

PLANNING COMMITTEE REPORT

PLANNING COMMITTEE		AGENDA ITEM NO: B1
Date:	23 April 2018	NON-EXEMPT

Application number	P2017/0802/FUL
Application type	Full Planning Application
Ward	St Mary's
Listed building	No
Conservation area	Upper Street (North)
Development Plan Context	Town Centre (Angel)
Licensing Implications	Premises licence required
Site Address	John Salt 131 Upper Street London N1 1QP
Proposal	Temporary change of use of the rear area of the John Salt to a theatre for use by the Kings Head Theatre Company and the construction of an acoustic lobby.
Case Officer	Peter Munnelly
Applicant	Sager House (Almeida Limited)
Agent	Mr Greg Cooper – Metropolis Planning and Design

1.0 RECOMMENDATION

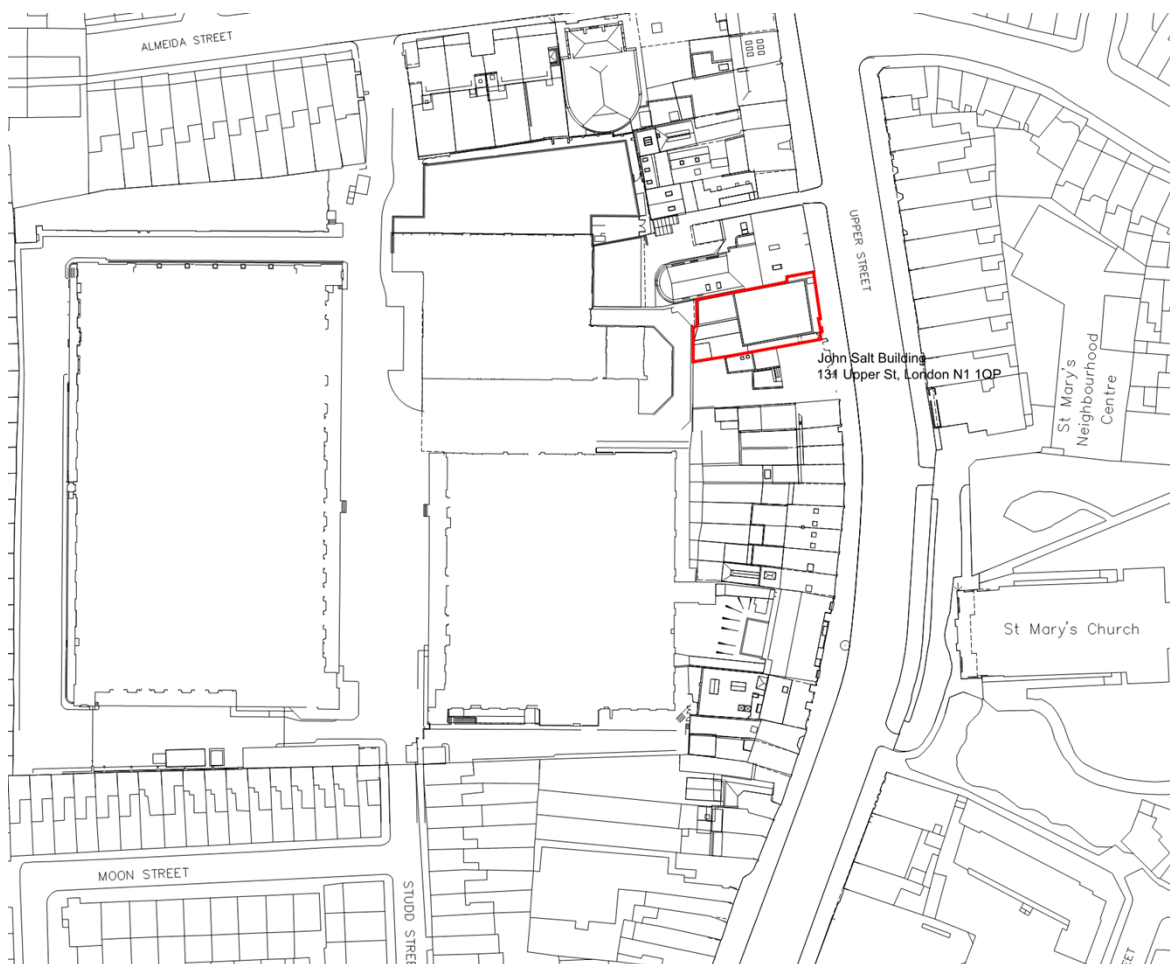
The Committee is asked to resolve to **GRANT** planning permission :

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**.

and:

Site Plan

Figure 1: Site Plan



2.0 SUMMARY

- 2.1 It is proposed to use part of the existing bar at John Salt as a temporary venue for the Kings Head Theatre Group (KHTG). This will allow them to continue their programme of performances without a break during their transition from their existing premises at the King's Head Pub (at 115 Upper Street) to a new, permanent facility within the wider Islington Square development. The need for a temporary venue is necessitated by a not inconsiderable amount of construction work needed to the rear of the King's Head which would allow the formation of their new Theatre entrance area within the Islington Square development. Continuation of performances at the King's Head whilst this construction work took place was deemed unfeasible.
- 2.2 The Council, the KHTG and the developer, Sager anticipate that the stay for the KHTG within the John Salt will be for a maximum of around 18 months. Within that period the KHTG are required to secure funding for the fit-out costs of their new Islington Square theatre space. Following discussions with the KHTG and review of Business Plan documentation, officers are reasonably satisfied that this funding can be secured. The funding campaign will be assisted by Terms secured within an

overarching S106 Agreement (which also covers the accompanying main application to secure change of use for the new Theatre within the Islington Square development and a listed building consent application for the King's Head Pub, Refs. 2018/0800/FUL & 2018/0888/LBC respectively). The Terms include the developer fitting out the temporary theatre space, a ceiling on rent and that rent paid being held in an account and set towards the cost of the new Theatre's fit-out. Although the S106 Terms are designed to help ensure the KHTG's stay within the John Salt is a temporary one, any permission will be permanent, thereby ensuring an active theatre use will remain in this Upper Street location. Upon occupation of the new, permanent Theatre by the KHTG, the obligation to provide the John Salt space will fall away and it would be anticipated that the space would revert back to its original Class A4 use.

- 2.3 In terms of physical works the theatre will occupy the rear ground floor area and an office and dressing room suite on the first floor. The remainder of the basement, ground and first floor will continue as a public house (Class A4)..
- 2.4 The Council's consultation exercise resulted in a small number of responses from neighbours (2 no.) There was also responses from the Theatres Trust.
- 2.5 The proposal brings about one land use issue; whether it is acceptable for part of the consented A4 use at this location to become theatre space (sui generis). Notably the site is within the Angel Town Centre and theatre use, as a cultural facility and an evening and entertainment activity is one of a number of 'main town centre uses' which the Council's relevant development plan policies seeks to encourage in order to maintain the vitality of its town centres.
- 2.6 There will be no external physical alterations to the building physical alterations to allow the new theatre use are relatively minor and will help improve the vibrancy and diversity of Upper Street and it is not anticipated that there will be any reduction in neighbouring residential amenity. Similarly there are no implications for highways anticipated as result of the use change with service arrangements likely to be exactly the same as those that now exist for the King's Head Pub 100 m south at 115 Upper Street
- 2.7 The clear cultural related benefits of the proposed development to the Borough have been considered together with any potential adverse impacts. It is the officers' view that there are no material planning reasons for refusal and that along with use of condition and effective management, planning permission should be granted.

3.0 SITE AND SURROUNDINGS

- 3.1 131 Upper Street is a 4 storey, late twentieth century, brick building of unremarkable appearance. It enjoys Class A4 use (drinking establishment) over its basement, ground and first floors with second and third floor being in Class B1a office use. It is separated from its neighbour to the south (formerly the Mitre Pub) by a narrow passageway which gives access to an existing substation to the rear and also serves as a smoking area for patrons of the bar. The former Mitre Pub is proposed, under the Islington Square scheme, to become retail at ground floor with flatted accommodation at upper level. Access to these flats is yet to formally finalised but is likely to be from a doorway within the passageway. To the north of the John Salt building is

- 3.2 Heritage assets near or adjacent to the site include the Grade II listed St Mary's Church to the south east, the Grade II listed Post office building and King's Head Theatre on the eastern side of Upper Street to the south and the Grade II listed Almeida Theatre to the north. The site falls within the Upper Street (North) Conservation Area (CA19).
- 3.3 In terms of surrounding land uses, Upper Street with its retail uses and evening economy related uses is the dominant characteristic and the application building reflects this. However, adjoining roads such Almeida Street are almost all residential in character and incorporate late Georgian and early Victorian housing.
- 3.4 The site enjoys a PTAL 6b rating of Very Good, the second highest achievable. Angel and Highbury and Islington Underground/Overground Stations are 5 and 10 minutes walk away respectively and Essex Road train station is approximately 10 minutes walk. Numerous bus services to various locations both north and south of the site (Barnet, Archway, Hackney, Finsbury Park, Battersea, London Bridge and Oxford Street) run along Upper Street.

4.0 PROPOSAL (IN DETAIL)

- 4.1 It is proposed to use part of the existing bar at John Salt as a temporary venue for the Kings Head Theatre Group (KHTG) seating 113 people and to create an acoustic lobby. Part of the first floor will be used as office space and as dressing room area. A new brick built extension to the rear of the building will help to facilitate the acoustic lobby and the technical area for back of stage. The amount of floorspace utilised across the ground and first floors would amount to 133 sqm.
- 4.2 This application, along with those for the new Theatre and the King's Head Pub (Refs. 2018/0800/FUL & 2018/0888/LBC respectively) will be the subject of an overarching Section 106 agreement which will aim, amongst other things, to secure appropriate lease term arrangements for the King's Head Theatre Group on both the new theatre space with Islington Square and the temporary theatre venue at the John Salt which is the subject of this report. The aim of the legal agreement is to ensure theatre use is maintained in perpetuity either on the Islington Square development site or as close as possible to the site after the theatre use at the Kings Head Pub ceases. More specifically Terms relating to the John Salt which are designed to ensure this include the Developer fitting out the theatre space within the John Salt, a ceiling on rent and that rent paid being held in an escrow account and set towards the cost of the new Theatre's fit-out at Islington Square.

5.0 RELEVANT HISTORY

- 5.1 P072964 Variation of condition 3 of planning permission 990746 of 23 September 1999, as previously varied by planning permissions P040047 of 15 March 2004 & P052394 of 9 December 2005. Variation allows trading between the hours of 10.00 & 03.00 the next day on Fridays & Saturdays (previous finish time 02.00). Operating hours on other days remain unchanged (10.00 to midnight on Sundays to Wednesdays, & 10.00 to 01.00 the following day on Thursdays). APPROVED

- 5.2 990746 Erection of a roof and rear extension and change of use and associated alterations to provide a restaurant (A3 use) at basement, ground and first floors and B1 offices at second and third floor levels.

Background to the application

- 6.1 The King's Head Theatre, founded in 1970 has provided a high quality theatre programme at its current address in the heart of Upper Street since 1970. It's continued success links with the community are all objectives which the Council strongly support and are required to make provision for.
- 6.2 The Theatre has an extremely small auditorium only housing 110 seats. Its dressing room facilities are rudimentary.
- 6.3 The chance to secure a new permanent home within the Islington Square development less than a few metres from the The King's Head is seen as an unparalleled opportunity for the KHTG to secure its long-term future. That space earmarked is a demise of approximately 720 sqm largely set mainly over part of a lower basement and a mezzanine level element of what is commonly referred to as Block B and also includes circulation/access space on two levels above, an entrance lobby at ground floor off one of the main retail arcades within Islington Square and a small office at first floor. The space is provided as 'shell and core' and funding will need to be secured to fit out the Theatre and this report will later consider how the granting of planning permissions which are the subject of this report will assist in that regard. When complete the new venue will be equipped to meet the demands of a sustainable producing theatre with a main 270 seat auditorium, an alternative 80 seat studio, bar and high quality facilities for actors, production companies and audiences alike.
- 6.4 The need to undertake works to the rear of the existing King's Head Pub – the demolition of a 20th century lean-to feature which currently serves as dressing rooms - to the new theatre courtyard, means that it is not possible to complete the new Theatre Islington Square facility without interrupting the existing theatre programme for a period of time.
- 6.5 A suspension in the theatre's programme was not acceptable to the KHTG and as a result the applicant Sager undertook to provide alternative premises. The John Salt bar at 131 Upper Street was identified as suitable. A temporary relocation of the KHT to the 113 seat John Salt would clearly overcome the problem of the KHT 'going dark' and interrupting its programme and income stream. Furthermore the John Salt offers advantages on the current theatre space by way of improved dressing rooms, disabled access, a higher auditorium ceiling and a significantly longer lease offered than is currently the case with the existing venue. The John Salt is in close proximity to the existing Kings Head allowing all important presence to be maintained on Upper Street before any permanent move is made into Islington Square.
- 6.6 Significantly Sager, the Islington Square applicant, has also undertaken to fund the not insignificant fit out costs of the John Salt temporary auditorium and ancillary elements. Additional security for the KHTG is provided by the fact that the application for the part-change of use of the John Salt is for permanent use although

it is still the aim of the KHTG and Islington Council to ensure the KHTG move into their new purpose-built premises as soon as possible following closure of the King's Head. This will be dependent on effective fundraising by the KHTG. Although the KHTG suggest they would hope that no more than 18 months would be spent in the John Salt, it was considered appropriate that the application be made permanent to alleviate any risk of the new use needing to exceed the duration of a temporary permission. It is accepted by the Council that it would not object to the space reverting back to Class A4 use upon the KHTG taking up residency within their Islington Square permanent home.

- 6.7 In order for the relocation to go ahead each party needs the certainty provided by approval of the simultaneous applications i.e. this application and those referenced above. Certainty is also required by the Council that the KHTG will, as promised by Sager, be allowed to occupy, under favourable lease terms, both the new Theatre space and the John Salt (until vacated). It is aware that the three parties propose to enter into legal agreement between themselves, completion of which shall occur, on the grant of planning permission. It is proposed that the conditions and terms of these legal agreements shall be replicated in the Council's own Section 106 agreement which is to accompany the application which is the subject of this report.

7.0 CONSULTATION

Public Consultation

- 7.1 Individual letters detailing the planning application were sent to occupants of nearly 1000 adjoining and nearby business and residential properties on Upper Street, Moon Street, Almeida Street, Studd Street, Theberton Street, Milner Square on the 31 July 2017. Records show properties on Esther Anne Place and Shelley Place also notified – these are understood to be the new addresses created by the development. A total of 2 responses were received following this exercise (although as noted in the accompanying report for the main application and the listed building consent, a number of residents responded solely to these applications. A press advert was published and site notice displayed on 3 August 2017. The public consultation exercise expired on 24 August 2017 however it is the Council's practice to continue to consider representations made up until the date of a decision.

- 7.2 The issues raised in those letters can be summarised as follows:

- Concerns that any works relating to the scheme would result in disruption and noise similar to that caused by the nearby Islington Square development and therefore would expect conditions in relation to the times of operation and times of arrival of workmen to be attached to any planning permission;
- The provision of a new Theatre is warmly welcomed but it crucial that the entry and exit be via Upper Street only.

Applicant's consultation

- 7.3 The applicant has carried out a regular consultation process with local businesses and residents since work began on the site. The principal form of consultation has taken the form of a newsletter which has been sent out in email and in hard copy

form to local businesses and residents and Islington Council. Throughout the construction period the developer has also maintained a show suite on Upper Street within which details of the scheme could be explained.

External Consultees

- 7.4 **Theatres Trust:** An initial letter received in August 2017 followed by a shorter letter in March 2018. Key sections of those letters are set out below:

24 August

'...The Theatres Trust welcomes the development of a new replacement theatre space for the King's Head Theatre, which is the subject of related application P2017/0800/FUL, given the many opportunities this creates for the theatre into the future, both artistically and operationally.'

We understand that in order for the development of the new theatre to proceed, part of the existing theatre needs to be demolished meaning the theatre will be unable to continue operating for the existing venue during construction. We therefore support the creation of a temporary theatre space at the rear of the John Salt as an interim venue. It is of a similar size and capacity and will help maintain its local audiences during construction of the new theatre. Our only concern operationally is the use of the stair linking the stage with the dressing rooms which is also the main stair for John Salt staff accessing the kitchens. This will have to be carefully managed to minimise conflict between the kitchen staff and actors waiting to go onto the stage, though we have been advised there is a dumb waiter that will be used that will hopefully avoid this becoming a problem. Otherwise, we are happy to recommend approval.'

This advice reflect guidance in Paragraph 70 of the NPPF which states that in 'promoting healthy communities', planning decisions should 'plan positively for cultural buildings', 'guard against the loss of cultural facilities and services', and ensure that such facilities 'are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.'

16 March

'...We appreciate the rationale behind making the change of use permanent, so that the theatre has some certainty in the shorter term to allow for any delays which may occur preventing them from taking the new permanent facility as anticipated. Therefore we cautiously support the permanent change of use.'

However, we have some logistical concerns as outlined previously regarding the sharing of backstage and kitchen areas at the John Salt and the capacity is slightly lower than at the current venue. Therefore we have reservations as to whether the John Salt could be an appropriate longer-term home that would meet the King's Head Theatre's artistic and operational needs to ensure its future viability.'

Internal Consultees

7.5 **Planning Policy:** No comment

7.6 **Building Control:** No comment

7.0 RELEVANT POLICIES

7.1 **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

7.2 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.

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

Development Plan

7.4 The Development Plan is comprised of the London Plan 2016 (Consolidated incorporating Minor alterations), the Islington Core Strategy 2011, the Islington Development Management Policies 2013, and the Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at **Appendix 2** to this report.

Designations

7.5 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Finsbury Local Plan 2013:

- Conservation Area - Upper Street (North)
- Article iv (i) - Upper Street (North)
- Angel Town Centre
- Site Allocation AUS1 - (Almeida Street Sorting Office/Former North London Mail centre)
- Archaeological Priority Area – Islington Village and Manor House
- Within 50m of TLRN Road (Transport for London Road Network) (A1)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

8.0 ASSESSMENT

8.1 The main issues arising from this proposal relate to:

- Land use;
- Visual Amenity/Design;
- Neighbouring amenity;
- Highways and transportation;
- Energy conservation, sustainability and biodiversity;
- Inclusivity and Access;
- Other planning issues and
- Planning Obligations and safeguards, Community Infrastructure Levy and local finance considerations

Land use

8.2 Islington Square is a retail-led mixed use development that is intended to anchor the northern part of the Angel Town Centre which was redesignated in 2013 to include the Islington Square site. It is considered that there are two significant land use matters to assess within the main application. These are the loss of historically consented Class D2 (Assembly and Leisure) space within basement levels of Block B that is to be the location for the new Theatre and the loss of existing Theatre Space from the rear of the ground floor of the King's Head Pub. .

8.3 The National Planning Policy Framework (NPPF) has a 'Town centre First' thrust which requires LPAs to plan positively to support town centres to generate employment, promote competition and create attractive diverse places to live, visit and work. Within Annex 2 (Glossary) of NPPF Theatres are specifically referred to as a main town centre use.

8.4 Policy 4.6 of the 2016 London Plan 2016 (Consolidated incorporating Minor alterations) provides that the Mayor shall support the continued success of London's diverse range of cultural entertainment enterprises and that new development should have good access by public transport, be accessible to all and address deficiencies in facilities and provide a cultural focus to foster more sustainable local communities.

8.5 Policy DM4.2 (Entertainment and the night-time economy) of Islington's Local Plan indicates that entertainment and night-time activities are generally appropriate in Town Centres where they are compatible with other Town Centre uses, where they are compatible with other Town Centre uses, where there would not be a significant adverse effect on amenity, particularly residential amenity and where there is not an over-concentration of similar types of use.

8.6 Policy DM4.4 (Promoting Islington's Town Centres) of Islington's Local Plan function of Islington's four town centres. Part C of DM4.4 is considered most relevant in provides that the Council will seeks to maintain and enhance the retail and service that it indicates development within designated town centres is, amongst other things, is required to contribute positively to the vitality and viability

of the centre, promote a vibrant and attractive place and not cause detrimental disturbance from noise.

- 8.7 Policy DM4.10 (Public Houses) supports the retention of Public Houses and although generally the Policy concerns itself with provisions to prevent the loss of Public Houses, the policy does stress the importance attached by residents and visitors alike to historic Public Houses within the Borough.
- 8.8 Policy DM4.12 (Social and Strategic Infrastructure and Cultural Facilities) of Islington's Local Plan is a lengthy and detailed policy which acknowledges and seeks to maintain and enhance social infrastructure, strategic infrastructure and cultural facilities within the borough. More specifically Part A addresses the loss or reduction in social infrastructure. Part B sets out that the Council will require new social infrastructure and cultural facilities as part of large mixed use developments. Part C aims to ensure new social infrastructure and cultural facilities are conveniently and sustainably located and accessible to all, avoiding adverse impacts on surrounding amenity while Part D of the policy specifically requires that new cultural facilities that will attract significant numbers of visitors should be located in the Central Activities Zone or the Town Centres. Part E states that the loss and/or change of use of cultural facilities such as theatres will be strongly resisted.
- 8.9 Theatre use does not enjoy a designated use class under The Town and Country Planning (Use Classes) Order 1987 (as amended) and therefore the use is termed *sui generis*.
- 8.10 Both Policy DM4.2 and DM4.4 which both broadly seek to promote and manage entertainment uses and the night-time economy in Town Centres support the introduction of theatre use. Policy DM4.2 is clear in stating that entertainment and night-time uses include theatres. It states such uses are '...generally appropriate in Town Centres ...' where compatible with other main Town Centre uses and where there would be no significant adverse effect on residential amenity.
- 8.11 Similarly a theatre use in the proposed location would accord with the provisions of Policy DM4.4 in that the development would be appropriate to scale, character and function of the Angel Town Centre, contribute positively to its vitality and viability, help make it a more vibrant and attractive place, respect and enhance its character, meet Inclusive design policies and significantly not have an adverse impact on neighbouring amenity.
- 8.12 In assessing the proposal against DM4.12 it can be seen that as the proposed use is a cultural facility. Parts B-E are all relevant and the proposals are fully in alignment with these objectives which state that the Council will seek the provision of cultural facilities as part of large mixed-use developments, that such cultural facilities must be conveniently located and served by sustainable transport modes, that such facilities should provide buildings that are inclusive, accessible and flexible and that they should complement existing uses and character of the area avoiding adverse impacts on the amenity of the surrounding uses. In addition the proposal meets the requirement of DM4.12 (D) which states that new cultural facilities that are expected to attract significant numbers of visitors should be located in Town Centres and also (E) which sets out that the loss of cultural facilities such as theatres will be strongly resisted.

- 8.13 It is also important to consider that, subject to the provisions of the S106, there is no loss of theatre use as the space at the John Salt would re-provide 133 sqm of the theatre space that would be given up within the King's Head in the short term. It is considered that there is no conflict with Policy DM4.12 Part (E) which states that the loss and/or change of use of cultural facilities such as theatres will be strongly resisted.
- 8.14 In summary the changes of use are no considered contentious and are in accordance with those adopted policies referenced above, namely Policy 4.6 of the London Plan, and Policies DM4.2, DM4.4, DM4.10 and the relevant provisions of DM4.12 of Islington's Local Plan Development Management Policies Document.

Visual Amenity, Design

- 8.15 The application proposes relatively minor internal changes to the current building.
- 8.16 Islington's Core Strategy Policy CS9 seeks to protect and enhance Islington's built and historic environment states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment.
- 8.17 Policy DM2.1 (Design) requires all forms of development to be of a high quality, to incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Development which fails to take the opportunities available for improving the character and quality of an area and the way that it functions will not be supported.

The Theatre

- 8.18 Although the theatre fit-out works themselves do not require planning permission, the developer has provided detailed plans which allow a clear understanding of how the theatre will work and operate. On the basis of the internal changes and the fact that the changes must result in a venue which external parties would be willing to fund, it is considered appropriate to briefly consider the re-arranged layout and fit-out plans for the venue.
- 8.19 The Theatre will have a main auditorium with 113 seats at ground floor level. It will be accessed by the passageway at the side of the main pub and entered through an acoustic lobby formed through a new brick built extension. A control room for sound and lighting will also be contained in this new extension. A second acoustic lobby give access from the stage to the first floor and the dressing room area. In this way the theatre will be insulated from the noise of the pub also contained within the building and the escape of noise will be mitigated against.

- 8.20 The theatre will utilise previously consented service and delivery arrangements for this space and M&E provision. These matters will be considered in more detail later in this report.
- 8.21 In summary the fit-out is intended to create a suitable temporary replacement for the existing space at the Kings Head.

Neighbouring amenity

- 8.22 Policy 7.6 of the London Plan provides that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings. This policy is reflected at local level in Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, overshadowing, overlooking, privacy, direct daylight and sunlight, over-dominance, sense of enclosure and outlook. Policy DM4.2 states that proposals for entertainment uses (and this proposal seeks to intensify an entertainment use) will need to demonstrate that they will have no adverse impacts on amenity. The supporting text to this policy suggests that such uses can contribute positively to the vitality and vibrancy of areas including enhancing perceptions of personal safety by providing informal surveillance for passers-by. The text goes on to state that *'...if not properly managed, such uses can result in adverse effects on surrounding neighbourhoods, with adverse amenity effects generated from such factors such as noise and anti-social behaviour, particularly late at night'*. The Policy indicates that entertainment uses will generally be directed to Islington's Town Centres although regard will be had to proposed hours of opening, operation and servicing and measures to mitigate odour and noise from the premises.
- 8.23 Given the relatively small amount of external physical building work in respect of both of these elements it is considered that there will be no resulting issues of overshadowing, overlooking, privacy, daylight and sunlight, over-dominance, sense of enclosure or outlook to any residential occupiers, existing or future. The matter of potential noise disturbance and odour should however be carefully considered with particular regard to the consented residential properties within the adjoining building at 129 Upper Street whose windows face towards the Islington Square development,

The New Theatre Use

- 8.24 Notably many of the representations received by the Council following its application publicity exercise indicated concern that theatre goers would cause possible disturbance and harm to residential amenity upon exiting the theatre after evening performances.' A condition will be attached to any planning permission if granted requiring that theatre goers disperse from Upper Street. Given that the existing John Salt has approved opening hours until 3am and the theatre space partially replaces the opportunity for larger numbers of people to be exiting at this time, it is considered reasonable that there will be no additional nuisance over and above that which may already be experienced.

- 8.25 It is proposed to limit the hours of the theatre . A further condition will require the provision of a Management Plan which, amongst other things, will detail how it is proposed to ensure that people leave the theatre when a performance has finished and that the side door to the passage way is closed after XXX pm to prevent disturbance to residents at 129 Upper Street. This would not preclude theatre goers from staying on at the John salt however and using the bar facilities in the normal way.
- 8.25 Noting the town centre location, it is considered that cumulatively, the restricted hours of use of the theatre, the requirement for a management plant and the new plant noise related conditions will ensure an appropriate level of amenity for neighbouring residents, both existing and those that will shortly move into the nearby flats. The proposals can therefore be said to be in accordance with London Plan Policy 7.6 and both Policies DM2.1 and DM4.2 of the Islington Development Management Policies Document which all seek to protect neighbouring amenity.

Highways and transportation

- 8.26 Policy CS10 of the Core Strategy encourages sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use. Policy DM8.2 of the Development Management Policies Document provides, inter alia, that development proposals are required to fully mitigate any adverse impacts on the safe and efficient operation of transport infrastructure, including pavements and any walking routes, and maximise safe, convenient and inclusive accessibility to, from and within developments for pedestrians and cyclists. DM8.4 provides that major developments are required to provide cycle parking which is secure, sheltered, step-free and accessible. Policy DM8.6 provides that delivery and servicing should normally be provided off-street, but where on-street servicing is proposed, details must be submitted to demonstrate the need for on-street provision, and show that arrangements will be safe and will not cause a traffic obstruction.

Car Parking

- 8.27 Whilst all streets surrounding the development are Controlled Parking Zones (CPZs) there are some limited blue-badge permit parking spaces on nearby Gibson Square and Theberton Street. Given its excellent PTAL rating and town centre location it is anticipated that practically all staff and the vast majority of patrons visiting both the theatre and the pub will utilise public transport.

Deliveries and servicing

- 10.27 Servicing arrangements for the new operation at the John Salt will remain unchanged from the current arrangements at the Kings Head. Programme changes will require sets to be moved in and out of the theatre but it is envisaged that this should not present any particular problems with sets delivered and removed from on street loading bays on Upper Street..

- 10.28 It will be considered appropriate for this DSP to reference the theatre servicing arrangements and the document will need to be approved by the Council in consultation with TfL.
- 10.29 In summary it is considered that as a result of the use changes there will be no significant increase in servicing trips associated with the development and those trips associated with the proposed new use are considered to be manageable and would not have any adverse impact on the overall proposed servicing regime or more widely, the local road network.
- 10.30 On the basis of the above assessment it is considered that the development accords with Policies DM8.2 (developments to ensure safe and efficient operation of transport infrastructure), DM8.4 (cycle parking), Policy DM8.5 (Part B) (development shall be car-free) and Policy DM8.6 which requires that delivery and servicing should normally be provided off-street.

Accessibility/ Inclusive Design

- 10.31 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design, and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires developments to demonstrate, *inter alia*, that they produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of a development from the outset and over its lifetime. Developers are also required to have regard to Islington's own Inclusive Design and SPD and the Mayor's SAPD on accessibility.
- 10.79 A range of measures and provisions have been included in the proposals to allow for a high standard of accessibility and inclusivity and the interventions can be summarised as follows:

- **Car Parking**

A red route access bay immediately outside the entrance to Islington Square on Upper Street provides 3 hour parking for blue badge holders 7am to 4pm and this bay provides convenient parking with level access to the theatre.

The main approach to the building on Upper Street will have level access, be free of obstruction and will allow wheelchair access. Separate surfaces will be provided at the main entrance, providing a change of texture to help define the entrance for visually impaired users, while also being of a material that will not impinge any access for wheelchair users;

In terms of the performance spaces, seating is designed to accommodate access patrons, with a variety of seats at Stage Level able to be removed to provide spaces for wheelchairs with companion seats nearby. Since the stage areas will be placed at the same level as the front row of audience seating, access for those with limited mobility will be unobstructed and many options for transfer into seats will be available.

Dressing rooms at first floor level will be provided.

- **WC provision**

A fully accessible WC is provided at ground floor level.

Signage and Communication

All public areas will be clearly defined by directional signage, which will be located at approximately 1400mm and will again be clearly defined from its background and well lit.

- **Means of Escape**

Means of escape is through the existing arrangement. The King's Head Theatre will develop a management plan, which will be included within the building's risk assessment report, and which will highlight the management regime for evacuating disabled occupants and identify personnel capable of undertaking assisted evacuation of occupants requiring such assistance. A detailed fire strategy will be prepared and submitted as part of the Building Regulation Approval process.

- 10.81 The above measures and proposals are welcomed, considered acceptable and in compliance with Policy DM2.2 of the Development Management Policies Document which as indicated above requires developments to demonstrate, *inter alia*, that they produce places and spaces that are convenient and enjoyable to use for everyone.

Waste and Recycling Strategy

- 10.84 Policy DM8.6 (Delivery servicing for new developments) Part C requires that for major developments details of refuse and recycling collection must be submitted, indicating locations for collection vehicles to wait and locations of refuse and recycling bin stores.
- 10.85 Much like the servicing arrangements, it is anticipated that the waste arrangements for the new theatre will change little, if at all, from the existing and consented pub use. Theatre waste will be modest and relate primarily to the bar and back of house operation.
- 10.86 The applicant has provided satisfactory evidence that the change of use will not require any further waste and recycling provision than has already been approved. In this regard the scheme can be said to accord with Policy DM8.6 which relates to delivery and servicing for new developments.

Planning Obligations, Community Infrastructure Levy and Local Finance Considerations

Community Infrastructure Levy

- 10.94 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended) and in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014, the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would not

be chargeable on the proposed development for change of use on grant of planning permission.

Section 106 Agreement

- 10.87 A Section 106 Agreement is considered necessary in order to mitigate the impacts of the proposed development. The most significant terms to the Agreement will be the granting of reasonable leasehold terms to the KHTG, by the developer (with Young's party to the agreement) on both the proposed new Islington Square theatre space and that at the bridging venue, the John Salt. These terms which include a 20 year lease on the John Salt and rent no greater than paid currently on the King's Head theatre space, and a similar lease length on the new theatre at a peppercorn rent.
- 10.88 It should be noted that the proposed Terms would, in effect, vary the originally proposed development description that was mutually agreed after a lengthy period of negotiation. Part of the description sought to restrict use of the theatre space within the King's Head Pub for pub use until the KHTG occupied their new premises in the Islington Square development. The draft Heads now seek to allow that King's Head space to be used upon occupation of the John Salt pursuant to relevant lease terms. The implications of this change are significant in that the original description was drafted to incentivise the developer into ensuring the KHTG occupied their purpose built space within Islington Square as soon as was practicably possible. The terms now would allow use of the King's Head theatre space as pub space as soon as refurbishment work was completed with the danger that if the KHTG cannot raise necessary fit-out funding, they could remain in the John Salt indefinitely which is not considered to be a suitable long term replacement for the existing theatre.
- 10.89 The argument put forward by the developer in seeking these Terms is that the length of leaseholds and the low rents are sufficient to allow the KHTG to convince external funders of the likelihood that their long term future will be within Islington Square with the result that funding for the fit-out will be more easily secured.
- 10.90 The Agreement will be applicable to both applications that are the subject of this report and the accompanying Change of Use application relating to the John Salt. The proposed Heads of Terms are listed, in full, in Appendix 1 (Recommendation A) below.
- 10.91 It should be noted that the wider development (or that relating to Block A,B,D & F) was subject to a S106 agreement featuring extensive obligations. The majority of these obligations (including financial contributions) pursuant to the S106 Agreement dated 2 July 2007 (relating to P052245) and its subsequent 2014 Variation (relating to P2013/2697/S73) have already been met, with a number of the non-financial measures relating to construction and operation either in place, or ready to be put in place. The Council will continue to monitor and pursue any outstanding obligations relating to this agreement as a matter of course.

11.0 CONCLUSION

- 11.1 The application has been considered with regard to the National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development.

- 11.2 The benefits of the proposed development, namely the securing a modern, accessible, inclusive and financially sustainable home for one of Islington's key cultural institutions for the foreseeable future have been considered in the balance of planning considerations. Officers are of the view that these benefits, which would also see the Islington Square development gain an important arts based attraction, together with the adequate arrangements that would be put place to ensure the Theatre has an appropriate temporary home (The John Salt), significantly outweigh any potential adverse impacts which may arguably include the 'loss' of the original Theatre space in the King's Head Pub. In the balance of planning considerations, the positive aspects of the proposal significantly outweigh the disbenefits. On this basis, approval of planning permission is recommended.

Conclusion

- 11.3 It is recommended that planning permission be granted subject to conditions and S106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 2 - RELEVANT POLICIES

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

A) The London Plan 2016 - 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 2.1 London in its global, European and United Kingdom context

Policy 2.9 Inner London

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

Policy 2.12 Central Activities Zone – predominantly local activities

Policy 2.13 Opportunity areas and intensification areas

Policy 2.18 Green infrastructure: the network of open and green spaces

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 4.3 Mixed use development and offices

Policy 4.5 London's visitor infrastructure

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.11 Encouraging a connected economy

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 5.11 Green roofs and development site environs

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and



6 London's transport

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.8 Coaches

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

Policy 8.4 Monitoring and review for London

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.13 Safety, security and resilience to emergency
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 7.19 Biodiversity and access to nature

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 is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS7 (Bunhill and Clerkenwell)
Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)
Policy CS19 (Health Impact Assessments)
Policy CS20 (Partnership Working)

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS13 (Employment Spaces)
Policy CS14 (Retail and Services)
Policy CS15 (Open Space and Green Infrastructure)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage
DM2.5 Landmarks

Shops, culture and services

DM4.2 Entertainment and the night-time economy
DM4.3 Location and concentration of uses
DM4.4 Promoting Islington's Town Centres

Employment

DM5.2 Loss of existing business floorspace

Health and open space

DM6.1 Healthy development
DM6.5 Landscaping, trees and biodiversity

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements
DM7.2 Energy efficiency and carbon reduction in minor schemes
DM7.3 Decentralised energy networks
DM7.4 Sustainable design standards
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

Supplementary Planning Guidance (SPG) / Document (SPD)

Islington Local Plan

- Environmental Design
- Conservation Area Design Guidelines
- Planning Obligations and S106
- Urban Design Guide

London Plan

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