would still be taller than its neighbours, protruding a storey and a half above buildings on either side including the residential building on the corner of York Way. There is a certain design logic to having the corner building exceeding the heights of its neighbours and this proposal would go against this concept as the proposed building would be a storey and a half higher.
- 10.17 However, given the way that York Way widens at its junction with Brewery Road, the subject site sits in a relatively prominent location and reads as part of the junction. The proposal is considered to sit comfortably in its surroundings given the variety of heights in the wider area, particularly along York Way. Moreover, it is expected that the area will be subject to a considerable amount of change with new business floorspace being created in the coming years. This expected re-development is likely to be of greater height and massing reflective of the emerging character of the Kings Cross area to the south and Maiden Lane estate (both of which lie within the borough of Camden). It should also be noted that the height of the proposal does not interfere with any designated local views. Finally, the recently dismissed appeal scheme (APP/V5570/W/15/3140588), which proposed a five storey building, was considered acceptable in relation to height and massing.



Proposed Front Elevation

Architecture and elevations

- 10.18 London Plan Policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It goes on to set out criteria against which planning applications should be assessed, stating that buildings should be of the highest architectural quality, should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should comprise details that complement, not necessarily replicate, the local character.
- 10.19 Other policies are also relevant to architecture, including London Plan policy 7.4 (relating to local character) and Core Strategy policy CS9, which states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive. This Core Strategy policy goes on to state that new buildings should be sympathetic in appearance to the local identity, should be based on coherent street frontages, and should fit into the existing context of facades.
- 10.20 Policies in chapter 2 of the Development Management Policies document are relevant to architecture and detailed design. In particular, policy DM2.1 states that all forms of development are required to be of high quality. Further guidance is provided in section 2.3 of Islington's Urban Design Guide SPD.
- 10.21 The proposed front elevation has an elegant symmetry to it that is welcome. The building has a clear defined base, which is more commercial in its design with large sections of glazing to provide as much light as possible to the light industrial uses within it. The materials proposed, combined with the vertical and horizontal proportions are considered to sit comfortably within the building's immediate surrounding context. The elevation is also considered to respond to, and respect, the local industrial context.

- 10.22 The building has a material palette consisting of brick, painted steel and reconstituted stone. The industrial character is expressed through the horizontal steel beams which divide glazed sections between all floors. The brick will be selected to respond to the surrounding industrial context with English bond also chosen to be respectful to the local vernacular (*condition 3*).
- 10.23 The design of the side and rear elevations is simple and elegant with brick, a stone string course and simple legible fenestration. A condition (3), requiring the submission of a Green Procurement Plan to demonstrate how the procurement of materials for the proposed development would promote sustainability, is considered necessary.

Inclusive Design

- 10.24 Paragraph 57 of the NPPF is relevant to the current proposal in relation to inclusive design. London Plan Policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor's Accessible London SPG. At the local level, Development Management Policy DM2.2 requires all developments to demonstrate that they i) provide for ease of and versatility in use; ii) deliver safe, legible and logical environments; iii) produce places and spaces that are convenient and enjoyable to use for everyone; and iv) bring together the design and management of a development from the outset and over its lifetime.

Business floorspace assessment

- 10.25 The proposed business floorspace would have level access to each floor, which is welcome. The access doors and route to the lift are at least 1500mm wide to facilitate wheelchair access and the internal spaces are designed so as to provide convenient access to those with mobility impairments. Accessible WCs, with correct dimensions, are also proposed.
- 10.26 Recommended condition 6 requires the submission of details relevant to inclusive design, to ensure the proposed business floorspace would comply with relevant planning policies and the relevant parts of the Inclusive Design in Islington SPD, including the requirements and guidance related to scooter charging / storage, which were referred to in the Inclusive Design Officer's comments.
- 10.27 Accessible cycle racks have been provided in the basement, which is welcome. A 1500mm space flanking the rack would be provided on either side. The layout of storage and charging for mobility scooters is considered appropriate.

Accessible parking

- 10.28 No accessible parking is proposed on-site. This is considered acceptable, given the site's constraints. Off-site, on-street provision would instead be appropriate. A survey of the surrounding area has been carried out which shows a number of potential parking bays which could be converted. This will be reflected within the section 106 agreement.
- 10.29 The proposal is considered to meet inclusive design principles set out in local and national planning policy and guidance would meet the needs of those with access and mobility impairments.

Neighbour Amenity

- 10.30 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.31 London Plan policy 7.6 (part Bd) states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. Policy 7.15 states that development proposals should minimise the existing and potential adverse impacts of noise.
- 10.32 Development Management Policy DM2.1 confirms that, for a development proposal to be acceptable it is required to maintain a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. These considerations apply to the amenities of existing residents, (and of future residents of proposed developments if relevant). Paragraph 2.13 states that the design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing. This supporting text goes on to specifically reference relevant guidance prepared by the Building Research Establishment (BRE).

Daylight

- 10.33 With regard to daylight, the BRE guidance notes that where VSC figures are greater than 27%, enough daylight should still be reaching the window of the existing building. If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in daylight. Of note, the 0.8 figure is often expressed as a percentage in VSC analysis, such that a reduction of up to 20% would comply with this part of the BRE guidance if the 27% figure is also met.
- 10.34 In situations where post-development VSC figures fail to comply with the levels suggested by the BRE, a further test can be carried out to measure the overall amount of daylight in a room. This is the Daylight Distribution (No Sky Line, or NSL) test. BRE guidance state that if the NSL moves so that the area of the existing room which does receive direct skylight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants, and more of the room will appear poorly lit. The 0.8 figure is often expressed as a percentage in NSL analysis, such that a reduction of up to 20% would be acceptable.
- 10.35 The neighbouring properties in closest proximity to the site are to the rear and to the side, namely 250-254 York Way and 34 Brandon Road. The windows within these properties have been tested for loss of daylight and it can be concluded none of the windows tested serving habitable rooms would result in a loss of greater than 20% with a consequent VSC of below 27%. Permission has recently been granted for extensions and alterations to 34 Brandon Road, which would result in new windows being inserted in the rear elevation of this building overlooking the application site. Although this permission has not yet been implemented, the impact on these windows and the internal daylight afforded to the rooms within them has been considered as part of this assessment as it is likely to be implemented prior to the implementation of the

application being considered here. It can be confirmed however that the proposed new windows in this neighbouring property serve hallways and corridors and thus would not result in a significant reduction in the amenity for these residents.

- 10.36 The properties of 126 Brewery Road and 256 York Way, which are located on the opposite side of Brewery Road, are also in residential use and thus have also been tested. It can be confirmed that none of the windows suffer losses greater than 20% of VSC and as a consequence loss of daylight would not be materially noticeable. The removal of the top floor of the proposed design has contributed to this favourable situation.

Sunlight

- 10.37 With regard to sunlight, the applicant has used the APSH test to ascertain whether the centre of adjacent windows (facing within 90° of due south) would receive 25% of annual probable sunlight hours, including at least 5% of those hours in the winter months between 21st September and 21st March. If the available sunlight hours are both less than these amounts and less than 0.8 times their former value, occupants will notice a loss of sunlight.
- 10.38 All main habitable room windows which face 90 degrees of due south have been tested for direct sunlight. All windows pass both the total annual sunlight hours test and the winter sunlight hours test and the proposed development therefore satisfies the BRE direct sunlight to windows requirement.

Outlook

- 10.39 Outlook – the visual amenity provided by the immediate surroundings of a (usually residential) property, as experienced from its windows or outdoor spaces – can be affected by the close siting of another building or structure, which – depending on its proximity, size and appearance – can create an oppressive, increased sense of enclosure to the detriment of the amenities of rooms in a neighbouring property, particularly those of single aspect dwellings, or those that already have limited outlook. Outlook does not refer to views of a particular landmark or feature of interest, or long views over land not in the ownership of the viewer.
- 10.40 As the proposal would increase the height of the building by two storeys it is expected that there would be some impacts on outlook. In particular the view from windows on the top floor of the HMO on the opposite side of Brewery Road (256 York Way) would be curtailed. At 34 Brandon Road, the recently permitted extensions and alterations would introduce a new roof terrace at 3rd floor level. The outlook to the north from this roof terrace would be altered by the application being considered here. However, it is considered that the reduction in outlook would not be to an extent that would significantly reduce the amenities of residents of this building.

Privacy

- 10.41 Paragraph 2.14 of Islington's Development Management Policies states that "To protect privacy for residential development and existing residential properties, there should be a minimum distance of 18m between windows of habitable rooms. This does not apply across the public highway – overlooking across a public highway does not constitute an unacceptable loss of privacy". In the application of this policy, consideration must be given to the nature of views between habitable rooms – for

instance, where views between habitable rooms would be oblique as a result of angles or height differences between windows, there may be no harm.

- 10.42 Paragraph 2.3.30 of the Mayor of London's Housing SPG states that such minimum distances "can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density". This is noted, and there have indeed been instances where window-to-window distances of less than 18m have been accepted where exceptional circumstances apply, however the Mayor's guidance does not override Islington's more recent Development Management Policies, and there remains a need to ensure that the proposed development maintains adequate levels of privacy for neighbouring residents.
- 10.43 The proposal introduces new windows on the rear elevation of the property which would be within 18 metres of surrounding properties. However, privacy of residential occupiers would not be reduced as the adjoining buildings are either in non-residential use or the elevations facing the application site are windowless. As stated previously in this report, permission has been recently granted for a proposal which introduces new windows and a roof terrace at No 34 Brandon Road which is in residential use. Though this permission is yet to be implemented, it would, if implemented, introduce windows and private amenity space in close proximity to the windows in the office development being proposed here. However, the windows all serve corridors rather than habitable accommodation and the roof terrace would be at an oblique angle to the office windows so as to prevent overlooking and infringements in privacy.
- 10.44 The distance between windows on the building's front elevation and the closest window of buildings on the other side of Brewery Road would be 18 metres. However, this relationship already exists in the present situation and any overlooking would be over the highway and overlooking over a highway does not constitute a loss of privacy.

Other environmental impacts

- 10.45 Representations have been received raising concerns regarding potential disturbance and environmental impacts during construction. A condition (*condition 18*) is recommended requiring the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) to address noise, dust and other potential environmental impacts. The Section 106 agreement referred to in Appendix A would ensure that construction is carried out in compliance with the Code of Construction Practice. Outside planning control there are further controls applicable to construction, including Environmental Health legislation and regulations that would further protect the amenities of neighbouring occupiers during the construction period.

Conclusion

- 10.46 The impacts of the proposal on the amenities of neighbouring residents in terms of loss of daylight and sunlight, outlook, privacy or an increased sense of enclosure are considered acceptable and in accordance with planning policy.

Sustainability, Energy Efficiency and Renewable Energy

- 10.47 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF.
- 10.48 The council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions. Carbon dioxide calculations must include unregulated, as well as regulated, emissions, in accordance with Islington's policies.
- 10.49 Islington's Core Strategy policy CS10 (part A) states that all major development should achieve an on-site reduction in total (regulated and unregulated) carbon dioxide emissions of at least 40% in comparison with total emissions from a building which complies with the Building Regulations 2006, unless it can be demonstrated that such provision is not feasible. This 40% saving is equivalent to a 30% saving compared with the 2010 Building Regulations, and 27% compared with the 2013 Building Regulations. A higher saving (50% in comparison with total emissions from a building which complies with the Building Regulations 2006, which translates into a 39% saving compared with the 2013 Building Regulations) is required of major development in areas where connection to a decentralised energy network (DEN) is possible. Development Management Policy DM7.3 requires all major developments to be designed to be able to connect to a DEN, and connection is required if a major development site is within 500m of an existing or a planned future DEN.
- 10.50 The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG. Major developments are also required to comply with Islington's Code of Practice for Construction Sites and to achieve relevant water efficiency targets as set out in the BREEAM standards.

Carbon dioxide emissions

- 10.51 The applicant's updated Energy & Sustainability Statement sets out a preferred strategy for reducing carbon emissions including through energy efficiency measures and low carbon energy sources. The energy efficiency measures proposed in the building's design include enhanced passive design with low U-values, double glazed high performance windows as well as fixed internal and external lighting with low energy light fittings. This, together with solar photovoltaic panels and air source heat pumps, would result in the development achieving a 29.3% saving of carbon dioxide emissions compared with the 2013 Building Regulations.
- 10.52 Remaining carbon dioxide emissions would need to be offset with a payment of £39,652. It is recommended that this be included in a Section 106 agreement associated with any permission granted for the proposed development.

- 10.53 In accordance with a request from the Energy Conservation Officer, it is recommended that details of dynamic thermal modelling of the proposed development be required by condition (condition 17).

Sustainability

- 10.54 The applicant proposes various measures in relation to sustainability and relevant planning policies, including measures relating to water efficiency and greywater usage, and sustainable sourcing and use of materials. Many of these measures are supported and welcomed. Conditions securing the approval of a Green Procurement Plan, and the development's achievement of BREEAM "Excellent", are recommended (*conditions 3 and 15*). It is also recommended that the applicant be required (via a Section 106 agreement) to sign up to Islington's Code of Construction Practice.
- 10.55 The submitted roof plan shows limited areas of green roof proposed on the building alongside the solar panels. These would enable a reduction in the extent of the site covered by impermeable surfaces. A condition (*condition 10*) is recommended, requiring the maximisation of green roof provision, and requiring the green roofs to meet the council's standard requirements as set out in Islington's Environmental Design SPD. There is otherwise little scope for significant landscaping as part of the proposed development.
- 10.56 The submission lacks detail regarding sustainable urban drainage. Development Management Policy DM6.6 requires major developments to incorporate Sustainable Urban Drainage Systems (SUDS), and must be designed to reduce flow to a "greenfield rate" of run-off (8 litres/second/hectare) where feasible. Where it is demonstrated that a greenfield run-off rate is not feasible, rates should be minimised as far as possible, and the maximum permitted run-off rate will be 50 litres per second per hectare. A condition, requiring details of measures to ensure compliance with the requirements of policy DM6.6 is recommended (*condition 11*).
- 10.57 A Green Performance Plan (GPP) will need to be submitted. This is considered to be acceptable as a draft, however more specific performance targets and indicators will need to be established through a full GPP to be secured via a Section 106 agreement.
- 10.58 The proposed development includes excavation at basement level. Recommended conditions 12 and 13 secure the submission of details explaining how the proposed development would comply with the requirements of the SPD.

Highways and Transportation

- 10.59 Policies relevant to highways and transportation are set out in section 4 of the NPPF and chapter 6 of the London Plan. Islington's Core Strategy policy CS10 encourages sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use. Detailed transport policies are set out in chapter 8 of Islington's Development Management Policies.

Existing conditions

- 10.60 The site is close to the junction with York Way which is controlled by a traffic light. A single yellow line covers part of the site, whilst nearer to the junction it becomes a double yellow line.

10.61 The application site has a Public Transport Accessibility Level (PTAL) of 4. It is within walking distance of Caledonian Road underground station, and York Way and Caledonian Road are served by several bus routes. Bus and cycle lanes are marked along stretches of York Way.

Trip generation, parking and cycle parking

10.62 The applicant's Transport Assessment details the transportation and highways implications of the proposed development.

10.63 The applicant's consultant has assessed the trip generation for the business floorspace and has concluded that there would be no increase in employee car driver movements as a result of the proposed uplift in employment floorspace. Following amendments to the internal layout, the proposal now includes a total of 20 cycle parking space in line with planning policy.

10.64 The proposed development would be car-free in accordance with Core Strategy policy CS10 and Development Management Policy DM8.5. Accessible parking is discussed earlier in this report.

Other highways considerations

10.65 The existing building has a service bay and could be serviced via a crossover from Brewery Road. Servicing activity including deliveries and refuse collections are proposed to be undertaken on street from Brewery Road and will be managed by a Delivery and Servicing Management Plan. The proposed level of vehicle activity indicates that the proposed servicing arrangements can be accommodated without detriment to the operation of the local network. A trip rate assessment has been undertaken for both proposed uses, which shows that the proposed B1(c) floorspace would generate a total of 3 inbound and an equal number of outbound trips. The B1(a) office floorspace on the other hand would generate 4 servicing movements throughout the day. Given the nature and size of the floorspace, service and delivery vehicles are likely to be transit vans and 8m box vans.

10.66 The existing footway would be reinstated and as a result there would be sufficient space for large delivery and servicing vehicles to park up alongside the site. The parking restrictions allow for 40 minutes for loading / unloading purposes which is sufficient for the proposed uses. Swept path drawings have been provided which show how the servicing/delivery vehicles would service the site without disrupting the flow of traffic. The site is one of the smallest employment sites without a forecourt in the Vale Royal / Brewery Road Industrial Area. Accommodating the servicing bay on site would significantly reduce the amount of employment floorspace on site to the detriment of the scheme and the wider objectives of the area to deliver an increase in employment floorspace. It is considered that given the size of the site, the information provided on trip generation and the on-street servicing potential, an exception can be in this instance and servicing and delivery can be carried out on street.

10.67 A more detailed Servicing & Delivery Management Plan will be required by condition (19). Any works to the highway necessary including reinstatement of footways will be secured by section 278 agreement with the costs covered by the developer. This matter is referred to in the recommended Section 106 Heads of Terms.

10.68 In conclusion, the highways and transportation impacts are considered acceptable and in accordance with relevant planning policy.

Planning Obligations, Community Infrastructure Levy and Local Finance Considerations

Community Infrastructure Levy

10.69 Part 11 of the Community Infrastructure Levy (CIL) Regulations 2010 introduced the requirement that planning obligations under Section 106 must meet 3 statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.

Section 106 agreement

10.70 Prior to and following the amendment of the proposals, officers advised the applicant that a Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The necessary Heads of Terms are:

- 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.

10.71 All payments to the council would be index-linked from the date of Committee and would be due upon implementation of the planning permission.

National Planning Policy Framework

10.72 Paragraph 17 of the NPPF sets out 12 core planning principles that should underpin decision-taking. The current proposal is strong in relation to the principles relating to the reuse of land, promoting mixed-use development and achieving high quality design. With the recommended conditions and Section 106 agreement, the proposed development would largely address the NPPF's core principle related to addressing climate change.

10.73 In the final balance of planning considerations set out below, officers have also considered the proposal in the context of the presumption in favour of sustainable development set out in the NPPF.

11 SUMMARY AND CONCLUSION

Summary

11.1 The benefits of the proposed development must be noted. These include the replacement of the existing building with one of higher design quality, the replacement of the existing floorspace with a higher quality, more accessible and more flexible employment space. CIL contributions towards transport and other infrastructure, although required in order to mitigate the impacts of the development, would also benefit existing residents and visitors to the area. Work placements would also be secured through a Section 106 agreement

11.2 It must be noted that the statutory starting point in the council's assessment of planning applications is to assess them against all relevant Development Plan policies and other material considerations, then to determine them in accordance with the plan as a whole unless material considerations indicate otherwise. In this case, the benefits of the proposed development (as amended) have been given due consideration. The revised proposals have limited the extent of loss of sunlight and daylight to surrounding residential properties and are on balance, considered to outweigh the shortcomings of the development.

- 11.3 In conclusion, given the proposed development's adequate level of compliance with planning policies (including those of the NPPF and the London Plan), it is recommended that planning permission be granted.

Conclusion

- 11.4 It is recommended that planning permission be granted subject to conditions and Section 106 agreement Heads of Terms as set out in Appendix 1 – RECOMMENDATIONS.

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 Rev B; G200_E_S_001 Rev D; G200_E_E_001 Rev B; G200_E_W_001 Rev B; G200_P_B1_001 Rev C; G200_P_00_001 Rev D; G200_P_TY_001 Rev B; G200_P_RF_001 Rev B; G200_S_AA_001 Rev B; Schedule of Floorspace Revision F dated 12th September 2016.</p> <p>Planning Statement by Savills dated November 2015; Design & Access Statement by Squire & Partners dated August 2016; Daylight and Sunlight Study (Neighbouring Properties) dated 15th October 2015; 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;</p>

	<p>Utilities Statement by MecServe dated January 2016; Preliminary Construction Management and Site Waste Management Plans by Clancy Consulting dated March 2016;</p> <p>REASON: For the avoidance of doubt and in the interest of proper planning.</p>
3	Materials and samples (Details)
	<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 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	Roof-level structures (Details)
	<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 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</p>

	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.
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/installed 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	Cycle parking (Compliance)
	<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</p>

	<p>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	Micro and small enterprises (Details)
	<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	Restriction of B1 uses
	<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	Green roofs (Details and Compliance)
	<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 80-150mm); • 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</p>

	<p>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	Sustainable urban drainage (Details)
	<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	Basement – Structural Method Statement (Details)
	<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 qualified and experienced professional.</p>
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</p>

	qualified and experienced professional.
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)
	<p>CONDITION: Prior to any works commencing on site a dynamic thermal modelling 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>

<p>18</p>	<p>Demolition and Construction Management and Logistics Plan (Details)</p> <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>
<p>19</p>	<p>Delivery and Servicing Management Plan and Waste Management Plan (Details)</p> <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>
<p>20</p>	<p>Waste storage (Compliance)</p> <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 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>
<p>21</p>	<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 Laeq Tr arising from the proposed</p>

	<p>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 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>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	Site contamination (Details)
	<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
	<p>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.</p>
5	Groundwater
	<p>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	Thames Water
	<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 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>
7	<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
(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