



PLANNING SUB-A COMMITTEE
Date: 25/10/2012

AGENDA ITEM NO: B7

Application number	P121864
Application type	Full Planning
Ward	St George's
Listed building	Locally Listed
Conservation area	No
Development Plan Context	Protected Local Shopping Centre
Licensing Implications	None
Site Address:	1-5, Campdale Road, Islington, London, N7 0EA
Proposal	Amalgamation of five commercial units to create one larger A1 convenience shop, together with replacement of existing shopfronts, and alterations to the rear of 4 & 5 Campdale Road at ground floor level.

Case Officer	Ben Dixon
Applicant	Mulvir & Sons Ltd
Agent	PPML Consulting Ltd

Reason for Lateness:

Due to clarification regarding policy consideration issues.

1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET





4. SUMMARY

- 4.1 The key issues involved in determining this application are the principle of the proposed amalgamation of the existing units to create one larger shop, the quality of the proposed external works, the impact on highway safety and traffic, and the impact of the development on the amenity of the amenity of neighbouring occupiers.
- 4.2 It is considered that the proposed amalgamation is acceptable, given the benefits to the parade and local shopping centre, as a result of the vacant units being brought back into active retail use and the environmental uplift associated with the installation of new high quality traditional style shopfronts.
- 4.3 It is considered that the proposed replacement shopfronts are of a high quality, well considered design which would enhance the character and appearance of the host buildings, the streetscene and the surrounding area.
- 4.4 Subject to the site being operated in accordance with an agreed servicing management plan and the provision of cycle parking, it is considered that the proposal would not have a material impact on highway safety or the free flow of traffic on surrounding roads.
- 4.5 Subject to the site being operated in strict accordance with an approved servicing management plan, an approved waste management plan, within the restricted hours, and in accordance with approved details for limiting noise levels from fixed plant, it is not considered that the proposal would result in undue harm to the amenity of any neighbouring occupiers.

5. SITE AND SURROUNDING

- 5.1 The application site is located at a corner on the east side of Campdale Road and the north side of Tufnell Park Road at the junction of the two roads. The site forms part of a locally listed, Victorian, three storey, over basement, terrace, comprising commercial units at ground floor level with residential accommodation provided on the upper floors. The ground floor commercial units form part of a commercial parade which is a designated local shopping centre. The corner unit at 1 Campdale Road was previously used as an A2 betting office and is currently vacant. The units at 2 & 3 Campdale Road are currently operated by the applicants as an A1 convenience store. The unit at 4 Campdale Road was previously used as a launderette (Sui Generis) and is currently vacant. Planning permission (ref. P091389) was previously granted for use of this unit as an A1 retail shop. The unit at 5 Campdale Road was previously used as an A1 retail shop and is currently vacant.
- 5.2 To the north of the site, at 6-10 Campdale Road, continues the three storey terrace comprising commercial units at ground floor level with residential accommodation above. The other five units within the parade comprise an A1 convenience shop, an A1 hairdressers, an A1 shop selling children and baby wear, an A1/A3 deli shop / café and a vacant unit. To the rear (east) of the site is Mercers Mews, which is a gated, private road accessed off Mercers Road. Mercers Mews provides access to the residential flats on the upper floors of the application site and adjoining properties. Facing the rear of the site on the opposite side of Mercers Mews is a residential dwelling at 1 Mercers Mews. To the east of the south end of the site is a three storey terrace of residential properties fronting Tufnell Park Road. To the west of the site on the opposite side of Campdale

Road is a public house and vehicle repair garage. To the northwest of the site is Tufnell Park Playing Fields. The surrounding area is predominantly residential in character.

6. PROPOSAL (IN DETAIL)

- 6.1 Amalgamation of five commercial units to create one larger A1 convenience shop, together with replacement of existing shopfronts, and alterations to the rear of 4 & 5 Campdale Road at ground floor level.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 Planning permission (ref. 871032) was granted in 1987 for change of use of the commercial unit at 1 Campdale Road from an A1 retail shop to an A2 betting office.
- 7.2 Planning permission (ref. P030216) was granted in 2003 for the enlargement of the ground floor A1 retail use and replacement of the existing shopfront at 2-3 Campdale Road.
- 7.3 Planning permission (ref. P051850) was refused in 2005 for the retention of five air handling units at first floor level on the roof of the rear ground floor extension at 2-3 Campdale Road. Permission was refused on the grounds that, due to the location of the plant, it would result in unacceptable harm to the amenity of neighbouring residential occupiers as a result of excessive noise, and would be harmful to the character and appearance of the locally listed host building.
- 7.4 Planning permission (ref. P052995) was granted in 2006 for erection of a first floor rear extension to house air conditioning units at 2-3 Campdale Road. The permission included a condition limiting the maximum noise level generated by the operation of the plant.
- 7.5 Planning permission (ref. P082044) was granted in 2008, at 5 Campdale Road, for installation of a new shopfront and erection of a ground and first floor rear extension, in association with conversion of the upper floor residential unit to create two flats.
- 7.6 Planning permission (ref. P091389) was granted in October 2009 for a change of use of the ground floor and basement of 4 Campdale Road from a launderette (Sui Generis) to an A1 retail shop. This permission has not been implemented and would have expired on 02-October-2012. However, a valid application to extend the time limit to implement the permission (ref. P122199) was received prior to the date of expiry and is currently under consideration.
- 7.7 Advertisement consent (ref. P102152) was granted in December 2010 for the replacement of existing signage with new illuminated fascia signage at 1-5 Campdale Road.
- 7.8 A Certificate of Lawfulness application (ref. P111103), for the proposed amalgamation of the ground floor commercial units at 1-5 Campdale Road to create one larger A1 retail unit (as is proposed under this current application), was submitted in May 2011. This application currently remains undetermined.

- 7.9 An advertisement consent application (ref. P121865), seeking consent for new externally illuminated fascia signage at 1-5 Campdale Road, was submitted in August 2012 to accompany this current full planning application. The proposed signage is considered to be acceptable and therefore shall be recommended for approval under delegated powers.

ENFORCEMENT:

- 7.10 There is a current enforcement case (ref. E10/04825), which was opened in April 2010. This case relates to ongoing issues with respect to non-compliance with condition 4 (noise limits for fixed plant) imposed on planning permission ref. P052995 at 2-3 Campdale Road, together with the associated unauthorised erection of a timber housing around the plant room at first floor level. An Enforcement Notice was issued requiring the removal of the unauthorised timber housing and this is subject to a pending appeal. A Breach of Condition Notice was also issued requiring either remedial works to the fixed plant to ensure its operation within acceptable noise levels or the switching off of all plant units located at first floor level.
- 7.11 There is also a current enforcement case (ref. E12/06286) which was opened in May 2012 and is ongoing, with respect to unauthorised bin storage to the rear of 4 Campdale Road.

8. CONSULTATION

Public Consultation

- 8.1 A total of 80 letters were sent to occupants of adjoining and nearby properties at Campdale Road, Tufnell Park Road, Mercers Mews and Tytherton Road on 28-August-2012. A site notice was displayed on 30-August. Although, the public consultation period expired on 20-September, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report a total of 45 responses had been received from the public with regard to the application. Of these, there are 11 objections and 34 letters of support for the proposal. Two petitions, in support of the proposal, signed by 461 and 36 people respectively, have also been received.
- 8.3 The concerns raised can be summarised as follows:
- Increased levels of traffic on surrounding roads;
 - Increased pressure on parking on surrounding roads;
 - Servicing / deliveries by larger lorries;
 - Reduction in highway safety, particularly for pedestrians;
 - Harm to the character of the shopping parade and surrounding area as a result of the loss of the small shops;
 - Lack of marketing evidence to illustrate that there is no demand for the small shop units by small independent retailers;

- Reduction in the potential for a more diverse range of shops;
- Waste management;
- Increased noise and disturbance;

8.4 The reasons given for support of the application can be summarised as follows:

- The enlarged shop would be a valuable resource to the local community, particularly those who are elderly or disabled;
- The applicants have a long history of serving the local community well;
- Reduction in need for local people to travel to supermarkets elsewhere by car;
- Good to see the previously vacant shops brought back to use with new improved shopfronts helping to improve the neighbourhood;
- The proposal would enhance the local area;
- Increased footfall should benefit other shops in the parade;
- The applicants are local people running a successful local business;

External Consultees

8.5 None

Internal Consultees

8.6 Conservation and Design Officer - No objection

8.7 Transport Officer – No objection, subject to condition to secure cycle parking and servicing management plan

8.8 Strategic Policy Team – No objection

9. RELEVANT POLICIES

DETAILS OF ALL RELEVANT POLICIES AND GUIDANCE NOTES ARE ATTACHED IN APPENDIX 2. THIS REPORT CONSIDERS THE PROPOSAL AGAINST THE FOLLOWING DEVELOPMENT PLAN DOCUMENTS.

National Guidance

- 9.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002.

Emerging Policy Documents

Islington's Development Management Policies – Submission, June 2012

Designations

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

- **Local Shopping Centre** -

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.4 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
- Conservation & Design
- Transport
- Neighbouring amenity

Land-use

- 10.2 The application site comprises five commercial units (nos. 1-5 Campdale Road) within a parade of 10 commercial units (nos. 1-10 Campdale Road), which is designated as a Local Shopping Centre. The unit at 1 Campdale Road was previously used as an A2 betting office and is currently vacant. Given that the lawful use of this unit falls within Use Class A2, a change of use of this property to an A1 retail shop would be permitted development under the Town and Country Planning (General Permitted Development) order 1995 (as amended). The two units at 2 & 3 Campdale Road are currently operated as a single A1 retail (convenience) shop. The unit at 5 Campdale Road, was previously used as an A1 retail shop and is currently vacant.

- 10.3 The unit at 4 Campdale Road was previously used as a launderette (which is a Sui Generis use) and is currently vacant. Planning permission (ref. P091389) was granted in October 2009 for a change of use of the unit at 4 Campdale Road from a launderette to an A1 retail shop. This permission has not been implemented and would have expired on 02-October-2012. However, a valid application to extend the time limit to implement the permission (ref. P122199) was received prior to the date of expiry. Although this application, to extend the time limit for implementation of A1 retail use at 4 Campdale Road, has not yet been determined, the principle of the change of use, from launderette use to A1 retail shop use, was previously assessed against adopted policy and found to be acceptable. It is not considered that the policy position, with respect to this material change, has altered since planning permission was granted in October 2009. Furthermore, for commercial units, which are located within designated shopping centres, the preferred uses are those within the 'A' Use Class, particularly Use Class A1. Therefore, it is very likely that permission will be granted for an extension of time to implement the A1 use at 4 Campdale Road, as this would be policy compliant and the most appropriate use for the property.
- 10.4 This application is seeking planning permission for the amalgamation of the five commercial units at the application site, together with the installation of new shopfronts, to create one larger A1 retail (convenience) shop. The Council takes the view that the amalgamation of retail shops to create a larger retail shop constitutes development as a material change given the external alterations associated with the proposal, allowing for a degree of planning control and the current applicant for determination is testament to this.
- 10.5 It is noted that the applicant did consider that the amalgamation of the units in itself would not constitute development. The Council does not accept this view. The adopted Core Strategy Policy CS 14 (D) states:
- “...Through Development Management policies, the council will prevent the amalgamation of smaller retail units to make larger single shops...”
- 10.6 Policy DM18 (B) of the Development Management Policies (Submission version) takes this further stating:
- “The Council will prevent the amalgamation of individual shop units incorporating A Use Classes where the intensification of use would have material impacts which would (inter alia) detrimentally affect the character of the local area.”
- 10.7 However, it is necessary to acknowledge that the reference to Development Management Policies in policy CS14 (D) implies that amalgamation may not necessarily be resisted in all cases. Therefore, it follows, that when applying this policy, weight should be afforded to the above emerging policy DM18 (Maintaining and promoting small and independent shops) which identifies the conditions under which amalgamation would not be acceptable. This would be the case where the proposal would have material impacts, which would detrimentally affect the character of the local area and/or would cause unacceptable adverse impacts on the local environment and/or amenity. Therefore, it is necessary to assess the potential impact of the proposed amalgamation with respect to these two main issues.
- 10.8 Firstly, in terms of the potential impact on the character of the local area, the proposal would bring the vacant units at 1,4 and 5 Campdale Road back into active retail use, therefore, enhancing the overall vitality and viability of the local shopping centre. This is

consistent with emerging policy DM23(A) (Local Shopping Areas), which seeks to maintain and enhance 'the retail and service function of the Local Shopping Area'.

- 10.9 The proposal would, though, also result in the loss of small shop units, which is a feature of this particular shopping parade and must be considered part of its character. The impact of the proposal would be to reduce the number of individual shop units in the parade from nine to six (units 2 and 3 are currently operated as a single A1 shop by the applicants). The proposal would preserve the appearance of individual small units, through the installation of new individual shopfronts for each existing shop unit. However, the amalgamation would undoubtedly affect the character of the shopping parade.
- 10.10 It is stated in the submitted Design and Access Statement that the applicants have not been successful in renting or leasing the vacant units, although no marketing evidence has been provided to support this claim. However, the Council's *'Local Shopping Areas: Review and Healthcheck (April 2012)'* identified a vacancy rate of 22% in the parade, which compares relatively unfavourably with other similar parades in the borough. Furthermore, evidence suggests that a high level of vacancy has been sustained in the parade for some time, thereby suggesting depressed market demand for units within the parade. Regard should, therefore, be had with respect to viability and the likelihood of the existing small units being successfully maintained as individual retail units, and the subsequent knock-on effects, of continued vacancy, on the other units within the parade. The high level of vacancy is considered to have a significant negative impact on the character of the parade.
- 10.11 On balance, it is considered that the benefits to the parade and Local Shopping Centre associated with bringing the vacant units back into a viable A1 retail use would outweigh the harm associated with the resultant loss of the individual units. The continued vacancy of units 1, 4 and 5 Campdale Road, would be of greater detriment to the character of the parade than their amalgamation and associated return to active A1 retail use. Furthermore, the proposal would secure significant benefits and an uplift to the character of the parade associated as a result of the provision of a new high quality traditional style timber shopfront for each individual unit.
- 10.12 With respect to saved policies within the Islington Unitary Development Plan 2002, these should be given weight based on their consistency with the National Planning Policy Framework (NPPF). Policy S16 (Protected Shopping Centres) of the Islington Unitary Development Plan 2002 seeks to promote 'local retail uses' in protected shopping areas, such as here. The NPPF emphasises the need to promote the economy of town centres and similar locations. It is considered that the proposal is consistent with policy S16. The proposal is also considered to accord with policies 4.7 (Retail and Town Centre Development) and 4.8 (Supporting a Successful and Diverse Retail Sector) of the London Plan 2011.
- 10.13 In terms of the potential impact on the local environment and amenity, the units would be in retail use, serving predominantly the local community, with most customers likely to arrive on foot. As such, it is considered that potential impacts arising from the intensification of the existing convenience store use are likely to relate mainly to deliveries and servicing. The Council's Transport Officer has assessed the potential impact of the proposed development on highway safety and the operation of the surrounding highways and has raised no objection. It is considered that if all of the units which comprise the application site were in use as successful individual retail shops, the overall servicing demand would be roughly similar to the operation of the site as one

larger retail shop. It is accepted that the larger unit would be more likely to be serviced by larger vehicles than a selection of smaller shops, however, with the larger single shop, there is the opportunity to rationalise and better manage the servicing of the site. This is discussed in more detail in the 'Highways and Transport' section below. In summary, it is considered that the impact on the local environment and amenity would not be significantly different for the larger shop as for the cumulative impact of the individual retail shops.

10.14 In summary, it is considered that policy CS14 of the Islington Core Strategy 2011 is directly applicable. However, it is not considered that the aim of this policy is to seek a blanket ban on the amalgamation of retail units, and as such, each case should be considered on its merits. The harm to the character of the designated shopping centre and surrounding area and harm to the local environment and amenity which the proposal would cause, when tested against the criteria set out in emerging policy DM18 (Maintaining and promoting small and independent shops) of the Islington Development Management Policies (Submission June 2012), is not considered to be significant. Furthermore, it is considered that any harm would be outweighed by the positive benefits associated with the re-use of the existing vacant units for A1 retail purposes, together with the uplift in the character and appearance of the shopping centre, the locally listed host buildings and the surrounding area, which would result from the installation of new high quality traditional style timber shopfronts. As such, the proposal is considered to be consistent with the relevant policies contained within the Islington Development Plan, together with emerging policies and national guidance provided within the NPPF.

Conservation & Design

10.15 The properties which comprise the application site form part of an attractive locally listed Victorian terrace. However, due to a historic lack of investment, coupled with unsympathetic alterations, the shopfronts for the ground floor commercial units currently detract from the character and appearance of the host locally listed terrace and the surrounding area in general. The proposal seeks to rectify this situation, through the installation of new high quality traditional style timber shopfronts. The historic character of the parade is of small individual units and this character would be preserved through the installation of a new individual shopfront for each existing shop unit. The proposal also includes works to alter the rear of 4 and 5 Campdale Road at ground floor level. It is considered that these works would have a neutral impact on the character and appearance of the host buildings and surrounding townscape.

10.16 Overall, it is considered that the proposal would enhance the character and appearance of the host buildings, the streetscene and the surrounding area and would accord with policies D4 (Designing in Context), D11 (Alterations and Extensions), D13 (Shopfronts) and D42 (Buildings on the Local List) of the Islington Unitary Development Plan 2002, policy CS8 (Enhancing Islington's character) and CS9 (Protecting and enhancing Islington's built and historic environment) of the Islington Core Strategy 2011, emerging policies DM1 (Design), DM3 (Heritage) and DM25 (Shopfronts) of the Islington Development Management Policies (Submission June 2012), and policies 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage Assets and Archaeology) of the London Plan 2011. A condition is recommended to prohibit the obscuring or covering over of shopfront glazing so as to maintain an active frontage to the street.

Highways and Transportation

- 10.17 The main issues with respect to highways and transportation relate to the servicing of the proposed larger shop. This matter should be considered with reference to emerging Policy DM50 (Delivery and servicing for new developments) of the Islington Development Management Policies (Submission June 2012). Part A of this policy states that off-street delivery/servicing should be provided, in particular for commercial developments over 200sqm gross floor area (the proposed store is 250sqm in area). Where off-street delivery/servicing is not practical Part B of the policy requires applicants to provide justification, and to demonstrate that any impacts are acceptable.
- 10.18 The site does not benefit from any off-street servicing, and given the constraints of the site, there is no realistic opportunity for this to be provided. As such, the existing situation, which requires all units within the parade to be serviced by vehicles parking on Campdale Road, would continue. As three of the five units are currently vacant and unused, it is clear that the proposal would result in an increase in the level of servicing required at the site compared to the current situation. However, if all of the units, which comprise the application site, were in active use as successful individual retail shops, it is considered that the overall servicing demand would be roughly similar to the operation of the site as one larger retail shop. It is accepted that the larger unit would be more likely to be serviced by larger vehicles (although many smaller shops are also serviced by large vehicles) than a selection of smaller shops, however, with the larger single shop, there is the opportunity to secure rationalisation and improved management of the servicing of the site. The Design and Access Statement advises that the number of visits from vehicles servicing the site would be reduced by almost a half from 52 per week to 28 per week. In order to ensure the servicing at the site is appropriately managed it is considered that a servicing management plan should be secured by condition. Given the constraints associated with this site and the fact that the existing operation requires on-street delivery and servicing, it is considered that there is acceptable justification for allowing on-street servicing in this instance.
- 10.19 Policy S25 (Off-Street Servicing) of the Islington Unitary Development Plan 2002, encourages the provision or improvement of rear or off-street servicing facilities within protected shopping centres. Policy T32 (On-Street Servicing) of the Islington Unitary Development Plan 2002 states that the Council will seek ways of eliminating on-street servicing by promoting rear access arrangements where possible. Paragraph 32 of the NPPF states that, development should only be refused on transport grounds, where the residual cumulative impacts of development are severe. It is considered that the proposal is consistent with policies S25 and T32 and the relevant guidance in the NPPF.
- 10.20 It is envisaged that the majority of the shop's customers would continue to be local residents, who would visit the shop on foot or by bike. It is considered likely that the enlarged shop would attract a larger number of customers than the existing convenience shop that operates at 2-3 Campdale Road and subsequently, would result in some increase in the number of people visiting the shop using motor vehicles. However it is not considered that the potential level of vehicular movements associated with the site would be significantly greater with relation to operation of the larger shop than if the individual units were in separate operation.

10.21 In order to promote sustainable modes of transport for both staff and customers it is considered that cycle parking should be provided at the site in line with TfL guidance. This shall be secured by condition. Subject to the site being operated in accordance with an agreed servicing management plan and the provision of cycle parking, it is considered that the proposal would not have a material impact on highway safety or the free flow of traffic on surrounding roads, and would accord with policies T32 (On-Street Servicing), T34 (Cycle Parking), T45 (Land Use Planning), T52 (Facilities for Cyclists), T55 (New Development) of the Islington Unitary Development Plan 2002, policy CS10 (Sustainable design) of the Islington Core Strategy 2011, emerging policies DM46 (Managing transport impacts), DM48 (Walking and cycling), DM50 (Delivery and servicing for new developments) of the Islington Development Management Policies (Submission June 2012), and policies 6.3 (Assessing effects of development on transport capacity), and 6.9 (Cycling) of the London Plan 2011.

Neighbouring Amenity

10.22 The main issues with respect to the potential impact of the proposed development on the amenity of neighbouring occupiers are considered to be with respect to noise and disturbance relating to servicing and the storage of waste.

10.23 It is noted that there have been previous issues with respect to the applicants' current operation at 2-3 Campdale Road and associated storage and collection of waste within Mercers Mews to the rear of the site, resulting in a recent enforcement investigation. Since this time the applicants have taken advice from the Council's Waste Management Team and have resolved this issue. Previous concerns have now been addressed by allocating a dedicated indoor recycling store to the rear of 3 Campdale Road. It is proposed that the lorries, which would service the site with deliveries, would also collect recycling on a daily basis, therefore minimising the capacity required for the storage of recyclable waste. This would alleviate previous problems relating to the storage of bins within Mercers Mews. There would be the requirement to dispose of a small amount of non-recyclable waste and this would be stored in a new enclosed bin store to the rear of 4 Campdale Road. The applicants have advised that, the storage and removal of bins from the rear of 4 Campdale Road via Mercers Mews, is subject of a legal agreement between the applicants and the neighbouring residential occupiers of the property at 1 Mercers Mews. In order to ensure that the storage and collection of waste is appropriately managed at the site, so as to minimise the potential impact on the amenity of any neighbouring occupiers, it is recommended that a waste management plan should be secured by way of condition.

10.24 As stated above, it is recommended that a servicing management plan, which sets out an agreed method of servicing, should be secured by condition. It is also considered that the hours of operation of the shop should be restricted to 0700 hours to 2300 hours on any day and servicing should be restricted by condition to between 0800 hours and 2000 hours on Monday to Saturday and not on Sunday.

10.25 There is also a separate ongoing issue with respect to the operation of fixed plant at first floor level to the rear of the site, which has been causing unacceptable noise disturbance for neighbours. This fixed plant was granted planning permission (ref. P052995) in 2006, but, as a result of complaints from neighbouring occupiers, has been found to be operating in breach of a condition limiting the noise levels caused by operation of the plant. In an effort to minimise the noise impact of the plant, the applicants have erected an unauthorised timber housing around the first floor plant room. Consequently, the Council has issued an Enforcement Notice requiring the

removal of the unauthorised timber housing, together with a Breach of Condition Notice, requiring either remedial works to the fixed plant to ensure its operation within acceptable noise levels or the switching off of all plant units located at first floor level. The Enforcement Notice is currently under appeal by the applicant, but it is not possible to appeal a Breach of Condition Notice.

- 10.26 In order to ensure that there is no impact on the amenity of neighbouring occupiers, as a result of noise from the operation of any new or existing plant, it is recommended that a condition should be attached to secure details of all existing and proposed plant, together with the measures required (such as the relocation of the plant to basement level or location within a sound insulating housing) which would ensure that the operation of the plant is within acceptable levels.
- 10.27 In summary, subject to the site being operated in strict accordance with an approved servicing management plan, an approved waste management plan, within the restricted hours, and in accordance with approved details for limiting noise levels from fixed plant, it is considered that the proposal would not result in undue harm to the amenity of any neighbouring occupiers, and would accord with policies Env17 (Protecting amenity) and D3 (Site Planning) of the Islington Unitary Development Plan 2002, policy CS11 (Waste) of the Islington Core Strategy 2011 and policy 7.15 (Reducing noise and enhancing soundscapes) of the London Plan 2011.

National Planning Policy Framework and Final Balancing Exercise

- 10.28 The proposed development is considered to represent sustainable development which is in accordance with Islington's Development Plan. Therefore, the proposal is in accordance with the national planning guidance set out in the NPPF

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The key issues involved in determining this application are the principle of the proposed amalgamation of the existing units to create one larger shop, the quality of the proposed external works, the impact on highway safety and traffic, and the impact of the development on the amenity of the amenity of neighbouring occupiers.
- 11.2 It is considered that the proposed amalgamation is acceptable, given the benefits to the parade and local shopping centre, as a result of the vacant units being brought back into active retail use and the environmental uplift associated with the installation of new high quality traditional style shopfronts.
- 11.3 It is considered that the proposed replacement shopfronts are of a high quality, well considered design which would enhance the character and appearance of the host buildings, the streetscene and the surrounding area.
- 11.4 Subject to the site being operated in accordance with an agreed servicing management plan and the provision of cycle parking, it is considered that the proposal would not have a material impact on highway safety or the free flow of traffic on surrounding roads.
- 11.5 Subject to the site being operated in strict accordance with an approved servicing management plan, an approved waste management plan, within the restricted hours,

and in accordance with approved details for limiting noise levels from fixed plant, it is not considered that the proposal would result in undue harm to the amenity of any neighbouring occupiers.

- 11.6 Finally, the proposal is in accordance with the relevant policies contained in the Islington Development Plan and national guidance provided in the NPPF. The proposal is supported by officers and it is recommended that planning permission should be granted.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That if members are minded to approve this proposal (subject to conditions and ~Deed of Planning Obligation) officers recommend that the following summary forms the **reasons for grant** to be published on the decision notice:

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

- This decision was made by the Members of the Planning Sub-A Committee on the 25-October-2012.
- The delivery of this scheme would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth, but also seeks to ensure social and environmental progress;
- The proposed amalgamation is acceptable, given the benefits to the parade and local shopping centre, as a result of the vacant units being brought back into active retail use and the environmental uplift associated with the installation of new high quality traditional style shopfronts, and would be consistent with Policy S16 (Protected Shopping Centres) of the Islington Unitary Development Plan 2002, policy CS14 (Retail and services) of the Islington Core Strategy 2011, emerging policies DM18 (Maintaining and promoting small and independent shops) and DM23 (Local Shopping Areas) of the Islington Development Management Policies (Submission June 2012), and policies 4.7 (Retail and Town Centre Development) and 4.8 (Supporting a Successful and Diverse Retail Sector) of the London Plan 2011.
- The proposal would preserve and enhance the character and appearance of the host buildings, the streetscene and the surrounding area and would accord with policies D4 (Designing in Context), D11 (Alterations and Extensions), D13 (Shopfronts) and D42 (Buildings on the Local List) of the Islington Unitary Development Plan 2002, policy CS8 (Enhancing Islington's character) and CS9 (Protecting and enhancing Islington's built and historic environment) of the Islington Core Strategy 2011, emerging policies DM1 (Design), DM3 (Heritage) and DM25 (Shopfronts) of the Islington Development Management Policies (Submission June 2012), and policies 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage Assets and Archaeology) of the London Plan 2011.
- Subject to the site being operated in accordance with an agreed servicing management plan and the provision of cycle parking, the proposal would not have a material impact on highway safety or the free flow of traffic on surrounding roads, and would accord with policies T32 (On-Street Servicing), T34 (Cycle Parking), T45 (Land Use Planning), T52 (Facilities for Cyclists), T55 (New Development) of the Islington Unitary Development Plan 2002, policy CS10 (Sustainable design) of the Islington Core Strategy 2011, emerging policies DM46 (Managing transport impacts), DM48 (Walking and cycling), DM50 (Delivery and servicing for new developments) of the Islington Development Management Policies (Submission June 2012), and policies 6.3 (Assessing effects of development on transport capacity), and 6.9 (Cycling) of the London Plan 2011.

- Subject to the site being operated in strict accordance with an approved servicing management plan, an approved waste management plan, within the restricted hours, and in accordance with approved details for limiting noise levels from fixed plant, the proposal would not result in undue harm to the amenity of any neighbouring occupiers, and would accord with policies Env17 (Protecting amenity) and D3 (Site Planning) of the Islington Unitary Development Plan 2002, policy CS11 (Waste) of the Islington Core Strategy 2011 and policy 7.15 (Reducing noise and enhancing soundscapes) of the London Plan 2011.

RECOMMENDATION B

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

List of Conditions:

- 1 Commencement
CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

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).
- 2 Approved plans list
CONDITION: The development hereby approved shall be carried out in accordance with the approved plans.

REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.
- 3 Completion of Shopfront
CONDITION: The replacement shopfronts hereby approved shall be fully installed prior to the commencement of the use of the amalgamated shop use.

REASON: To ensure the satisfactory implementation of the development in accordance with policies CS8, CS9 and CS14 of the Islington Core Strategy 2011.
- 4 Roller Shutters
CONDITION: No roller shutters shall be installed on the building without the prior written approval of the Local Planning Authority.

REASON: To ensure the good design of any roller shutter(s) and in the interest of preventing the creation of dead, inactive street frontages in accordance with policies: 7.3; 7.4 and 7.6 of the London Plan 2011, policies: D3; D4, D13 and Env12 of the Islington Unitary Development Plan 2002 and policy CS9A, D and G of the Islington Core Strategy 2011.

- 5 Non-obscured Glazing
CONDITION: The glazing of all ground floor elevations shall not be painted, tinted or otherwise made obscure, and fixtures and fixings which may obscure visibility above a height of 1.4 metres above finished floor level shall not be placed within 2 metres of the inside of the window glass unless otherwise agreed in writing by the Local Planning Authority.
- REASON:** To prevent the creation of dead, inactive street frontages in accordance with policies: 7.3; 7.4 and 7.6 of the London Plan 2011, policies: D3; D4, D13 and Env12 of the Islington Unitary Development Plan 2002 and policy CS9A, D and G of the Islington Core Strategy 2011.
Code for Sustainable Homes.
- 6 Servicing Management Plan
CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first operation of the development hereby approved.
- The development shall be operated 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.
- REASON:** To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic in accordance with policies: 6.7 and 6.13 of the London Plan 2011 and policies: D3; T15; and T55 of the Islington Unitary Development Plan 2002.
- 7 Waste Management Plan
CONDITION: A waste management plan (WMP) detailing waste storage and collection arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first operation of the development hereby approved.
- The development shall be operated 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.
- REASON:** To ensure that the resulting waste management arrangements are satisfactory in terms their impact on neighbouring amenity and the surrounding environment in accordance with policies Env17 and D3 of the Islington Unitary Development Plan 2002.
- 8 Cycle Parking Provision
CONDITION: Details of the location and design of visitor's and staff cycle parking, which shall comprise no less than 2 cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority, and installed, prior to the first occupation of the development hereby approved.
- The development shall be carried out strictly in accordance with the details so

approved and shall be maintained as such thereafter.

REASON: To ensure adequate visitor cycle parking is available to support the resulting use(s) and to promote sustainable modes of transport in accordance with policies 6.7 and 6.9 of the London Plan 2011, policies T34 and T52 of the Islington Unitary Development Plan 2002 and policy CS10H of the Islington Core Strategy 2011.

9 Restricted Hours of Use

CONDITION: The amalgamated retail shop unit hereby approved shall not operate outside the hours of:

0700 hours to 2300 hours on any day.

REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity in accordance with policies: D3 and Env17 of the Islington Unitary Development Plan 2002 and policy CS12F of the Islington Core Strategy 2011.

10 Restricted Hours of Servicing

CONDITION: All service vehicle deliveries / collections / visits to and from the retail unit hereby approved must not take place outside hours of:

0800 hours to 2000 hours on Monday to Saturday.

REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity in accordance with policies: 6.7 and 6.13 of the London Plan 2011 and policies: D3; T15; and T55 of the Islington Unitary Development Plan 2002.

11 Fixed Plant

CONDITION: Details of all existing and proposed fixed plant, together with details of the measures required to ensure that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of 5dB(A) below the background noise level LAF90 Tbg (The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997), shall be submitted to and approved in writing by the Local Planning Authority, and completed, prior to the first operation of the development hereby approved.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: To ensure that the operation of fixed plant does not impact on residential amenity in accordance with policy 7.15 of the London Plan 2011, policies: D3; Env17 and H3 of the Islington Unitary Development Plan 2002 and policy CS12F of the Islington Core Strategy 2011.

List of Informatives:

1 Roller Shutters

ROLLER SHUTTERS

The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.

APPENDIX 2 : RELEVANT POLICIES

This appendices list all relevant development plan polices and guidance notes pertinent to the determination of this planning application.

1 National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

2. Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002. The following policies of the Development Plan are considered relevant to this application:

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

Policy 4.1 Developing London's economy
Policy 4.7 Retail and town centre development
Policy 4.8 Supporting a successful and diverse retail sector
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling

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 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.15 Reducing noise and enhancing soundscapes

B) Islington Core Strategy 2011

Policy CS8 (Enhancing Islington's Character)
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS14 (Retail and Services)

C) Islington Unitary Development Plan (2002)

Env17 (Protection of Amenity)
Env24 (New Wildlife Habitats)
S16 (Protected Shopping Centres)
T32 (On-Street Servicing)
T34 (Cycle Parking)
T45 (Land Use Planning)

S25 (Off-street Servicing)
D3 (Site Planning)
D4 (Designing in Context)
D11 (Alterations and Extensions)
D13 (Shopfronts)
D42 (Buildings on the Local List)

T49 (Meeting the Needs of People with
Mobility Problems)
T52 (Facilities for Cyclists)
T55 (New Development)

3. Emerging Policy Documents

A) Islington's Development Management Policies – Proposed Submission, October 2011

The Proposed Submission of Islington's *Development Management Policies* went out to consultation in October 2011 and this process was completed on 12 December 2011. Following this an amended drafts of the document was produced and a further round of public consultation commenced on 8th May 2012. The final drafts of this document will be submitted to the Planning Inspectorate for Independent Examination later in the year. This document whilst not adopted, gives an indication of the Council's approach to sustainable development proposals for the next 15 years, a spatial approach to the Bunhill and Clerkenwell areas as well as particular site allocations. The emerging policies are a material planning consideration.

DM1 Design
DM2 Inclusive Design
DM3 Heritage
DM18 Maintaining and promoting small and independent shops

DM23 Local Shopping Areas
DM25 Shopfronts
DM46 Managing transport impacts
DM48 Walking and cycling
DM50 Delivery and servicing for new developments

4. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPG's and/or SPD's are relevant:

Islington DP

- **Urban Design Guide**

London Plan

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