



Resources Department
Town Hall, Upper Street, London, N1 2UD

AGENDA FOR THE PLANNING COMMITTEE

Members of Planning Committee are summoned to a meeting, which will be held in the Council Chamber - Town Hall on **2 April 2019 at 7.30 pm.**

Yinka Owa
Director of Law and Governance

Enquiries to : Jackie Tunstall
Tel : 020 7527 3068
E-mail : democracy@islington.gov.uk
Despatched : 25 March 2019


Welcome:

Members of the public are welcome to attend this meeting.

Consideration of Planning Applications – This is a formal agenda where decisions are taken on planning applications submitted to the Council. Public speaking rights on these items are limited to those wishing to comment on specific applications. **If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk.**

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>	
Councillor Klute (Chair)	- St Peter's;	Councillor Poyser	- Hillrise;
Councillor Picknell (Vice-Chair)	- St Mary's;	Councillor Williamson	- Tollington;
Councillor Kay (Vice-Chair)	- Mildmay;	Councillor Chowdhury	- Barnsbury;
Councillor Convery	- Caledonian;	Councillor Wayne	- Canonbury;
Councillor Graham	- Bunhill;	Councillor Webbe	- Bunhill;
Councillor Khondoker	- Highbury West;	Councillor Hamitouche	- Barnsbury;
Councillor Chapman	- Junction;	Councillor Lukes	- Highbury East;
Councillor Spall	- Hillrise;	Councillor Gantly	- Highbury East;
Councillor Woolf	- Canonbury;	Councillor Gill	- St George's;
Councillor Nathan	- Clerkenwell;		

Quorum: 3 councillors



A. Formal Matters

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1. Introductions
2. Apologies for Absence
3. Declarations of Substitute Members
4. Declarations of Interest

If you have a **Disclosable Pecuniary Interest*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

- *(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.
- (b) Sponsorship** - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.
- (c) Contracts** - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.
- (d) Land** - Any beneficial interest in land which is within the council's area.
- (e) Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) Corporate tenancies** - Any tenancy between the council and a body in which you or your partner have a beneficial interest.
- (g) Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

5. Order of Business
6. Planning Committee Appointment 2018/19
7. Minutes of Previous Meeting - To Follow

B.	Consideration of Planning Applications	Page
1.	43-53 Brewery Road, N7 9QH	3 - 48
2.	Block C, Islington Square, 5-6 Almeida Street and 128-130 Upper Street, N1 1AE	49 - 70
3.	Kings Cross Triangle Site bounded by York Way, East Coast Main Line & Channel Tunnel Rail Link, N1	71 - 114
4.	240 Seven Sisters Road, N4 2HX	115 - 122

C. Consideration of other planning matters

D. Urgent non-exempt items (if any)

Any non-exempt items which the Chair is of the opinion should be considered as a matter of urgency and to consider whether the special circumstances included in the report as to why it was not included on and circulated with the agenda are acceptable for recording in the minutes.

E. Exclusion of press and public

To consider whether, in view of the nature of the remaining items on the agenda, it is likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

F.	Confidential/exempt items	Page
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G. Urgent exempt items (if any)

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

Date of Next Meeting: Planning Committee, 2 May 2019

Please note all committee agendas, reports and minutes are available on the council's website: www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING COMMITTEE

Planning Committee Membership

The Planning Committee consists of ten locally elected members of the council who will decide on the applications for planning permission.

Order of Agenda

The Chair of the Planning Committee has discretion to bring forward items, or vary the order of the agenda, where there is a lot of public interest.

Consideration of the Application

After hearing from council officers about the main issues of the proposal and any information additional to the written report, the Chair will invite those objectors who have registered to speak for up to three minutes on any point relevant to the application. If more than one objector is present for any application then the Chair may request that a spokesperson should speak on behalf of all the objectors. The spokesperson should be selected before the meeting begins. The applicant will then be invited to address the meeting also for three minutes. These arrangements may be varied at the Chair's discretion.

Members of the Planning Committee will then discuss and vote to decide the application. The drawings forming the application are available for inspection by members during the discussion.

Please note that the Planning Committee will not be in a position to consider any additional material (e.g. further letters, plans, diagrams etc.) presented on that evening. Should you wish to provide any such information, please send this to the case officer a minimum of 24 hours before the meeting. If you submitted an objection but now feel that revisions or clarifications have addressed your earlier concerns, please write to inform us as soon as possible.

What Are Relevant Planning Objections?

The Planning Committee is required to decide on planning applications in accordance with the policies in the Development Plan unless there are compelling other reasons. The officer's report to the Planning Committee will refer to the relevant policies and evaluate the application against these policies. Loss of light, openness or privacy, disturbance to neighbouring properties from proposed intrusive uses, over development or the impact of proposed development in terms of size, scale, design or character on other buildings in the area, are relevant grounds for objection. Loss of property value, disturbance during building works and competition with existing uses are not. Loss of view is not a relevant ground for objection, however an unacceptable increase in sense of enclosure is.

For further information on how the Planning Committee operates and how to put your views to the Planning Committee please call Zoe Lewis on 020 7527 3486. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk.



Report of: Director of Law and Governance

Meeting of:	Date:	Ward(s):
Planning Committee	2 April 2019	All

Delete as appropriate	Exempt	Non-exempt
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Subject: PLANNING COMMITTEE APPOINTMENT 2018/19

1. Synopsis

Appointment of Councillor Spall to Planning Sub-Committee A.

2. Recommendations

- (a) To note that Councillor Cutler has stepped down as a member of the Planning Committee and Planning Sub-Committee A.
- (b) To note the appointment of Councillor Spall as a member of the Planning Committee for the municipal year 2018/19 or until a successor is appointed.
- (b) To appoint Councillor Spall as a member of Planning Sub-Committee A for the municipal year 2018/19 or until a successor is appointed.
- (c) To appoint Councillor Spall as a substitute member of Planning Sub-Committee B for the municipal year 2018/19 or until a successor is appointed.

3. Background

- 3.1 The Planning Committee is required to make arrangements for the determination of planning applications under the terms of the constitution of the London Borough of Islington and is asked to appoint two Planning Sub-Committees. It is recommended that the remaining members and substitute members of the Planning Committee are appointed as substitute members on the Planning Sub-Committees. The quorum of the Planning Sub-Committees is three councillors.

4. Implications

4.1 Financial Implications

None

4.2 Legal Implications

These are set out in the report.

4.3 Environmental Implications

There are no environmental impacts arising from this report.

4.4 Resident Impact Assessment

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding. There are no equalities impacts arising from this appointment.

5. Conclusion and reasons for recommendations

The Committee needs to approve the report in order for the Sub-Committees to be properly constituted.

Background papers:

None.

Final Report Clearance

Signed by

Received by _____
Director of Law and Governance Date

_____ Date
Head of Democratic Services

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department
 PO Box 3333
 222 Upper Street
 LONDON N1 1YA

PLANNING COMMITTEE		AGENDA ITEM NO:	
Date:	2 April 2019		

Application number	P2018/0136/FUL
Application type	Full Planning Application
Ward	Caledonian
Listed building	N/A
Conservation area	No
Development Plan Context	Kings Cross Key Area Local Cycle Routes Local View from Dartmouth Park Hill Vale Royal & Brewery Road Locally Significant Industrial Site
Licensing Implications	N/A
Site Address	43 - 53 Brewery Road, London, N7 9QH
Proposal	Replacement and extension of rear portion of building at ground and first floors, creation of larger loading bay at ground floor facing Brandon Road, extension of building at second, third and partial fourth and fifth floors, re-cladding of front and rear elevations and provision of lift run and plant on roof, in association with use of building for Class B8 (self-storage) purposes

Case Officer	Stefan Kukula
Applicant	A&A Self-Storage Ltd
Agent	Jon Dingle Ltd

1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in red)

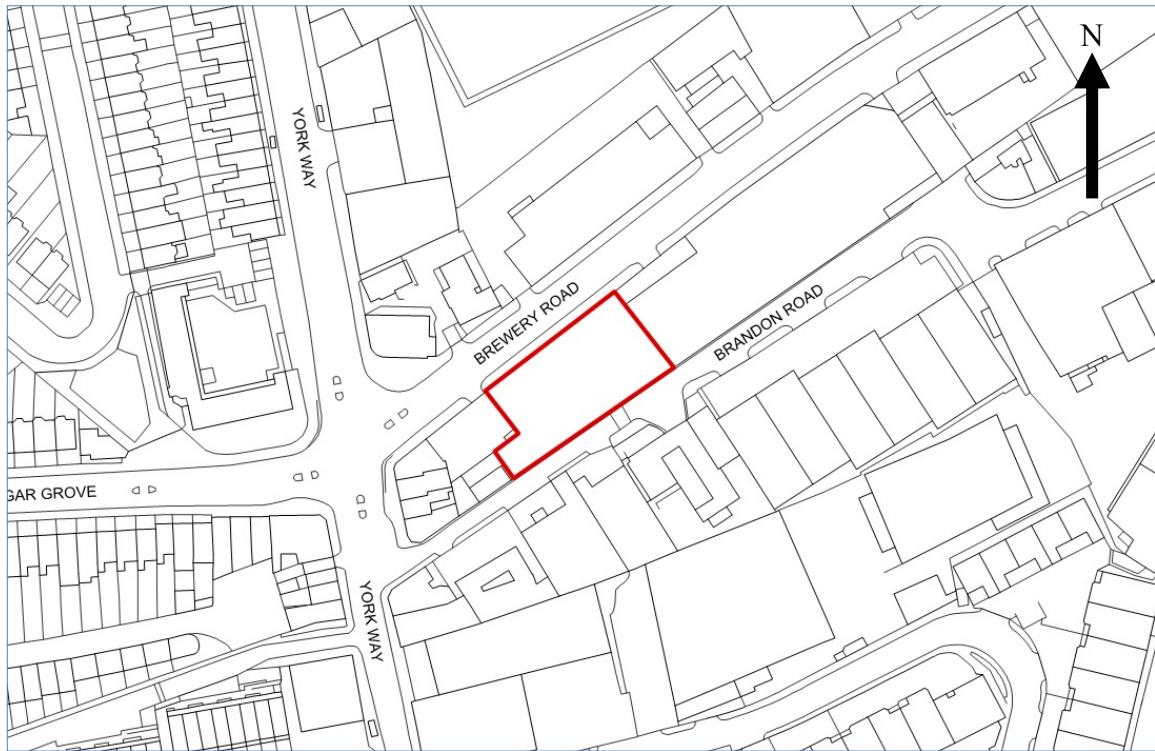
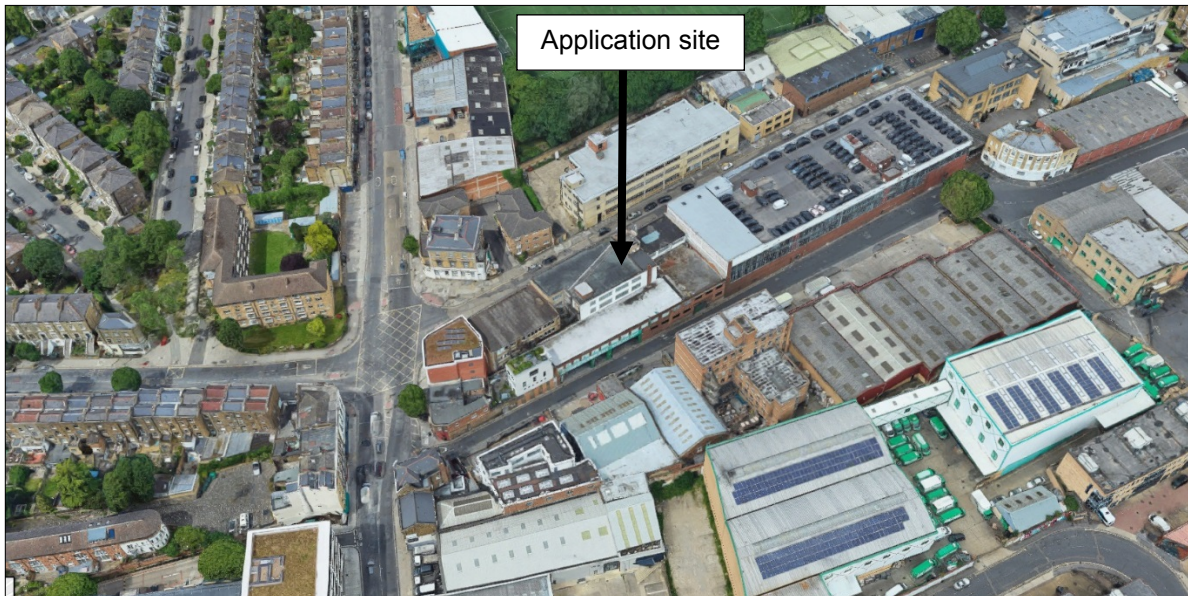
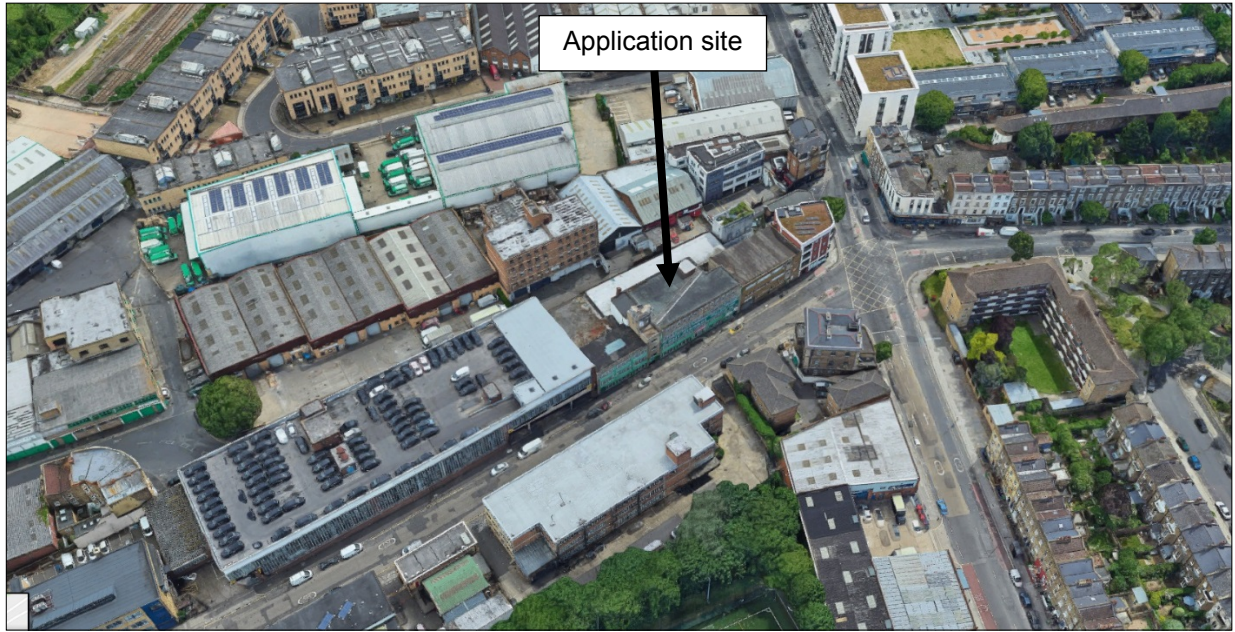


Figure 1: Site Location Plan

3. PHOTOS OF SITE/STREET



Photograph 1: Aerial view from the south.



Photograph 2: Aerial view from the north.



Photograph 3: Brewery Road elevation, looking east.



Photograph 4: Brewery Road elevation, looking west.



Photograph 5: Brandon Road elevation looking west.



Photograph 6: Brandon Road elevation looking east.



Photograph 7: Brandon Road, looking west.

4. SUMMARY

- 4.1 The application proposes the expansion of the existing B8 self-storage use at the site through redevelopment and extensions to create a five-storey building, with the re-cladding of the front and rear elevations. The proposal would also involve the replacement and extension of the rear portion of building and the creation of larger loading bay at ground floor level accessed from Brandon Road.
- 4.2 The development proposes 2,292 sqm (GIA) uplift in B8 floorspace creating a total of 5,127 sqm (GIA) over the five floors of the new building. The proposal would serve to successfully support and enhance the functions of the Vale Royal/ Brewery Road Locally Significant Industrial Site (LSIS) designation and is strongly supported in terms of land use.
- 4.3 The proposal is not considered to have an unacceptable impact on neighbouring residential amenity in terms of loss of daylight, sunlight, outlook, privacy, noise and disturbance or an increased sense of enclosure. The application is considered to be a sustainable form of development in terms of energy efficiency, renewable energy and the provision of sustainable forms of transport. The proposal is not considered to result in undue implications of the surrounding highway network in terms of loading/ unloading and servicing and delivery.
- 4.4 For the reasons given above and explained in more detail in the subsequent sections of this report, the proposal is considered to be acceptable and in accordance with relevant planning policy and is therefore recommended for approval subject to conditions and the completion of a S106 Agreement to secure the necessary mitigation measures.

5. SITE AND SURROUNDING

- 5.1 The application site comprises a 1950s industrial building with a four-storey frontage on Brewery Road, stepping down at the rear to a two storey section at Brandon Road. The building has a B8 (storage and distribution) use and is currently occupied by A&A Self Storage Ltd, providing rental storage units for personal and business purposes. The main façade and reception entrance is on Brewery Road with a loading bay area located to the rear at Brandon Road.
- 5.2 The site is located at the western end of Brewery Road close to the junction with York Way (A5200). Immediately to the east, the site adjoins the London Taxi Company (39-41 Brewery Road) building. The western boundary of the site adjoins a three-storey building at 55-61 Brewery Road, which was granted planning permission in September 2018 (P2018/1637/FUL) for a 5 storey building providing office space (Class B1) and light industry (Class B8/B1c).
- 5.3 There is residential accommodation to the north of the site, on the opposite side of Brewery Road, which includes a three-storey detached residential block at Simla Court (126 Brewery Road) and an old converted public house, 256 York Way, now in use as a House of Multiple Occupation (HMO).
- 5.4 To the south of the site, the area is mainly characterised by industrial and warehouse buildings typical of the industrial area, though there are also a number of residential buildings that need to be considered. In particular, 34 Brandon Road, which is in residential use and borders the site to the south-west.
- 5.5 The site is wholly within the Vale Royal and Brewery Road Locally Significant Industrial Site (LSIS) designation, which is largely characterised by post-war industrial/warehouse buildings as well as some late Victorian residential buildings. The site is not within a conservation area or in close proximity to any designated heritage assets.

5.6 In terms accessibility, the site has a Public Transport Accessibility Level (PTAL) rating of 4 and is within walking distance of Caledonian Road underground station and a number of bus routes.

6. PROPOSAL (IN DETAIL)

6.1 The intention is for the building to retain its B8 (self-storage) use with the proposal seeking to expand the storage capacity of the building as well as enhancing and upgrading the existing facades.

6.2 As such, the application proposes the extension of the building at second, third and fourth and fifth floors to create a five-storey building, with the re-cladding of the front and rear elevations and the provision of a lift run and plant on roof. The proposal would also involve the replacement and extension of the rear portion of building and the creation of larger loading bay at ground floor level accessed from Brandon Road.

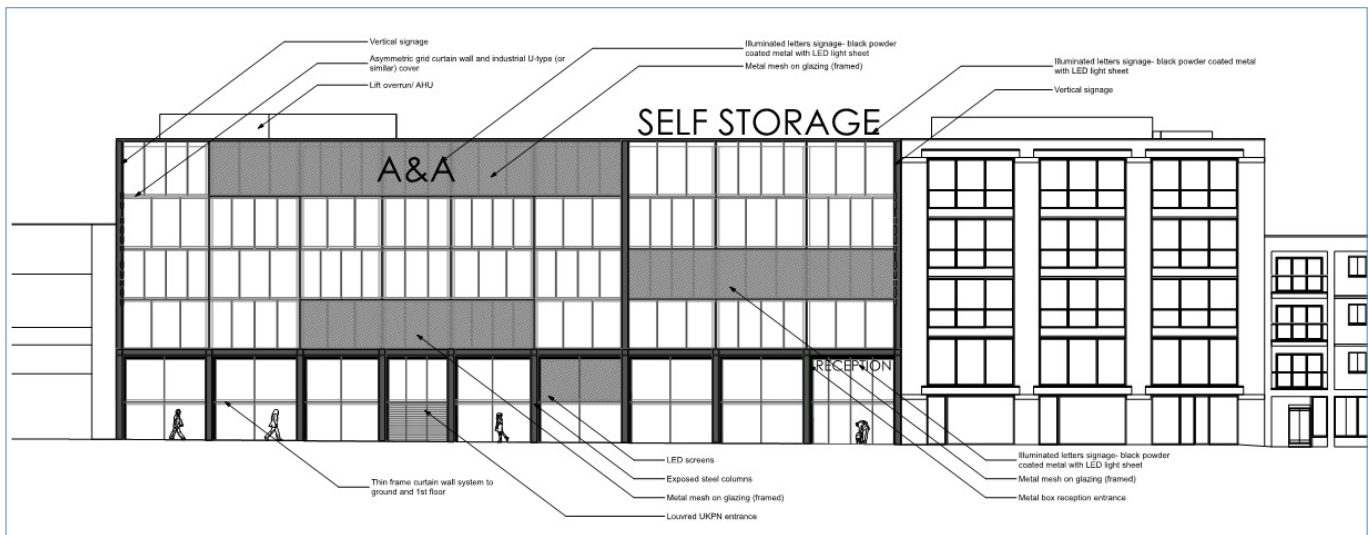


Figure 2: Proposed Brewery Road elevation (front)

6.3 The following table provides detail of existing and proposed internal floorspace on a floor by floor basis (note that B8 is considered to be a use appropriate to the LSIS):

Floor	Existing	Proposed	Uplift
Ground	780	373	-407
First	1,137	1,141	4
Second	528	1,046	518
Third	390	1,046	656
Fourth	0	762	762
Fifth	0	758	758
Total	2,835 sqm	5,127 sqm	2,292 sqm

6.4 The position of the main ground floor entrance would be retained on Brewery Road, leading to a customer lobby and reception area and providing through access to the centrally positioned stair and lift cores. The Brewery Road part of the ground floor would be used for self-storage, with the rear section of the ground floor arranged to accommodate the enlarged rear loading bay accessed from Brandon Road. As with the existing building, a doorway would be included in the Brewery Road elevation providing access to a retained UK Power Networks sub-station located at a basement level of the building.

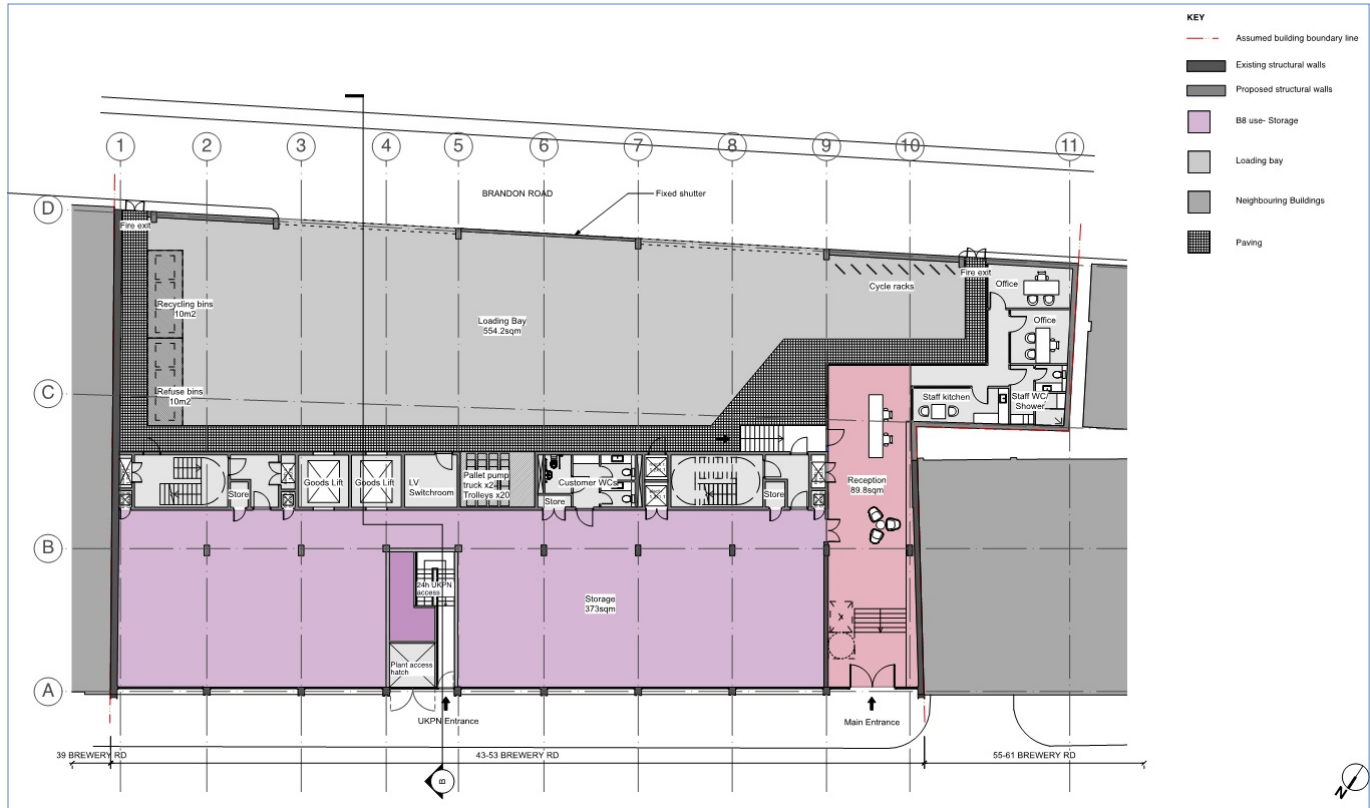


Figure 3: Proposed Ground Floor Layout

6.5 The upper floors (first floor through to fifth floor) would be used for B8 self-storage arranged around the two centrally positioned lift and stair cores. The floorplates on the second/ third floors and fourth/ fifth floors would include stepped setbacks from Brandon Road, in order to reduce the bulk and massing of the rear sections of the proposed building. At roof level the proposal would include plant enclosures and lift overrun.

6.6 No on-site vehicle parking is proposed. Six car loading bays and two panel van/ box van loading bays would be provided, which would be for the sole use of customers loading/unloading in association with the main storage business use.

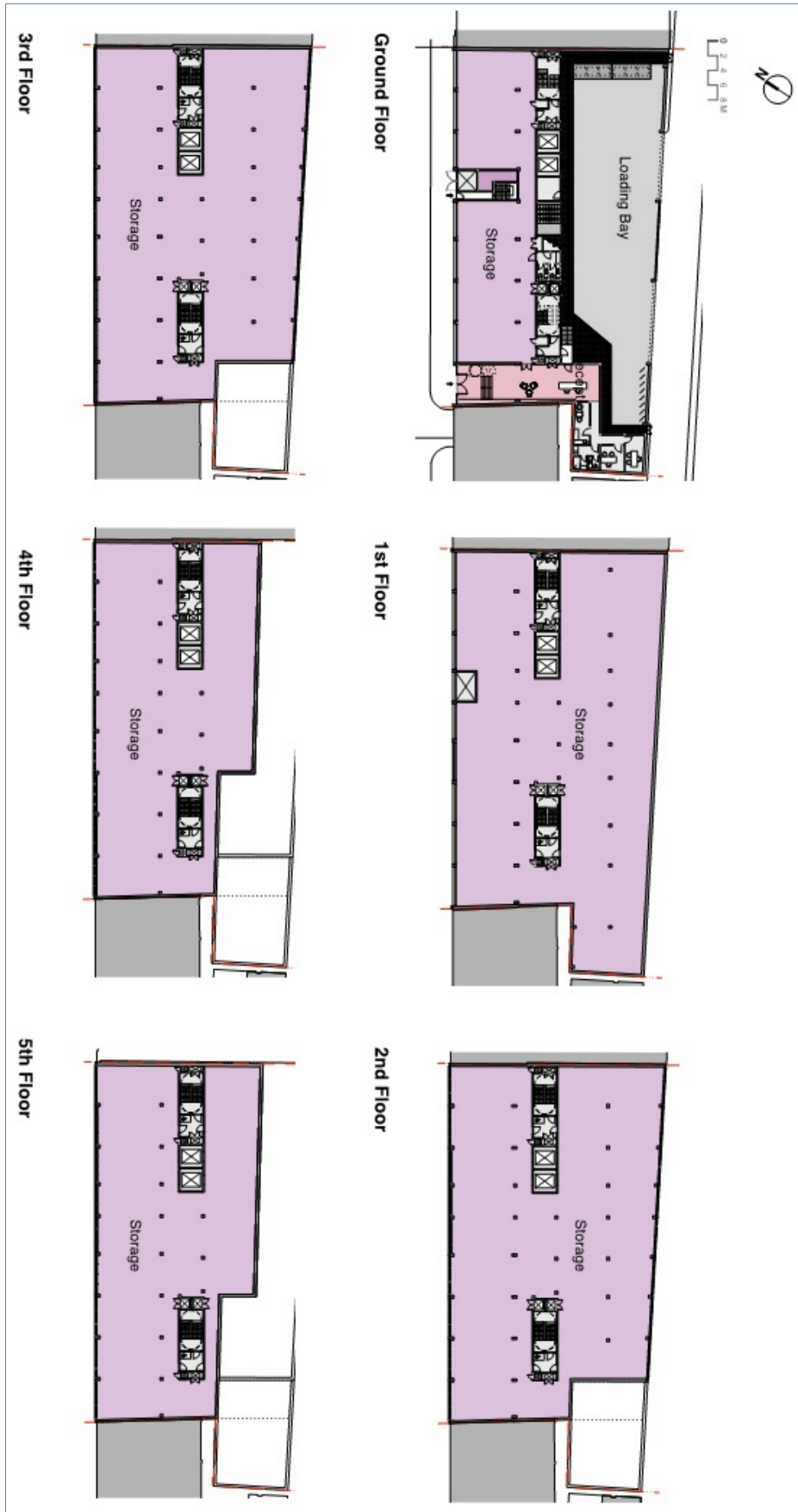


Figure 4: Proposed floor layouts – ground floor to fifth floor



Figure 5: CGI image of proposed Brewery Road elevation, looking west towards York Way



Figure 6: CGI images of proposed Brandon Road elevations

7. RELEVANT HISTORY:

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

- P2016/3958/FUL- Extension to existing storage facility part two story extension to provide additional 1415m² of storage facility – Withdrawn, 29 November 2016.

Relevant planning applications in the vicinity

55-61 Brewery Road

7.2 The recent planning history at the adjoining site, 55-61 Brewery Road, is a material consideration and includes the following planning permissions:

- P2018/1637/FUL - Two storey extension to the existing building to provide business floorspace (B1) including light industry floorspace (B1c) at ground and first floor levels, as well as the refurbishment of the existing facades. The proposal involves an uplift of 502sqm (GIA) of employment floorspace – Approved, 5 September 2018.
- P2015/5102/FUL - Demolition of the existing building and the erection of a 5-storey (plus basement) building incorporating a total of 1, 319 sqm (GEA) of B1 office and 426sqm (GEA) of B1(c) floorspace – Approved, 1 February 2017.

7.3 These schemes granted consent to increase the height of the adjoining building at 55–61 Brewery Road by two storeys. The height and massing is effectively being matched by the proposed application at 43-53 Brewery Road, particularly with regards to the Brewery Road elevation.



Figure 7: CGI image showing the scheme approved in September 2018 at the adjoining site (55-61 Brewery Road).



Figure 8: CGI image showing the proposed scheme at 43-53 Brewery Road and the scheme approved in February 2017 at 55-61 Brewery Road.

7.3 In addition, Planning permission (P2018/0617/FUL) was refused on 2 May 2018 at 55-61 Brewery Road for a two storey extension to the existing building to provide business floorspace (B1) including light industry floorspace (B1c) at ground floor level, as well as the refurbishment of the existing facades. The grounds for refusal included the failure to provide sufficient floorspace appropriate to the Locally Significant Industrial Site (LSIS). The loss of floorspace appropriate to the LSIS was not considered to be justified by exceptional circumstances or the submission of clear and robust evidence of continuous marketing, and the failure to provide affordable or SME floorspace to meet local needs. The proposal was considered to be out of character with the industrial nature of the area, would compromise the economic function of the LSIS and would cause unacceptable and unsustainable harm to the borough's supply of land to meet future sustainable economic development.

7.4 The application was dismissed at appeal on 3 December 2018, with the Inspector noting that the proposal would fail to provide sufficient business floorspace of the types which the Council has explicitly identified in the development plan as being appropriate to the role of the LSIS. That appeal scheme would result in the loss of industrial floorspace in the B1(c)/B8 Use Classes which has not been justified by exceptional circumstances. Consequently, the proposal would be in direct conflict with DMP Policy DM5.3 in this regard.

34 Brandon Road

7.5 Planning permission P2016/2692/FUL was approved on 26 August 2016 for the removal of an existing single storey ground floor side element to a workshop and the introduction of an entrance courtyard to a residential and workshop unit plus alterations to rear the ground floor roof slope. Erection of four storey side extension. Erection of three storey rear extension plus roof extension and associated roof terrace. Alterations to rear fenestration and to ground floor front elevation. Internal reconfiguration of workshop space.

ENFORCEMENT:

7.6 No relevant history.

- 7.7 The applicant sought pre-application (Q2017/2147/MJR) advice in June 2017 for a proposed scheme that would involve the refurbishment of the existing storage building, including a new façade and the erection of an additional three storeys on the existing building along Brewery Road. Demolition of the existing rear part of the building along Brandon Road and the erection of a terraced seven storey rear extension. The main points of that advice were:
- Proposal was considered policy-compliant in terms of land use - the building proposes an uplift in commercial floorspace, which is supported in principle.
 - Seven storeys would be excessive resulting in an incongruous form of development without regard for the scale, mass, height or orientation of surrounding buildings.
 - proposed building falls within and would compromise the protected local view from Dartmouth Park Hill (LV7).
 - Although the Council would have no objection to the significant changes to the building's facades, the proposal in massing and scale fails to relate well to surrounding buildings and is considered excessive in height.
 - Any application will need to be supported with information addressing potential impacts upon the existing residential amenity, particularly with regard to privacy, outlook and sunlight/daylight levels currently enjoyed by the residents of 34 Brandon Road and 126 Brewery Road.
 - A Transport Assessment and Travel Plan will need to be submitted with any planning application.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 74 adjoining and nearby properties at Brewery Road, Brandon Road and York Way on 14 February 2018. A site notice and press advert were displayed on 15 February 2018. The public consultation of the application therefore expired on 8 March 2018, however 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 1 response had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Interested in the loading bay to Brandon Road (see paragraphs 10.60 - 10.67)

Internal Consultees

- 8.3 Conservation and Design Officer – no objections raised subject to a condition relating to materials and interface between the frontage glazing and internal storage lockers (condition 3).
- 8.4 Planning Policy – no objections. Support this type of scheme in the LSIS as it is in accordance with DM5.3 and the emerging suite of policies covering the LSIS, as well as the emerging allocation. The Vale Royal study (and emerging policy) limit heights to five storeys which this would be in accordance with.
- 8.5 Energy Conservation Officer – no objections.

- 8.6 Public Protection – no objections. Recommended the inclusion of standard conditions in relation to the control of noise from roof top mechanical plant (see condition 17) and standby plant (see condition 18).
- 8.7 Sustainability Officer – no objection subject to conditions to ensure green roof measures (see condition 9) and bird boxes (see condition 22) are delivered.
- 8.8 Inclusive Design Officer - the scheme has positive features in terms of inclusive design, but lacks an inclusive design strategy for egress and evacuation.
- 8.9 Highways – no objections.

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 2019 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 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Designations

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

- Kings Cross & Pentonville Road Key Area
- Vale Royal & Brewery Road Locally Significant Industrial Area
- Local Cycle Routes
- Local View from Dartmouth Park Hill
- Article 4 direction B1c to C3

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:

- Land use
- Design and appearance

- Inclusive design
- Neighbour amenity
- Sustainability, energy efficiency and renewable energy
- Highways and transportation
- Other considerations

Land-use

- 10.2 The application site is within the Vale Royal / Brewery Road Locally Significant Industrial Site (LSIS). Policy CS13 of Islington's Core Strategy states that the Vale Royal / Brewery Road Site will be retained for industrial / warehousing / employment land.
- 10.3 In support of this policy, Development Management Policy DM5.3 encourages the retention and intensification of uses appropriate to the role of the Locally Significant Industrial Site (i.e. within the B1(c), B2 and B8 Use Classes). More specifically, Policy DM5.3 states that "proposals that would result in a loss or reduction of floorspace in the B1(c), B2 or B8 Use Classes will be refused unless the applicant can demonstrate exceptional circumstances, including through the submission of clear and robust evidence related to the continuous marketing of vacant floorspace for a period of at least two years."
- 10.4 The site is also within the King's Cross Key Area for which Policy CS6 of Islington's Core Strategy is of relevance. The King's Cross area will be expected to accommodate estimated growth in jobs of approximately 3,200 from B-use floorspace. Moreover, Policy CS6 also states that the Vale Royal / Brewery Road area will be retained as the only locally significant concentration of industrial/warehousing/employment land in the borough. Furthermore, the policy states that accommodation for small enterprises will be particularly encouraged. This aspiration is echoed by Policy CS13, which requires new business floorspace to be flexible to meet future business needs and for a range of unit types and sizes, including those for SMEs to be provided.
- 10.5 The industrial cluster east of York Way, in which the site is located, is the only remaining significant concentration of industrial uses in Islington and is thus of significant importance. The London Plan (Policies 2.9 and 4.4) and its Land for Industry and Transport SPG recognise the strategic importance of Islington's industrial land and requires these areas to be identified and protected. As such, any proposal that does not specifically promote its function will be resisted. Because of the high level of pressure for development in the Vale Royal / Brewery Road area, the council started work on preparing a piece of planning guidance for the LSIS, however, this work has been aborted and will be carried forward in the Local Plan review. As part of this work, the council produced a discussion paper (March 2017), which will be used alongside the Employment Land Study (ELS) to inform the Local Plan review. The ELS recommends that the borough retains its protection of existing floorspace as well as encouraging its intensification. The ELS goes on to state that there is an emerging need for further intensification of older industrial stock to meet growing demand.
- 10.6 The proposal would result in a 2,292 sqm uplift in B8 (storage and distribution) floorspace and would successfully support the functions of the LSIS. Set against the policy context, the proposal is considered to be acceptable in land use terms. The proposal would be in accordance with London Plan Policies 2.9 and 4.4, Islington Core Strategy Policies CS6 and CS13 and Development Management Policy 5.3.

Design and Appearance

Policy Context

- 10.7 The National Planning Policy Framework confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies relevant to design and conservation are set out in chapter 7 of the London Plan. Policies CS8, CS9 and CS10 in Islington's Core Strategy, and policies in chapter 2 of Islington's Development Management Policies, are also relevant. The council's Urban Design Guide SPD and the Mayor of London's Character and Context SPG are also relevant to the consideration of the current application.
- 10.8 London Plan Policy 7.4 states that development should have regard to the scale, mass and orientation of surrounding buildings, and that buildings should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. London Plan Policy 7.6 states that buildings should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should not cause unacceptable harm to the amenity of surrounding land and buildings. The Mayor of London's Character and Context SPG notes at paragraph 7.26 that "the key or essential characteristics of a place provide an important reference point against which change can be assessed".
- 10.9 Policy DM2.1 of Islington's Development Management Policies requires development (including alterations and extensions) to be based upon an understanding and evaluation of an area's defining characteristics, confirms that acceptable development will be required to respect and respond positively to existing buildings, and sets out a list of elements of a site and its surroundings that must be successfully addressed – this list includes urban form including building heights and massing.

Assessment

- 10.10 The site's immediate neighbours are a three-storey building at 55-61 Brewery Road, which was granted planning permission in September 2018 (P2018/1637/FUL) for a 5 storey building providing office space and light industry. To the east, the site adjoins the London Taxi Company (39-41 Brewery Road) building, which in terms of height is equivalent to approximately four-storeys.
- 10.11 Across the street on the other side of Brewery Road is one of the few buildings in the surrounding area with any architectural or historic value, an old Victorian pub now converted to an HMO, 256 York Way. Immediately to the east of this building is a three-storey modern apartment building, whilst the remainder of Brewery Road is generally characterised by relatively low-rise light industrial and warehouse buildings. To the west of the subject site is York Way, which is characterised by a variety of light industrial and warehouse buildings, four-storey Victorian terraces and more high-rise apartment buildings.
- 10.12 Specifically relating to the site, the evidence base within the Discussion Paper of the Vale Royal and Brewery Road LSIS SPD (March 2017) provides guidance, that a maximum height of 20 metres or five commercial storeys would be appropriate to the LSIS. The evidence is based on a detailed and robust assessment of the area and its surroundings. The study sets out parameters for acceptable building heights as well as more detailed guidance on the implementation of Islington's current adopted policy on the LSIS, which prioritises B1c (light industrial), B2 (industrial) and B8 (storage and distribution) alongside a limited amount of complementary uses (i.e. office or ancillary café) where it supports the economic and employment function of the LSIS, and a strong resistance to residential and other non-business uses.

- 10.13 In view of the study referred to above and an assessment of the site's surrounding context, it is considered that the proposed five storeys is appropriate in height. In terms of the Brewery Road street scene, the proposed development would stand approximately 5 metres taller than the adjacent London Taxi Company (39-41 Brewery Road) building, and at five storeys in height would align with height of the approved schemes at 55-61 Brewery Road. The proposed plant and lift overrun would be set back from the front elevation and would only be visible from longer views.
- 10.14 To the rear of the building the floorplates on the second/ third floors and fourth/ fifth floors would include stepped setbacks from Brandon Road. It is considered that design of the rear elevation is successful and serves to reduce the overall bulk and massing of the rear sections of the building and to mitigate daylight impacts on neighbouring properties.

Inclusive Design

- 10.15 Paragraph 57 of the NPPF is relevant to the current proposal in relation to inclusive design. London Plan Policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor's Accessible London SPG. At the local level, Development Management Policy DM2.2 requires all developments to demonstrate that they i) provide for ease of and versatility in use; ii) deliver safe, legible and logical environments; iii) produce places and spaces that are convenient and enjoyable to use for everyone; and iv) bring together the design and management of a development from the outset and over its lifetime.
- 10.16 Overall, the scheme incorporates positive features in terms of inclusive design, such as a proposed platform lift to allow wheelchair users to access the reception and a positive approach to customer toilets. However, the proposal lacks an inclusive design strategy for egress and evacuation. The building features five different floors and the Inclusive Design SPD argues that a fire-fighting lift is the most inclusive form of evacuation.
- 10.17 It is considered that these details could be addressed by condition (7). In the event of planning permission being granted, a condition would be required to ensure the proposed egress and evacuation would comply with relevant planning policies and the relevant parts of the Inclusive Design in Islington SPD.

Neighbouring Amenity

- 10.18 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. In this regard, the proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.

Daylight and Sunlight

- 10.19 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.

10.20 BRE Guidelines paragraph 1.1 states: *“People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by”. Paragraph 1.6 states: “The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design...In special circumstances the developer or local planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings”.*

Daylight:

10.21 The BRE Guidelines stipulate that... *“the diffuse daylighting of the existing building may be adversely affected if either:*

- *the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value.*
- *the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.” (No Sky Line / Daylight Distribution).*

10.22 At paragraph 2.2.7 of the BRE Guidelines it states: *“If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.”*

10.23 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.

10.24 At paragraph 2.2.8 the BRE Guidelines state: *“Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the ‘no sky line’ in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside”.*

10.25 Paragraph 2.2.11 states: *“Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.”* The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.

10.26 The BRE Guidelines at its Appendix F gives provisions to set alternative target values for access to skylight and sunlight. It sets out that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. An example given is *“in a mews development within a historic city centre where a typical obstruction angle from ground floor window level might be close to 40 degrees. This would correspond to a VSC of 18% which could be used as*

a target value for development in that street if new development is to match the existing layout”

10.27 Paragraph 1.3.45-46 of the Mayor of London’s Housing SPD states that:

“Policy 7.6Bd requires new development to avoid causing ‘unacceptable harm’ to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed. An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.

The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.”

Sunlight:

10.28 The BRE Guidelines (2011) state in relation to sunlight at paragraph 3.2.11:

“If a living room of an existing dwelling has a main window facing within 90degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:

- *Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and;*
- *Receives less than 0.8 times its former sunlight hours during either period and;*
- *Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.”*

10.29 The BRE Guidelines) state at paragraph 3.16 in relation to orientation: *“A south-facing window will, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit.”*

10.30 They go on to state (paragraph 3.2.3): *“... it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun”.*

Open spaces:

10.31 The Guidelines state that it is good practice to check the sunlighting of open spaces where it will be required and would normally include: ‘gardens to existing buildings (usually the back garden of a house), parks and playing fields and children’s playgrounds, outdoor swimming pools and paddling pools, sites such as those between non-domestic

buildings and in public squares, focal points for views such as a group of monuments or fountains’.

10.32 At paragraph 3.3.17 it states: *“It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.”*

Assessment

10.33 The neighbouring properties in closest proximity to the site are Simla Court (126 Brewery Road) and 256 York Way located to the north on the opposite side of Brewery Road and 34 Brandon Road and 248-250 York Way, located to the south west of the application site. The windows within these properties have been tested for loss of daylight.

10.34 As set out earlier in the report, permission has been granted for extensions and alterations to the adjoining building at 55-61 Brewery Road, which would result in a cumulative impact on the neighbouring windows overlooking the application site. The cumulative impact on these windows and the internal daylight afforded to the rooms within them has been considered as part of this assessment as it is likely to be implemented prior to the implementation of the application being considered here.

10.35 The quality of the daylight and sunlight within the neighbouring properties has been assessed using the Vertical Sky Component (VSC), No Skyline (NSL)/ Daylight Distribution and Annual Probable Sunlight Hours (APSH) assessments as recommended within the BRE document. The results have shown that the majority of properties would retain compliant daylight levels in line with the BRE criteria.

10.36 However, some transgressions in VSC and NSL can be reported in relation to the impact on Simla Court and 248-250 York Way. Simla Court (126 Brewery Road) is a three-storey residential flatted block located directly to the north of the application site on the opposite side of Brewery Road. Consideration must therefore be given to this, both in terms of the numbers of rooms adversely affected, and the degree to which each of those rooms would be impacted.



Figure 9: Simla Court (126 Brewery Road)



Figure 10: 248-250 York Way

Room/ Window	Vertical Sky Component			No Skyline (Daylight Distribution)			
	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
Simla Court (126 Brewery Road)							
Ground floor shown for comparison purposes only							
Ground Floor R1 / W1	15.7	15.6	0.1	8.7	3.0	3.0	0.0
Ground Floor R2 / W2	25.5	20.9	18.0	0.0	+0.0	0.0	0.0
Ground Floor R2 / W3	25.5	20.7	18.6	9.4	5.8	4.9	16.1
Ground Floor R3 / W4	25.3	20.0	20.7	8.4	4.8	3.7	23.8
Ground Floor R4 / W5	24.8	19.1	23.2	12.7	6.7	5.5	18.3
Ground Floor R5 / W6	23.5	17.5	25.5	13.0	6.5	5.2	20.5
Second Floor R1 / W1	16.5	16.5	0.0	8.7	3.4	3.4	0.0
Second Floor R3 / W4	25.8	19.3	25.0	8.4	8.2	4.7	42.5
Second Floor R4 / W5	25.5	18.3	28.1	12.7	12.5	6.9	44.4
Second Floor R5 / W6	25.2	17.3	31.3	13.0	12.8	6.1	51.9
248-250 York Way							
First Floor R2 / W3	17.6	16.4	6.7	10.6	4.2	2.0	52.3

Figure 11: VSC and NSL transgressions at Simla Court and 248-250 York Way

- 10.37 The windows most affected in terms of loss of daylight by development are highlighted in the table above (Figure 11). The BRE guidance suggests that reductions should be kept to less than 20%. In Islington, given the built up context, transgression of upto 30% are often accepted (reflecting the dense urban nature of the Borough and that these reductions are modest). Turning first to the transgressions at Simla Court; the VSC reductions to second floor W5/W6 would be 31.3%, which would be marginally above 30%, but still regarded as a minor infringement.
- 10.38 The NSL transgressions at Simla Court relate to the rooms in the second floor level, which would see reductions of 42.5% (W4), 44.4% (W5) and 51.9% to (W6). The predicted impacts are acknowledged, however, it is important to note the context of the NSL failures. By comparison the table in Figure 11 sets out the existing and proposed impacts for the ground floor flats at Simla Court and whilst the percentage reductions in NSL are within BRE guidelines the results reveal that the second floor rooms would still receive a proposed distribution of daylight comparable to the existing daylight distribution levels in the ground floor rooms. As such, in real terms the impacts would be no greater than the levels currently experienced by the ground floor rooms (the level of light remaining in the rooms is comparable).
- 10.39 Turning to the transgression at 248-250 York Way, the NSL assessment predicts a 52% reduction at first floor W3. This result is somewhat anomalous, in comparison to the impacts to other rear windows at this property. Again, the predicted reduction is acknowledged, but on closer inspection the affected window actually relates to a door with a glazing panel, to a room with two further south facing windows. At the time of writing officers seeking clarification from the applicant's daylight consultant, however it is clear that the two main side windows serving this room have not been included in the assessment. As a result, the reported transgression is erroneous and it is not considered that the implications for daylight distribution would in practice result in a harmful impact.
- 10.40 It should be noted that the NSL test is just one component of the daylight/ sunlight assessment. Despite the NSL failures the proposal would still pass (or be impacted with only a minor infringement) in terms of the VSC test.
- 10.41 Having regard to the transgressions it is not considered that the impact to any individual property or group of properties are so significant as to warrant refusal of planning permission. In addition, the impacts from development on daylight should not stand in isolation from other planning policy considerations, but should be weighed with other planning objectives These include bringing forward a 2,292 sqm uplift in B8 (storage and distribution) floorspace which would serve to successfully support and enhance the functions of the LSIS. In this context, overall, it is considered that the majority of neighbouring properties would retain adequate levels of amenity in relation to natural light.

Annual Probable Sunlight Hours

- 10.42 The scheme is compliant with the BRE annual probable sunlight hours requirements.

Outlook:

- 10.43 Outlook is the visual amenity provided by the immediate surroundings of a (usually residential) property, as experienced from its windows or outdoor spaces. It can be affected by the close siting of another building or structure, which depending on its proximity, size and appearance can create an oppressive, increased sense of enclosure to the detriment of the amenities of rooms in a neighbouring property, particularly those of single aspect dwellings, or those that already have limited outlook. Outlook does not refer to views of a particular landmark or feature of interest, or long views over land not in the ownership of the viewer.

10.44 As the proposal would increase the height of the building by two storeys it is expected that there would be some impacts on outlook. In particular, the outlook from windows on the top floor of Simla Court (126 Brewery Road) and the side windows of the HMO on the opposite side of Brewery Road would be curtailed. At 34 Brandon Road, the recently permitted extensions and alterations would introduce a new roof terrace at 3rd floor level. The outlook to the north from this roof terrace would be altered by the application being considered here. However, it is considered that the reduction in outlook would not be to an extent that would significantly reduce the amenities of residents of these buildings.

Privacy:

10.45 Paragraph 2.14 of Islington's Development Management Policies states that "to protect privacy for residential development and existing residential properties, there should be a minimum distance of 18m between windows of habitable rooms. This does not apply across the public highway – overlooking across a public highway does not constitute an unacceptable loss of privacy". In the application of this policy, consideration must be given to the nature of views between habitable rooms – for instance, where views between habitable rooms would be oblique as a result of angles or height differences between windows, there may be no harm.

10.46 Paragraph 2.3.30 of the Mayor of London's Housing SPG states that such minimum distances "can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density". This is noted, and there have indeed been instances where window-to-window distances of less than 18m have been accepted where exceptional circumstances apply, however the Mayor's guidance does not override Islington's more recent Development Management Policies, and there remains a need to ensure that the proposed development maintains adequate levels of privacy for neighbouring residents.

10.47 The existing three-storey building at 43-53 Brewery Road contains windows in the Brewery Road elevation and it is recognised that there is an existing relationship with the residential block on the opposite side of Brewery Road at Simla Court – which at the closest point is separated by a distance of approximately 17 metres. Nevertheless, this is over a highway and whilst the proposal would effectively introduce two further storeys, including windows, (whilst also increasing the extent of the glazing in the whole of the Brewery Road elevation); given the self-storage use, the windows would serve either corridors or self-storage units rather than habitable accommodation. As such the proposal would not introduce undue concerns with regards to a loss of privacy at Simla Court.

10.48 The proposal introduces new windows in the second and third floor on the rear elevation of the property which would be within 18 metres of surrounding properties. However, privacy of residential occupiers would not be reduced as the buildings to the south on the opposite side of Brandon Road are either in non-residential use or the elevations facing the application site are windowless.

10.49 In terms of the impact on 34 Brandon Road, which is in residential use, the second and third floor windows would be facing south and would not provide an outlook towards the habitable windows or the private roof terrace area.

Conclusion

10.50 It is considered that the proposal would result not result in unacceptable impacts on neighbouring residential amenity in terms of loss of daylight and sunlight, outlook, privacy nor an increased sense of enclosure.

Sustainability, Energy Efficiency and Renewable Energy

- 10.51 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF.
- 10.52 The Council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions.
- 10.53 Islington's Core Strategy policy CS10 (part A) states that all developments should maximise on-site reduction in total (regulated and unregulated) carbon dioxide emissions. The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.

Carbon dioxide emissions

- 10.54 The applicant proposes a reduction in regulated emissions of 32.55%, compared to a 2013 Building Regulations baseline. Although they are not meeting the London Plan target of 35% reduction in regulated CO2 emissions the Council's energy services team have accepted that this is the maximum achievable and are satisfied with the assumptions and recommendations made. In order to mitigate against the remaining carbon emissions generated by the development a Carbon Offset contribution payment of £78,853 will be sought by way of a section 106 agreement.

Sustainability

- 10.55 The submitted roof plan shows areas of green roof proposed on the building which would enable a reduction in the extent of the site covered by impermeable surfaces. The application was referred to the Sustainability Officer and no objections were raised subject to conditions ensuring the delivery of green roofs and bird boxes. Given the nature of the site there is otherwise little scope for landscaping as part of the proposed development.

Highways and Transportation

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

Existing conditions

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

- 10.58 The site is located approximately 25 metres from the junction with York Way, which is controlled by a traffic light. A single yellow line covers Brewery Road to the front of the site, whilst nearer to the junction it becomes a double yellow line.
- 10.59 The site has an existing on site loading bay located on Brandon Road which requires vehicles to reverse out of the loading area onto Brandon Road.
- 10.60 Whilst some limited on-street parking is permitted in the vicinity, Brewery Road and Brandon Road are subject to the following parking restrictions:
- Brewery Road is within the Holloway West Controlled Parking Zone (CPZ) (weekdays 9:30am to 4:30pm)
 - Brewery Road – Short Stay Bays pay and display (2 hours) weekdays 9:30am to 4:30pm.
 - Brewery Road – resident/ business permit parking, weekdays 9:30am to 4:30pm
 - Brandon Road is within the Thornhill CPZ (weekdays 8:30am to 6:30pm, Saturdays 8:30am to 1:30pm)
 - Brandon Road – Short Stay Bays pay and display (1 hour) – residential and business - weekdays 8:30am to 6:30pm, Saturdays 8:30am to 1:30pm)

Trip generation and loading/unloading

- 10.61 Vehicular access will continue to be taken from Brandon Road and pedestrian access will continue from Brewery Road. The applicant's Transport Assessment details the transportation and highways implications of the proposed development and has assessed the trip generation for the storage floorspace. The assessment concludes that the proposal is likely to result in an increase of 6no. additional vehicle trips during the morning peak hour and 4no. during the evening peak hour. On a daily basis it is suggested that the site will generate 39no. additional trips when compared to the existing situation.
- 10.62 The development proposals include a newly designed loading bay which would allow vehicles to reverse into the site and exit in a forward gear.
- 10.63 It is considered that this new layout will improve safety as well as minimising any possible delay to other road users on Brandon Road.
- 10.64 The nature of this section of Brandon Road is generally characterised by low volumes of traffic travelling at low speed. Given the proposed layout and access arrangements coupled with the size and number of vehicles using the loading bay and low number of vehicle trips, the Council's Highways officer has advised that the proposed self-storage loading/ unloading bay and servicing/ delivery arrangements would be acceptable.
- 10.65 The Highways Officer have also advised that the proposed increase in vehicle trips would be acceptable resulting in relatively low numbers of vehicles movements, which given the self-storage use are likely to be dispersed throughout the day and not concentrated to peak times or congested periods. In addition, vehicles would not have to reverse out of the loading bay onto Brandon Road – quieter periods would allow cars to manoeuvre through the loading bay area internally and leave the site in a forward gear through one of the alternative loading bay doorways.

- 10.66 Should planning permission be granted condition 21 would be included to restrict the use of the loading bay for vehicles loading/unloading in association with the main storage business use and not for the parking of vehicles.

Servicing and refuse collection

- 10.67 It is intended that all servicing and delivery activities would take place on site using the loading bay on Brandon Road, which would be in close proximity to refuse stores as well as an access to the main reception area.
- 10.68 The estimated number of servicing and delivery trips would include refuse collection. Refuse collection would be undertaken outside the reception operational hours and on a weekly basis. Further details of refuse collection and servicing and delivery details will be required by condition (15).

Cycle Parking

- 10.69 York Way and Caledonian Road are the key strategic routes surrounding the site. Dedicated cycle lanes can be found along York Way and Market Road.
- 10.70 In terms of cycle parking, space for a total of 16 cycles will be provided which would be accessed via the ground floor level loading bay on Brandon Road at the ground floor level at the south western boundary of the site. This provision is in accordance with Islington standards and would be secured by condition (8).

Construction Traffic

- 10.71 In the event that planning permission is granted, the permission would be subject to a condition requiring a Construction Environmental Management Plan to be submitted and approved in writing to the local planning authority in the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development (condition 13).
- 10.72 Any works to the highway including reinstatement of footways would be secured by section 278 agreement with the costs covered by the developer.
- 10.73 In conclusion, the highways and transportation impacts are considered acceptable and in accordance with relevant planning policy subject to conditions and section 278 agreement.

Planning Obligations, Community Infrastructure Levy and local finance considerations

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

- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
- Compliance with the Code of Employment and Training.
- Facilitation, during the construction phase of the development, of the following number of work placements: 3
- Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practise of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£9.75 as at 01/04/17).

If these placements are not provided, LBI will request a fee of: £15,000

- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of: £2,292

and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.

- The provision of an additional number of accessible parking bays: 1 or a contribution towards bays or other accessible transport initiatives of: £2,000
- Developments providing wheelchair accessible private or shared ownership units will be required to market them as such for a minimum period of 6 months. Developers should include prominent information on the design standards met by all units and the specific qualities and capacity of the wheelchair accessible units in their marketing brochures and show rooms, on their websites and any billboards used to advertise the development.
- A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount: £78,853
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision

of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).

- Payment towards employment and training for local residents of a commuted sum of: £6,798

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The application proposes the expansion of the existing B8 self-storage use at the site through redevelopment and extensions to create a five-storey building, with the re-cladding of the front and rear elevations. The proposal would also involve the replacement and extension of the rear portion of building and the creation of larger loading bay at ground floor level accessed from Brandon Road.
- 11.2 The development proposes 2,292 sqm (GIA) uplift in B8 floorspace creating a total of 5,127 sqm (GIA) over the five floors of the new building. The proposal would serve to successfully support and enhance the functions of the Vale Royal/ Brewery Road Locally Significant Industrial Site (LSIS) designation and is strongly supported in terms of land use.
- 11.3 The proposal is not considered to have an unacceptable impact on neighbouring residential amenity in terms of loss of daylight, sunlight, outlook, privacy, noise and disturbance or an increased sense of enclosure. The application is considered to be a sustainable form of development in terms of energy efficiency, renewable energy and the provision of sustainable forms of transport. The proposal is not considered to result in undue implications of the surrounding highway network in terms of loading/ unloading and servicing and delivery.
- 11.4 For the reasons given above and explained in more detail in the subsequent sections of this report, the proposal is considered to be acceptable and in accordance with relevant planning policy and is thus recommended for approval subject to conditions and the completion of a S106 Agreement to secure the necessary mitigation measures.

Conclusion

- 11.5 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 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
- Compliance with the Code of Employment and Training.
- Facilitation, during the construction phase of the development, of the following number of work placements: 3
- Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practise of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£9.75 as at 01/04/17).

If these placements are not provided, LBI will request a fee of: £15,000

- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of: £2,292

and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.

- The provision of an additional number of accessible parking bays: 1 or a contribution towards bays or other accessible transport initiatives of: £2,000
- Developments providing wheelchair accessible private or shared ownership units will be required to market them as such for a minimum period of 6 months. Developers should include prominent information on the design standards met by all units and the specific qualities and capacity of the wheelchair accessible units in their marketing brochures and show rooms, on their websites and any billboards used to advertise the development.
- A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount: £78,853
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy

network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.

- Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- Other as necessary.
- Payment towards employment and training for local residents of a commuted sum of: £6,798

That, should the **Section 106** Deed of Planning Obligation not be completed within 13 weeks / 16 weeks (for EIA development) from the date when the application was made valid, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

RECOMMENDATION B

That the grant of planning permission be subject to **conditions** to secure the following, and that there is delegated to each of the following: the Head of Development Management, the Team Leader Major Applications and the Team Leader Planning Applications to make minor changes (additions removals or amendments) to the conditions:

List of Conditions:

1	Commencement (Compliance)
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans and documents list (Compliance)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>232-00-000 Location Plan 232-00-001 Block Plan</p>

	<p>232-02-001 Existing Ground Floor Plan 232-02-002 Existing First Floor Plan 232-02-003 Existing Second Floor Plan 232-02-004 Existing Third Floor Plan 232-02-005 Existing Roof Plan 232-02-006 Existing Basement Plan 232-02-100 Existing Brewery Road Elevation 232-02-101 Existing Brandon Road Elevation 232-02-201 Existing Section BB 232-02-010 Proposed Ground Floor Plan 232-02-011 Proposed First Floor Plan 232-02-012 Proposed Second Floor Plan 232-02-013 Proposed Third Floor Plan 232-02-014 Proposed Fourth Floor Plan 232-02-015 Proposed Fifth Floor Plan 232-02-016 Proposed Roof Plan 232-02-017 Proposed Basement Plan 232-02-110 Proposed Brewery Road Elevation 232-02-111 Proposed Brandon Road Elevation 232-02-211 Proposed Section BB</p> <p>Acoustic Report prepared by Hilson Moran Air Quality Assessment prepared by Hilson Moran Construction Management Plan prepared by Jon Dingle Ltd Daylight and Sunlight Report prepared by eb7 Daylight and Sunlight Report addendum, prepared by eb7 (dated 21 February 2019) Delivery and Servicing Management Plan prepared by Motion Design and Access Statement prepared by Bluebottle Ecology Report prepared by Hilson Moran Flood Risk Assessment incl. SuDS prepared by Hilson Moran Site Waste Management Plan prepared by Hilson Moran Structural Concept Report prepared by Meinhardt Sustainable Design and Construction Statement Transport Statement prepared by Motion Travel Plan prepared by Motion</p> <p>REASON: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials and samples (Details – Pre-Commencement)</p> <p>CONDITION: A Green Procurement Plan for sourcing the materials to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste. The materials shall be procured and the development shall be carried out strictly in accordance with the Green Procurement Plan so approved.</p> <p>Details of facing materials including samples shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details and samples shall include:</p> <p>a) brickwork, bond and mortar courses;</p>

	<p>b) metal cladding panels (including details of the edge and seams/gap treatments, method(s) of fixing, and any profiling);</p> <p>d) windows, doors and balustrades;</p> <p>e) roofing materials;</p> <p>f) any other materials to be used on the exterior of the development;</p> <p>g) metal mesh on glazing;</p> <p>h) interface between glazing to Brewery Road elevation and internal storage lockers</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard and contributes positively to the significance of heritage assets in accordance with policies 5.3, 7.4, 7.5, 7.6, 7.8 and 7.9 of the London Plan 2016, policies CS9 and CS10 of Islington’s Core Strategy 2011, and policies DM2.1, DM2.3 and DM7.4 of Islington’s Development Management Policies 2013.</p>
4	Roof-level structures (Details)
	<p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts, plant, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding streetscene or the character and appearance of the area in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2016, policy CS9 of Islington’s Core Strategy 2011, and policy DM2.1 of Islington’s Development Management Policies 2013.</p>
5	External pipes, cables and CCTV (Compliance and Details)
	<p>CONDITION: No cables, plumbing, down pipes, rainwater pipes, foul pipes or CCTV cameras or related equipment and installations shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional cables, pipes be considered necessary the details of these shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>Notwithstanding the drawings hereby approved, no CCTV cameras or related equipment and installations are hereby approved.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard, and to ensure that the development is in</p>

	accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2016, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.
6	Security and general lighting (Details)
	<p>CONDITION: Notwithstanding the approved drawings listed under condition 2, details of general or security outdoor lighting (including full specification of all luminaries, lamps and support structures) shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved prior to the first occupation of the development hereby approved and shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of good design, security and protecting neighbouring and future residential amenity and existing and future habitats from undue light-spill in accordance with policies 7.3, 7.5, 7.13 and 7.19 of the London Plan 2016, policies CS9, CS10 and CS15 of Islington's Core Strategy 2011, policies DM2.1 and DM6.5 of Islington's Development Management Policies 2013.</p>
7	Inclusive design – business floorspace (Details)
	<p>CONDITION: Details including floorplans, sections and elevations of all business floorspace at a scale of 1:50 shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the development's business floorspace. The details shall include:</p> <ul style="list-style-type: none"> • accessible WC provision; • public entrances including sections showing level access, door furniture and manifestations to glazing; • space for the storage and charging of mobility scooters; • details of accessible changing facilities for staff; and • details of how the development would comply with the relevant parts of the Inclusive Design in Islington SPD <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development is of an inclusive design in accordance with policy 7.2 of the London Plan 2016, policy CS12 of Islington's Core Strategy 2011, and policy DM2.2 of Islington's Development Management Policies 2013.</p>
8	Cycle parking (Compliance)
	<p>CONDITION: The bicycle storage areas, which shall be secure and provide for no less than 16 bicycle spaces (and additional space for accessible parking, the parking of trailers or tricycles, and the parking and charging of mobility scooters) shall be provided prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure adequate and suitable bicycle parking is available and easily accessible on site and to promote sustainable modes of transport in accordance</p>

	with policy 6.9 of the London Plan 2016, policy CS10 of Islington's Core Strategy 2011, and policy DM8.4 of Islington's Development Management Policies 2013.
9	Green roofs (Details and Compliance)
	<p>CONDITION: Notwithstanding the plans hereby approved, details of green roofs to the development hereby approved (including details of the extent of green roofs, and the species to be planted/seeded) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The green roofs shall:</p> <ul style="list-style-type: none"> • form biodiversity-based roofs with extensive substrate bases (depth 80-150mm); • cover at least all of the areas shown in the drawings hereby approved, confirmed by a location/extent plan; and • be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works. <p>An explanation as to why any areas of roof would not be covered with green roofs shall be included with the above details. Green roofs shall be expected to extend beneath any photovoltaic arrays proposed at roof level.</p> <p>No roofs, including the green roofs, shall be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity, to protect neighbouring privacy, and to ensure surface water run-off rates are reduced in accordance with policies 5.3, 5.10, 5.11, 5.13 and 7.19 of the London Plan 2016, policies CS10 and CS15 of Islington's Core Strategy 2011, and policies DM2.1, DM6.5, DM6.6 and DM7.1 of Islington's Development Management Policies 2013</p>
10	Sustainable urban drainage (Details)
	<p>CONDITION: Prior to any works commencing on site a drainage strategy including full justification for any non-compliance with the requirements of Development Management Policy DM6.6 and London Plan policy 5.13, and confirmation that best endeavours have been made to comply with these policies, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the drainage strategy so approved, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development achieves appropriate surface water run-off rates in accordance with policy 5.13 of the London Plan 2016 and policy DM6.6 of Islington's Development Management Policies 2013.</p>
11	Basement – Structural Method Statement (Details)
	<p>CONDITION: Prior to commencement of development a Structural Method Statement, prepared by a Chartered Civil Engineer (MICE) or a Chartered</p>

	<p>Structural Engineer (MIStruct.E), shall be submitted to and approved in writing by the Local Planning Authority in consultation with London Underground.</p> <p>The statement shall be in line with the requirements of Chapter 6 (Site investigations to inform design) and appendix B of Islington's Basement Development SPD 2016.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional and to comply with the Basement Development SPD 2018.</p>
12	<p>Energy/carbon dioxide reduction (Compliance)</p> <p>CONDITION: The proposed measures relevant to energy as set out in the Energy Assessment hereby approved which shall together provide for no less than a 32.55% on-site total (regulated and unregulated) carbon dioxide reduction in comparison with total emissions from a building which complies with Building Regulations 2013 shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interests of sustainable development and to ensure that the Local Planning Authority may be satisfied that the carbon dioxide reduction target is met in accordance with policies 5.2, 5.3 and 5.7 of the London Plan 2016, policy CS10 of the Islington Core Strategy 2011, and policies DM7.1 and DM7.3 of Islington's Development Management Policies 2013.</p>
13	<p>Demolition and Construction Management and Logistics Plan (Details)</p> <p>CONDITION: No demolition shall take place unless and until a Demolition and Construction Management and Logistics Plan (DCMLP) has been submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London.</p> <p>The development shall be carried out strictly in accordance with the approved DCMLP throughout the demolition and construction period.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development in accordance with policies 6.3 and 6.14 of the London Plan 2016 and policy DM8.6 of Islington's Development Management Policies 2013.</p>
14	<p>Construction Environmental Management Plan (Details)</p> <p>A Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of residential and local amenity, and air quality, in accordance with policies 7.14 and 7.15 of the London Plan 2016, policy CS12 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>

15	Delivery and Servicing Management Plan and Waste Management Plan (Details)
	<p>CONDITION: A Delivery and Servicing Management Plan (DSMP), including a Waste Management Plan (WSP), shall be submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London prior to the first occupation of the development.</p> <p>The DSMP shall include details of all servicing and delivery requirements, including details of how waste (including recyclable waste) would be transferred and collected, and shall confirm the timings of all deliveries and collections from service vehicles.</p> <p>The development shall be carried out strictly in accordance with the DSMP so approved.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development in accordance with policies 5.16, 6.3 and 6.14 of the London Plan 2016, policy CS11 of Islington's Core Strategy 2011, and policies DM2.1 and DM8.6 of Islington's Development Management Policies 2013.</p>
16	Waste storage (Compliance)
	<p>CONDITION: The dedicated refuse/recycling stores hereby approved shall be provided prior to first occupation of the development hereby approved and shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure the necessary physical waste storage to support the development is provided in accordance with policy 5.16 of the London Plan 2016, policy CS11 of Islington's Core Strategy 2011 and policy DM2.1 of Islington's Development Management Policies 2013.</p>
17	Plant Noise (Compliance)
	<p>The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations in accordance with policy in accordance with policy 7.15 of the London Plan 2016, policy CS12 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
18	Noise from the standby plant
	<p>This approval is subject to the prior written approval by the Local Planning Authority of a written code for the management of noise from emergency plant and equipment, the subject of this consent. The code shall be submitted to and approved prior to the occupation of the use to which this consent relates. The code shall be fully implemented and operated at all times in accordance with the approved details. The management code shall identify measures to reduce the impact of the noise on the community.</p>

	<p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations in accordance with policy in accordance with policy 7.15 of the London Plan 2016, policy CS12 of Islington’s Core Strategy 2011, and policy DM2.1 of Islington’s Development Management Policies 2013.</p>
<p>19</p>	<p>Site contamination (Details)</p>
	<p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority:</p> <p>a) A land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).</p> <p>REASON: Previous industrial and/or commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment in accordance with paragraphs 109 and 121 of the National Planning Policy Framework, policies 5.14 and 5.21 of the London Plan 2016 and policy DM6.1 of Islington’s Development Management Policies 2013.</p>
<p>20</p>	<p>Site contamination – unsuspected contamination (Details)</p>
	<p>CONDITION: If during development contamination not previously identified is found to be present at the site no further development shall be carried out (unless otherwise agreed in writing with the Local Planning Authority) until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: Previous industrial and/or commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment in accordance with paragraphs 109 and 121 of the National Planning Policy Framework, policies 5.14 and 5.21 of the London Plan 2016 and policy DM6.1 of Islington’s Development Management Policies 2013.</p>

21	Parking Restriction (Compliance)
	<p>CONDITION: The ground floor loading bay hereby permitted shall only be used for vehicles loading/unloading in association with the main storage business use and not for the parking of vehicles.</p> <p>REASON: To ensure the development is car free and to comply with policy DM8.5 of Islington's Development Management Policies 2013.</p>
22	Nesting Boxes (Compliance)
	<p>CONDITION: A total of 2No. bird or bat boxes shall be installed prior to the first occupation of the building to which they form a part, or the first use of the space in which they are contained, and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision in respect of the creation of habitats and valuable areas for biodiversity.</p>

List of Informatives:

1	S106
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	Superstructure
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions:</p>

	<p>These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	<p>Car-Free Development</p>
	<p>INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
5	
	<p>The Management code shall include measures to address the following matters:</p> <ol style="list-style-type: none"> 1. The testing of equipment not to take place between the hours of 1800 and 0800 on any day, and not at any time on Sundays, Bank Holidays or after 1300 on a Saturday. 2. The duration of the testing to be commensurate with the test requirements and not to exceed one hour. 3. A list of potential residential receptors to be drawn up and those receptors to be given advance written notification of the time and date of the test. 4. The acoustic design and control of the fixed plant and equipment to meet a criterion of a rating level, measured or calculated at 1m from the façade of the nearest noise sensitive premises, of not more than 5dB(A) above the existing background noise level (LA90). The rating level to be determined as per the guidance provided in BS4142:2014. 5. A report to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the plant and machinery. The report is to be submitted to, and approved in writing by the Local Planning Authority, and any noise mitigation measures shall be installed before the commencement of the use hereby permitted and permanently retained thereafter.”
6	<p>Roller Shutters</p>
	<p>ROLLER SHUTTERS</p> <p>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.</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

The National Planning Policy Framework 2019 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 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:

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 2.9 Inner London

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.4 Managing industrial land and premises

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 5.7 Renewable energy

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

Policy 5.18 Construction, excavation and demolition waste

6 London's transport

Policy 6.1 Strategic approach

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

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

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 7.6 Architecture
Policy 7.11 London View Management Framework
Policy 7.15 Reducing noise and enhancing soundscapes

8 Implementation, monitoring and review

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

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS6 (King's Cross)
Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)

Policy CS13 (Employment Spaces)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design
DM2.4 Protected views

Employment

DM5.3 Vale Royal / Brewery Road
Locally Significant Industrial Site
DM5.4 Size and affordability of
workspace

Health and open space

DM6.1 Healthy development

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

5. Designations

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

Kings Cross Key Area
Local Cycle Routes
Local View from Dartmouth Park Hill
Vale Royal & Brewery Road Locally
Significant Industrial Area
Article 4 direction B1c to C3

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

The following SPGs and/or SPDs are relevant:

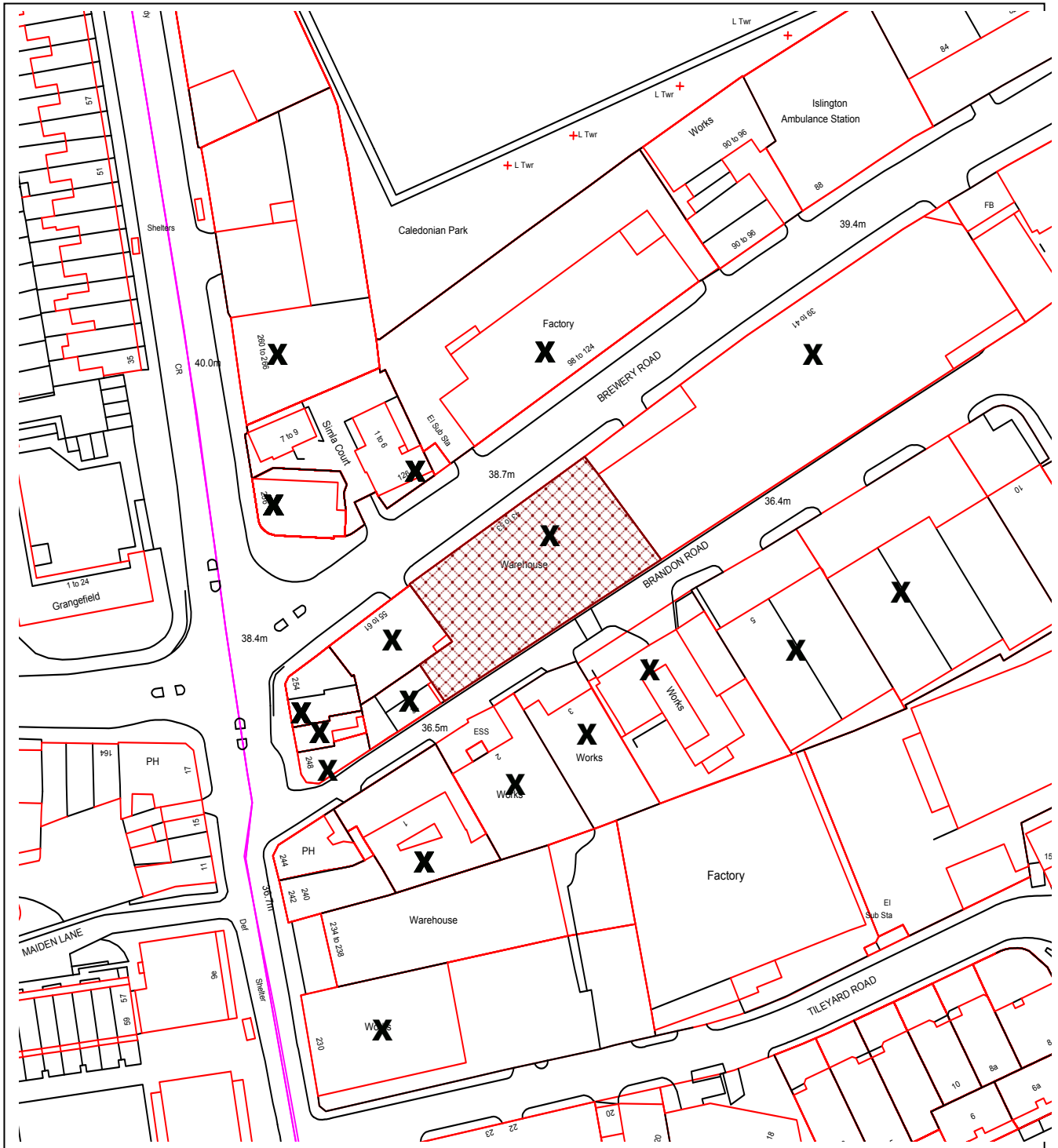
Islington Local Development Plan

- Environmental Design SPD
- Inclusive Design in Islington SPD
- Urban Design Guide SPD

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

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Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department
PO Box 333
Town Hall
LONDON N1 2UD

PLANNING COMMITTEE		AGENDA ITEM NO:
Date:	2nd April 2019	

Application number	P2018/1587/FUL
Application type	Full Planning Application
Ward	St Marys
Listed building	N/A
Conservation area	Upper Street (North)
Development Plan Context	Adjacent to CA10 Barnsbury APA3 Islington Village and Manor House TC1 Angel Town Centre AUS1 Almeida Street Sorting Office and Former North London Mail Centre
Licensing Implications	N/A
Site Address	Block C, Islington Square, Former Royal Mail Sorting Office 5-6 Almeida Street and 128 & 130 Upper Street N1 1AE
Proposal	Amalgamation of two A1 units and Change of Use to flexible A1 or D1(nursery only)

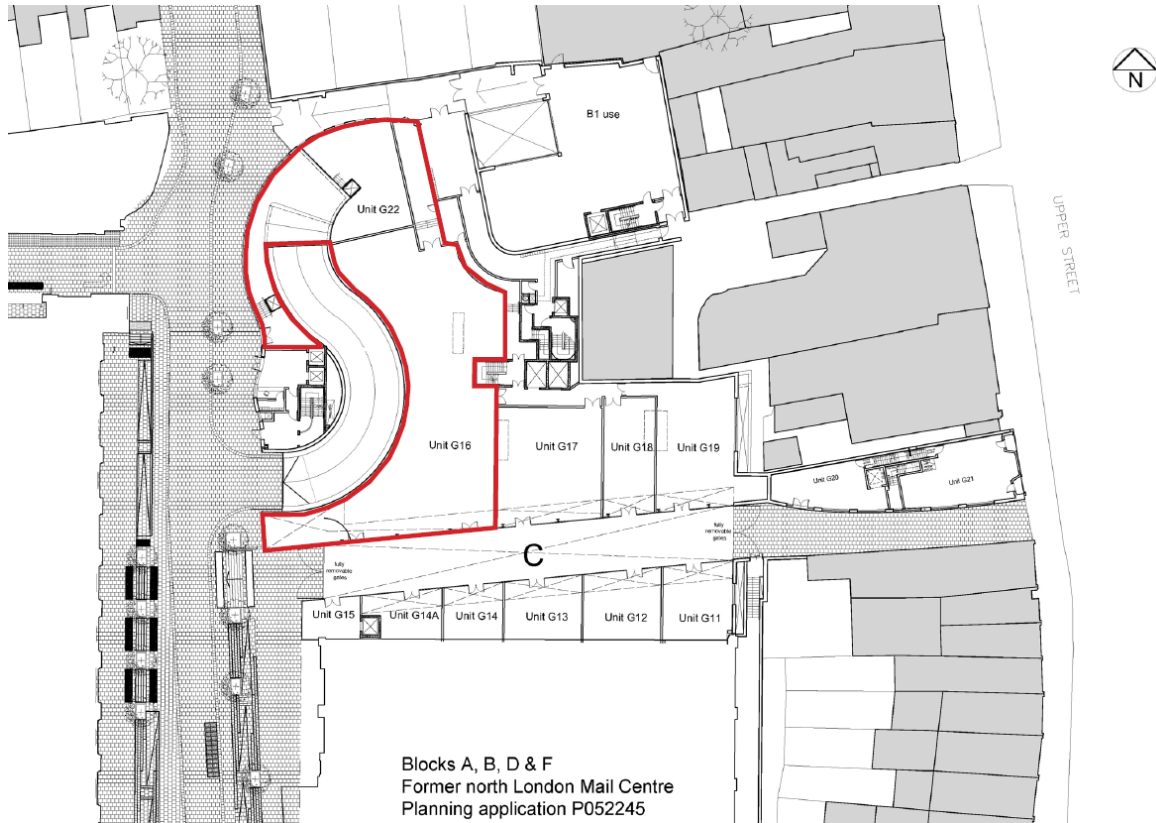
Case Officer	Simon Roberts
Applicant	C/O Agent
Agent	Greg Cooper – Metropolis Planning & Design

1. RECOMMENDATION

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

- subject to the conditions set out in Appendix 1;

2. SITE PLAN (SITE OUTLINED)



3. SUMMARY

- 3.1 The application proposes to amalgamate Units G16 and G22 and subsequently change the use of newly created unit from A1 (retail) to a flexible unit for A1 or a D1 (specifically for a nursery).
- 3.2 The loss of the approved retail floorspace is considered acceptable as the overall retail provision as existing is not detrimentally impacted within the town centre due to loss of this small amount.
- 3.3 The proposed nursery is considered to be acceptable in land use terms as it would be in accordance with the adopted site allocation and town centre designation, and would provide a function which would support the wider employment use found within the Town Centre. The proposed use would not be of detriment to the vitality or viability of Angel Town Centre, and meets the objectives of adopted planning policy.
- 3.4 The proposal is not considered to have an unacceptable impact on neighbouring residential amenity given the proposal seeks change of use only with no external alterations or extensions. The application is considered to be a sustainable form of development in terms of energy efficiency, waste management, air quality and the provision of sustainable forms of transport. For the reasons given above and explained in more detail in the subsequent sections of this report, the proposal is considered to be acceptable and in accordance with relevant planning policy and is thus recommended for approval subject to conditions.

4. SITE AND SURROUNDINGS

- 4.1. The application site relates to part of Block C, within what is a new build element of the "Islington Square" scheme, which is a part-7, part-8 storey building on the west side of Upper Street.
- 4.2. The site of this planning application was approved as two ground/upper ground floor A1 (retail) units within Block C and known as units G16 and G22. There are a number of other elements which make up the wider development site, notably Block A (the former sorting office), Block B (former distribution building), Block D – the Grade II listed Post office fronting Upper Street at 116 Upper Street and the single storey associated buildings at the northern end of the site (Block F).
- 4.3. The development is expected to be completed in 2019 with construction in the advanced stages.
- 4.4. The site falls within the boundaries of the Upper Street (North) Conservation Area (CA19) while the wider sites northern, southern and western boundaries meet the Barnsbury Conservation Area (CA10).
- 4.5. The surrounding area however is mixed use in character and form, with commercial development along Upper Street and residential in the streets to the west of Upper Street.
- 4.6. Unit G16 fronts the central covered pedestrian arcade. Unit G22 would be accessed from the western side of Block C elevation which fronts a road accessed from the north on Almeida Street.
- 4.7. Unit G22 has a curving shopfront to the western and northern elevation, and curves around the service bay access ramp which leads to basement level. It is noted that this unit is set at a higher level than the neighbouring G16 unit, and has three differing floor levels.

5. PROPOSAL (IN DETAIL)

- 5.1. The proposal seeks to amalgamate two approved A1 units (G16 and G22) into a 1,154sqm single unit for a flexible use unit within A1 and/or D1 (childcare nursery only) use. Furthermore, the application seeks to allow the return to the originally approved A1 within 10 years if the LPA were to approve flexible planning permission.
- 5.2. The envisaged tenant to the resultant unit provides nursery care and education for pre-school children (ages 1-5) and would operate 7 days a week to cater for weekend use. The proposal includes a number of rooms which would allow for a variety of nursery activities such as soft play, children art studio, music and cooking etc. Furthermore, separate from the nursery rooms, there is also space akin to co-working where for example parents/guardians can utilise desk space whilst their children attend the nursery.
- 5.3. To the front of the resultant amalgamated unit, an active frontage is proposed along the central pedestrianised walkway/piazza, and would include an ancillary retail/sales area.
- 5.4. Supporting information submitted states that the proposed use would employ up to 35 full time and 10 part time members of staff. It is anticipated that up to 75 children can be accommodated.

6. RELEVANT PLANNING HISTORY:

PLANNING APPLICATIONS:

- 6.1 The subject site has a number of planning applications for the redevelopment of the former North London Mail Centre.

- 6.2 The parent planning permission to the wider Islington Square development site is P090774, granted on 30 March 2012. The description of the approved development was: *“Demolition of 5-6 Almeida Street and erection of a part 2, 5, 6, 7 and 8-storey building, above two basement levels, providing for 5,137sqm Class A1 (retail) floorspace, 242sqm flexible Class A1/A3 (retail / café-restaurant) floorspace, 208sqm Class A4 (drinking establishment) floorspace, 859sqm Class B1 (business) floorspace and 78 dwellings, together with cycle parking, servicing and 12 disabled car-parking spaces. Erection of a roof extension, part 2, part 4-storey rear extension and basement to 128 and 130 Upper Street together with associated alterations, access and landscaping”.*
- 6.3 Application reference: P2013/2681/S73, which was granted on 04/11/2014, sought a Minor Material Amendment to the original planning permission. The amendments sought the minor material amendment to vary conditions 2 (approved plans), 22 (designated Servicing Area), 26 (no amalgamation with Block B at basement levels) and 27 (disabled parking spaces) of planning permission P090774 dated 30 March 2012. The amendments included: relocate servicing level from Lower Basement to Upper Basement (replacing 2,498 sq.m. of retail space); and to introduce a multi-purpose rehearsal and performance space (planning use class D2 - Assembly and Leisure) to lower basement level.
- 6.4 A further Minor Material Amendment to the original planning permission, reference: P2017/2866/S73 was granted on 24/12/2018, to vary condition 2 (approved plans) of planning permission ref: P2013/2681/S73, and sought to amalgamate layouts over 4 no. various sized residential units within Block C across sixth and seventh floors resulting in loss of 2 no. units (Total reduction 78 to 76 units) together with various minor elevational alterations principally relating to rerouting of smoke extract ducting.
- 6.5 Furthermore, it should be noted that there has been numerous ‘Discharge of Condition’ applications, ‘s96A (Non-Material Amendment)’ applications and further ‘s73 (Minor Material Amendment)’ applications to the above planning permissions which have been approved and currently under consideration. However, these do not relate to the use or operation of the two units’ subject to this planning application before you.

7. CONSULTATION

Public Consultation

- 7.1 Site notices were erected close to the subject site and a press advertisement were published on 25st October 2018. A further notice was advertised in the press and was published on 7th March 2019.
- 7.2 To date, no representations have been received on the application.

Internal Consultees

- 7.3 **Access Officer** – No objection.
- 7.4 **Highways and Transport** – No objection.
- 7.5 **Education** – No objection. Islington has no role in registering and approving the provision, and is up to Ofsted.
- 7.6 **Energy Officer** – No objection.
- 7.7 **Environmental Health (Acoustic Officer)** – No objection subject to standard conditions relating to mitigation between the proposed use and residential above. [*Officer comment: Noted. The conditions and subsequent approved details of the original permission deal with mitigation between the site and neighbouring occupiers/residents.*]

7.8 **Planning Policy** – Raised concern over the loss of retail (A1 use) within the Town Centre. [*Officer comment: Given the proposal to change the use of a unit within a development which is not yet complete, a quantum of over 8,000sqm of retail (A1 use) floorspace will remain at Islington Square. Further, the subject site is not located within a Primary or Secondary Shopping Frontage. The Site Allocation allowed for provision of D1 uses. The proposal is therefore not considered to be of detriment to the vitality or viability of Angel Town Centre, as outlined at 9.2-9.21.]*

7.9 **Sustainability** – No objection.

8. RELEVANT POLICIES

8.1 Islington Council (Planning Committee), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- The National Planning Policy Framework (NPPF) 2019 states that at the heart of the NPPF is a "presumption in favour of sustainable development" which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: "approving development proposals that accord with an up to date development plan without delay..."

8.2 The NPPF states that sustainable development has an economic, social and environmental role; *"these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area."*

8.3 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law;
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

8.4 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

8.5 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and

maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

National Guidance

8.6 The National Planning Policy Framework 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.

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

8.8 **Development Plan**

8.9 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 (ICS) and Development Management Policies 2013 (DM). The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

8.10 **Designations**

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

- Upper Street North Conservation Area
- Adjacent to
- Archaeological Priority Area
- Site Allocation AUS1 (Almeida Street Sorting Office/Formal North London Mail centre)
- Angel Town Centre
- Locally Listed Building

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use;
- Design & Appearance;
- Accessibility and Inclusive Design;
- Neighbouring Amenity;
- Transport;
- Energy, Sustainability & Air Quality;
- Waste Management; and
- Planning Obligations

Land Use

Flexible Use

9.2 A flexible planning permission allows occupiers to switch between specified planning uses without the need for multiple planning permissions. The permission to switch between the identified uses lasts for ten years and the use in operation at the end of the ten year period becomes the lawful use of the property from that date onwards.

Policy Context

9.3 The application site relates to two retail units within Block C of the approved development at under references: P090774 and P2017/2866/S73, and seeks to change the use of the units from A1 (retail) to flexible A1 (retail) or D1 (nursery only). This section of the report sets out the policy context against which the proposal will be assessed.

9.4 The site is located within Angel Town Centre (TC1) as defined within Islington Core Strategy ('ICS') 2011 policies CS5 and CS14; Islington Development Management Policies ('DM') 2013 DM4.4 and DM4.5; and London Plan (2016) policies 2.15, 4.7 and 4.8.

9.5 The NPPF 2019 states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Decisions and planning policies should define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters.

9.6 London Plan Policy 2.15 'Town centres' seeks to ensure development proposals (in accordance with polices 4.7 and 4.8) should: sustain and enhance the vitality and viability of the centre; accommodate economic and/or housing growth through; intensification and selective expansion in appropriate locations; support and enhance the competitiveness, quality and diversity of town centre retail, leisure, employment, arts and cultural, other consumer services and public services; be in scale with the centre; promote access by public transport, walking and cycling; promote safety, security and lifetime neighbourhoods; g contribute towards an enhanced environment, urban greening, public realm and links to green infrastructure; and reduce delivery, servicing and road user conflict.

9.7 A nursery is identified as a social infrastructure within Policy 3.16 'Protection and enhancement of social infrastructure' of the London Plan, due to being an activity which contributes to "making an area more than just a place to live". Facilities should be accessible to all sections of the community (including disabled and older people) and be located within easy reach by walking, cycling and public transport. Wherever possible, the multiple use of premises should be encouraged.

- 9.8 London Plan Policy 3.18 'Education facilities' includes the provision of childcare and early years learning. Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. In regards to childcare provision, the London Plan states that "Access to adequate, affordable and high quality childcare (pre-school and school age) provision plays a key role in children's development and enables parents to go back to work". Childcare facilities should be safe, accessible for all (including disabled children), multi-functional and provide both indoor and outdoor learning opportunities.
- 9.9 London Plan Policy 4.7 'Retail and town centre development' builds upon policy 2.15, provision for future demand should be managed carefully in local plans for individual centres and include policies for primary shopping areas and primary and secondary frontages in the context of wider town centre management and initiatives.
- 9.10 London Plan Policy 4.8 'Supporting a successful and diverse retail sector and related facilities and services' supports policies 2.15 and 4.8 of the London Plan, acknowledging that a vibrant, diverse retail sector is essential to London's success.
- 9.11 ICS policy CS5 'Angel and Upper Street' is a spatial strategy for Angel and Upper Street that outlines the extended Town Centre boundaries and highlights the specific spatial policies for managing growth and change for this key area within the Borough.
- 9.12 ICS policy CS14 'Retail and services' sets out the aims and objectives for retail and town centre development.
- 9.13 Furthermore, the subject site is designated within Islington's Local Plan – Site Allocation (2013) as 'AUS1 – Almeida Street sorting office and Former London Mail Centre'.
- 9.14 DM policy DM4.4 'Promoting Islington's Town Centres' seeks to protect and enhance the Borough's Town Centres. Islington's Town Centres are the primary focus for retailing in the borough. To promote their economic and cultural function, the council will apply a sequential approach to assessing applications for retail, services, entertainment, assembly and leisure uses. Ensuring that retail and other important facilities (such as GP surgeries, solicitors, post offices, groceries and newsagents) remain readily accessible is essential to the vitality and viability of Town Centres.
- 9.15 DM policy DM4.5 'Primary and Secondary Frontages' directs guidance in relation to primary and secondary shopping frontage designations.

Loss of the approved use

- 9.16 The proposed nursery would see the loss of 1,154sqm of retail floor space from the extant planning permissions for Block C.
- 9.17 The Council's Policy Officer has raised concern in this regard, given the site is within a town centre. However, the proposal is considered acceptable for the following reasons:
- There is no actual loss of existing retail space to the high street and town centre (as the Islington Square development is not yet completed);
 - The site is not in primary or secondary retail frontage;
 - The amalgamated unit for a nursery would include ancillary retail space and a coffee/café counter to the front of unit 16, fronting the covered pedestrian only arcade;
 - Although the proposal seeks the loss of A1 retail space, the proposed D1 use would be in accordance with the site allocation offering a conforming use (appropriate for the town centre); and
 - The proposal is considered such that there would be linked trips to the nursery and neighbouring retail and leisure, and as such would support the function of the town centre.

Acceptability of the proposed use

- 9.18 Site Allocation AUS1 within the Borough's Local Plan outlines an employment-led mixed-use development to support the wider town centre and functions of the London Central Activities Zone as a strategic business location. It states that future uses "*will need to contribute to the vitality of the town centre - providing opportunities for employment such as offices (B1) and/or the provision of retail (A1)/leisure (A3 and A4) /cultural uses (D1 and D2)*".
- 9.19 Importantly, the proposed D1 (nursery only) use is considered wholly in accordance with the adopted site allocation and town centre designation, as it would provide a function which would support the wider employment use found within the Town Centre.
- 9.20 The proposed use has an active retail frontage on to the covered pedestrian arcade, ensuring consistency with the rest of the approved development site (Islington Square). Nonetheless, given the proposal is for flexible use, it is important to note that the use of the unit can switch between A1 (retail) and D1 (nursery only) use.
- 9.21 The proposed flexible use A1/D1(nursery only) use would not be of detriment to the vitality or viability of Angel Town Centre, and meets the objectives of adopted planning policy and the NPPF as outlined above.

Design & Appearance

- 9.22 The National Planning Policy Framework states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. All proposals for development in Islington are expected to be of good design quality, respecting their urban context in accordance with planning policy and guidelines.
- 9.23 London Plan (2016) Policy 7.6 expects architecture to make a positive contribution to a coherent public realm, streetscape and wider city-space. It should incorporate the highest quality of materials and a design that is appropriate to its context. Moreover, buildings and structures should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, not necessarily replicate, the local architecture.
- 9.24 ICS Policy CS8 states that the scale of new development will reflect the character of a surrounding area. ICS Policy CS9 states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive. Moreover, where areas of Islington suffer from poor layout, opportunities will be taken to redesign them by integrating new buildings into surviving fragments of historic fabric and by reconfiguring spaces based on streets and perimeter blocks, particularly in housing estates. All development will need to be based on coherent street frontages and housing developments should not isolate themselves from surrounding areas.
- 9.25 DM Policy DM2.1 requires all forms of development to be of a high quality, incorporating inclusive design principles while making positive contributions to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. All new developments are required to improve the quality, clarity and sense of space around or between buildings, reinforce and complement local distinctiveness and create a positive sense of place. Finally, Islington's Urban Design Guide (2017) provides guidelines and principles for good urban design, e.g. how buildings look and fit into their setting, the layout and organisation of public spaces and the appearance of street frontages.

- 9.26 The proposal does not seek to make any external alterations to the building as approved nor extend the internal footprint of the building, as part of this change of use application.
- 9.27 The proposal is limited to internal alterations and ensures that the active frontage at ground floor remains consistent with the wider site redevelopment.
- 9.28 It is however noted that the applicant has indicated that external dedicated playspace will be sought through a separate planning application to the western elevation of the building, to allow for external play for children. Although this element does not form part of this application, it is important that when this comes forward, the appearance of the external play must resonate with the elevations above in regards to materiality and impact upon the public realm.

Accessibility and Inclusive Design

- 9.29 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 all development 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 development from the outset and over its lifetime. To achieve this the proposal should be designed in accordance with Islington's Inclusive Design in Islington (2014) SPD.
- 9.30 The proposal does not seek to alter the access points to the units that have been approved. The main entrance to the amalgamated unit is identified as being to the front of the unit, incorporating the as approved unit G16 entrance. This allows for the ancillary retail/reception component of the unit to benefit from more exposure from the footfall along the covered arcade. This access is level with the ground level.
- 9.31 The approved entrance to unit G22 is also level access with the external public realm, whilst a platform lift accompanies a number of steps up into the unit, as it curves around the vehicular service ramp below. Internally, the unit benefits from stairs, a lift and a stair lift to ensure disabled access throughout the resultant amalgamated unit. This arrangement and differing floor levels is consistent with the extant permissions. The proposal is therefore considered to be in accordance with the aims of the aforementioned policies relating to accessibility and inclusive design.

Neighbouring Amenity

- 9.32 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. In this regard, the proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.
- 9.33 The proposal seeks the amalgamation of two units within Block C without alterations to the external fabric of the building. As such, the proposal would not give rise to a detrimental loss to neighbouring amenity in regards to daylight, sunlight and overshadowing, overlooking and loss to privacy or loss of outlook and sense of enclosure.

Safety / Security

- 9.34 Development Management Policy DM2.1 requires for developments to be safe and inclusive, enhance legibility with a clear distinction between public and private space and to include safety in design, such as access, materials and site management strategies.
- 9.35 The approved Block C as approved has security measures such as CCTV, public realm lighting, gates, fencing etc.
- 9.36 The proposal has an active frontage to the covered pedestrian arcade allowing for an ancillary retail/coffee counter and 'welcome space' to the nursery, where unit G16 as approved is located. This would be located next to the entrance of the nursery, with the main floorspace of the nursery (for the primary childcare areas) located behind a secure doorway. A buggy park is located within the nursery itself, securely located behind the reception entrance. Further doorways are located to the rear of the unit, within the as approved unit G22.

Noise and Disturbance

- 9.37 The proposed use is not considered to give rise to additional noise and disturbance to neighbouring occupiers. The adjoining neighbouring units at ground floor level are within retail and other commercial use, whilst residential units are located (as approved) above the subject site at first floor level and above. Given the proposed use is not for night time leisure and entertainment, it is considered that compliance conditions as part of an approval would mitigate potential noise impacts.

Construction

- 9.38 The extant planning permissions to the site is currently under construction, with the main structure being in place. The proposal does not seek to alter the external or internal layout to a degree which would give rise to impacts on the living environment and amenities of local residents in terms of noise and disturbance, dust, noise, vibration and construction traffic.
- 9.39 In summary, the proposal is not considered to result in an unacceptable impact on neighbouring residential amenity in terms of loss of daylight or sunlight, increased overlooking, loss of privacy, sense of enclosure and is considered to result in an appropriate use in the context of neighbouring uses and occupiers.

Sustainability, Energy Efficiency and Renewable Energy

- 9.40 The NPPF 2019 confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF. Further planning policies relevant to sustainability are set out in chapter 5 of the London Plan, Core Strategy policy CS10 and chapter 7 of the Development Management Policies. Islington's Environmental Design SPD is also relevant.
- 9.41 The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, SUDS, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires for development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details and specifics are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG. Development Management Policy DM7.4 requires the achievement of BREEAM 'Excellent' on all non-residential major developments. Major developments are also

required to comply with Islington's Code of Practice for Construction Sites and to achieve relevant water efficiency targets as set out in the BREEAM standards.

- 9.42 The site is constrained by the fact that the development has been substantially completed except for the final fitting out of the relevant units, public realm etc. and the structure reflects the planning requirements at the time permission was granted.
- 9.43 The proposal is for the change of use of units G16 and G22 only, and does not seek to alter the footprint and fabric of Block C or wider Islington Square development site. As such, the required energy and sustainability mitigation as approved will still need to be adhered to as conditioned, ensuring that the proposal has minimised the CO2 emissions as far as reasonably possible, that efficient lighting and water resource management is proposed and therefore given the constraints of the building being practically complete the proposal is acceptable.

Highways and Transportation

- 9.44 The application site has a PTAL of 6a, which is considered 'excellent', given its close proximity to Upper Street. Angel Station and Highbury & Islington Station are located either end of Upper Street, with numerous bus links in between.

Pedestrian / Cycle Improvements

- 9.45 Islington Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking. The application site is located centrally within the Islington Square redevelopment site. The proposal is for change of use of the resultant amalgamated unit only and does not seek to alter the approved pedestrian arcade nor the shared surface.
- 9.46 In regards to cycle parking, a site wide strategy for short stay and long stay has been approved, and is spread out between the blocks at both ground and basement levels. As such, it is considered that there is sufficient cycle parking for the proposed use as already approved and currently under construction.

Servicing, deliveries and refuse collection

- 9.47 As per the above, a site wide strategy for servicing and deliveries has been secured via the extant planning permissions. The basement level within Block C, below the subject units, is solely for servicing and disabled parking.
- 9.48 Further, the refuse and recycling areas for Block C are located within the basement, allowing for ease of collection by refuse vehicles. Access to the refuse store is via a service lift or staircase in shared circulation space to the rear of the proposed amalgamated unit.
- 9.49 All vehicles will be able to enter and exit in forward gear in accordance with Policy DM8.6, as per the approved layout of the basement.
- 9.50 Given the proposal does not seek to increase the floorspace of Block C, it is not considered that the change of use will give rise to an increase in expected servicing and delivery expectations.

Vehicle parking

- 9.51 The host building, Block C, was approved as a car-free development within the extant planning permissions for the site. The basement to Block allows for servicing parking and disabled parking spaces only.
- 9.52 In regards to pick up and drop off, the proposal is not considered to give rise to additional parking stress would be of detriment to the surrounding road network. The site and all of

the surrounding streets are within the 'Zone E' Controlled Parking Zone, limiting parking to resident permit holder only and operates 0830 – 1830 throughout Monday to Friday and 0830 – 1330 on Saturdays. Upper Street is part of the Transport for London Road Network (TLRN) 'red route' and as such no stopping permitted between 0700 – 1900 throughout Monday to Saturday, whilst parking is allowed for 30 minutes only outside of 0700 – 1600.

- 9.53 Given the site has an excellent PTAL rating, the highly accessible area alongside on-street parking restrictions and lack of on-site parking would sufficiently discourage car use to the nursery.

Waste Management

- 9.54 Waste storage facilities are required to be provided in order to fit current and future collection practices and targets. Facilities must be accessible to all in accordance with Islington's Core Strategy policy CS11. Development Management Policy DM8.6 states 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.
- 9.55 A site wide waste strategy in regards to refuse and recycling has been approved as part of the extant planning permissions which are substantially constructed.
- 9.56 A compliance condition is recommended should planning permission be approved, ensuring that the waste management of the unit accords with the site wide strategy.

Air Quality and Contamination

- 9.57 In accordance with Islington's Development Management Policies (2013) Policy DM6.1, developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.
- 9.58 The air quality impacts associated with the construction and operation of the proposed mixed-use development have been assessed as part of the original planning permissions, which included requirements for further air quality surveys and mitigation measures to be provided (secured by conditions on the original permissions). The Council's Public Protection / Pollution Officer has assessed various submissions made by the Applicant to discharge the conditions imposed on the site wide consent and was satisfied that air quality would be acceptable.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 9.59 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development.
- 9.60 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.
- 9.61 The Council's 'Planning Obligations (Section 106) SPD (2016) indicates that for major commercial applications (which applies to all sites containing over 1,000sqm of commercial space), planning obligations for the following will be sought for economy,

employment, community, environment and other obligations such as viability review mechanisms and officer/legal costs. The application is a major application by virtue of seeking the change of use of over 1,000sqm.

- 9.62 Given the subject units were approved within the extant planning permission for Block C site, a number of site-specific contributions and restrictions were secured. As such, no planning obligations are considered to be required in order to mitigate any issues which arise from the proposed development to ensure it is acceptable in planning terms.

10 SUMMARY AND CONCLUSION

Summary

- 10.1 As is set out in this report, the application proposes the amalgamation of two retail units into a single use nursery/crèche. The development would provide an appropriate service use to the Islington Square development site and wider Angel Town Centre, ensuring no harm to the character, amenity, function or vitality and viability of the town centre. The proposal would not give rise to detrimental disturbance from noise, odour, fumes or other environmental harm to neighbouring occupiers.
- 10.2 For the reasons given above and explained in more detail in the subsequent sections of this report, the proposal is considered to be acceptable and in accordance with relevant planning policy and is thus recommended for approval subject to conditions to secure the necessary mitigation measures.

Conclusion

- 10.3 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 – RECOMMENDATION.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement (Compliance)
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list (Compliance)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>1598-ABDP-000-110 C – Site Location Plan; 1604-30-CU-0105-D05 - Unit G16 G22 Ground floor proposed; 1604-30-CU-0106-D04 - Unit G16 G22 First floor proposed;</p> <p>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.</p>
3	Flexible Use
	<p>CONDITION: The amalgamated unit hereby approved shall be used either as a retail unit within Use Class A1 or as a nursery within Use Class D1 and for no other purpose (including any other purpose within Use Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).</p> <p>Reason: To ensure that alternative uses are not accommodated without consideration of the impacts on transport, highways and the amenities of neighbouring residents.</p>
4	Operation Hours
	<p>CONDITION: The flexible A1 (retail) or D1 (nursery only) hereby approved shall not operate or receive or provide deliveries / be serviced except between the hours of: 07:00 until 23:00 Monday to Saturday; and 10:00 until 16:00 on Sunday and Public Holidays.</p> <p>The flexible D1 (nursery only) hereby approved shall not operate or receive or provide deliveries / be serviced except between the hours of: 08:00 until 20:00 Monday to Sunday and Public Holidays.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring occupiers of their premises and residential amenity.</p>
5	Noise
	<p>CONDITION: The hereby approved development shall accord with the details submitted to the Local Planning Authority on the 24 October 2017 pursuant to Condition 19 (Full details of sound insulation between Block C retail and residential) of planning permission Reference: P2013/2681/S73 [LBI Ref. P2017/4026/AOD] and approved by the Local Planning Authority on the 9 November 2017.</p>

	<p>REASON: In the interest of protecting future residential amenity against undue noise and nuisance arising from non-residential uses.</p>
6	<p>Servicing</p> <p>CONDITION: The hereby approved development shall accord with the Transport Assessment approved within planning permission reference: P2017/2866/S73 dated 24/12/2018.</p> <p>No permission is granted for on-street servicing of the A1 (retail) / D1 (nursery) unit.</p> <p>All servicing/deliveries/collections relating to the hereby amalgamated unit shall only occur within the designated servicing area within the basement (level -1) and shall only be serviced by vehicles no larger than 10.70m in total length.</p> <p>REASON: The servicing zone within basement (level -1) should accommodate all retail servicing requirements and the maximum length of vehicle capable of accessing the basement is 10.70m. Servicing from a location other than the dedicated servicing bay or by larger/longer vehicles would have a harmful impact on both residential amenity and the free-flow and safety of traffic and the public highways.</p>
9	<p>Refuse and Recycling</p> <p>CONDITION: The hereby approved development shall accord with the details submitted to the Local Planning Authority on 19 June 2014 pursuant to Condition 30 of planning permission reference: P090774 [LBI Ref: P2014/2512/AOD] and approved by the Local Planning Authority on 17 October 2014 are deemed to form the approved details for the purposes of this condition.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
10	<p>Combined Heat and Power Facility</p> <p>CONDITION: The hereby approved development shall accord with the details submitted to the Local Planning Authority pursuant to Condition 32 (Details of CHP facility) of planning permission Reference: P2013/2681/S73 [LBI Ref. P2016/0583/AOD] and approved by the Local Planning Authority on the 19 July 2017 are deemed to form approved details for the purposes of this condition.</p> <p>REASON: To ensure the facility is provided appropriately and so that it is designed in a manner which allows for the future connection to a district system.</p>
11	<p>Renewable Energy Statement</p> <p>CONDITION: The hereby approved development shall accord with the details submitted to the Local Planning Authority on the 19 February 2016 pursuant to Condition 33 (Renewable Energy Details) of planning permission Reference: P2013/2681/S73 [LBI Ref. P2016/0582/AOD] and approved by the Local Planning Authority on the 17 May 2016 are deemed to form approved details for the purposes of this condition</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that C02 emission reduction targets by renewable energy are met.</p>

List of Informatives:

1	Community Infrastructure Levy (CIL) (Granting Consent) INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk . The Council will then issue a Liability Notice setting out the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil
2	Car-Free Development INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people, or other exemption under the Council Parking Policy Statement.
3	Sprinkler Systems INFORMATIVE: Though fire safety and floor layout will be further considered though the building control process, you are strongly advised by the London Fire and Emergency Planning Authority to install sprinkler systems as these significantly reduce the damage caused by fire and the consequential cost to business and housing providers, and can reduce the risk to life.

APPENDIX 2: RELEVANT POLICIES

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

National Guidance

The National Planning Policy Framework 2019 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

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013. The following policies of the Development Plan are considered relevant to this 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 2.11 Inner London
Policy 2.15 Town Centres

3 London's people

Policy 3.1 Ensuring equal life chances for all
Policy 3.2 Improving health and addressing health inequalities
Policy 3.16 protection and enhancement of social infrastructure
Policy 3.18 Education facilities

4 London's economy

Policy 4.7 Retail and town centre development
Policy 4.8 Supporting a successful and diverse retail sector and related facilities and services

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 5.7 Renewable energy
Policy 5.11 Green roofs and development site environs
Policy 5.13 Sustainable drainage

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 6.4 Enhancing London's transport connectivity
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.12 Road network capacity

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 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 7.15 Reducing noise and enhancing soundscapes
Policy 7.19 Biodiversity and access to nature
Policy 7.21 Trees and woodlands

8 Implementation, monitoring and review

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

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS5 (Angel and Upper Street)

Policy CS11 (Waste)

Policy CS13 (Employment Space)

Policy CS14 (Retail and services)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

Shops, culture and services

DM4.1 Maintaining and promoting small and independent shops

DM4.2 Entertainment and night-time economy

DM4.3 Location and concentration of uses

DM4.4 Promoting Islington's Town Centres

DM4.5 Primary and secondary frontages

Health and open space

DM6.1 Healthy development

DM6.3 Protecting open space

DM6.5 Landscaping, trees and biodiversity

DM6.6 Flood prevention

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.2 Energy efficiency and carbon reduction in minor schemes

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

Designations

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

- Conservation Area - Upper Street (North)
- Adjacent to CA10 Barnsbury
- APA3 Islington Village and Manor House
- TC1 Angel Town Centre
- AUS1 Almeida Street Sorting Office and Former North London Mail Centre

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Environmental Design

Accessible Housing in Islington

Inclusive Landscape Design

Planning Obligations and S106

Urban Design Guide 2017

London Plan

Accessible London 2014

Culture & the night time economy 2017

Social Infrastructure 2015

Sustainable Design & Construction 2014

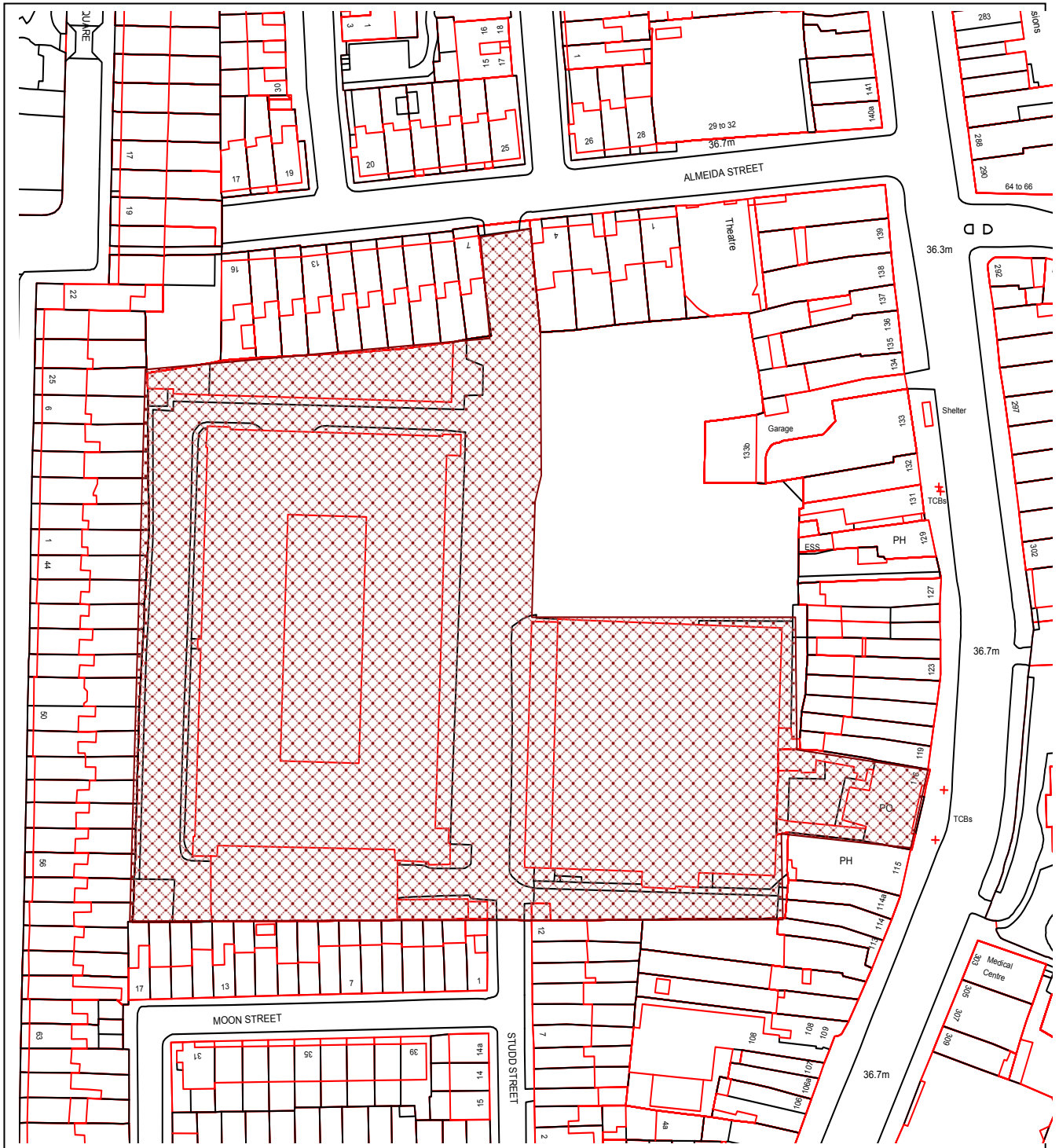
Town Centres 2014

Use of planning obligations in the funding of Crossrail, and the Mayoral Community

Infrastructure Levy 2013

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Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

PLANNING COMMITTEE		AGENDA ITEM NO:
Date:	2 April 2019	NON-EXEMPT

Application number	P2018/4210/RMS
Application type	Reserved Matters and discharge of conditions
Ward	Caledonian
Listed building	No listed buildings on the site
Conservation area	No
Development Plan Context	<ul style="list-style-type: none"> - Within the Central Activities Zone; - Site Allocation KC2; - Core Strategy Key Area Kings Cross & Pentonville Road; - Channel Tunnel Rail Link; - Site of Importance for Nature Conservation; Rail Safeguarding Area (Crossrail 2); - Rail Land Ownership – TfL Tunnels; - Rail Land Ownership – National Rail Surface; - London Underground Zones of Interest; - Article 4 Direction A1-A2; - Article 4 Direction B1(c) to C3;
Licensing Implications	None
Site Address	Kings Cross Triangle Site, bounded by York Way, East Coast Main Line & Channel Tunnel Rail Link, London N1
Proposal	<p>Application for approval of reserved matters in relation to Building W3 pursuant to outline planning permission for mixed use development ref: APP/V5570/A/07/2051902 (LBI ref: P041261). Building W3 is proposed to be formed of a three storey building comprising of 725 square metres of gym facilities (Class D2), 451 square metres of nursery/crèche space (Class D1) and a 174 square metres café/retail unit (Classes A1-A4) and</p>

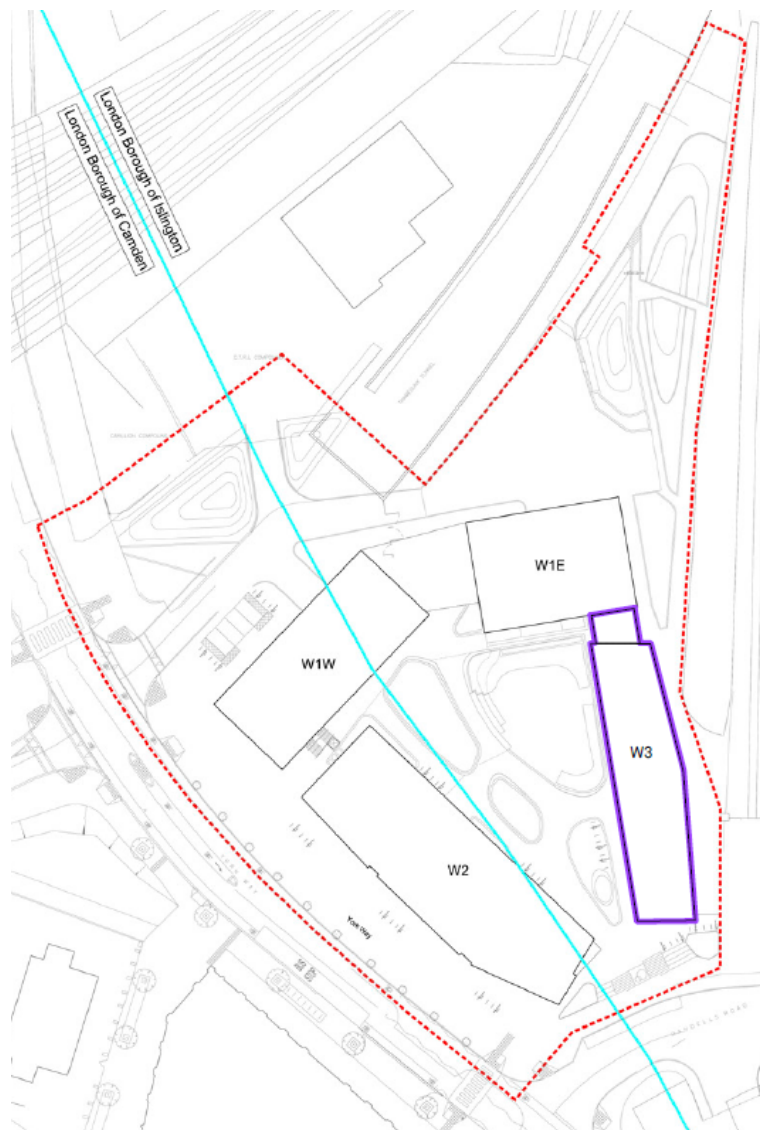
	discharge of conditions 14 (Structures), 15 (Floor Plans), 16 (Refuse Storage) and 28 (Noise).
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Case Officer	Thomas Broomhall
Applicant	King's Cross Central General Partner
Agent	Argent (King's Cross) Ltd

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** approval of reserved matters subject to the conditions set out in Appendix 1 and approve details of the discharge of conditions 14 (Structures), 15 (Floor Plans), 16 (Refuse Storage) and 28 (Noise). attached to appeal decision ref: APP/V5570/A/07/2051902 (LBI ref: P041261).

2. SITE PLAN (Triangle site and Building W3 site outlined)



3. PHOTOS OF SITE/STREET

Photograph 1 – Aerial view of site



Photograph 2 - View of site looking north west from Randall's Road



Photograph 3 - View of site looking south along York Way



4. SUMMARY

- 4.1 Outline planning permission P041261 was granted by the Secretary of State in July 2008 for the development of the Kings Cross 'Triangle Site'. The outline permission granted approval for 3 buildings to provide a mixed use development comprising up to 246 residential dwellings, retail and leisure uses set around a landscaped central amenity area.
- 4.2 The basis upon which the detailed development would come forward has been well established through the Development Specification and Parameter Plan documents approved at outline stage.
- 4.3 This application seeks reserved matters approval of appearance, scale, access and layout in relation to Building W3. The application also addresses the relevant conditions attached to the outline permission.
- 4.4 In relation to Buildings W1 and W2, approval of reserved matters was granted in October 2016 ref: P2016/1030/RMS and subsequently revised under consent P2018/3844/RMS which the Planning Committee resolved to grant consent in March 2019.
- 4.5 The submitted reserved matters details for Building W3 comprise a three storey leisure and fitness building comprising of a gym, a nursery/crèche and a café/retail unit.
- 4.6 In conclusion the details of the reserved matters in relation to building W3 demonstrate compliance with the Development Specification, Parameter Plans and the conditions attached to the outline consent ref: APP/V5570/A/07/2051902 (LBI ref: P041261) and are acceptable in accordance with current policy and guidance.

5. SITE AND SURROUNDINGS

- 5.1 The Triangle Site is a 6,600 square metre area of former railway lands located to the north east of the King's Cross Central (KXC) Main Site, which is located to the west of York Way within the London Borough of Camden (LBC). It is broadly triangular in shape (hence its name) and it straddles the boundary of the London Borough of Islington (LBI) and LBC which follows the former alignment of York Way prior to its reconfiguration as part of the Channel Tunnel Rail Link (CTRL) works.
- 5.2 The site is bounded to the east by the East Coast Main Line (ECML) and to the north-west by the Thameslink Canal Tunnels (TCT) which branch off from the overground train line and into the subterranean tunnels running south to St Pancras. York Way forms the south-west boundary of the site.
- 5.3 The southern boundary of the site occupies a prominent corner location at the junction between Randell's Road and York Way which crosses the ECML tunnels providing a route to Bingfield Park and the east.
- 5.4 There are significant level changes along the Randell's Road and York Way boundaries. York Way rises approximately 4.1m from the existing access road to the junction with Randell's Road to the south and Randell's Road continues this ascent, rising eastwards a further 1.4m.
- 5.5 The area to the south and east of the site is predominantly residential in character along with some warehouses and a Cemex concrete batching plant located immediately to the east of the ECML. Existing mixed development to the north is physically and visually separated from the Triangle site by the raised embankment, bridge and viaduct carrying the CTRL.

6. THE PROPOSAL

Reserved Matters

- 6.1 The application seeks approval of reserved matters relating to access, appearance, layout and scale, in relation to Building W3. The application also addresses the relevant conditions attached to the outline permission and seeks approval of the relevant details where required. i.e. Conditions 14 (Structures), 15 (Floor Plans), 16 (Refuse Storage) and 28 (Noise). The remaining details to be considered demonstrate compliance with the original conditions.
- 6.2 Building W3 is a three storey block adjacent to a podium shared by all three buildings on the Triangle Site. The building is located adjacent to the eastern boundary of the site, between the central Podium Garden with the 'eastern pathway' at lower ground level adjacent to the railway, which leads to the Habitat Area in the northeastern corner of the site.
- 6.3 The proposed reserved matters for Building W3 comprise:
- A three storey predominantly leisure and fitness building which comprises a gym, a nursery/crèche and a café/retail unit.

- Building W3 comprises a total of 1,507 square metres (GEA) of floorspace, including 725 square metres of gym facilities (Class D2) and 451 square metres of nursery/crèche space (Class D1) and at the southern end of the ground floor a café/retail unit (Classes A1-A4) of 174 square metre is proposed.
- At first floor, a covered terrace of 79 square metres is proposed for the use of the nursery/crèche.
- In addition, Building W3 will provide a fully accessible route to the Habitat Area, linking the ground floor/Podium Garden to the lower ground level/Habitat Area through the communal lift core in the building. A small area of basement is proposed beneath Building W3, comprising circulation space and plant. This connects to the lower ground/basement level beneath Buildings W1 and W2 and the Podium Garden, for which details were approved under the Reserved Matters submissions for Buildings W1 and W2.

Approval of details

6.4 The application must be assessed against the planning conditions attached to the outline permission. In this regard, the application is accompanied by a Compliance Report which explains how this scheme addresses the relevant conditions attached to the outline permission. The conditions are detailed in the table below and, in cases where the proposed revisions have implications for these conditions, they are considered within this report.

Table 1 – Relevant conditions attached to Outline planning permission P041261

Condition number	Relevant matters
4	Time limit for submission of all reserved matters applications.
6	Landscaping details
9	Provision of access ramps
10	Environmental Sustainability Plan
11	Earthworks and Remediation Plan
12	Access Statement
13	Servicing Strategy
14	Details of siting of buildings
15	Details of floor plans
16	Details of refuse storage and collection
17	Development to be carried out in accordance with permission parameter plans and development specification
18	Floorspace permitted
19	Uses Permitted
23	Drainage Infrastructure
24	Green and Brown Roofs
25	Car parking standards
26	Cycle Parking
28	Noise impact of plant and equipment

Procedural Issues

- 6.5 As the application site spans the boundaries of LBI and LBC the same application has been submitted to both Local Planning Authorities. The corresponding application submitted to the London Borough of Camden has been approved by the LBC Planning Committee on 14 March 2019.

7. RELEVANT HISTORY

Outline Application

- 7.1 Outline planning applications for both the Triangle Site and the Main Site (together forming the 'KXC Development') were submitted to LBI (Triangle Site only) and LBC (both sites) at the same time in May 2004, with further amendments made in September 2005.
- 7.2 LBC considered both applications at its Committee meeting of 8-9 March 2006 and resolved to grant outline planning permission for that part of the site falling within LBC.
- 7.3 LBI considered the Triangle Site application (ref: P041261) at its West Area Planning Sub-Committee meeting of 10 July 2007 and refused the application on the following ground:

'The proposed development is considered unacceptable by reason of the affordable housing offer being deficient in terms of overall percentage, tenure mix and the particular nature of the shared equity element having regards to provision for the recycling of staircasing receipts. As such the proposed development is considered to be contrary to policy H16 of Islington's UDP 2002 and the UDP strategic housing policy concerned with housing variety and mix, Islington's 'Affordable Housing' SPG, policies 3A.7 and 3A.8 of the London Plan, policy CS18 of Islington's core strategy (as adopted as non-statutory guidance for development control purposes) and PPG3 'Housing'.'

- 7.4 The Council's decision was appealed and outline planning permission was subsequently granted by the Secretary of State on 22 July 2008 (references APP/V5570/A/07/2051902 and APP/X5210/A/07/2051898).

Reserved Matters Approvals 2016

- 7.5 P2016/1030/RMS - Reserved matters relating to Buildings W1 and W2 comprising 12 to 17 storeys of mixed use accommodation for 140 Open Market residential units on the upper floors of Building W1 and 8 storeys of residential accommodation for 36 General Needs Social Rented, 23 Intermediate and 19 Open Market units at the upper levels of Building W2; four retail units at lower ground floor and podium levels (flexible class A1-A4); and associated cycle and disabled car parking, loading bay, refuse stores, storage, plant areas provided within the shared lower ground floor/basement area, as required by conditions 2, 4, 6, 9-20 and 22-30 of outline planning permission

reference P041261 granted 22 July 2008 (subject to a S106 agreement) for a comprehensive, phased, mixed-use development of part of the former railway lands within the Camden King's Cross Opportunity Area and an Islington Area of Opportunity. Approved with conditions 14/10/2016.

- 7.6 P2016/3637/RMS - Application for approval of reserved matters in relation to landscaping and public realm pursuant to outline planning permission ref: P041261. Approved with conditions 13/01/2017.

Full Planning Application

- 7.7 December 2018 Full Planning application (ref: P2018/4209/FUL) submitted for the Habitat Area in connection with outline planning permission ref: P041261. The Habitat Area is proposed to include four small, single-storey buildings (including a polytunnel), providing a total of 145 square metres (GEA) educational floorspace. The remainder of the 1,097 square metre site comprises ecology gardens. Still under consideration.

Revised Reserved Matters Approvals March 2019

- 7.8 March 2019 Revised Reserved Matters granted (P2018/3844/RMS) in relation to Buildings W1 and W2 pursuant to outline planning permission ref: P041261. The revised reserved matters relate to the reserved matters granted approval under application ref: P2016/1030/RMS include: changes to internal layouts including revision to unit mix; an increase in total GEA of 190 m²; minor changes to building elevations; an increase in green roof area; a revised retail service strategy; and the removal of 6 no. car parking spaces.
- 7.9 March 2019 Revised Reserved Matters granted (P2018/4062/RMS) in relation to landscaping and public realm pursuant to outline planning permission ref: P041261. The revised reserved matters relate to Zone W Landscaping and Public Realm and comprise revisions to the hard and soft landscaping approved under consent ref: P2016/3637/RMS and include the provision of an additional loading bay within the Northern Gateway.

Non-Material Amendment Application 2019

- 7.10 March 2019 Non-Material Amendment (ref: P2019/0293/NMA) agreed to outline planning permission ref: P041261. The amendments involve revisions to the wording of Appendix B (floorspace schedule) to allow retail floorspace to be in units fronting York Way or Randell's Road.

Pre-application advice

- 7.11 The proposal has been the subject of pre-application discussions involving officers from the London Boroughs of Camden and Islington and the applicant has responded to officer feedback through the development of the proposals.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 414 adjoining and nearby properties at Brydon Walk, Gifford Street, Randell's Road, York Way, Bromfield Street, Outram Place, Bingfield Street, Havelock Street, Rufford Street, on 21 January 2019. A site notice and press advert were displayed on 24 January 2019. The public consultation of the application therefore expired on 17 February 2019, however 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 no response had been received from members of the public with regard to the application.

External Consultees

- 8.3 London Borough of Camden – Response received. No objection raised. As the application site spans the boundaries of LBI and LBC, an identical application has been submitted to the London Borough of Camden (Ref: 2018/6163/P). The application has been approved by the LBC Planning committee.
- 8.4 Thames Water – Response received. No objection.
- 8.5 High Speed 1 – Requested pre-commencement conditions relating to construction safety and drainage. This accords with the conditions attached to Reserved Matters consent P2016/1030/RMS for buildings W1 and W2 and revised Reserved Matters consent P2018/3844/RMS.
- 8.6 East Coast Main Line – No response received and none received previously.
- 8.7 Thameslink 2000 – No response received and none received previously.
- 8.8 London Underground - No response received.
- 8.9 Network Rail - No response received.
- 8.10 London Fire and Emergency Planning Authority - No objection raised.
- 8.11 Islington Swifts – Strongly support the inclusion of biodiverse green roof.

Internal Consultees

- 8.12 Inclusive Design Officer – Requests revisions and clarifications.
The single lift in this building provides the only step free access to the habitat area, taking visitors from podium level to the lower ground floor.
The WC is not compliant as a Wheelchair Accessible WC and the lobby serving the WCs is not big enough to enable a wheelchair user to turn around. Both of these issues should be addressed.

The nursery/creche will also require separate WCs for children and staff and also a baby change facility that is separated from the play area. Clarification is requested as to how the WC/shower provided for the gym is Wheelchair Accessible. Clarification is requested regarding the provision for the safe evacuation of disabled people from the second floor in an emergency.

To address the Inclusive Design Officer's comments, the applicant has provided revised floor plans and further background information. (See paragraphs 11.54 - 11.62)

- 8.13 Crime Prevention Officer – No objections but would actively encourage that the development achieves 'Secured by Design' accreditation. (See Informative 4)
- 8.14 Acoustic Officer – Notes that the submission includes an acoustic report with an updated background sound survey. The report includes a background sound survey but no details or predictions of the plant noise impact as this is yet to be confirmed. The officer notes that the report includes reference to emergency plant. Para 2.2.3 states that this would be proposed to be 10dB above background sound levels. The officer advises that a level of 5dBA above as a maximum and that testing is restricted to the minimum commensurate with the manufacturer's schedule and is carried out during daytime hours only. Para 2.2.4 advises less stringent targets for building W3. The officer notes that this is proposed to include a nursery and the Council would treat this as a noise sensitive receptor.
(See paragraphs 11.92 - 11.93)
- 8.15 Environmental Pollution Policy and Projects team - Requests that during the construction of the building hereby approved, a watching brief is required to be kept for any unexpected contamination and a full record of the remediation works undertaken as part of a verification report. Following construction of the building, the applicant is required to either confirm in writing that no additional contamination has been found, or alternatively to provide details as to the measures undertaken.

In response, the applicant notes that the approved site-wide Earthworks and Remediation Plan (ERP) confirms that the developer will keep a watching brief for any unexpected contamination and keep a full record of the remediation works as part of a verification report to demonstrate compliance with the ERP.
(See paragraphs 11.76 – 11.76)

- 8.16 Energy Officer – Initial comments requested a revised Energy/Sustainability Statement regarding:
- Information regarding unregulated and total emissions in terms of total tCO₂
 - Potential further improvements to energy efficiency parameters;
 - Dynamic thermal modelling and further information on the cooling hierarchy;
 - Further information regarding solar PV installation.
- In response the applicant has provided a further report which the Energy Officer has reviewed and requested further information regarding Dynamic thermal modelling
(See paragraphs 11.67 – 11.71)
- 8.17 Sustainability Officer – Requests clarification:

Green Roof

Requests confirmation of the substrate depth – this should be between 80 and 150mm in order to maximise drainage and biodiversity benefits. Also confirmation that the green roof will be focused on wildflower planting with no more than 25% sedum. These requirements are general requirements for effective extensive green roofs.

Wildlife Features

Details of swift bricks/boxes are described extensively in the appendix but are not specifically mentioned in the report itself. In addition to the proposed bat and bird boxes, swift bricks should be incorporated into the building design. If this is not possible then swift boxes should be installed.

Drainage

The drainage and water storage systems are in accordance with the condition.

BREEAM

Requests the submission of the certificates from the BREEAM assessor once the assessments have been carried out in order to confirm that the required 'Very Good' rating has been achieved.

The applicant has requested that the details regarding Green Roofs and bird and bat boxes are conditioned to be provided prior to the first occupation of the building. (See (See paragraph 11.87-11.88 and conditions 4 and 5)

- 8.18 Highways Officer – No objection.

Other Consultees

Design Review Panel – May 2018

Summary

- 8.19 As the overall height and massing of the W3 building as well as the area designated as a habitat area had already been stipulated by the parameters of the outline planning permission, the Panel focused their discussion on the elevational treatment, materiality and the Café. Although panel members did not raise in principle objections to the choice of timber, they expressed concerns about how the building would look like in the long term. They stressed the importance of further developing the detail, such as the junctions between the fins, spandrel panels and glazing to ensure the intended aesthetic qualities are carried through to implementation. Panel members were concerned to ensure that there would be a clear route past building W3 to the habitat area.

The applicant has responded to these concerns, see paragraphs 11.40-11.45.

- 8.20 A copy of the DRP response letter is appended to this report at APPENDIX 3.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

- 9.1 Islington Council (Planning Committee), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- 9.2 The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. It is worth noting that the NPPF was revised and adopted on 24 July 2018. Further revisions were made which were adopted in February 2019. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.3 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Furthermore, it states that plans and decisions should apply a presumption in favour of sustainable development, for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.
- 9.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.7 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

- 9.9 The Development Plan as relevant to this site is comprised of the London Plan 2016, Islington Core Strategy 2011, Islington Development Management Policies 2013, and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Assessment of Reserved Matters

- 9.10 The May 2008 outline planning permission forms the basis for determining this reserved matters application. The outline planning permission was based upon an assessment of national, regional and local policies in place at the time. Where these policies change, their influence can only over-ride on matters which have not already been established in principle by the outline permission. In the case of this reserved matters submission and details for approval, the Development Plan policies considered to be of particular relevance are set out in Appendix 2. However, it should be noted that recommendations are based on assessment of the proposals against the Development Plan taken as a whole together with other material considerations.

Designations

- 9.11 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:
- Site of Interest for Nature Conservation
 - Local View LV7
 - Within the Central Activities Zone
 - Site Allocation KC2
- 9.12 Details regarding Site Allocation KC2 are covered in greater detail within the appended report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

10.1 The outline application was accompanied by a combined Environmental Statement which related to both the Triangle Site and the main KXC site within LBC. Following negotiations with both Councils, the applicant made revisions to the proposals for both sites in September 2005 and an Environmental Statement Supplement was submitted. Further information for the Triangle Site alone was requested by the Secretary of State on 26 November 2007 under Regulation 19 of the 1999 EIA Regulations in the form of a combined assessment of operational noise and vibration impacts and an assessment of the impact of wind turbulence. In granting outline planning permission, the Secretary of State was content that the Environmental Statement complied with the EIA Regulations and that sufficient information had been provided for her to assess the Environmental Impact of the proposal.

11. ASSESSMENT

11.1 The May 2008 outline planning permission forms the basis for determining this reserved matters application. The outline permission was based upon an assessment of national, regional and local policies existing at the time. As stated previously, where these policies change, their influence can only over-ride on matters which have not already been set down in principle by the outline permission.

11.2 The outline planning permission approved documents, including the Urban Design Guidelines, Development Specification and Parameter Plans. The Outline consent also imposed conditions and planning obligations. Accordingly, it is necessary to have regard to the following:

- Whether the proposed development is in full compliance with the outline permission's Section 106 legal agreement, conditions, guidelines and parameters;
- Whether the matters of detailed design and external appearance are in line with the general parameters agreed under the outline permission's design guidelines and local policies; and
- Whether the details submitted for approval of the relevant outline conditions comply with the requirements of those conditions and, where appropriate, current local policies.

11.3 The main considerations relevant to the determination of this application are summarised as follows:

- Assessment against Outline Permission Parameters and Conditions;
- Strategic Matters;
- Design & Appearance;
- Accessibility;
- Neighbouring Amenity;
- Sustainability, Energy Efficiency and Renewable Energy;
- Highways and Transportation;
- Refuse Storage;
- Servicing.

Assessment against Outline Permission Parameters and Conditions

- 11.4 This section considers compliance with the relevant outline conditions and, under condition 17, compliance with the defined development parameters. The applicant has provided a detailed commentary addressing each relevant outline condition within a Submission Statement which accompanied the application and which has informed the following assessment.

Strategic Matters

- 11.5 Condition 4 (Time limit for submission of all reserved matters) states that 'No later than 12 years following the date of this permission an application or applications shall have been submitted to the Local Planning Authority for the approval of all Reserved Matters'.
- 11.6 The current submission (December 2018) for Buildings W3 provides Reserved Matters details for the remaining area within the Triangle Site. This application for approval of Reserved Matters have been made within 12 years from the date of the Triangle Outline Planning Permission (22 July 2008), satisfying the requirements of Condition 4.
- 11.7 Condition 14 (Structures) states that:
'Details of the siting of buildings as shown on plans TS004 revision K to TS007 revision K inclusive shall be submitted to the Local Planning Authority and approved in writing prior to any works taking place in relation to such buildings. All works should be carried out in accordance with the details as approved.'
- 11.8 The precise siting of Building W3 and the lower ground/basement area, within the limits of deviations shown on Parameter Plans TS004 Rev K to TS007 (as amended by the 2016 NMA Approval ref: P2015/5354/NMA) Rev K, is shown on the plans submitted with this latest application.
- 11.9 The details shown on the submitted drawings are in accordance with the requirements of Condition 14.
- 11.10 Condition 15 (Floor plans) states that:
'Details and particulars (including floorspace figures, floor plans and layouts of the uses), and the vehicle and other servicing and access arrangements, including provision of parking to be accommodated in built accommodation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved.'
- 11.11 The floor plan drawings submitted with the application indicate the layouts of the proposed uses within the building. The submission also includes a schedule of floorspace areas. No parking is proposed within Building W3. The submission includes servicing and access arrangements which have been considered by the Council's Highways Officers who have not raised any objections.
- 11.12 The Revised Development Specification document for the Outline Planning Permission ref: P041261 permits up to 3,000 square metres GEA of health and fitness

and related uses within Building W3 and allows the inclusion of crèche/day nursery facilities and day centre/public hall facilities.

- 11.13 The proposed building would have a total of 1,507 square metres (GEA) of floorspace. This comprises of 725 square metres of gym facilities (D2 use) across first and second floor, 451 square metres of nursery and crèche space (D1 use) across basement, ground and first floors, and a 174 square metre unit in the southern half of the ground floor as retail/café/drinking establishment (A1/A2/A3/A4 uses).
- 11.14 The proposed figures for Building W3 ensure that the total floorspace on the site is 23,499 square metres and remains below the maximum (26,600 square metres) permitted by Appendix B of the Outline Consent.
- 11.15 The details submitted are therefore considered acceptable to ensure compliance with the requirements of Condition 15 in relation to Building W3.

Condition 17 (Development Parameters)

- 11.16 The application demonstrates that the access and servicing arrangements are in accordance with Parameter Plans TS003, TS004 and TS005.
- 11.17 The elevation drawings which indicate compliance with the maximum building height of +41.00m site level set out by Parameter Plan TS006. This results in a 13.5-metre-high west façade and 17.7-metre-high eastern façade.
- 11.18 The amendments approved under NMA ref: P2015/5354/NMA show the site level of the podium garden lowered to between +27 and +27.5m, creating level access onto Randell's Road which enables the latest proposals to ensure compliance with Parameter Plans TS004 and TS005.
- 11.19 The proposed levels for the Podium Garden are below the maximum height of +33.2m AOD for the amenity space set out on Parameter Plan TS006 and within the +/-2.5m limit of deviation for the proposed finished level of the retail space indicated on TS005.
- 11.20 Parameter Plan TS008 shows the arrangement of W3 as three storeys of 'Indoor Sports/Health and Fitness and related facilities (D1 and D2 use classes)'. The proposed massing and uses of Building W3 comply with this parameter plan.
- 11.21 The details provided relate to access and servicing arrangements, and the submitted drawings demonstrate compliance with Condition 17.
- 11.22 Condition 18 (Floorspace permitted) states that:
'The total floorspace constructed and used pursuant to this outline planning permission shall not exceed 26,600 square metres (gross external area). This total floorspace excludes:
 - a. Plant, infrastructure and utilities forming part of supporting the development including substations, transformers, waste storage and ancillary recycling facilities
 - b. Service access including a covered loading bay
 - c. Residential balconies

d. Car and bicycle parking provided (with lifts and stairs) at lower ground level.

- 11.23 The recently approved reserved matters for Buildings W1 and W2 (P2018/3844/RMS) result in a total floorspace of 21,992 square metres (GEA).
- 11.24 The proposals for Building W3 result in 1,507 square metres of floorspace and therefore the total floorspace of the proposed development is 23,644 square metres. As a result, the total floorspace across all three buildings would remain within the maximum permitted floorspace of 26,600 square metres. This demonstrates that the proposed reserved matters are in compliance with Condition 18.

Condition 19 (Uses Permitted)

- 11.25 The floorspace schedule within Appendix B of the outline permission specified a maximum of 21,100 square metres of GEA residential floorspace, 2,500 square metres of GEA retail floorspace and 3,000 square metres of D1/D2 floorspace. The recently approved proposals for Buildings W1 and W2 would provide 20,849 square metres of GEA residential floorspace and 671 square metres of GEA retail floorspace.
- 11.26 Building W3 proposes 1,176 square metres of D1/D2 GEA floorspace which remains well below the permitted 3,000 square metres. Building W3 proposes 174 square metres of A1-A4 GEA floorspace. As a result, the total A1-A4 floorspace of 845 square metres across Buildings W1, W2 and W3, remains below the permitted 2,500 square metres.
- 11.27 These figures demonstrate that the provision of GEA floorspace in the proposed reserved matters remain within the maximum permitted floorspace set out by condition 19.
- 11.28 While floorspace schedule in the outline permission did not envisage A1-A4 uses within Building W3, the proposed location of these uses in Building W3 is considered to be appropriate now that the Podium Garden is publicly accessible following the 2016 NMA Approval ref: P2015/5354/NMA. As a result, the recent Non-Material Amendment Approval ref: P2019/0293/NMA amended the wording of Appendix B (Floorspace Schedule) to allow the provision of A1-A4 floorspace to be located within W3.
- 11.29 The proposals therefore comply with the requirements of Condition 19.

Design & Appearance

- 11.30 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.

- 11.31 The reserved matters application for Building W3 proposes a three storey leisure and fitness building comprising of a gym, a nursery/crèche and a café/retail unit.
- 11.32 The Triangle Outline Planning Permission defines Building W3 as a low-level three storey block extending beneath the Podium Garden level and forming the eastern edge of the garden.
- 11.33 The scheme was presented to the Council's Design Review Panel in May 2018 who were largely supportive of the design but raised concerns regarding the treatment of the proposed timber to prevent poor weathering and the appearance of the lower ground floor on the eastern elevation of the building adjacent to the footpath to the habitat area. The applicant's response is discussed at paragraphs 11.40 - 11.42.

Scale and Massing

- 11.34 The massing of Buildings W1, W2 and W3 is largely based on the Triangle Outline Planning Permission with the amendments approved by the 2016 NMA Approval reflecting the process of refinement during design development.
- 11.35 The overall form of Building W3 has been simplified, its length has been reduced at the northern end compared to the Triangle Outline Planning Permission and pulled back to respond to the approved form of W1E and due to the complexities of additional excavation adjacent to the Gasworks Tunnels.
- 11.36 On the northern end of Building W3, the proposed massing has been lowered down to a single storey when seen from the Podium Garden to ensure an appropriate visual relationship with Building W1E.
- 11.37 The lesser bulk of Building W3 complements the more prominent presence of Buildings W1 and W2, acknowledging the different and complementary functions of the buildings.

Materiality and Palette

- 11.38 The western and southern façades to Building W3 comprise treated timber cladding panels and fins on the upper floors with vertical glazed panels. The ground floor comprises larger areas of glazing surrounded by aluminium spandrel panels, window frames and external soffits and perforated metal screens, all coated in a light bronze colour. The use glazing with a vertical emphasis surrounded by light bronze aluminium spandrel panels and fins is continued centrally on the western elevation above the main entrance. This is shown in image 1.

Image 1 – Illustrative image of the western elevation of building W3 viewed from the Podium Garden



Image 2 – Illustrative image of the southern elevation of building W3 viewed from the Southern Gateway



11.39 The ground to second floors of the eastern and northern elevations largely comprise light bronze aluminium panels and fins with a small number vertical glazed panels and frames which match the western and southern elevations. The lower ground floor to the eastern elevation comprises of greyish brown perforated brick panels below a soldier course of matching brick. This lower ground floor level will sit adjacent to the pathway to the Habitat Area.

Image 3 – Proposed eastern façade



11.40 In response to concerns raised during the Design Review Panel (DRP) assessment over the weathering of the timber, measures have been undertaken to protect the timber elements. The transoms include a slight angled surface to let the water runoff and the main timber mullions feature “metal feet” connection details in the contact with the ground to prevent the timber absorbing humidity from the ground. To preserve the timber and control weathering, the timber will be covered in a protective coating. A maintenance regime will ensure the quality of the exposed timber elements and will be part of the Triangle Site maintenance strategy.

Choice of Timber

11.41 During the course of the application the applicant has provided a supplementary document regarding the proposed timber cladding. The preferred option is to use an acetylated soft wood (Accoya) for the cladding panels as well as the timber fins. The applicant claims that this is considered to provide dimensional stability by reducing swelling and shrinkage by 75% or more, and provide outstanding durability through lasting for 50 years above ground, having Class 1 durability, surpassing even teak, is considered to be virtually rot proof, has a 70-year minimum service life stated by TRADA. The chosen timber is considered to be ideal for coating, due to the improved stability, coating is considered to last up to two times longer and is easier to coat, with less preparation and sanding required. The proposed timber fins will be made from glulam softwood.

Timber Coating

11.42 In order to maintain the warmth of the timber and prevent it from weathering, in addition to the detailing of the facade elements, it is understood that several timber coatings have been investigated. The applicants have chosen a light warm grey

pigment coating. The subtle pigment of the selected coating will provide a natural look to the timber incorporating the subtle warm grey tones that timber will develop as part of the natural weathering process. In using this pigmented coating, the timber will look naturally aged in a controlled manner from day one and the perception of variations in tone over time will be reduced. The proposed cladding material is an acetylated soft wood (Accoya) with light warm grey pigmented coating.

- 11.43 The submitted document includes examples of timber with the preferred coating. The weathered sample is considered to be present a uniform tone which is slightly darker than the original piece as part of the natural weathering process. The applicant states that once the timber has aged over a couple of years, the tones stabilize and therefore it is the initial period when the changes are perceived. By incorporating a grey pigment in the timber the difference in tone is considered to be mitigated as the coatings' grey pigments get replaced with the natural greying process.

Maintenance

- 11.44 The facade maintenance regime will include a cleaning strategy and a re-coating provision, most likely to be under 10 years, which will be investigated further during next stages to determine the most suitable option.

Successful Precedent

- 11.45 The applicant has provided details of a residential and commercial building in Aarau in Switzerland using Soft wood (White fir) A grading wood. The impregnation of wood is colourless. The top coat has a pre-weathering thin-layer stain in factory, then a second coat after construction. The building has not required any maintenance in 8 years and no further action is required, as the natural timber weathering process has been accepted.
- 11.46 Notwithstanding the information provided in relation to wood, to maintain a high quality appearance over the building's lifetime, further details of the maintenance details are required by condition 3.

Image 4 – Illustrative image of the lower ground floor of the eastern façade and pathway to the proposed habitat area.



11.47 The DRP assessment raised concerns regarding the treatment of the base of the building on the eastern elevation facing the railway line and how it operates adjacent to the pathway to the habitat area. The applicant states the shape of the perforated brick façade has folds in the mass that breaks down the long façade and provide alcoves that include sheltered seating areas along the way for a human scale, approachable, child friendly environment as shown by image 10. The design of this façade is considered to respond appropriately, to the pathway and the railway line adjacent to the site.

11.48 The proposals for building W3 maintain the integrity of the scheme and overall external appearance, and comply with the parameter plans and conditions of the outline consent, and current policy and design guidance.

Landscaping

11.49 Condition 6 (Landscaping and Trees – Details of Landscaping) states that: 'The details of the landscaping to be submitted as part of the applications for Reserved Matters shall include; a) The design of building foundations and the layout, with the dimensions and levels, of service trenches and other excavations on site in so far as these items will affect any trees adjoining that part of the site'.

- 11.50 Only part (a) is relevant to the submission for Building W3 in so far as it brings forward details of part of the lower ground/basement structure. There are no existing trees on or adjacent to the area falling within the proposed lower ground/basement structure or Building W3.
- 11.51 The details submitted are therefore considered acceptable to ensure compliance with the requirements of Condition 6 in relation to Building W3.

Accessibility

- 11.52 Condition 12 (Access Statement) states that:
'Relevant applications for approval of Reserved Matters pursuant to this permission shall be accompanied by an Access Statement. Each Access Statement shall:
- a. Address the relevant design principles set out in the Access and Inclusivity Strategy dated September 2005 and update the Access Audit included at Annex C of that strategy;
 - b. Highlight any areas where technical or other constraints have prevented or constrained the application of these design principles;
 - c. Include a project programme for that building or phase, to identify the key stages which important decisions affecting inclusivity and accessibility will be made.
- 11.53 The submission includes an Access and Inclusivity Statement relating to Building W3 which considers matters of parking, entrances, circulation, sanitary and shower accommodation, doors and floor finishes.
- 11.54 The Inclusive Design Officer raised queries regarding the access to the habitat area through Building W3 and the provision of WCs.
- 11.55 The Inclusive Design Officer raised concerns that the single lift in the proposed Building W3 provides the only step free access to the habitat area.
- 11.56 The applicant has committed to ensuring that Building W3 will be open to the public for at least the same opening hours as the Habitat Area, to ensure the lift is available when needed. However, in the event that the lift is not working wheelchair users could use the level route to the south of the habitat area. Given the situation, refusal of the scheme on the basis of the lack of a second lift in building W3 is not considered reasonable.
- 11.57 In response to the Inclusive Design Officer's comments, that the proposed WC is not compliant as a Wheelchair Accessible WC and the lobby serving the WCs is not big enough, the applicant has amended the internal layouts of the accessible WC's to demonstrate that clear manoeuvring space is provided.
- 11.58 In response to the Inclusive Design Officer's comments, that the nursery/creche will require separate WCs for children and staff and a babychange facility that is separated from the play area, the applicant has included an additional provision of 6 WCs for children and kept the 4 WCs for staff/visiting adults, as well as a separate baby change area.

- 11.59 The officer also requested clarification as to how the WC/shower provided for the gym is Wheelchair Accessible and in response the applicant has amended the floor plans to ensure the layout exceeds the minimum requirements.
- 11.60 In response to the Inclusive Design Officers comments regarding the provision for the safe evacuation of disabled people from the second floor in an emergency, the applicant has amended the floor plans to show areas of refuge and confirmed that the lift is an evacuation lift.
- 11.61 The applicant's statement demonstrates compliance with the criteria contained in the condition, including how the principles set out in the site wide Access and Inclusivity Strategy (2005) have been applied in the design of the buildings.
- 11.62 Overall the scheme complies with the relevant design principles, and the Council's Inclusive Design policies and guidance.
- 11.63 The details submitted are therefore considered acceptable to ensure compliance with the requirements of Condition 12 in relation to Building W3.

Neighbouring Amenity

- 11.64 The proposed built form and uses of the proposed Building W3 accord with the parameter plans and revised development specification attached to the Outline Consent.
- 11.65 The proposals do not result in any materially harmful impact on the amenities of neighbouring occupiers and are in compliance with current policy and guidance.

Sustainability, Energy Efficiency and Renewable Energy - Green and Brown Roofs

Condition 10 (Environmental Sustainability Plan)

- 11.66 The submission includes an Environmental Sustainability Plan (ESP) which seeks to respond to conditions 10, 23 and 24 and set out the strategies adopted to demonstrate that the building achieves an enhanced environmental sustainability performance and a BREEAM Pre-assessment.
- 11.67 The Council's Energy Officer requested a revised Energy/Sustainability Statement regarding:
- Information regarding unregulated and total emissions in terms of total tCO₂
 - Potential further improvements to energy efficiency parameters;
 - Dynamic thermal modelling and further information on the cooling hierarchy;
 - Further information regarding solar PV installation.
- 11.68 The applicant has provided a response document to each of the queries raised. In response to the query regarding CO₂ emissions, the applicant has provided the estimated tonnage of CO₂ emissions from regulated energy uses for Building W3 at

each stage of the energy hierarchy and relevant BRUKLs. It is understood that Building W3 meets the requirements of the permission set out in Condition 10(b) which required a reduction in carbon emissions, and Section J of the S106 Agreement.

- 11.69 In response to comments regarding thermal modelling and further information on the cooling hierarchy, the applicant states that they have used passive cooling within the design through the use of reduced fenestration, exposed thermal mass, external shading, green roof, efficient lighting and equipment and all areas of Building W3 will be provided with mechanical ventilation with heat recovery and comfort cooling supplied from the Kings Cross district energy network.
- 11.70 Further information has been sought regarding the cooling hierarchy, any update will be provided at the committee meeting.
- 11.71 In response to comments regarding solar PV installation it is proposed that a condition is attached (8) requiring the submission of drawings and data sheets showing the location, extent and predicted energy generation of photovoltaic cells and associated equipment.
- 11.72 The details submitted are therefore considered acceptable subject to conditions, to ensure compliance with the requirements of Condition 10 in relation to Building W3.
- 11.73 Condition 11 (Earthworks and Remediation Plan) states that 'Relevant applications (or groups of related applications) for approval of the Reserved Matters shall be accompanied by an Earthworks and Remediation Plan to deliver appropriate site levels and ground conditions for that part of the development. All work shall be carried out in accordance with the Earthworks and Remediation Plan as approved.'
- 11.74 The submission includes an Addendum Remediation Report which links to previously submitted Earthworks and Remediation Plan (ERP) as part of the earlier Reserved Matters Application submission in 2016 ref: P2016/1030/RMS in connection with Reserved Matters for Buildings W1 and W2. Subsequently an Addendum Report was submitted for the Reserved Matters for the landscaping proposals ref: P2016/3736/RMS. Both of these documents contained information on the emerging proposals for Building W3 and the Habitat Area that were available at that time.
- 11.75 The ERP provides information on the existing ground conditions and prevailing geo-environmental setting on Development Zone W. In addition, the document highlights the potential contamination risks present at the site and provides a strategy for addressing the identified risks as part of the earthworks and construction phases of the development.
- 11.76 The Environmental Pollution Policy and Projects team has requested that during the construction of the building hereby approved, a watching brief is required to be kept for any unexpected contamination and a full record of the remediation works undertaken as part of a verification report. Following construction of the building, the applicant is required to either confirm in writing that no additional contamination has

been found, or alternatively to provide details as to the measures undertaken. (See condition 10).

- 11.77 In response, the applicant notes that the approved site-wide ERP confirms that the developer will keep a watching brief for any unexpected contamination and keep a full record of the remediation works as part of a verification report to demonstrate compliance with the ERP.
- 11.78 The details submitted are therefore considered acceptable to ensure compliance with the requirements of Condition 11 in relation to Building W3.
- 11.79 Condition 23 (Drainage and Infrastructure) states that:
'The new drainage infrastructure within the site shall be designed such that the peak stormwater discharge to the existing combined sewers shall not be more than 67 litres per second.'
- 11.80 The applicant states that the drainage strategy for the Triangle Site, regarding storm water management and attenuation, is to utilise building roofs as 'Blue Roof' systems which will hold water in heavy rainfall and storm events. The roof attenuation arrangements are supplemented by an attenuation layer located within the ground floor podium build-up to provide a green/blue roof system. The applicant states that these arrangements have been designed to ensure that the developments catchment can manage and hold storms of a 1:100-year return, inclusive of a 30% climate change allowance to ensure that the maximum permissible site discharge of 67 l/s is achieved and maintained.
- 11.81 The Council's Sustainability Officer has confirmed that the drainage and water storage systems are in accordance with the condition.
- 11.82 The details submitted are therefore considered acceptable to ensure compliance with the requirements of Condition 23 in relation to Building W3.
- 11.83 Condition 24 (Green and Brown Roofs) states that:
'New buildings constructed pursuant to the planning permission within Blocks A, B and C shall incorporate Green and/or Brown Roofs as specified in Paras 3.31 and 3.32 of the Revised Development Specification dated August 2005.'
- 11.84 Paragraph 3.31 of the Revised Development Specification envisages green (sedum) roofs to Building W2 and brown roofs to the penthouses of W1 and lift overruns on W2. Paragraph 3.32 suggests that these roofs could sit alongside terraced roof areas finished in paving or timber decking.
- 11.85 A total of 986 square metres of Green/Brown roofs have been approved across buildings W1 and W2.
- 11.86 Building W3 proposes 353 square metres of Green roofs the form of informal meadow style planting. The proposals include a blue roof attenuation system, designed to retain water above the waterproofing membrane to manage the rainwater run-off and provide water to the green roof above. The first floor crèche/nursery roof will provide a further 17 square metres of brown roof.

- 11.87 The Council's Sustainability Officer requested clarification of the substrate depth is between 80mm and 150mm and confirmation that the green roof will be focused on wildflower planting. It is recommended that a condition (4) is attached to any consent requiring details of the green and brown roofs with a substrate depth of between 80mm and 150mm prior to first occupation of the building.
- 11.88 It is understood that all buildings in the Triangle site will also feature blue roofs below the green and brown roofs to attenuate surface water run-off, which represents an improvement over the previously approved scheme.
- 11.89 The specifications of these green and brown roofs remain as per the approved scheme and in accordance with Condition 24.
- 11.90 The proposed green/brown roof area complies with the requirements of Condition 24.

Condition 28 (Noise)

- 11.91 The submission includes an Acoustic Report from December 2018 which seeks to respond to requirements of condition 28 through providing details of Environmental Sound conditions and External noise emissions. The report states that the requirements of condition 28 can be met without significant requirements for attenuation of building services noise, as the majority of the equipment will be located internally.
- 11.92 The Council's Acoustic Officer has commented that background sound survey with the acoustic report does not include details or predictions of the plant noise impact as this is yet to be confirmed. The officer notes that the report includes reference to emergency plant. Para 2.2.3 of the noise report states that this would be proposed to be 10dB above background sound levels. The officer advises that a level of 5dBA above as a maximum and that testing is restricted to the minimum commensurate with the manufacturer's schedule and is carried out during daytime hours only. Para 2.2.4 of the noise report advises less stringent targets for building W3. The officer notes that this is proposed to include a nursery and the Council would treat this as a noise sensitive receptor.
- 11.93 To control the impacts, it is proposed to attach a condition (9) to any consent requiring the submission of a written code for the management of noise from emergency plant and equipment, prior to the occupation of Building W3. The management code shall identify measures to reduce the impact of the noise on the community. The code shall be fully implemented and operated at all times in accordance with the approved details.
- 11.94 Subject to the implementation of the additional condition, the proposals do not conflict with the requirements of Condition 28.

Highways and Transportation - Car Parking

Condition 25 (Car Parking Standards)

- 11.95 No car parking is proposed for Building W3 or the Habitat Area. There is no minimum car parking ratio specified for any of the uses on the Triangle Site.
- 11.96 Two visitor spaces and two wheelchair parking spaces (operated on a blue badge basis) will be provided at ground floor level off the new access route to the north of Building W1. These spaces were brought forward as part of the Reserved Matters submission for the Zone W landscaping.
- 11.97 Therefore, the proposals for Building W3 do not conflict with the requirements of Condition 25.

Cycle Parking

Condition 26 (Cycle Parking):

- 11.98 Based on the total retail floorspace (including Buildings W1, W2 and W3), and total D1/D2 floorspace proposed in Building W3 and the Habitat Area of 1,321 square metres this would require a total of 19 cycle spaces for the retail and D1/D2 users and employees.
- 11.99 The provision of 108 spaces in the Podium Garden and surrounding public realm more than meets these requirements.
- 11.100 Therefore, the proposed cycle parking exceeds the requirements of condition 26 and is considered acceptable in the context of this reserved matters application.

Refuse Storage

- 11.101 Condition 16 (Refuse Storage) states that:
'Details and arrangements for storage and collection of refuse, including location, design, screening, operation and inclusion of facilities for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved.'
- 11.102 A single commercial waste contractor will be contracted to collect all non-residential waste generated within the Triangle Site buildings. Commercial waste is expected to be collected on a daily basis, although best practice is to provide two days' waste storage to allow for potential interruption to this service.
- 11.103 In line with the expectations of the Triangle Outline Planning Permission, no commercial refuse will be collected from York Way. It will be collected from the service yard via the Northern Gateway. At the Northern Gateway, a loading bay that is integrated at lower ground level on the north-east corner of W1 creates a covered space for loading/unloading. This loading bay is directly linked to the Triangle Site lower ground facilities, including the adjacent dedicated commercial refuse store as well as an internal corridor that provides a protected service circulation route directly to the Central Core in Building W3 at lower ground level with the internal service route that leads to the service yard / loading bay / refuse.

- 11.104 The commercial refuse store has been designed to accommodate 10no. x 1100 litre bins, which allows for two days of waste generation from all non-residential uses in Buildings W1, W2 and W3, consolidated into a single store.
- 11.105 The proposed waste collection arrangements for the D1/D2 units and the A1-A4 unit accords with the requirements of Condition 16.

Servicing

- 11.106 Condition 13 (Servicing Strategy) states that:
'Servicing shall take place in accordance with plans TS003, TS004 and TS005 unless otherwise agreed in writing with the Local Planning Authority.'
- 11.107 The servicing arrangements for Building W3 comprise:
- Deliveries undertaken via the service yard and loading area to the north of W1 as envisaged by parameter plans TS003, TS004 and TS005.
 - The loading area/service yard will be managed to ensure the safe coordination of vehicle movement and parking within this area. Access to the parking/ service area will be controlled by a 24-hour manned security.
 - There is access into the lift core of Building W3 from the service yard via the shared basement, and direct access between the service yard and Habitat Area via a gate at ground level.
 - In addition to the main servicing area in the Northern Gateway, an existing loading bay provides a delivery point for smaller vehicles off Randell's Road in the Southern Gateway.
- 11.108 The Council's Highways Officers have been consulted on the proposed servicing arrangements and have not raised any objections.
- 11.109 The proposed servicing arrangements accord with the approved parameter plan and are considered to be acceptable in the context of condition 13.

12. SUMMARY AND CONCLUSION

Summary

- 12.1 Outline planning permission P041261 was granted by the Secretary of State in July 2008 for the development of the Kings Cross 'Triangle Site'. The basis upon which the detailed development would come forward has been well established through the Development Specification and Parameter Plan documents approved at outline stage.
- 12.2 This reserved matters application is therefore the second part of a two stage application process for securing full planning permission for the development of the Triangle Site. The application seeks reserved matters approval of Building W3. The application also addresses conditions 14, 15, 16, and 28 attached to the outline permission and seeks approval of these conditions.

12.3 The proposed reserved matters are considered to accord with the general parameters established by the outline permission. Furthermore, the details submitted for approval of the relevant outline conditions are considered to comply with the requirements of those conditions and, where appropriate, current local policies.

Conclusion

12.4 In the context of the provisions and constraints of the outline planning permission, the reserved matters details submitted, are considered appropriate to, and remain in accordance with, the requirements of the conditions.

12.5 The National Planning Practice Guidance states that ‘conditions relating to anything other than the matters to be reserved can only be imposed when outline planning permission is granted. The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters.’

12.6 It is recommended that the reserved matters be approved subject to conditions for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

The Committee is asked to resolve to **GRANT** approval of reserved matters subject to the conditions set out below and approve details of the discharge of conditions 14 (Structures), 15 (Floor Plans), 16 (Refuse Storage) and 28 (Noise). attached to appeal decision ref: APP/V5570/A/07/2051902 (LBI ref: P041261).

List of Conditions:

1	<p>Approved plans list (Compliance)</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>KXC-W3-001-HAP-PL-20-001; KXC-W3-001-HAP-PL-20-002; KXC-W3-001-HAP-PL-20-1B1; KXC-W3-001-HAP-PL-20-1GF1 RevA; KXC-W3-001-HAP-PL-20-101 RevA; KXC-W3-001-HAP-PL-20-102 RevA; KXC-W3-001-HAP-PL-20-103; KXC-W3-001-HAP-PL-20-310; KXC-W3-001-HAP-PL-20-320; KXC-W3-001-HAP-PL-20-330; KXC-W3-001-HAP-PL-20-340; KXC-W3-001-HAP-PL-20-203; KXC-W3-001-HAP-PL-20-430; KXC-W3-001-HAP-PL-20-431; KXC-W3-001-HAP-PL-20-432; KXC-W3-001-HAP-PL-20-433; KXC-W3-001-HAP-PL-20-434; KXC-W3-001-HAP-PL-20-500; KXC-W3-001-HAP-PL-20-501; KXC-W3-001-HAP-PL-20-502; KXC-W3-001-HAP-PL-20-503;</p> <p>Urban Design Report December 2018; Planning Statement Building W3 and Habitat Area Development Zone W (Triangle Site) December 2018; Access and Inclusivity Statement Building W3 and Habitat Area (Triangle Site) December 2018; Environmental Sustainability Plan Building W3 Development Zone W (Triangle Site) December 2018; Letter from Kings Cross Central Limited Partnership 14 December 2018;</p> <p>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.</p>
2	<p>Materials and Samples (Compliance and Details)</p> <p>CONDITION: Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ol style="list-style-type: none"> a) Timber cladding/fins; b) Timber coating and protection maintenance regime for wood; c) Exact type/species of wood and precedent examples of its successful use elsewhere; d) Aluminium cladding; e) Brick screen; f) Windows and doors;

	<p>g) Roofing materials; h) Roof terrace materials; i) soffits; j) ground floor signage; k) any other materials to be used.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
3	Café Signage Strategy
	<p>CONDITION: Prior to first occupation of the A1-A4 unit, details of internal signage shall be submitted to and approved in writing by the Local Planning Authority. The signage shall be maintained as approved hereby after, unless otherwise agreed in writing.</p> <p>REASON: In the interest of maintaining a satisfactory appearance for the building and in the interest of the character and appearance of the area.</p>
4	Green/Brown Biodiversity Roofs (Details)
	<p>CONDITION: Details of the biodiversity (green/brown) roofs shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roofs shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); and b) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
5	Nesting Boxes (Details)
	<p>CONDITION: A total of 3 No. bird and bat boxes shall be installed prior to the first occupation of Building W3, or the first use of the space in which they are contained, and shall be maintained as such thereafter.</p>

	<p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
6	<p>Construction Safety (High Speed 1)</p> <p>CONDITION: Construction activity on the site shall not commence until a construction methodology/method statement for the activity has been submitted in writing and approved by the Local Planning Authority in consultation with HS1. The method statement shall include but not be limited to:</p> <ul style="list-style-type: none"> • onsite vehicle movements and parking • safeguarding of buried services • temporary drainage measures; • storage of combustible/hazardous materials • position and operation of cranes • Temporary fencing and security measures (including location, height, type, spec reference and any other security measures such as CCTV or 24-hour site security) • Details of special measures, to identify and protect HS1 or UK Power Networks buried services • Details of the materials and arrangements for the storage of combustible gases or hazardous materials within 200m of HS1 infrastructure • Details of construction phase vehicle parking provision <p>Construction activity shall then be carried out only in compliance with the approved method statement unless previously agreed in writing by the Local Planning Authority in consultation with HS1.</p> <p>REASON: No such information has been provided and is required in order to manage the risk that the construction activity presents to the safety, security and operation of HS1.</p>
7	<p>Drainage (High Speed 1)</p> <p>CONDITION: No water or effluent shall be discharged from the site or from the permanent works onto HS1 or its associated drainage system. Details of the drainage associated with development shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1. Unless otherwise agreed in writing with the Local Planning Authority in consultation with HS1, the drainage scheme shall be installed in accordance with the approved scheme and maintained in proper working order.</p> <p>REASON: To ensure that the maintenance and operation of HS1 is not prejudiced.</p>
8	<p>Details of Photovoltaic Cells</p> <p>CONDITION: Prior to commencement of above ground works, drawings and data sheets showing the location, extent and predicted energy generation of photovoltaic cells and associated equipment to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. A site-specific lifetime maintenance schedule for each system, including safe roof access arrangements, shall be provided. The</p>

	<p>cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.</p> <p>REASON: To ensure the development provides adequate on-site renewable energy facilities</p>
9	Details of Written Code for the management of noise from emergency plant
	<p>CONDITION: Prior to the occupation of Building W3, a written code for the management of noise from emergency plant and equipment, shall be submitted to and approved in writing by the Local Planning Authority. The code shall be fully implemented and operated at all times in accordance with the approved details. The management code shall identify measures to reduce the impact of the noise on the community.</p> <p>REASON: In the interests of maintaining neighbouring amenity.</p>
10	Remediation Works
	<p>CONDITION: During the construction of the building hereby approved, a watching brief is required to be kept for any unexpected contamination and a full record of the remediation works undertaken as part of a verification report. Following construction of the building, the applicant is required to either confirm in writing that no additional contamination has been found, or alternatively to provide details as to the measures undertaken.</p> <p>REASON: Given the history of the site the land may be contaminated, investigation and potential remediation is necessary to safeguard the health and safety of future occupants.</p>

List of Informatives:

1	Conditions discharged
	<p>This decision grants approval of the details submitted pursuant to the following conditions:</p> <ul style="list-style-type: none"> • Condition 14 – details of siting of buildings • Condition 15 – details of floor plans • Condition 16 – refuse storage • Condition 28 – Noise Impact of Plant and Equipment
2	Conditions monitoring
	<p>You are advised that the proposals and details provided within the application, are considered acceptable in relation to the requirements of the following conditions (which do not require the Council’s formal discharge):</p> <ul style="list-style-type: none"> • Condition 4 – Time limit for submission of all reserved matters applications. • Condition 10 – Environmental Sustainability Plan • Condition 11 – Earthworks and Remediation Plan • Condition 12 – Access Statement • Condition 13 – Servicing Strategy • Condition 17 - Development to be carried out in accordance with permission parameter plans and development specification • Condition 18 – Floorspace permitted • Condition 19 – Uses permitted • Condition 20 – Maximum number of residential units • Condition 22 – Residential daylight and sunlight • Condition 23 – Drainage Infrastructure • Condition 24 – Green and Brown Roofs • Condition 25 – Car Parking Standards • Condition 26 – Cycle Parking
3	Conditions requiring further details
	<p>You are advised that the requirements of the following conditions should be addressed prior to the commencement of development of building W3:</p> <ul style="list-style-type: none"> • Condition 27 – Baseline Noise Survey
4	Secure By Design
	<p>You are advised to achieve Secure By Design accreditation and to maintain contact with the ‘Design Out Crime Officers’ throughout the project so any issues can be addressed as they arise.</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

The National Planning Policy Framework 2019 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 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:

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 2.9 Inner London

Policy 2.3 Growth Areas and Co-Ordination Corridors

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

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

Policy 3.9 Mixed and balanced communities

4 London's economy

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 4.9 Small shops
Policy 4.12 Improving Opportunities for all

6 London's transport

Policy 6.9 Cycling
Policy 6.13 Parking

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 7.6 Architecture
Policy 7.7 Location and design of tall and large buildings
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 7.19 Biodiversity and access to nature

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS6 (King's Cross)
Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS12 (Meeting the Housing Challenge)
Policy CS14 (Retail and Services)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage
DM2.4 Protected views
DM2.5 Landmarks
DM2.7 Telecommunications and utilities

Shops, culture and services

DM4.1 Maintaining and promoting small and independent shops

Employment

DM5.1 New business floorspace

Health and open space

DM6.1 Healthy development
DM6.2 New and improved public open space
DM6.3 Protecting open space
DM6.5 Landscaping, trees and biodiversity
DM6.6 Flood prevention

DM4.3 Location and concentration of uses

DM4.6 Local shopping Areas

DM4.7 Dispersed shops

DM4.8 Shopfronts

DM4.10 Public houses

DM4.12 Social and strategic infrastructure and cultural facilities

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

DM8.4 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

5. Designations

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

- Site of Interest for Nature Conservation
- Local View LV7
- Within the Central Activities Zone
- Site Allocation KC2

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

The following SPGs and/or SPDs are relevant:

- Islington Local Development Plan;
- Environmental Design SPD
- Inclusive Design in Islington 2014
- Inclusive Landscape Design
- Urban Design Guide 2017
- London Plan:
- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction
- Providing for Children and Young Peoples Play and Informal Recreation
- Planning for Equality and Diversity in London

APPENDIX 3 – DRP response letter dated 29 May 2018

CONFIDENTIAL

ATT: Kate Hogarth
Argent (Property Development) Services LLP
4 Stable Street
London
N1C 4AB

Planning Service
Planning and Development
PO Box 333
222 Upper Street
London
N1 1YA
T 020 7527 2389
F 020 7527 2731
E Luciana.grave@islington.gov.uk
W www.islington.gov.uk
Our ref: Q2018/1176/DRP

Date: 29 May 2018

Dear Kate Hogarth,

ISLINGTON DESIGN REVIEW PANEL

RE: Triangle site, York Way (pre-planning application ref. Q2018/0850/MJR)

Thank you for attending Islington's Design Review Panel meeting on 8 May 2018 for a first review of the above scheme. The proposed scheme under consideration is for a new 3-storey community building comprising a crèche, gym and café with adjacent habitat area (officer's description).

Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Dominic Papa (Chair), Kate Graham, Marcus Lee, Paul Reynolds and Stephen Archer on 8 May 2018, including a site visit in the morning, and presentation from the design team followed by a question and answer session and deliberations in the afternoon at the offices of the London Borough of Islington. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the Council.

Panel's observations

The Panel welcomed the opportunity to comment on the scheme prior to the submission of the reserved matters application. As the overall height and massing of the W3 building as well as the area designated as a habitat area had already been stipulated by the parameters of the outline planning permission, the Panel focused their discussion on the following areas:

Elevational treatment

The Panel was generally welcoming of the overall design approach and how well articulated the elevations of the W3 building appeared particularly on the elevation fronting the main public space and as one approaches the site from York way. However, concerns were raised in relation to the treatment of the base of the building on the elevation facing the railway line with the basement level appearing a little hard.

Materiality

Although panel members did not raise in principle objections to the choice of timber, they expressed concerns about the reliability on a strict maintenance regime and how the building would look like in the long term. They stressed the importance of further developing the detail, such as the junctions

between the fins, spandrel panels and glazing to ensure the intended aesthetic qualities are carried through to implementation.

Café

Some of the design features in this area were welcomed such as the benches and seats created by the façade and the overhang which would provide shelter to tables and chairs. However, panel members raised concerns that on plan the café lacked flexibility to suit the requirements of different operators.

They also stressed the need to have a clear signage strategy for the café to ensure the quality of the design of the building is not lost overtime through ad-hoc interventions.

Habitat area and access route

Although the Panel welcomed the concept of the habitat area, there was consensus amongst panel members that there was a disconnect between the building and that space. They felt the treatment of the base of the building could be further developed to assist with the quality and legibility of the route to the habitat area.

The Panel also felt there were issues in terms of legibility of the lobby with users potentially being drawn to the stairs. Therefore, they stressed the importance of providing more prominence to the lobby.

It was also suggested that some of the landscaping features could be improved and used to signal de route to the garden, such as how the bike stands are positioned.

Information to be included as part of the application

The Panel regretted not having been presented with visuals of the relationship of the W3 building with the other blocks on the site via the central public realm space; they indicated that sections through that space would have been useful.

They would also have welcomed more detailed images showing how the building would appear as approached from an angle as the full elevation fronting the public space would rarely be appreciated straight on. They recommended that this information be submitted as part of a subsequent application.

They also highlighted the importance of details to a scale of 1:5 and 1:10 as part of the submission to demonstrate the quality, particularly that the timber will work in such an exposed environment.

Summary

The Panel welcome the design intentions and aspirations of the scheme. However, panel members were generally concerned that more integration between the habitat area and the W3 building was required. They indicated that further design development is required in particular in relation to the detailing of the building, its base and link with the habitat area.

Thank you for consulting Islington's Design Review Panel. If there is any point that requires clarification please do not hesitate to contact me and I will be happy to seek further advice from the Panel.

Confidentiality

Please note that since the scheme is at pre-application stage, the advice contained in this letter is provided in confidence. However, should this scheme become the subject of a planning

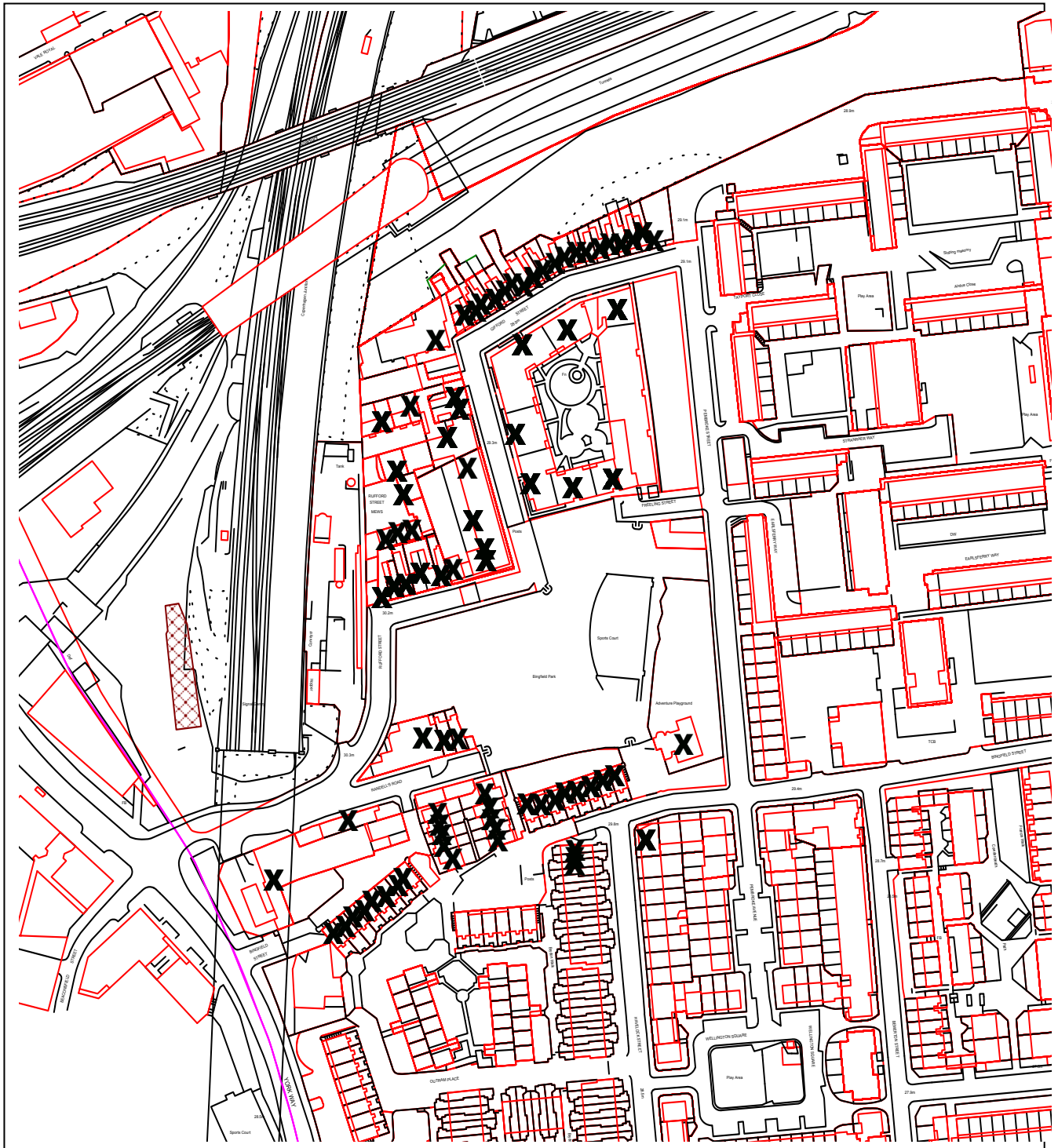
application, the views expressed in this letter may become public and will be taken into account by the council in the assessment of the proposal and determination of the application.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lucy'.

Luciana Grave
Design Review Panel Coordinator
Design & Conservation Team Manager

Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department
PO Box 333
Town Hall
LONDON N1 2UD

PLANNING COMMITTEE	AGENDA ITEM NO:
Date: 02 April 2019	

Application number	P2019/0769/FUL
Application type	Stopping Up of Highway
Ward	Finsbury Park
Listed building	n/a
Conservation Area	n/a
Development Plan Context	Finsbury Park Town Centre Finsbury Park Key area Major and Local Cycle Routes Local Flood Risk Zone Adjacent to TLRN Adjacent to Railway Land
Licensing Implications	Premises licence required
Site Address	240 Seven Sisters Road (including 240a, 240b and 240c), Islington, London, N4 2HX
Proposal	Stopping up order of existing highway comprising part of the footway to the south of Seven Sisters Road, to the front of 240a and 240 Seven Sisters Road, under Section 247 of the Planning Act 1990 to enable the redevelopment of 240 Seven Sisters Road (including 240a, 240b and 240c) under extant planning permission: P2017/3429/FUL dated 14/02/2019

Case Officer	Simon Roberts
Applicant	Tide Construction
Agent	n/a

RECOMMENDATION

The Committee is asked to resolve to APPROVE the stopping up, subject to the applicant first entering into an indemnity agreement to pay all the council's costs in respect of the stopping up, on the following basis:

1. The council makes a Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 ("the Act") in accordance with the procedure in Section 252 of the Act

in respect of the area of highway shown on Plan No: 152072/A/16 dated 24.01.2019 to enable the development authorised by planning permission ref: P2017/3429/FUL dated 14/02/2019, following a resolution to grant at the 0910/2018 Planning Committee, to be carried out.

2. If no objections are received (or any received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the Stopping Up Order will be confirmed by officers under delegated powers.
3. If objections are received from a local authority, statutory undertaker or gas transporter (and are not withdrawn), or other objections are received (and not withdrawn) and the Mayor of London decides that an inquiry is necessary, the Council shall cause a local inquiry to be held.

1.0 SITE AND SURROUNDINGS

- 1.1 The area of land to which the current application to stop up the highway relates is part of the footway to the southern side of Seven Sisters Road, to the front of 240 and 240a Seven Sisters Road, at a maximum of 5.00 metres in length and 1.00 metres in width, illustrated on drawing reference: 152072/A/16 dated 24/01/2019.
- 1.2 Both Seven Sisters Road and the A503 (Isledon Road) are highways part of the Transport for London Road Network (TLRN) known as 'red routes', and therefore maintained by Transport for London (TfL).

2.0 PLANNING HISTORY

- 2.1 On 14/02/2019, planning permission ref: P2017/3429/FUL was granted for 'Demolition of existing buildings and redevelopment of the site to provide a building of 8 storeys (ground plus 7 upper storeys) accommodating a 192-bedroom hotel (C1 use), ground floor bar/restaurant (A4/A3 use), together with ancillary hard and soft landscaping, cycle parking, refuse storage, and related works'.
- 2.2 To date, there has been no variations to this planning permission, however a number of Approval of Details applications have been submitted and are currently under consideration by the Council.

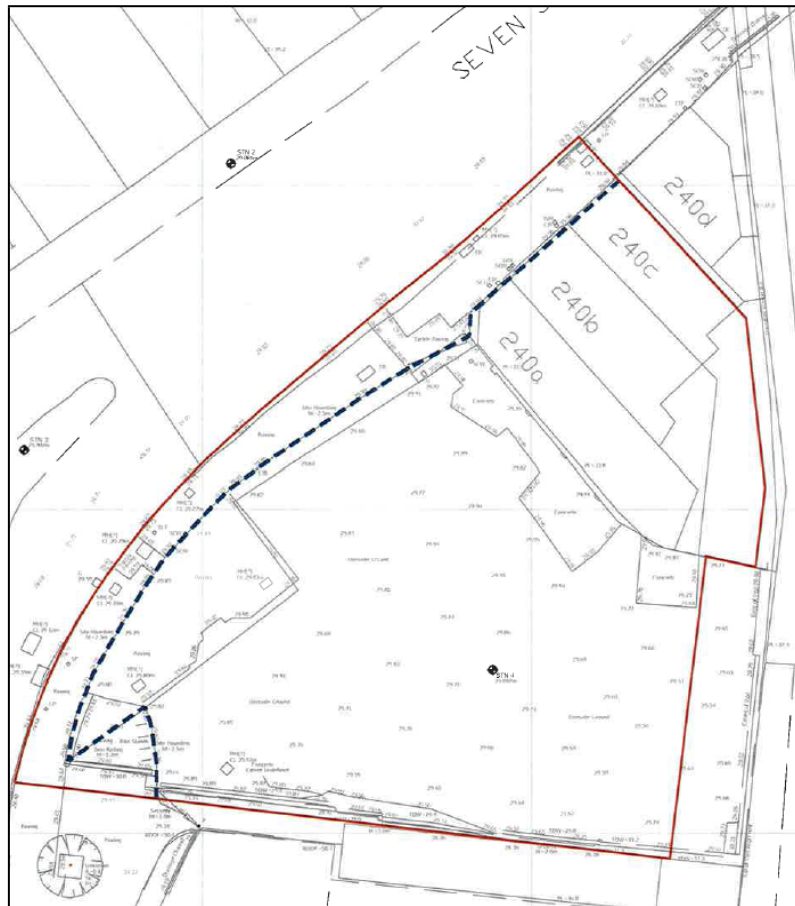


Figure 1: Extract from Plan No. VD18851-SK008; showing existing site boundary (red) and highway boundary (in navy)

3.0 PROPOSAL

- 3.1 The proposal relates to the stopping up of an area of highway (described above) under Section 247 of the Town and Country Planning Act 1990 in connection with the implementation of the planning permission ref: P2017/3429/FUL granted on 14/02/2019.
- 3.2 The plan below (ref: 152072/A/16 dated 24.01.2019) shows the adopted highway associated with the site in detail (hatched in black). It seeks to stop up a section of this area, triangular in shape, which previously served a cross over, allowing vehicular access into 240 Seven Sister Road, as shown in the below Figure 3.

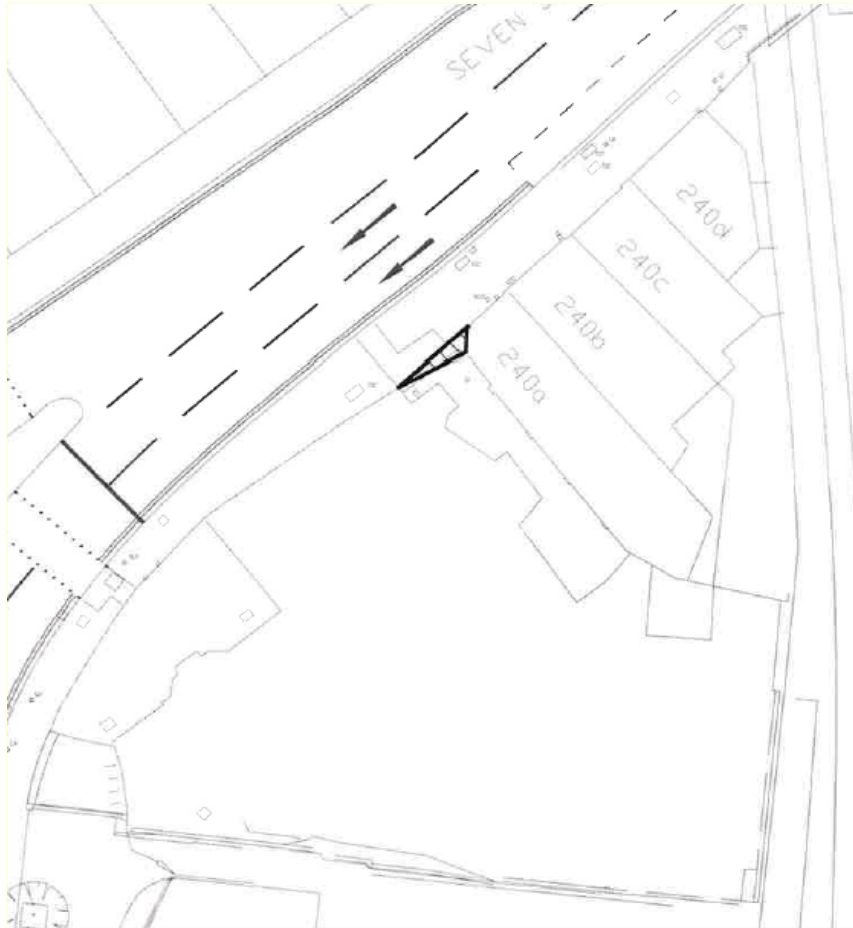


Figure 2: Extract from Plan No. 152072/A/16 dated 24.01.2019.



Figure 3: Photo showing pre-existing crossover and vehicular entrance into 240 Seven Sisters Road.

4.0 CONSULTATION

- 4.1 Both the Council's highway officer and Transport for London have raised no objection to the proposed stopping up of the land identified.
- 4.2 No public or external consultation has been carried out by the council in respect of the current stopping up application, however should the Committee approve the stopping up, before making the Orders the council would carry out consultation as required by Section 252 of the Town and Country Planning Act. This would involve consulting statutory undertakers, posting site notices and publishing the proposed orders in a local newspaper. A 28-day consultation period would allow interested parties to respond.
- 4.3 Under section 252(4)(b) of the Act if an objection is received from any local authority, National Park authority or undertakers or public gas transporter on whom a notice is required to be served or from any other person appearing to the council to be affected by the order and that objection is not withdrawn (through negotiation between the objector and the applicant) the council must:
- (i) *notify the Mayor; and*
 - (ii) *cause a local inquiry to be held.*
- 4.4 If, however, none of the objections notified were made by a local authority or undertakers or transporters then, under section 252(5A) of the Act, the Mayor shall decide whether, in the "special circumstances of the case" the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the council which may dispense with the inquiry.
- 4.5 If there are no objections, or all the objections are withdrawn, then the council may confirm the Stopping Up Order without an inquiry.

5.0 EVALUATION

- 5.1 Section 247(2A) of the Act provides that the council of a London borough may by order authorise the stopping up or diversion of any highway within the borough if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of the Act.
- 5.2 In *K C Holdings Ltd v Secretary of State for Wales [1990] JPL 353* the Deputy Judge held that "may" implies a discretion to consider the demerits and merits of the particular closure in relation to the particular facts of the case. In *Vasiliou v Secretary of State for Transport [1991] 2 All ER 77*, the Court of Appeal held that when exercising his discretion, the Secretary of State was not only entitled, but required to take into account any directly adverse effect the order would have on all those entitled to the rights which would be extinguished by it, especially as the section contains no provision for compensating those so affected.
- 5.3 Officers consider that the area comprises land over which the public have been able to pass and repass without hindrance for over 20 years, and over which public rights have accrued.
- 5.4 The proposed footprint of the redevelopment of the site has been considered and approved within planning permission: P2017/3429/FUL dated 14/02/2019, for 'Demolition of existing buildings and redevelopment of the site to provide a building of 8 storeys (ground plus 7 upper storeys) accommodating a 192-bedroom hotel (C1 use), ground floor bar/restaurant (A4/A3 use), together with ancillary hard and soft landscaping, cycle

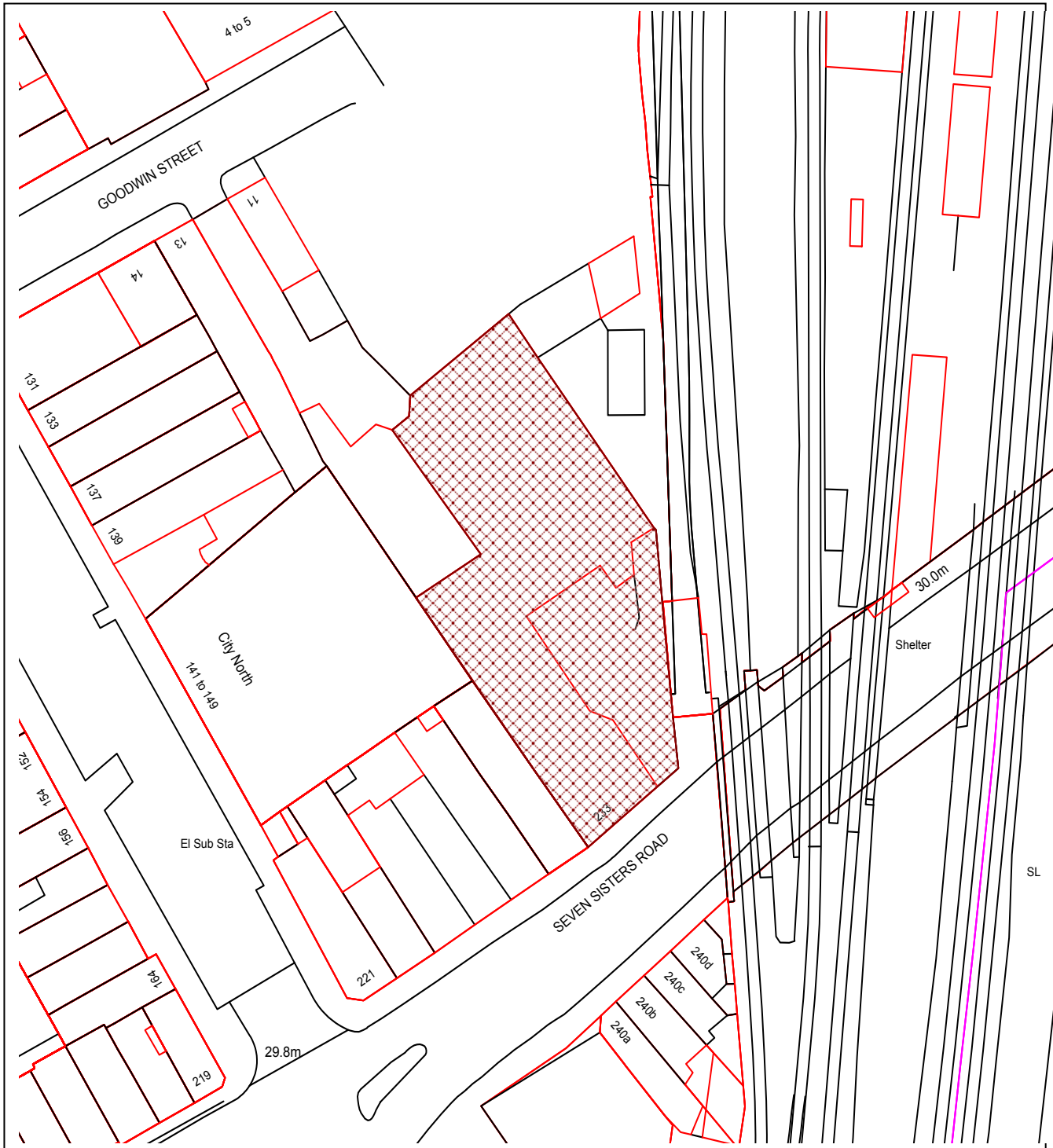
parking, refuse storage, and related works'. The stopping up now proposed would give effect to the extant planning permission which was subject to public consultation.

- 5.5 The A503 Seven Sisters Road and Isledon Road form part of the Transport for London Network (TLRN), for which TfL is the highway authority. Officers consider that the pedestrian flows along the resultant footway would not be hindered by the proposed stopping up, in order to facilitate the approved consistent principle building line fronting Seven Sisters Road.
- 5.6 The proposed stopped-up area of land would not prevent access into the development site nor would it result in a loss of public access along the footway of Seven Sisters Road.
- 5.7 Officers therefore consider that there would be no disadvantages suffered by the public or by those with properties near or adjoining the existing highway. In contrast, there are advantages of stopping up the highways rights to enable the development to be carried out.

6.0 CONCLUSION

- 6.1 It is considered that the proposed stopping up of the area of land is necessary to enable the development to proceed and is acceptable in highways terms. It is noted, however, that there remain obligations relating to consultation and a local inquiry may be held, should the stopping up be approved by the Committee.

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