



AGENDA FOR THE PLANNING SUB COMMITTEE A

Members of the Planning Sub Committee A are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **14 January 2020 at 7.30 pm.**

Enquiries to : Ola Adeoye
Tel : 020 7527 3044
E-mail : democracy@islington.gov.uk
Despatched : 6 January 2020


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 Picknell (Chair)	- St Mary's;	Councillor Klute	- St Peter's;
Councillor Clarke	- St George's;	Councillor Kay	- Mildmay;
Councillor Convery	- Caledonian;	Councillor Poyser	- Hillrise;
Councillor Graham	- Bunhill;	Councillor Spall	- Hillrise;
Councillor Mackmurdie	- Clerkenwell;	Councillor Woolf	- Canonbury;
		Councillor Chowdhury	- Barnsbury;
		Councillor Gill	- St George's;
		Councillor Hamitouche	- Barnsbury;
		Councillor Turan	- St Mary's;
		Councillor Wayne	- Canonbury;
		Councillor Webbe	- Bunhill;

Quorum: 3 councillors



A. Formal Matters **Page**

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 1 - 4
6. Minutes of Previous Meeting 5 - 14

B. Consideration of Planning Applications **Page**

1.	5, 7-11& 13 Georges Road, London, N7 8HD	15 - 76
2.	74-76 St John Street, London, EC1 4DZ	77 - 124
3.	Islington Central Library, 2 Fieldway Crescent, Islington, London, N5 1PF	125 - 166
4.	Telephone Kiosks Outside 23 Caledonian Road N1	167 - 188
5.	Telephone Kiosks Outside 23 Caledonian Road N1 0RU	189 - 210
6.	National Youth Theatre , 443-445 Holloway Road, N7 6LW	211 - 264
C.	Consideration of other planning matters	Page

D. Urgent non-exempt items (if any)

Any non-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.

E. Exclusion of press and public

To consider whether, in view of the nature of the remaining item 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**

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 Sub Committee A, 19 March 2020

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

PROCEDURES FOR PLANNING SUB-COMMITTEES

Planning Sub-Committee Membership

Each Planning Sub-Committee consists of five locally elected members of the council who will decide on the applications for planning permission.

Order of Agenda

The Chair of the Planning Sub-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 Sub-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 Sub-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 Sub-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 Sub-Committee operates and how to put your views to the Planning Sub-Committee please call Ola Adeoye/Zoe Lewis on 020 7527 3044/3486. 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.

This page is intentionally left blank

Schedule of Planning Applications

PLANNING COMMITTEE - Tuesday 14 January, 2020

COMMITTEE AGENDA

1 5, 7-11 & 13 Georges Road
London
N7 8HD

2 74-76 St John Street
London
EC1M 4DZ

3 Islington Central Library
2 Fieldway Crescent
Islington
London
N5 1PF

4 Telephone Kiosks Outside
23 Caledonian Road
London
N1

5 Telephone Kiosks Outside
23 Caledonian Road
London
N1 0RU

6 [National Youth Theatre]
443-445 Holloway Road
London
N7 6LW

1 5, 7-11 & 13 Georges Road
London
N7 8HD

Application Number: P2019/1923/FUL

Ward: Holloway

Proposed Development: The demolition of the existing buildings and structures on the site and the erection of an Office B1 unit and five residential dwellings (4 x three-bed and 1 x one-bed), with associated landscaping, cycle parking and refuse.

Application Type: Full Planning Application

Case Officer: Ross Harvey

Name of Applicant: Bexwell Developments Ltd

Recommendation:

Page 1

2 74-76 St John Street
London
EC1M 4DZ

Application Number: P2018/1580/FUL

Ward: Bunhill

Proposed Development: RECONSULTATION: Change of use of part ground floor, basement and lower basement from Use Class B8 (storage) to flexible commercial use within Use Classes A3, A4 and D2. Replacement of ground floor facade and entrance doors, and fenestration to enclose existing ramp. REASON FOR RECONSULTATION: Additional documents published to website including marketing, servicing, extract, refuse and roof enclosure details.

Application Type: Full Planning Application

Case Officer: Nathan Stringer

Name of Applicant: Venaglass Haymarket Limited - Mr David Rogers

Recommendation:

3 Islington Central Library
2 Fieldway Crescent
Islington
London
N5 1PF

Application Number: P2019/2576/FUL

Ward: Highbury East

Proposed Development: Refurbishment of the ground and first floor of the building reinstating the public foyer from Holloway Road entrance to provide a link to the main library at ground floor level. Change of use of the north western portion of the building at ground and first floor levels in association with the creation of a rehearsal room/ theatre (D2) and associated office at ground and first floor levels. Work include the demolition of internal partitions and mezzanine floor, minor structural alterations to form new doorways, new partitions at ground and first floor level and installation of a new ventilation fan with an accompanying external louvre window which would replace the existing sash window above the loading bay doors at ground floor level upon the Fieldway Crescent Elevation. Installation of a ramp to the side elevation of the Holloway Road entrance to provide inclusive access to the building. Listed building Consent application reference P2019/2605/LBC also submitted.

Application Type: Full Planning Application

Case Officer: Alex McCombie

Name of Applicant: Mr Gareth Jenkins

Recommendation:

Application Number: P2019/2605/LBC

Ward: Highbury East

Proposed Development: Refurbishment of the ground and first floor of the building reinstating the public foyer from Holloway Road entrance to provide a link to the main library at ground floor level. Change of use of the north western portion of the building at ground and first floor levels in association with the creation of a rehearsal room/ theatre (D2) and ancillary office at ground and first floor levels. Work includes demolition of internal partitions and mezzanine floor, minor structural alterations to form new doorways, new partitions at ground and first floor level and installation of a new ventilation fan with an accompanying external louvre window which would replace the existing sash window above the loading bay doors at ground floor level upon the Fieldway Crescent Elevation. Full planning application reference; P2019/2576/FUL also submitted.

Application Type: Listed Building

Case Officer: Alex McCombie

Name of Applicant: Mr Gareth Jenkins

Recommendation:

5 Telephone Kiosks Outside
23 Caledonian Road
London
N1

Application Number: P2019/1799/ADV
Ward: Caledonian
Proposed Development: Removal of 3 no. telephone booths and replacement with 1 no. InLink unit telephone kiosk including display of associated internally illuminated digital advertisement panels on either side. (Full planning application ref: P2019/1782 also submitted).
Application Type: Advertisement Consent
Case Officer: Jake Shiels
Name of Applicant: British Telecommunications PLC - Mr NEIL SCORESBY
Recommendation:

6 Telephone Kiosks Outside
23 Caledonian Road
London
N1 0RU

Application Number: P2019/1782/FUL
Ward: Caledonian
Proposed Development: Removal of 3 no. telephone booths and replacement with 1 no. InLink unit telephone kiosk (Advertisement Consent application ref: P2019/1799 also submitted).
Application Type: Full Planning Application
Case Officer: Jake Shiels
Name of Applicant: British Telecommunications PLC - Mr NEIL SCORESBY
Recommendation:

7 [National Youth Theatre]
443-445 Holloway Road
London
N7 6LW

Application Number: P2019/2469/FUL
Ward: St. Georges
Proposed Development: Single storey entrance and studio pavilion with associated landscaping. Additional window to south elevation and automatic opening vents (AOVs) to windows to comply with fire regulations.
Application Type: Full Planning Application
Case Officer: Nathan Stringer
Name of Applicant: National Youth Theatre - Ms Karen Turner
Recommendation:

This page is intentionally left blank

London Borough of Islington

Planning Sub Committee A - 7 November 2019

Minutes of the meeting of the Planning Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD - Islington Town Hall on 7 November 2019 at 7.30 pm.

Present: **Councillors:** Clarke, Convery and Graham

Councillor Paul Convery in the Chair

83 **INTRODUCTIONS (Item A1)**

Councillor Convery welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.

The Chair informed the meeting that items B2, B5 and B6 will not be considered but at future date on the basis of officer advised as owners of the property are not in attendance.

84 **APOLOGIES FOR ABSENCE (Item A2)**

Apologies were received from Councillor Picknell.

85 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

There were no declarations of substitute members.

86 **DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

87 **ORDER OF BUSINESS (Item A5)**

The order of business would be B1, B3 and B4.

88 **MINUTES OF PREVIOUS MEETING (Item A6)**

RESOLVED:

That the minutes of the meeting held on 3 September 2019 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

89 **137-139 ESSEX ROAD, ISLINGTON, LONDON, N1 2NR (Item B1)**

Demolition and replacement of front and rear facades (including roofing) and additions to the roof, to include a one-storey extension fronting Essex Road, and two-storey extension fronting Astey's Row (with glass box above) to accommodate 5x (1 no. 1-bedroom unit [2 person] x 2no. 2-bedroom units [3 person] x 1no. 2-bedroom units [4 person] x 1no. 3-bedroom [5 person unit) residential units; refurbishment of existing ground and first floor and creation of part basement level

Class B1 office space (166sqm) and retention of ground floor (100sqm) Class A1 retail unit fronting Essex Road.

(Planning application number: P2018/4159/FUL)

In the discussion the following points were made:

- The Planning Officer informed Members that the location plan, first floor and the basement plan be included in the list of plans in condition 2 on page 52 to be approved if permission is granted.
- Members were advised that the application site is not listed and not within a Conservation Area. The proposal will result in 5 residential units, refurbishment of existing ground and first floor and creation of basement level Class B1 office space and retention of ground floor Class A1 retail unit.
- The Planning Officer acknowledged that the proposed extensions to the Essex Road frontage will result in a front façade height of 15.1m, while the extension to the Astey's Row Frontage would result in an overall height of 13.8m. In addition, the proposal will include an excavation to create 109sqm of basement office/storage space
- The Planning Officer acknowledged that although views looking south will be interrupted, the general outlook towards Astey's Garden will still be retained. With regards to daylight and sunlight loss, the meeting was informed that assessment had been carried out and although there were some breaches, it is considered acceptable and in line with BRE guidelines.
- In response to the applicant's commitment to reduce Co2 emission by 19%, the Planning Officer informed members that the scheme is a significant revision and not a total demolition especially as some of the floors will remain. Members were reminded that considering this scheme is a mixed use development, different standards and requirements about CO2 emissions requirements.
- On the question of whether the committee could take into consideration the Council's emerging policy on carbon emission which is more stringent, members were advised that presently this is not a material consideration until it has been approved.
- In response to concerns that the proposal will result in the loss of retail space, contrary to Policy DM4.5 of the Development Management Policies, members were advised that officers have taken the view that this would not harm the retail function of the Town Centre due to the fact that the majority of the 'lost' retail space is located towards the rear of the site (Astey's Row is not a retail frontage), and a retail presence is still being maintained on Essex Road which is the key frontage. The proposal would have very little impact on the retail character of the street or the wider town centre.

Planning Sub Committee A - 7 November 2019

- Members heard evidence from an objector. She was concerned with the erection of a high wall which is overbearing and blocks out her view. She also highlighted the loss of both sunlight and daylight and the lack of consultation following the subsequent revision to the scheme by the applicant.
- The objector indicated that although in principle she was not against the scheme but recommended the removal of the top floor at Astey's road and had concerns of how the hours of use of the terrace would be monitored.
- In response to the objections raised above, the agent informed the meeting that this scheme was an opportunity to bring back into use a derelict and abandoned building and importantly being able to provide a mixed use scheme comprising high quality retail space, office space and residential development.
- With regard to the loss of sunlight and daylight, the consultant reminded members that BRE assessment are guidelines and not the minimal expected, with an expectation that it should be applied in a flexible manner. Meeting was informed that the amendment to the scheme had taken into consideration the objectors concerns.
- On the question of any possible alterations to the scheme which would mitigate the impact of the scheme in particular to the top flat on the north west corner top floor, the consultant reiterated that the amendments to the scheme had taken into consideration objectors concerns having had a meeting with them.
- During deliberation members noted objections from the Canonbury Society and amplified at the meeting by the objector; the sunlight and daylight loss although some flexibility could be applied in this instance. The Chair also noted committee's concern about the sense of enclosure experienced by neighbouring residents and the loss of retail space.
- In response to Members suggestion about mitigating the impact of the scheme on the amenity of neighbouring residents, the applicant requested for the item to be deferred for further discussions with both the objector and planning officers.

Councillor Graham proposed a motion to Defer the item to enable the applicants to work further on some of the key concerns including the retail frontage and quantum issues, sustainability credentials of the proposal, sunlight/daylight impacts and to address the potential adverse impact of the top floor of the proposal on the adjoining neighbours roof terrace and habitable windows in relation to increased enclosure levels, loss of outlook and dominance .This was seconded by Councillor Clarke and carried.

RESOLVED:

That consideration of the application be deferred for the reasons outlined above.

90 **74-76 ST JOHN STREET, LONDON, EC1M 4DZ (Item B2)**

Change of use of part ground floor, basement and lower basement from Use Class B8 (storage) to flexible commercial use within Use Classes A3, A4 and D2.
Replacement of ground floor facade and entrance doors, and fenestration to enclose existing ramp.

(Planning application number: P2018/1580/FUL)

Meeting was informed by Chair on the advice of Planning Officers that item has been withdrawn and will be considered at a future meeting due to absence of a key marketing document for the proposal not being online for consultation purposes as is required

91 **75 HANLEY ROAD, LONDON, N4 3DQ (Item B3)**

Erection of a ground and first floor extensions to the rear of the existing D1 building and associated external alterations including perimeter timber fencing and canopy to rear play area and associated alterations.

(Planning application number: P2018/3395/FUL)

In the discussion the following points were made:

- The Planning Officer advised that no updates had been received since agenda was published. Members were advised that property is not situated within a conservation area, nor does it contain any locally or statutorily listed buildings.
- In terms of land use, the proposal involves extensions to the rear of the property at ground floor and first floor and associated alterations to facilitate additional D1 floor space to allow for the use of the site as a children's day nursery for a total of 98 children between the ages of 0-4 years old and 25 members of staff.
- In terms of design, the Planning Officer advised that the proposed extensions will be limited to the rear of the building to a depth of approximately 1.9m at both ground and first floor levels. In terms of their width, the extensions would be sited either side of the buildings circulation core, each at approximately 6.8m. Members were advised that the extension would remain sympathetic to the overall character of Hanley Gardens and would not compromise any relationship between the host property and its surrounds.
- Members were informed that the proposal would include the installation of a canopy above the outdoor play area no.3 to the rear of the property, details to be secured by a condition in the planning permission. In addition the waste storage area will be situated to the rear of the site, details also to be

secured by a condition.

- Members heard from a neighbouring resident who had concerns about the proposal. Issues raised include over development of the site; noise disturbance from the outdoor play area 3, impact on the amenity of the existing residents of Hanley Gardens; overlooking and loss of privacy and additional parking which the scheme would attract to Hanley Gardens and surrounding streets. In addition, residents were concerned that their private road will be used as collection and refuse area.
- Objector was concerned that the provision in the area is not supported by evidence of a demand for the service and that the proposal would impact the amenity of elderly residents with a wide range of need and support.
- In response to objector's concern, the applicant informed the meeting that the provision of a nursery in the north of the borough addresses the demand of working families and caters for a wide range of children and the diverse population. Members were advised that the safety of both neighbouring residents and the children remains paramount and was taken into consideration while designing the scheme.
- With regards to amenity concerns especially noise, the meeting was advised that the erection of a canopy below the flats would mitigate any potential noise from children in the play area. On parking concerns, meeting was informed that although there is significant parking in the wider area it is envisaged that parents will be using public transport especially as the scheme does not provide parking space. In addition, the school has facilities for parents to drop off their buggies before going off to work and the drop off and pick up times will be staggered.
- In response to concerns about the use of the adjacent private road by refuse collection vehicles and delivery arrangements, the agent advised that all collections and deliveries would be from the rear of the site. With regards to the disposal of nappies, the agent indicated that this will be handled in the best and tested operational manner which occurs at its other similar operations, a system of wrapping nappies that prevents the smell being a nuisance and importantly it has arrangements for 3 collections every week.
- During deliberations, members acknowledged the parking concerns of residents of Hanley Garden especially being a private road and not subject to parking restrictions. In addition, members noted that reassurance will be required regarding the refuse and recycling collection arrangements and suggested that additional wording should be included in condition 4 stating that there should be no servicing of refuse collection other than from Hanley Road.

Councillor Convery proposed a motion to amend condition 4 regarding the refuse and recycling arrangements as stated above. This was seconded by Councillor Clarke and carried.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions set out in Appendix 1 of the officer report.

Reworded CONDITION 04: Details of refuse/recycling store(s) and refuse management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.

The refuse/recycling store (s) and refuse management plan shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter into perpetuity.

The refuse management plan should detail the following for approval in writing by the LPA:

- a) **Details of the final secured refuse contractor and refuse management plan to be used by this operator at 75 Hanley Road including confirmation in writing from the applicants through any agreed contract with the refuse contractor to detail that there shall be no servicing of the site for refuse storage or collection from Hanley Gardens but only from Hanley Road.**

REASON: To ensure adequate refuse/recycling is provided and easily accessible and to safeguard adjoining resident's amenity levels.

92

8 OAKLEY CRESCENT ISLINGTON, LONDON (Item B4)

Erection of a roof top extension and new roof terrace to the existing flat roof including associated obscure glazed screening to the rear and metal railings to the front elevation. External redecoration and replacement windows to the front elevation at ground and first floor with double glazed units.

(Planning application number: P2019/1292/FUL)

In the discussion the following points were made:

- The Planning Officer informed the meeting that page 5 of the report erroneously states the number of objectors to be 5, but should state 6 objections were received from 5 different specific addresses/households. Members were advised that all issues raised by the objectors had been addressed in the report.
- Members were informed that the site is within the Duncan Terrace/Colebrook Row Conservation Area and it is not a listed building. Members were reminded that the application was refused planning permission on grounds of overlooking, its design, unacceptable sense of enclosure and material loss of

outlook to the rear of adjoining properties at the committee meeting on 26 November 2018.

- The Planning Officer advised members that the proposed roof extension had been setback from the rear parapet by 1m and covers the southern section of the existing roofspace. Additionally it has been designed to vary in scale, with a maximum height of approximately 0.7m when measured 1m from the rear parapet and an overall height of 2m.
- Objector was concerned that considering the area is densely developed, the proposal would only worsen the situation. Members were reminded of the impact of the scheme on listed buildings and its detrimental impact to the heritage asset, and the essence of the terrace dwelling was to act as a buffer zone to the conservation area.
- The objector was concerned with the officer's observation that the light loss is acceptable, reminding members that this affects playrooms and bedrooms of 4 children and the window of an elderly resident whose only source of light will be affected by this new development. Members were informed that residents had a sense of enclosure especially as the development would impact the outlook from 17 windows.
- With regard to objectors not being notified of the meeting, the Planning Officer acknowledged that the 5-day rule had been adhered to and that relevant documents and information about the proposals had been published on the council website. On the claim that objectors had not been consulted following further revisions to the scheme, the Planning Officer advised that this would only be required if there is significant revisions, reminding the meeting that the proposal before the committee addressed objectors concerns.
- The agent informed the meeting that following discussions with objectors and planning officers and design officers, the roof extension had been set back from the parapets thereby minimising visual impact as it will be harmful to the setting of the listed terrace to the rear of the site. In addition, members were advised that the wall had been significantly reduced and windows will only exist on one side of the building.
- In response to the possibility of mitigating some aspects of scheme, the agent reminded the meeting that the proposal had been reduced in comparison to the previous scheme had adequately addressed objectors concerns.
- The Planning Officer informed the meeting that condition 3 which relates to materials needs to be reworded as the north elevation does not face city road. In addition, the officer advised that condition 5 on page 150 of the report should be corrected to read as condition 4.

- Members agreed that the rewording of condition 4 be delegated to the Planning Officer and the Chair.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions and amended condition 3 as stated above.

Condition 3 (Materials):

MATERIALS (COMPLIANCE): The development shall be constructed in accordance with the schedule of materials noted on the approved plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.

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.

Correct the numbering of C5 to state C4 concerning window glazing details to say the following:

CONDITION 04: Details of all new windows shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The details shall include materials, profile, reveal depth and detailing. Upvc double glazing units with unsympathetic/inappropriate proportions and will not be considered acceptable.

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

REASON: In order to safeguard the special architectural or historic interest of the heritage asset.

93 BRAITHWAITE HOUSE, BUNHILL ROW, ISLINGTON, LONDON, EC1Y 8NE (Item B5)

The installation of 65 no. small antennas pole mounted on 13 no. free-standing support frames upon the roof of the building, the installation of 2 no. equipment cabinets within an existing plant room and development ancillary thereto. (Planning application number: P2018/4275/FUL)

Meeting was informed by Chair on the advice of Planning Officers that item has been withdrawn from the agenda as the council were not yet in receipt of comments from the councils housing section and will be considered at a future meeting.

94 MICHAEL CLIFFE HOUSE, SKINNER STREET, LONDON, EC1R 0WW (Item B6)

Planning Sub Committee A - 7 November 2019

The installation of 86 no. small antennas pole mounted on 10 no. free-standing support frames upon the roof of the building, as well as one equipment cabinet.

(Planning application number: P2018/4282/FUL)

Meeting was informed by Chair on the advice of Planning Officers that item has been withdrawn from the agenda as the council were not yet in receipt of comments from the councils housing section and will be considered at a future meeting.

The meeting ended at 9.30 pm

CHAIR

This page is intentionally left blank

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department



PLANNING SUB-COMMITTEE A		AGENDA ITEM NO:B1
Date:	14 th January 2020	NON-EXEMPT

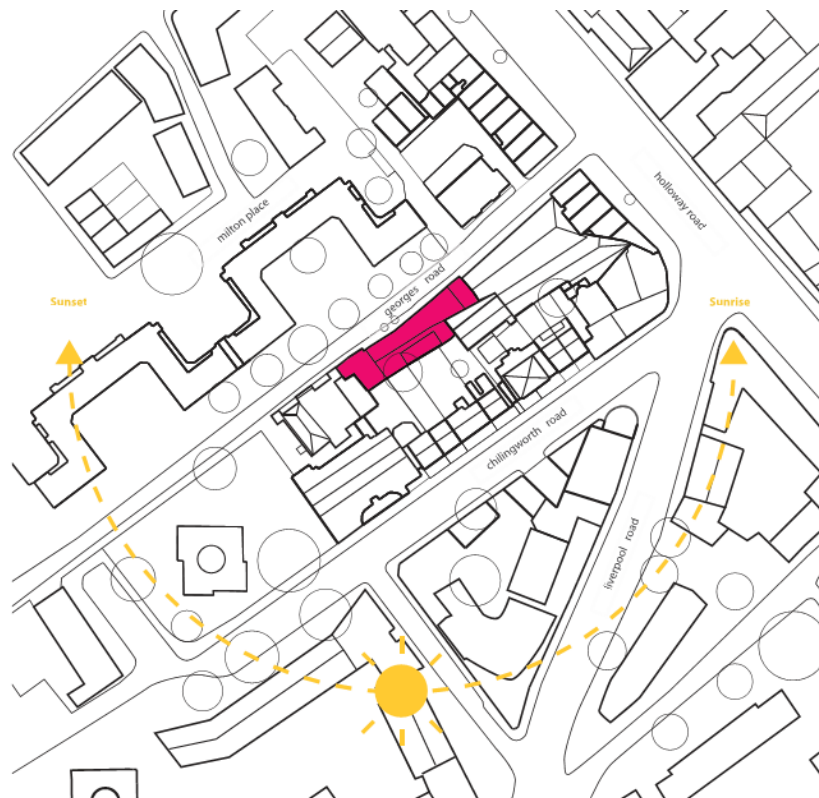
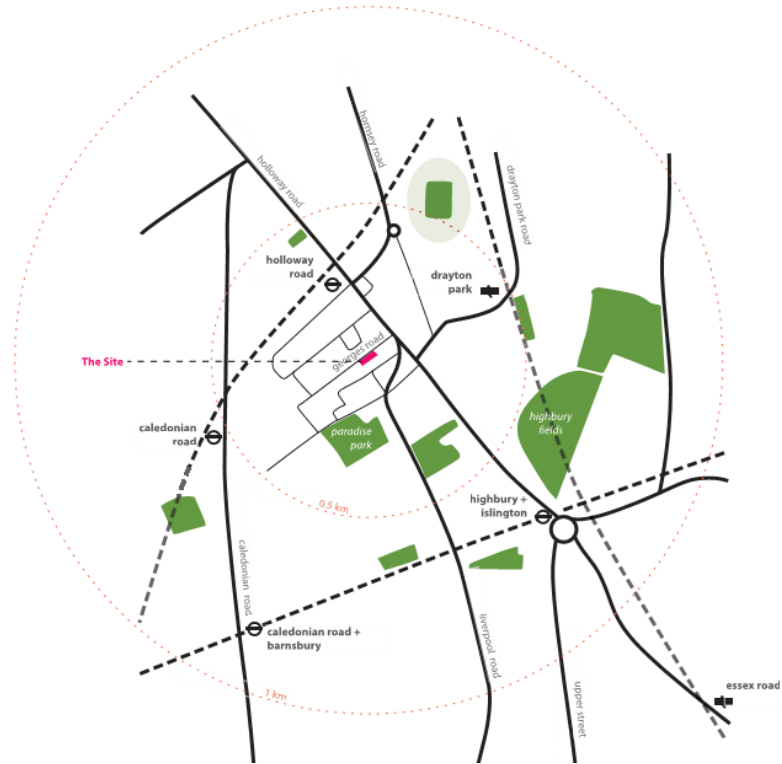
Application number	P2019/1923/FUL
Application type	Full Planning Application
Ward	Holloway
Listed building	School Of Audio Engineering, Chillingworth Road less than 50m from site
Conservation area	St Mary Magdalene Conservation Area
Development Plan Context	St Mary Magdalene Conservation Area Article 4 Direction – St Mary Magdalene Conservation Area Employment Growth Area Mayors Protected Vista Within 100m of a TLRN Road Article 4 Direction A1 – A2(Rest of Borough) Article 4 Direction B1(c) to C3
Licensing Implications	N/A
Site Address	5, 7-11 & 13 Georges Road, London, N7 8HD
Proposal	The demolition of the existing buildings and structures on the site and the erection of a building comprising an Office B1 unit and five residential dwellings (4 x three-bed and 1 x one-bed), with associated landscaping, cycle parking and refuse facilities, solar panels and roof terraces.

Case Officer	Ross Harvey
Applicant	Bexwell Development Limited
Agent	Crawford Partnership - Mr Tim Spiller

1. RECOMMENDATION

- 1.1 The Committee is asked to resolve to **GRANT** planning permission – subject to
- i) conditions set out in Appendix 1; and
 - ii) 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 AND LOCATION



3. PHOTOS OF SITE/STREET



Image 1: Aerial View of the Application Site (shaded in pink)



Image 2: Photograph from street level showing the front elevation of the host buildings looking east



Image 3: Photograph from street level showing the front elevation of the host buildings looking west



Image 4: Panoramic view of application site from Georges Road (Source – Design and Access Statement by Crawford Partnership)

4. SUMMARY

- 4.1 Planning permission is sought for the demolition of the existing buildings and structures (113sqm) on the site and the erection of an office unit (B1(a) use) and five residential dwelling houses (4 x three-bed and 1 x one-bed), along with associated landscaping, cycle parking and refuse storage facilities.
- 4.2 The current application represents a resubmission of a similar scheme that was refused by the LPA under planning application Ref: P2017/1654/FUL. The reasons for refusal were due to:
 - its unacceptable impacts associated with its overall design and scale, impacts on conservation area and nearby historic buildings,
 - neighbouring amenity issues,

- poor quality residential accommodation,
 - and failure to provide the necessary financial contribution to affordable housing.
- 4.3 An appeal was dismissed by the Planning Inspectorate on the basis of the poor quality outlook from the proposed ground floor level rear facing windows, insufficient provision of defensible space to the proposed front garden areas of the scheme and the resulting unacceptable harm to the living conditions of the occupants of St James School Flat No.1 due to overlooking from the roof top terrace of Flat no.5 and an increased sense of enclosure.
- 4.4 Crucially, the Planning Inspector did not refuse on the basis of poor design quality nor impacts on the conservation area nor on the lack of a financial contribution towards affordable housing in the borough (small sites policy and SPD) (Appendix 3).
- 4.5 In light of the previous appeal decision, the current application has been submitted to a similar scale and form as Ref: P2017/1654/FUL. The new scheme differs from the appeal scheme as it:
- incorporates defensible space at the main entrance of each proposed dwelling
 - omits the roof terrace from proposed House No. 5 in order to overcome potential overlooking into Flat no.5 at the St James School.
 - the primary living spaces of proposed Houses 1-4 are now shown at upper floor levels, as a response to the Planning Inspector's concerns regarding the provision of poor quality outlook to the proposed units.
- 4.6 Since the expiration of the consultation period, the Case Officer and the Design Officer met with the applicant to discuss ongoing issues associated with the overall design of the new buildings, quality of accommodation and neighbouring amenity. Although the previous application (ref: P2017/1654/FUL) had not been dismissed by the planning inspectorate on the basis of design/conservation issues, the applicant agreed to amend the proposals to ensure a high quality design/finish is accomplished. House 5 was also amended to allow a larger outdoor amenity area to the rear. All dwellings were altered so that bedrooms were located at first floor and key living areas at second floor.
- 4.7 The applicant submitted a viability appraisal which concluded that a contribution towards affordable housing would not be viable. However, as a result of negotiations between the applicants and our officers along with an independent viability assessment undertaken by Adams Integra confirming that the development would be viable for the full contribution, the applicant has now agreed to pay the full contribution towards affordable housing and carbon offset. A financial contribution of £200,000 towards the provision of off-site affordable housing and £7,500 towards CO2 offsetting would therefore be secured by a unilateral undertaking (in progress) should the council approve the scheme.

- 4.8 Overall it is considered that the current application has addressed the Councils previous reasons for refusal as well as the Appeal Decision (Ref: P2017/1654/FUL), which relate to the lack of defensible space to residential entrances, lack of outlook at ground floor rear and overlooking into neighbouring properties from the roof terrace at house no.5. In addition, Officers have successfully negotiated amendments to the scheme securing high quality of architectural design that demonstrably enhances the character of the St Mary Magdalene conservation area and is sympathetic to the surrounding heritage assets, whilst improving the living conditions of House 5 and quality of office accommodation. The applicants have now agreed to pay the full small sites contribution of £200,000 towards the provision of off-site affordable housing and £7,500 towards CO2 offsetting. Given the level of objections to the scheme, the proposal would go to Planning Sub Committee for determination with a recommendation for approval subject to a Unilateral Undertaking (Legal Agreement) and conditions.
- 4.9 The proposed development is considered to accord with the National Planning Policy Framework 2019, and the policies found within the London Plan 2016, the Islington Core Strategy 2011, the Development Management Policies 2013 and Supplementary Planning Documents. The proposal is therefore recommended for approval subject to a legal agreement and appropriate conditions.

5. **SITE AND SURROUNDING**

- 5.1 Nos. 5 – 11 and 13 Georges Road is occupied by a two-storey Georgian property and a single storey warehouse structure converted into various units. The site premises are occupied by a covered workshop (Sui Generis) (202sqm), recording Studio (B1 Use) (113sqm) and 1no. two-bed residential unit (C3 Use). The existing buildings on site are not statutory listed but they are located within St Mary Magdalene Conservation Area. The application site also falls within a designated Employment Growth Area which seeks maximisation/ uplifting of business floorspace (Policy DM5.1). The surrounding area is a mix of commercial and residential uses. Holloway Road lies in close proximity to the east of the application site.
- 5.2 To the north the application site fronts on to Radford House a high density six storey purpose built residential block. The modern council block is considerably set back from the street and incorporates landscaping, footways and a dwarf wall with railings on top to its street frontage. To the south-east the application site backs on to no. 12 Chillingworth Road occupied by a three-storey villa with a single storey rear extension which covers the full site. No. 12 Chillingworth Road is occupied by a commercial operation. To the south and southwest the site backs on to two-storey terraced and linked semi-detached residential properties with generous rear gardens. To the east the application site adjoins the locally listed four-storey former St James School building which has been converted into flats. To the west the application site adjoins a low rise garage which remains in use.

5.3 The site itself does not form part of but adjoins the Ring Cross Hamlet Archaeological Priority Area to its east.

6. PROPOSAL (IN DETAIL)

6.1 The application seeks planning permission for the demolition of the existing buildings and structures on the site and the erection of an office unit (B1(a) use) (203.gsqm) and five residential dwelling houses (4 x three-bed and 1 x one-bed), along with associated landscaping, cycle parking and refuse storage facilities within a new three storey building. The proposed development would be contained within a two to three storey building along the George's Road street frontage. The office unit would also contain a single storey basement. In terms of its materiality, the building would predominantly consist of brickwork and incorporates recessed/angled bricks for visual articulation.

6.2 The current application represents a resubmission of a similar scheme that was refused under planning application Ref: P2017/1654/FUL. The reasons for refusal were due to its unacceptable impacts associated with its overall design and scale, impacts on conservation area and nearby historic buildings, neighbouring amenity issues, poor quality residential accommodation, and failure to provide the necessary financial contribution to affordable housing. An appeal dismissed by the Planning Inspectorate on the basis of the poor quality outlook from the proposed ground floor level rear facing windows, insufficient provision of defensible space to the proposed front garden areas of the scheme and the resulting unacceptable harm to the living conditions of the occupants of St James School Flat No.1 due to overlooking from the roof top terrace of Flat no.5 and an increased sense of enclosure.

Revisions

6.3 Following Officers advice, the original application was revised to make amendments to ensure a high quality design/finish is accomplished. House 5 was also amended to allow a larger outdoor amenity area to the rear. All dwellings were altered so that bedrooms are now located at first floor and key living areas in second floor. A summary of the revisions is as follows:

- House elevations –removal of all contemporary panels and louvres across houses 1-4 and introduction of recessed brickwork and angled brickwork panels from House 5 across the entire scheme. Alteration to rear elevation fenestration patterns to account for the flipped floors at first and second level.
- Office elevations – curved entrance into the unit has been removed and a simpler front elevation proposed.
- House internal changes – bathrooms now to the front and then bedrooms dual aspect with living spaces at the rear opening out onto the gardens. House 5 has been re-configured with an open-plan ground floor space and larger rear garden following the building line. A small panel has been added to the rear window of the bedroom for House 5 to prevent any angular overlooking and retain the privacy of occupants.

- bin and cycle storage shown within enclosures integrated into to the front of the building, instead of within rear gardens for residential units and public highway for office unit

7. PLANNING HISTORY:

Pre-Application Advice

- 1.1 Q2014/ 2679/MIN: A pre-application enquiry was submitted with respect to the redevelopment of the site. It was advised that any future submission would be required to demonstrate that the loss of commercial/business floorspace would not have a detrimental impact on the areas primary economic function, including by constraining future growth of the primary economic function of the site located within an Economic Growth Area.
- 1.2 It was also advised that the demolition of the existing house at no. 5 George's Road which is of historic interest is unacceptable and would be resisted. It was further advised that a new building at this site should be no taller than two storeys with a third storey set back, to ensure that there is a better relationship with the adjoining locally listed and the buildings either side of the proposed development.
- 1.3 In relation to the quality of accommodation it was advised that any basement and/ or ground floor unit should have an adequate defensible space in front of any window to a bedroom or habitable room. It was further advised that dual aspect residential accommodation must be provided in all situations.

Planning Applications

5, 7-11 & 13 Georges Road, London N7 8HD

- 1.4 February 2018: Planning Application (ref: **P2017/1654/FUL**) refused for "Demolition of the existing buildings and structures on the site comprising 1 no. residential unit, a recording Studio, a workshop and storage spaces, and the erection of 5no. residential dwellings (comprising 4 no. three-storey, three bedroom dwellings and 1no. two storey, one bedroom dwelling) and a three storey (plus lower ground floor) B1 Office building (comprising 204sqm of B1 floorspace) including excavation at basement level, together with associated landscaping, cycle parking and refuse storage".

REASON: The proposed three storey commercial building, 4 no. three-storey dwellings and 1no. two-storey dwelling, by reason of their inappropriate front building line, height, form and scale, along with the poor design, would appear to be an incongruous addition to the townscape which would be out of keeping with the character and appearance of the St Mary Magdalene Conservation Area and would have a harmful material impact upon the setting of the adjacent locally listed building known as St James Flats. As such the proposal would be contrary to policy 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (2012), policies 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Sustaining and Enhancing the Significance of Heritage Assets) of the London Plan (2016) and policy CS9 (Protecting and Enhancing

Islington's Built and Historic Environment) of Islington's Core Strategy (2011), policies DM2.1 and DM2.3 of Islington's Development Management Policies (2013) and the guidance contained within the Islington Urban Design Guide (2017) and the Conservation Area Design Guide (2002).

REASON: The applicant has failed to submit written confirmation of an agreement to pay the financial contributions sought by the Islington Affordable Housing Small Sites Contributions SPD and the Environmental Design SPD. Therefore, the proposal is contrary to policy CS12 Part G of the Islington Core Strategy (2011), policy DM7.2 of the Islington Development Management Policies (2013), the Islington Affordable Housing Small Sites Contributions SPD (2012) and the Islington Environmental Design SPD (2012).

REASON: The provision of residential accommodation opening directly on to a narrow pavement along with a lack of defensible space and an enclosed and compromised internal living environment due to the proposed units' poor outlook, aspect, ventilation, sense of enclosure and access to natural light, results in a poor quality of accommodation which would be detrimental to the amenity of the future residential occupiers. This would be contrary to policy 12 of the NPPF; policy 3.5 of the London Plan (2016); policy CS12 of the Core Strategy (2011); and policies DM2.1 and DM3.4 of the Development Management Policies (2013).

REASON: The proposed scheme is not suitable in design terms and has failed to justify the loss of the existing Georgian house on site which makes an important contribution to the appearance of the streetscene. Its demolition would therefore be harmful to the character and appearance of the St Mary Magdalene Conservation Area. This is contrary to policy 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (2012), policies 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Sustaining and Enhancing the Significance of Heritage Assets) of the London Plan (2016) and Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment) of Islington's Core Strategy (2011), policies DM2.1 and DM2.3 of Islington's Development Management Policies (2013) and the guidance contained within the Urban Design Guide (2017) and the Conservation Area Design Guide (2002).

REASON: The proposed height, scale, bulk and massing of house no. 5 would have an unacceptably harmful impact on the residential amenities of the neighbouring properties at Flat No's 1 and 6, St James School, due to an unacceptable loss of outlook, creation of undue sense of enclosure and overbearing impact on the ground and first floor windows on the side elevation of this adjoining property. Therefore the proposal, results in unacceptable harm to the amenities and living conditions of those occupiers contrary to the NPPF (2012); policy 3.5 of the London Plan (2016), policies CS8 and CS9 of the Core Strategy (2011) and policy DM2.1 of the Islington Development Management Policies (2013).

This case was dismissed on appeal ref: APP/V55700/W/18/3200677 dated 29 March 2019.

The appeal was dismissed by the Planning Inspectorate on the basis of the poor quality outlook from the proposed ground floor level rear facing windows, insufficient provision of defensible space to the proposed front garden areas of the scheme and the resulting unacceptable harm to the living conditions of the occupants of St James School Flat No.1 due to overlooking from the roof top terrace of Flat no.5. The Planning Inspector did not refuse on the basis of poor design quality nor impacts on the conservation area nor on the lack of a financial contribution towards affordable housing in the borough (small sites policy and SPD). The following relevant extracts are taken from the Inspectors Appeal Decision dated 29 March 2019 (which is appended in full at Appendix 3):

Paragraph 6 - *Having regard to the above factors, I find that the proposal would result in inadequate outlook for its future occupants at rear ground floor level, with an unacceptable sense of enclosure and being hemmed in. I do not accept that views of the sky to the rear of the dwellings, as cited by the appellant, derived from Vertical Sky Component (VSC) figures, would be sufficient to overcome this.*

Paragraph 8 - *With regard to defensible space, the proposal omits internal courtyard-like enclosures at the front of dwellings, which were in the previous scheme and would provide some separation prior to entering the dwellings. I have had regard to the dwellings without defensible space at the front, cited by the appellant. However, these are older properties and I saw a modern apartment development nearby on George's Road with defensible space in the form of setback from the street and front railings. Within this context, the proposal's lack of separation from front door to the relatively narrow street would, in my judgement, result in insufficient provision of defensible space*

Paragraph 12 - *The gable end of proposed dwelling 5 would be just over 3m from one of the side windows of Flat No.1. Dwelling 5's rear roof terrace would around 5m from Flat No.1's other side window. Despite the changes to the roof and mass of the proposed development's end unit nearest to the LLB, compared to the previous scheme, these combined factors would cause harm to the outlook of Flat No.1 and create an undue sense of enclosure of it. I attach moderate weight to this harm*

Paragraph 14 - *In respect of living conditions of houses on Chillingworth Road, I have had regard to neighbours' concerns about privacy and noise. Obscure glazing to bathrooms and dressing rooms on first and second floors, which could be secured by planning condition, would address overlooking from most proposed first and second floor rear windows. A planning condition could also be applied regarding roof terrace details to address privacy and noise concerns. Regarding views from first-floor bedroom windows of proposed dwellings 1 to 4, the separation distance from these to the main body of houses on Chillingworth Road, as illustrated in the drawings, would be in excess of 20m. Views from the bedroom windows would be filtered to some extent by their juliet balconies and by the rear gardens on Chillingworth Road. These combined factors would substantially address matters of privacy and noise. However, this does not outweigh the harm I have found in respect of Flat No. 1 of the LLB.*

- 1.5 December 2015: Planning Application (ref: **P2015/1812/FUL**) refused for Demolition of existing buildings and structures on the site, excavation at basement level and erection of a three storey (plus lower ground floor) building comprising 198sq.m of B1 floorspace and 6 no. three-storey (plus lower ground floor) residential dwellings (5 no. three-bed units and 1 no. two-bed unit), together with associated landscaping, cycle parking and refuse storage.

REASON 1: *The proposed three storey commercial building and 6 no. three-storey dwellings, by reason of their inappropriate front building line, height, form, scale along with its poor design would appear to be an incongruous addition to the townscape out of keeping with the character and appearance of the St Mary Magdalene Conservation Area and having a harmful material impact upon the setting of the adjacent locally listed building to St James Flats. As such the proposal would be contrary to policy 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 2012, policies 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Sustaining and Enhancing the Significance of Heritage Assets) of the London Plan 2011 and policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment) of Islington's Core Strategy 2011, policies DM2.1 and DM2.3 of the Development Management Policies and the guidance contained within the Islington Urban Design Guide 2006 and the Conservation Area Design Guide 2002.*

REASON 2: *The proposal would fail to incorporate the maximum amount of business floorspace or any uplift reasonably possible on site located within an Employment Growth Area. As such the proposal would be contrary to policies DM5.1, DM5.2, paragraphs 5.5, 5.6 and 5.17 of the Development Management Policies 2013.*

REASON 3: *The applicant has failed to submit written confirmation of an agreement to pay the full contribution sought by the Islington Affordable Housing Small Sites Contributions SPD or to submit an agreed viability assessment to demonstrate that the full contribution is not viable and that instead a lesser contribution should be made. As such the proposal would be contrary to policy CS12 Part G of the Islington Core Strategy 2011, the Islington Affordable Housing Small Sites Contributions SPD.*

REASON 4: *The provision of residential accommodation opening directly on to a narrow pavement, lack of defensible space and provision of habitable rooms at basement level with poor outlook would result in poor quality of accommodation which would be detrimental to the amenity of the future residential occupants. This would be contrary to policy 12 of the NPPF; policy 3.5 of the London Plan 2011; policy CS12 of the Core Strategy; policies DM2.1 and DM3.4 of the Development Management Policies.*

REASON 5: *The proposed scheme is not suitable in design terms to justify the loss of the existing Georgian house which makes an important contribution to the appearance of the streetscene, its demolition would therefore be harmful to the character and appearance of the St Mary Magdalene Conservation Area. This is contrary to policy 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 2012, policies 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Sustaining and Enhancing the Significance of Heritage Assets) of the London Plan 2015 and Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment) of Islington's Core Strategy 2011, policies DM2.1 and DM2.3 of the Development Management Policies and the guidance contained within the Islington Urban Design Guide 2006 and the Conservation Area Design Guide 2002.*

This case was dismissed on appeal ref: APP/V5570/W/16/3144490 dated 2 December 2016.

- 1.6 A planning application was submitted on 07 September 2014: The planning application (Ref. **P2014/3785/FUL**) sought planning permission to demolish the existing buildings and structures on the site, and to the erect a three storey (plus lower ground floor) building comprising of 198sq.m of B1 floorspace and 6 no. three-storey (plus lower ground floor) residential dwellings (5 no. three-bed units and 1 no. two-bed unit), together with associated landscaping, cycle parking and refuse storage. The application was Withdrawn by the applicant on 11 December 2014.

Unit 7, 5-11, Georges Road, Islington, London, N7 8HD

- 1.7 In January 2007 planning application (Ref. P062577) was refused for a change of use from workshop/office (B1) to mini cab office (Sui Generis). The reason for refusal was as follows:

The proposed use is considered unacceptable because of the detrimental effects that would be caused to neighbouring residential amenity, road safety and the free flow of traffic in Georges Road and is contrary to polices E5, Env17, and D3 of Islington's UDP 2002.

5, Chillingworth Road

- 1.8 In September 2014 planning permission (Ref. **P2014/2998/FUL**) was Granted for the demolition of existing single storey rear extensions, erection of full width single storey rear extension at ground floor level and part single rear extension at first floor level with rooflights in flat roof, installation of rooflight to rear roof slope and installation of three new windows to ground floor side elevation.

8. **CONSULTATION**

Public Consultation

- 8.1 This application has been subject to two rounds of consultation.
- 8.2 During the first round of consultation letters were sent to occupants of 220 no. adjoining and nearby properties on George's Road, Radford House, Chillingworth Road, Holloway Road, St James School and St Mary's House properties on 12th July 2019. A site notice was displayed outside the site, and a press notice was displayed. The initial public consultation of the application therefore expired on 11th August 2019.
- 8.3 During the second round of consultation letters were sent out on 12 December 2019 to the occupants of 220 no. adjoining and nearby properties following the submission of amended drawings to ensure a high quality design/finish is accomplished. House 5 was also amended to allow a larger outdoor amenity area to the rear. All dwellings were altered so that bedrooms were located at first floor and key living areas in second floor. The second public consultation expired on the 5th January 2020, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.4 At the time of the writing of this report a total of 11 no. objection letters, 1 no. support and 1 no. general comment had been received from the public with regard to the application. The issues raised can be summarised as follows (including corresponding paragraphs in this report addressing the issues in brackets):

- Loss of music production studio is detrimental to the area and self-employed persons (10.2-10.11);
- Excessive and over scaled height and massing of development would harm the character and scale of George's Road (10.25-10.35);
- Development is too large and dominant and out of keeping with character of the street (10.25-10.35);
- Overlooking, loss of privacy, sense of enclosure and loss of amenity to rear of Chillingworth Road properties from proposed rear facing windows 15 metres away (10.64-10.68);
- Overlooking from roof terraces into Chillingworth Road and St James School Building properties (10.64-10.68);
- Loss of light, loss of outlook, sense of enclosure and oppressive impact on windows of St James School flats (10.70-10.81);
- Noise and disturbance from use of roof terraces (10.82-10.83);
- Overbearing and increased sense of enclosure to St James School Building properties (10.59-10.63)
- Drawings describe the flat roof above House 5 as inaccessible in some and 'terrace' or 'roof terrace' in others. Concerns raised over the use of the flat roof as outdoor amenity space (10.64-10.68)
- Use of pavement for cycle storage not acceptable (10.90-10.93)
- Uncovered vertical cycle stands unlikely to be used due to maintenance associated with weathering) (10.90-10.93)

8.5 During the second round of consultation an additional 4no. letters were received from individuals that had objected to the initial round of consultation. The updated objection letters re-iterated their following concerns with the proposals and raised the following additional comments:

- Concerns regarding the use of the flat roof of House 5 which has been labelled as 'for maintenance only' (10.64-10.68);
- Overshadowing of St James School Flats and obscures views of the School along Georges Road from Holloway Road (10.70-10.81);
- Loss of privacy to St James School Flats (10.64-10.68)
- Need for windows at second floor level to be obscure glazed and privacy screens to roof terraces to be at a height of 1.7m (10.64-10.68)

8.6 The general comment raised concerns in relation to the inclusion of nesting boxes/bricks for swifts. A condition is attached to secure installation of bird boxes and bat boxes. (Para 11.23)

Internal Consultees

8.7 Design & Conservation: raised no objections to amended drawings subject to conditions relating to materials to be submitted to and agreed by the LPA.

8.8 Trees: I would agree in principle with the previous comments. I have no objection to the proposal subject to a Tree Protection Plan and Arboricultural Method Statement, in accordance with BS5837:2012, being submitted via an appropriately worded condition.

This third-party owned tree is of moderate – low amenity value and given its constrained location and that it appears to have had the soil levels altered around its root plate, I predict that the tree will go into decline in the near future and should not be considered a significant constraint to the development proposal. The only issue regarding this tree I have is that it will cause shading, seasonal debris etc. to the new residential units because the tree overhangs the site and is located directly south of the site. However, moderate pruning would help alleviate much of these issues.

I am more concerned about the protection of the two young council owned trees located in the highway at the front. So we need to ensure these trees are not harmed during and construction/demolition works.

A condition securing an Arboricultural Method Statement is suggested

- 8.9 Pollution (noise): raised no objections to the proposal but requested a condition relating to the submission of a Construction Management Plan. (Condition 7)

Inclusive Design: in response to amended drawings the applicant has not provided clarification on the type of lift. We still assume that it is a platform lift, whose opening door will conflict with the lobby door.

A 1500mm turning circle still need to be shown for the Accessible WC.

For residential units all thresholds must be accessible and therefore not exceed 15mm

- 8.10 LBI Viability Officer: We have reviewed the updated report from Adams Integra and provide comments below:

Adams Integra have maintained various assumptions within their updated financial viability assessment including their residential sales values and commercial rental values assumptions. We agree with Adam Integra's total assumed residential sales values of £4,756,000, and rental values of £20psf for the basement and £30psf for the upper floors for the proposed B1 unit.

We note that Adams Integra have revised three assumptions including increasing professional fees to 10% of construction costs, including a carbon offsetting contribution to £7,500 and amending developers profit which has been increased to 17% on the residential element with 15% on the commercial. These adopted assumptions result in a reduced residual land value of £868,305, but this remains above the Benchmark Land Value of £857,500 and therefore demonstrates that the scheme can still viably provide the full small sites affordable housing contribution of £200,000.

We are of the view that Adams Integra's adopted input assumptions are reasonable and that the proposed development can viably provide the required £200,000 Small Sites Affordable Housing contribution.

Consequently, the applicant is now required to enter into a Unilateral Undertaking to pay the £200,000 Small Sites affordable housing contribution and the £7,500 carbon offsetting contribution.

External Consultees

- 8.11 Adams Integra (Independent Viability Assessor): Concluded that the scheme could support the full contribution of £200,00 towards off-site Affordable Housing

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

Islington Council (Planning Sub-Committee A), 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.)
 - As the development affects the setting of listed buildings, Islington Council (Planning Sub Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
 - As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
- 9.2 National Planning Policy Framework (NPPF) (2019): Paragraph 11 states: "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 the development plan without delay..."
- 9.3 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.
- 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 Sub-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.

9.1 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

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

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

- St Mary Magdalene Conservation Area
- Site within 100m of a TLRN Road
- Article 4 Direction – St Mary Magdalene Conservation Area
- Employment Growth Area
- Mayors Protected Vista
- Article 4 Direction A1 – A2(Rest of Borough)
- Article 4 Direction B1(c) 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 Conservation;
- Quality of residential accommodation
- Neighbouring amenity;
- Inclusive Design;
- Highways and transportation;
- Basement Excavation;
- Refuse and Recycling
- Crime Prevention/Security;
- Energy and Sustainable Design and Contribution
- Affordable housing contribution;
- Trees;
- CIL;
- Other matters;

LAND-USE

10.2 It is proposed to demolish the existing buildings and structures on site comprising of two storey residential unit (40sqm), a music recording studio in the main warehouse building with associated communal areas (113sqm), a car repair yard (53sqm) and covered and uncovered disused storage areas to the rear of the site (149sqm). This has been accepted as a total of 166 square metres of existing business floorspace on the site.

10.3 The proposal would result in the provision of 204 square metres of B1(a) floorspace (office space) over ground to second floors and 5 no. residential dwellings.

10.4 The level of provision of business floor space meets the criteria as set out in Policy DM5.2, given that it would be in excess of the level currently provided by the music workshop and the car repair yard (166sqm), and considering the semi-formal nature of the storage structure and yard area.

10.5 The application site is in an Employment Growth Area (EGA) and there remains a requirement for any development to maximise the provision of business floorspace. The applicant submitted a viability appraisal to demonstrate claims of compliance. An independent viability surveyor has reviewed the Viability Assessment and concluded that the scheme produces a surplus of £15,000. It is considered that this demonstrates that the latest scheme is delivering the maximum amount of commercial floor space possible whilst still remaining viable.

- 10.6 The Council's Viability Officer is in agreement with these conclusions which are based on the full affordable housing contribution of £200,000 (4x £50,000). It is the Viability Officer's opinion that this demonstrates that the scheme is delivering the maximum amount of commercial floor space possible whilst still remaining viable. This is on the assumption that the applicant makes the £200,000 affordable housing payment.
- 10.7 Any proposals for the redevelopment of existing business floorspace within designated EGA's are required to incorporate the maximum amount of business floorspace reasonably possible on the site, while complying with other relevant planning considerations.
- 10.8 In designating the site as part of an Employment Growth Area, the Development Plan clearly identifies that the most appropriate use for this site is for the intensification of existing employment uses. As set out in paragraph 5.5, within EGAs the council will seek as a priority the intensification and renewal of business floorspace. The new residential units and business floorspace is adequately separated and the new business floor space would allow for future flexibility for a range of uses. This would be in line with the requirements of policy DM5.2.
- 10.9 In this instance, because there is one existing, albeit undersized, residential unit on the application site the maximisation of business floorspace required by DM5.1A(i) needs to be balanced with policy DM3.2 which resists the loss of existing self-contained housing unless the housing is replaced with at least equivalent floorspace. Due to the existing low level of residential use on the site (40sqm), it is considered that provision of a single one-bed residential unit of 50 square metres would satisfy the requirements of DM3.2 regarding replacement of housing. This would therefore not limit the provision of the maximum amount possible of business floorspace.
- 10.10 On the basis of the provision of 204 square metres of B1 office floorspace and an overall uplift of 38 square metres of commercial floorspace, and the conclusions of the viability assessment, the scheme is considered to accord with the aims of policy DM5.1 and policy DM5.2A of the Development Management Policies (2013).
- 10.11 As a result, the latest proposals are considered to be acceptable in pure land use terms.

DESIGN AND CONSERVATION

- 10.12 Section 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 10.13 Under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority has a duty in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 10.14 Whilst the host building is not a listed building, the application site is located within the St Mary Magdalene Conservation Area and also there is a Grade II Listed Building, being St Mary's House/St Marks Studios, located 10-15m to the south east, along Chillingworth Road. Therefore, the proposal is required to pay special regard to either preserving or enhancing the visual appearance and historic character of the host buildings and the heritage assets, being primarily the St Mary Magdalene Conservation Area, and the Grade II Listed St Mark's Studios.
- 10.15 The National Planning Policy Framework (NPPF) 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 and should contribute positively to making places better for people.
- 10.16 Core Strategy 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'. Policy DM2.1 states 'All forms of development are required to be of high quality, 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'.
- 10.17 In relation to heritage, Policy DM2.3 states 'Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance'.
- 10.18 The Urban Design Guide provides guidance on how urban design principles should be applied to ensure that new development successfully contributes to making the borough a better place. It is applicable to all new developments, including alterations and extensions to existing buildings. The St Mary Magdalene Conservation Area Design Guidelines provides advice in relation to acceptable forms of development in this conservation area.
- 10.19 The proposed design has been considerably modified since the most recently refused (and dismissed on appeal) scheme.
- 10.20 Further amendments were negotiated with the applicant, having had regard to the comments and advice from the Planning Inspectorate, including the appeal-established parameters.
- 10.21 It is considered that a satisfactory design has now been achieved that will protect and enhance the characteristics of this part of the Conservation Area through a quiet but suitably playful architectural expression. The use of brick and brick patterning further provides an animated façade to the street. The treatment to the ground floor front façade and internal layout beyond has been problematic in both appeal schemes. However, the current iteration now suitably addresses the street at the entrance level while creating acceptable levels of privacy within each home. The refuse bins and cycle stores are cleverly 'hidden' within the front facade and the internal configuration now provides a good quality spatial offer and layout including a direct route from the entrance lobby to the rear garden. The rear elevation has been amended and

no longer threatens the privacy of those homes to the rear with reduced fenestration proportions to the top floor.

10.22 The end of terrace two storey house has been reduced to the rear and now provides for a reasonable sized patio garden. At first floor it is now appropriately reduced and configured so as not to cause any harm to the adjacent flats.

10.23 The elevational treatment to the B1 buildings has been redesigned so as to present a more distinct façade to the street, better signifying its use as being distinct from the residential.

10.24 As such there are no longer any objections from the Design and Conservation team and the terrace as proposed is considered to offer good quality new homes and new work space.



Front elevation (refused and dismissed at appeal (P2017/1654/FUL))



Front elevation (as initially submitted (P2019/1923/FUL))



Front elevation (amended and current proposal)

Image 6, 7 and 8: Drawings showing the recent evolution of the proposed front elevation. The final image represents the current proposal.



Rear elevation (refused and dismissed at appeal (P2017/1654/FUL))



Rear elevation (as initially submitted (P2019/1923/FUL))



Rear elevation (amended and current proposal)

Image 9, 10 and 11: Drawings showing the recent evolution of the proposed rear elevation. The final image represents the current proposal.

Demolition of Existing Conservation Area Buildings

10.25 With regard to the principle of the demolition of the Georgian building at 5 George's Road, the Inspector stated in the 1st dismissed appeal (APP/V5570/W/16/3144490) that the affected building:

"to some extent reflects the traditional former functional character of the area, and I also appreciate that it is one of few remaining buildings of this nature in the CA in terms of illustrating the development of the settlement... in the absence of a proposed overall scheme design that would represent an acceptable addition to the CA and not cause unacceptable harm to the character and appearance of the LLB, and with insufficient substantive evidence to indicate that it could not be renovated or repaired, I consider that its demolition would be unjustified."

10.26 In the 2nd dismissed appeal, Appeal Ref: APP/V55700/W/18/3200677, while the Inspector found fault with some elements of the detailed design, he ruled that the demolition of No 5 George's Road did not form part of the reason for the dismissal of the appeal and accordingly expressed no objection in principle to the loss of the building nor did he connect its loss to the need to secure a high quality calibre of replacement scheme (paragraph 24 of Appended decision).

10.27 Nevertheless, the design has now been amended since it was resubmitted as part of this current application. It has retained some of the architectural elements that the Inspectorate positively and specifically supported, such as the barrel vaulted roof forms to both the end buildings. It has also addressed those areas where the scheme was found to be failing by the Inspectorate namely the relationship between the rear of the proposed end house and the existing locally listed block at No 15 Georges Road, St James's School flats, and the elevational treatment to the ground floor front of all the houses plus the internal layout configuration to their ground floors.

10.28 The initial submission read as somewhat dated and uninspiring with an elevational emphasis on the application of metal panelling and Juliet balconies. There was limited 'grain' or richness to the front facades and insufficient high quality detailing while the ground floor treatment and layout was still considered unsatisfactory.

10.29 A significantly higher quality architectural response has now been negotiated. It contains a richness to the front façade, particularly to the critical ground floor interface. This is achieved by the removal of contemporary steel panels, and a greater emphasis on the use of recessed and angled brickwork and the removal of utilitarian waste storage containers at the street frontage. The proposed terrace is now more reflective of the positive characteristics of the Conservation Area including decorative brickwork and animated fenestration patterns. This response, bearing in mind as well the Inspectorate's most recent ruling, justifies the loss of the heritage asset at No 5 George's Road.

10.30 The CADG states that:

“While some buildings are protected by statutory listing, there are also many other non-listed buildings which are important to the historic and architectural character and appearance of the area. The Council considers the 18th and 19th century buildings critical to the character and historic charm of the area and their loss would reduce the historic and architectural interest of the area”.

10.31 The Council considers this building to be one of the aforementioned 19th century buildings and that its loss would reduce the historic and architectural interest of the conservation area if the replacement scheme is not of an acceptably high calibre. Given the considerable amendments that have been forthcoming and the resulting architectural response, the loss of this building can now, on balance, be accepted.

Building Heights and Massing

10.32 The Inspector (Appeal 2) found the scale and height of the proposed development to be acceptable including the set back of the useable areas on the roof terraces, plus the roof terraces themselves.

10.33 There remained however a concern about the impact of the bulk and mass on the amenity of homes within the adjacent building, specifically Flat 1 of St James’s School flats, Georges Road.

10.34 This has now been addressed through the reduction of the mass to the rear at first floor level of the end unit, the removal of the first floor roof terrace, and the reduction at ground floor level of the building footprint.

10.35 As such the height and mass of the proposal is now considered acceptable.

Design

10.36 Given the height, bulk and mass parameters have been established by the Planning Inspectorate, these characteristics have been agreed and are considered acceptable.

10.37 The use of brick, as the primary material, is welcomed subject to the submission and approval of a sufficiently high quality brick and mortar treatment. The extensive metal panelling has now been removed and replaced with a finer grain, more richly detailed architecture whereby decorative brickwork adds a richness in a more successful manner than the earlier metal panelling did. The fenestration is now lively yet sufficiently ordered in keeping with Victorian and Georgian domestic rhythms.

10.38 The scheme has been designed to read as ‘of our time’ rather than a pastiche response which is also welcomed.

10.39 There is now sufficient set back (1.3m approx.) from the pavement edge to each residential entrance lobby which enables an acceptable level of amenity to be achieved at this critical interface whilst presenting an attractive response to the adjacent tightly configured public realm. This was a key concern with the

previously refused schemes. There is now a sufficient amount of 'defensible space' in front of the entrance doors and the layout of rooms and associated uses beyond provides for a successful internal configuration to the ground floors.

- 10.40 The proposal now expresses a suitable degree of architectural differentiation between the 'employment' building at No 5, and the adjoining 'domestic' terrace, by way of the loss of Juliet balconies at first and second floor levels and associated altered fenestration pattern to the office unit whilst retaining the large ground floor shopfront window. This provides for a welcome enhanced level of legibility as well as being an effective rationale for enriching and animating the architecture.
- 10.41 The uses to floors 1 and 2 have been 'flipped' resulting in a more comfortable relationship between the kitchen/living room and the roof terraces at upper level while addressing the impact of overlooking through altering the accompanying fenestration pattern. The overlooking issues have been addressed within the Neighbour Amenity Section below.
- 10.42 The obscure glazed balustrades to the roof terraces are shown as being setback approximately 0.8m from the front parapet of the building. It is acknowledged that these are unlikely to be visible from public view and that the inspector was satisfied that the setback would 'satisfactorily soften the roof terraces' visual impact, viewed from the front and rear of the proposed building'. Notwithstanding this, a condition has been suggested requiring the details of balustrades at the front and rear of the new building to be submitted to and agreed in writing by the LPA.

Conclusion (Design)

- 10.43 Planning policy, together with the historic and architectural context of the site, requires a development of a high quality of architectural design that demonstrably enhances the character of the St Mary Magdalene conservation area and is sympathetic to the surrounding heritage assets.
- 10.44 In conclusion, the proposal is considered to preserve the visual appearance and historic character of the nearby associated heritage assets, including the wider St Mary Magdalene Conservation Area and the setting of the Grade II Listed Building, complying with the design advice within the Urban Design Guide (2017) and St Mary Magdalene Conservation Area Design Guidelines, subject to the detailed conditions outlined in Appendix 1.
- 10.45 It is therefore considered acceptable in design terms, and compliant with policies DM2.1 and DM2.3 of the Development Management Policies 2013, CS9 of the Core Strategy 2011 and the NPPF 2019.

QUALITY OF RESIDENTIAL ACCOMMODATION

- 10.46 Core Strategy Policy CS12 and Policy DM3.1 of the DMP refers to the requirement for a range of dwelling sizes, and the required housing mix for residential development within the Borough.
- 10.47 The table below (Table 1) assesses the proposed housing mix against Table 3.1 of Development Management Policies (2013):

Tenure	1 Bed	2 Bed	3 Bed	4 Bed +
Market	10%	75%	15%	0%
Proposed	20%	0%	80%	0%

Table 1: table showing required and provided housing mix.

- 10.48 Table 1 above illustrates that the market tenure has little need for 3 bed units with a greater need for 2 bed units. The proposed provision of larger units (3 beds) equates to 80% of the total mix. However, whilst the mix is considered to be heavily skewed towards a provision for 3no bed units, this would not be sufficient in itself to form grounds for the refusal of the application. The narrowness of the site and general constraints regarding height limitations is considered to lend the redevelopment of the site for single family accommodation. It is also important to note that the previous appeal had a mix heavily in favour of family accommodation and this did not form a reason for refusal previously by the council or indeed the Planning Inspectorate.
- 10.49 Policy DM3.4 seeks to ensure all new housing developments (including conversions, Changes of Use, Houses in Multiple Occupation, and sheltered housing) are required to provide accommodation that is of adequate size, with acceptable shape and layout of rooms (with due consideration to aspect, outlook from habitable rooms, noise, ventilation, privacy, light).
- 10.50 The proposal is for 5 no. self-contained townhouses all of which have dual aspect, and are considered to be an acceptable shape and layout, having adequate daylight/sunlight, dual aspect and acceptable levels of outlook from habitable rooms. The proposed units are considered to be of adequate size, which is shown in Table 2 below:

	Dwelling type (bedroom (b)/persons- bedspaces (p))	Required GIA (sqm)	Proposed GIA (sqm)
Unit 1	3b6p	95	129
Unit 2	3b6p	95	125
Unit 3	3b5p	86	108
Unit 4	3b5p	86	110
Unit 5	1b2p	50	52

Table 2: Size of proposed residential units.

- 10.51 Policy DM3.1 seeks to ensure all sites provide a good mix of housing sizes. The purpose of the housing size mix policy is to ensure that new housing meets the housing needs of the population, both for market, social and intermediate housing, in order to create mixed and inclusive communities. The evidence shows that the delivery of different unit sizes has not, overall, responded to housing need. Paragraph 3.14 of the Development Management Policies (2013) confirms *development proposals should provide for a mix of unit sizes in accordance with Table 3.1. The mix of dwelling sizes appropriate to specific developments will also be considered in relation to the character of the development, the site and the area. Developers should demonstrate how the mix of dwelling sizes meets the housing size mix requirements and is appropriate to the site's location.*
- 10.52 As shown in the table 2 above the resulting residential units would meet the minimum gross internal area stipulated within the Development. The proposed new units would all benefit from dual aspect and an acceptable standard of accommodation, with good levels of daylight/sunlight to all habitable rooms, and are considered acceptable in this instance. It is also noted that the amended scheme has swapped the first and second floor levels to Houses 1-4, resulting in bedrooms being located at first floor level and main living areas at second floor level. Whilst this alteration was undertaken for design and neighbour amenity purposes (outlined in detail below), the amended layout is considered to improve functionality as the roof terraces would be situated above kitchen/living room rather than two bedrooms. In addition, the amended design would allow second floor level rear facing windows to be obscurely glazed to prevent overlooking to residential properties along Chillingworth Road (16m separation distance), without compromising the standard of residential accommodation at the application site. This is due to the open plan nature of the second floor level, meaning outlook can be provided to George's Road. Had the scheme not been amended in this regard, then concerns would be raised due to poor quality accommodation due to loss of outlook to bedroom windows, given the need for obscure glazing at the second floor level rear.

- 10.53 One reason for refusal of P2017/1654/FUL referred to the opening of residential units directly on to a narrow pavement and a lack of defensible space. This concern was shared by the Planning Inspectorate, who noted the following at paragraph 8 of the appeal decision *'with regard to defensible space, the proposal omits internal courtyard-like enclosures at the front of dwellings, which were in the previous scheme and would provide some separation prior to entering the dwellings. I have had regard to the dwellings without defensible space at the front, cited by the appellant. However, these are older properties and I saw a modern apartment development nearby on George's Road with defensible space in the form of setback from the street and front railings. Within this context, the proposal's lack of separation from front door to the relatively narrow street would, in my judgement, result in insufficient provision of defensible space'*. The amended scheme re-instates a front courtyard-like feature at each new unit. As mentioned in the sections above, the ground floor layout now achieves the right balance between an active frontage and privacy for the residents which was an issue within the previous two appeal schemes. There is now a sufficient amount of 'defensible space' in front of the entrance doors and the layout of rooms and associated uses beyond provides for a successful internal configuration to the ground floors.
- 10.54 Concerns had been raised by officers initially due to the provision of poor quality private outdoor amenity space. This is due to the size of the rear garden as initially proposed, which would be enclosed by a large boundary wall and a rear projection to House 5. Cycle storage was also initially shown to being within the rear garden. The scheme has since been amended, removing the rear projection at House 5 resulting in a rear garden of approximately 12sqm. Despite the reduction in floor space, House 5 would remain in excess of the minimum floorspace area required by Development Management Policy DM3.4.
- 10.55 Policy DM3.5 Part C requires a minimum of 30 square metres of amenity space for ground floor family housing (three bedroom residential units and above) and a minimum of 15 square metres for ground floor 1-2 person dwellings. Based on the plans provided, the proposals fail to meet this requirement at ground floor level with step-free access; however large roof terraces are proposed for all units. It is noted that concerns were raised by officers during the previous application with regards to the size of rear gardens, limiting outlook from ground floor bedrooms and quality of roof terraces proposed. Notwithstanding these concerns, the application was not refused due to being contrary to DM3.5. In addition, the Inspectors Appeal Decision for P2017/1654/FUL did not mention the quality of outdoor amenity spaces. Amendments have been made to the ground floor rear gardens which are considered to be a substantial improvement when compared to the previous scheme. It is noted that the rear elevation no longer includes the glazed projections at ground floor level, increasing the size and usability of outdoor amenity space. The rear gardens were previously used for the storage of bicycles. These are now located within an internal enclosure to the front of each property, which increases the amount of usable garden area. In light of the changes to the rear gardens, as well as the lack of any concerns raised by the Planning Inspector's Appeal Decision, it

would be considered that the private amenity space would be of sufficient size and quality.

- 10.56 Overall, the proposal is considered to provide satisfactory living conditions and adequate outdoor amenity space for future occupiers, and is acceptable in this regard and compliant with DM3.4 and DM3.5 of the Development Management Policies 2013.

AMENITY

- 10.57 Policy DM2.1(x) seeks to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.58 The rear elevation of the proposed building faces towards the rear of the residential properties on Chillingworth Road and in close proximity to the eastern elevation of the St James School Flats. There is an existing level of overlooking between the existing windows on the first floor rear of the existing residential unit at 5 George's Road and windows on the rear elevation of the commercial property at 4A Chillingworth Road.

Outlook and Sense of Enclosure

- 10.59 Paragraph 2.14 of the Development Management Policies 2013 seeks to ensure a minimum distance of 18 metres between windows of habitable rooms, to protect privacy for proposed residential developments and existing residential properties. However, it notes that this does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.
- 10.60 The height, scale, bulk and massing of the proposals broadly matches that previously proposed. There have been minor alterations to the design of the end house known as house 5, to reduce its size and omit its roof terrace. Concerns had been raised by the Council due to the impact on outlook to the windows of Flats 1 and 6 within the St James School site which face towards the side elevation of the application site.
- 10.61 It is noted that the Inspector's Appeal Decision letter for appeal ref: APP/V5570/W/18/320677 noted the following comments with regards to the impact on neighbouring amenity caused by House 5:

'Turning to the matter of outlook from Flats No.1 and 6 of the LLB, these properties have habitable room windows in their side elevation, directly facing the appeal site, close to it. Although the living rooms concerned also have front-facing windows, the side windows serving the double height living rooms provide a key level of outlook, particularly for Flat No.1.'

The gable end of proposed dwelling 5 would be just over 3m from one of the side windows of Flat No.1. Dwelling 5's rear roof terrace would around 5m from Flat No.1's other side window. Despite the changes to the roof and mass of the proposed development's end unit nearest to the LLB, compared to the previous scheme, these combined factors would cause harm to the outlook of Flat No.1 and create an undue sense of enclosure of it. I attach moderate weight to this harm.

The view of the proposed development from the side windows of Flat No.6 would largely be over the top of the barrel roof of proposed dwelling 5, to the gable end of proposed dwelling 4. As such, I consider that dwelling 5 would not cause significant harm to the outlook of Flat No.6.

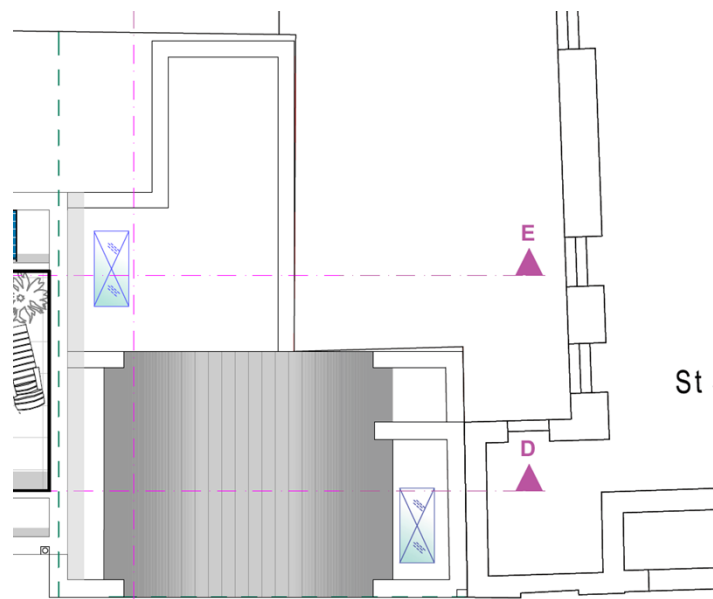


Image 12: Roof Plan (P2017/1654/FUL)

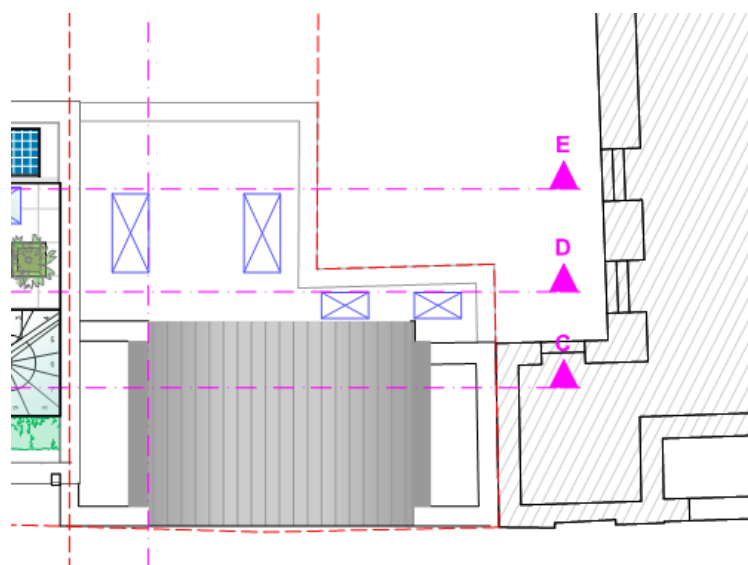


Image 13: Roof Plan (current proposal)

- 10.62 Whilst the barrel roof to House 5 has been retained within the current proposals, its overall depth has been materially reduced from 6.1m to 3.7m when compared to P2017/1654/FUL. In addition, the full depth ground floor rear addition with outdoor terrace above has been omitted from the current scheme. Therefore whilst the barrel roof to House 5 would remain in close proximity to side facing windows at Flats 1 and 6 of the Locally Listed Building, the overall scale and massing of the house has been materially reduced. These changes are considered sufficient to overcome the previous reasons for refusal and the Planning Inspectorates appeal decision relating to the loss of outlook and increased sense of enclosure experienced by occupiers of adjacent Flat no.1.
- 10.63 Given the separation distances, the height of the proposed dwellings are not considered to have a harmful impact on the other neighbouring residential properties, specifically those on Chillingworth Road with regards to outlook or enclosure.

Overlooking/Loss of Privacy

- 10.64 The rear elevation of the upper floors of the proposed residential units is located a similar distance from the rear boundary of the site to that proposed under the refused scheme. The rear elevation of the upper floors of houses 1 and 2 continue to be located approximately 3.5 to 4m metres from the rear boundary of the site. The position and extent of the third floor roof terraces on houses 1 to 4 on the latest scheme closely match those on the previously refused scheme. It is noted that the Planning Inspector did not consider the roof terraces to result in a harmful loss of neighbouring amenity.
- 10.65 Consideration has been given to the impact on overlooking and privacy to the neighbouring property at nos. 4, 8 and 10 Chillingworth Road which are located at a distance between 16m to 22m away with the exception of the rear of 6 Chillingworth Road which has a rear extension resulting in a reduced distance to windows of habitable rooms. Consideration has been given to the relationship of the proposed rear windows and the roof top roof terrace.
- 10.66 In the latest appeal decision, the planning inspector noted that '*a planning condition could also be applied regarding roof terrace details to address privacy and noise concerns.*' It is noted that the proposed roof terraces would incorporate a setback of approximately 1.5m from the rear parapet. Submitted rear elevations indicate that safety balustrades would be positioned to the rear of the terrace. However, in order to protect the amenities of residential properties to the rear, it would be required that these be privacy screens to a height of 1.7m.
- 10.67 It is noted that the rear rooms at second floor level to houses 1 to 4 are now shown as open planned kitchen/living/dining rooms with outlook to the front and rear of the property. Although submitted plans and elevations do not show the second floor level rear facing windows as obscurely glazed, such a treatment would not be considered to compromise the standard of accommodation experienced by future occupiers of the proposed development. This is on the basis that the outlook from front facing windows would be retained. A condition has been attached requiring obscure glazing to houses 1 - 4 at second floor

level and a further condition requiring details of the height and materials of the rear parapet to the third floor roof terraces to be submitted and approved prior to occupation of the units and retained in perpetuity.

- 10.68 In addition to the above, the roof terrace to House 5 previously proposed under P2017/1654/FUL has been omitted from the scheme. This weighs in favour of the current scheme, particularly noting the concerns over the close proximity of the roof terrace to the nearest windows of habitable rooms at St James School flats that were raised by officers and the Planning Inspectorate previously. Conditions have also been suggested to restrict the use of the flat roof as external amenity space and for it to be a biodiverse/green roof instead.

Daylight and Sunlight

- 10.69 A daylight and sunlight report has been submitted. This takes into account the neighbouring buildings which could be affected by the development namely; Flats within Radford House, St James School Flats and 6 – 10 Chillingworth Road (even).
- 10.70 Daylight and Sunlight: The application has been submitted with a sunlight and daylight assessment. An additional table has been submitted which includes the existing levels of daylight and sunlight, and the results of the impact of the consented scheme and the revised proposed scheme. The assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to policy DM2.1 identifies that the BRE ‘provides guidance on sunlight layout planning to achieve good sun lighting and day lighting’.
- 10.71 Daylight: 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).*
- 10.72 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.*”

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

10.74 Sunlight: the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:

In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.

In cases where these requirements are breached there will still be no real noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of annual probable sunlight hours

10.75 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasises that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

Analysis of Daylight Results

10.76 The report indicates that the proposed development would pass the BRE Vertical Sky Component (VSC) Test.

10.77 The report highlights that a material loss of daylight (VSC) would occur with regards to 2no. living/dining windows (W6/50 and W10/50) on the ground floor of St James School Flats. The losses would be 31.26% and 23.09%. Both resulting VSC would be greater than 18% better than all but 2 other ground floor windows in this building. These 2no windows serve the same room (along with 5 other windows) and the room would experience 0.1% loss in daylight Distribution – representing BRE compliance to that test. The threshold for the reduction would therefore remain within the acceptable range as outlined in the BRE Guidelines.

10.78 The report indicates that adjoining properties/rooms tested for BRE Daylight Distribution would all pass but one room. This is located on the first floor of St James School flats, identified as Room R1/51 which would see a loss of 41.3%. This loss is as experienced by P2017/1654/FUL and was considered to weigh against the scheme as a whole as outlined within the officer report. The Daylight Sunlight Report that has been submitted with the current application notes that the window sill serving R1/51 is just above the internal finished floor level and the window head is only marginally above the conventional working plane used to plot the no skyline. The report therefore considers the daylight distribution test to be inappropriate in this instance.

10.79 The applicants submitted Daylight and Sunlight Report, shows the height of the window serving R1/51 within St James School Flats. This information was not included within the report submitted with the previous refusal. Therefore, whilst the results in terms of Daylight Distribution remain as previously proposed, it is considered that the further losses experienced have been suitably justified by the applicant.

10.80 The results in VSC and Daylight Distribution Testing referenced in the paragraphs above relating to the St James School Flats have been extracted within the table below. Failures are highlighted in bold.

Floor	Room / Window	Room use	Vertical Sky Component			No Sky Line (Daylight Distribution)		
			Existing (%)	Proposed (%)	Percentage reduction in VSC	Existing %	Proposed %	Percentage reduction in Daylight Distribution
St James School Flats								
Ground	R1/40 W1/40	Kitchen	11.79	13.24	-12.3	44.3	44.3	0
Ground	R1/50 W1/50	Living Dining	5.19	5.19	0	343	342.6	0.1
Ground	R1/50 W2/50	Living Dining	4.77	4.77	0			
Ground	R1/50 W3/50	Living Dining	22.8	22.8	0			
Ground	R1/50 W4/50	Living Dining	19.04	19.04	0			
Ground	R1/50 W5/50	Living Dining	17.13	13.79	19.5			
Ground	R1/50 W6/50	Living Dining	26.26	18.05	31.26			
Ground	R1/50 W10/50	Living Dining	23.95	18.42	23.09			
Ground	R2/50 W7/50	Living Kitchen Dining	29.42	27.03	8.12	299.2	299.5	-0.1
Ground	R2/50 W8/50	Living Kitchen Dining	9.28	9.28	0			
Ground	R2/50 W9/50	Living Kitchen Dining	7.24	7.24	0			
First	R1/41 W1/41	Bed	18.15	17.38	4.24	41.3	41.3	0

First	R1/51 W2/51	Bed	31.26	25.46	15.55	110.3	64.8	41.3
First	R2/51 W1/51	Bed	19.03	19.03	0	83.5	83.5	0
First	R3/51 W3/51	Bed	33.56	30.52	9.06	122.0	121.9	0.1

Table 3: VSC and Daylight Distribution Testing to St James School Flats (Ground and First Floor)

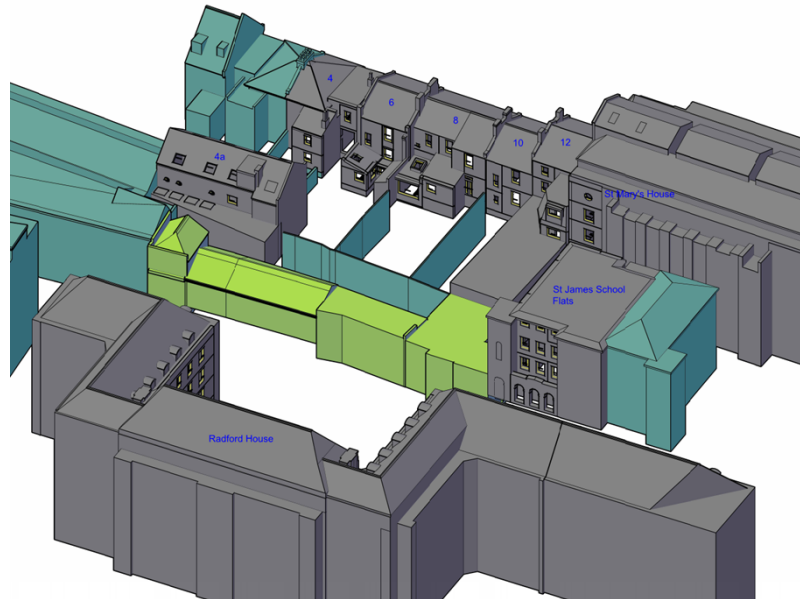


Image 13: Daylight/Sunlight Imagery Existing

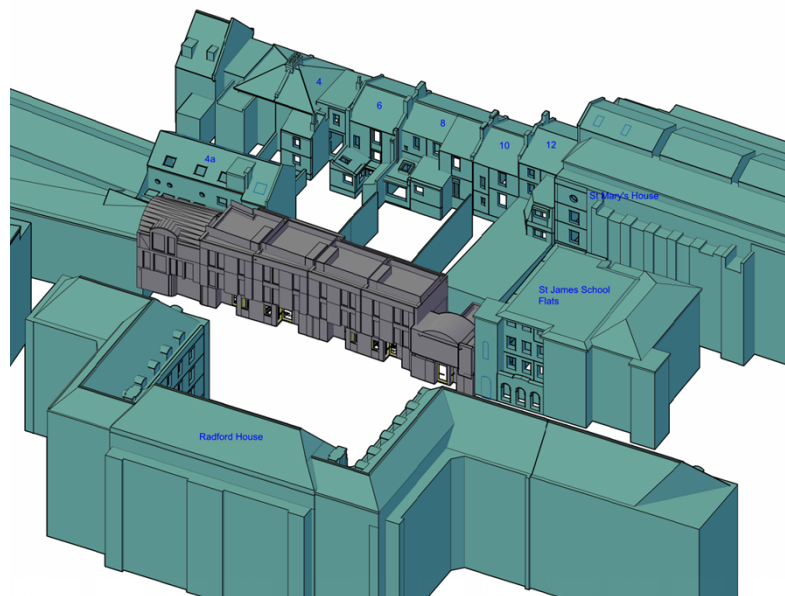


Image 14: Daylight/Sunlight Imagery Proposed

Analysis of Sunlight Results

- 10.81 The applicants Daylight and Sunlight Report provides little interpretation in terms of the likely impacts on annual probable sunlight hours that will be experienced by the proposed development. Whilst this is unfortunate it is noted that the results of testing undertaken at Radford House, St James School Flats and no.6 Chillingworth Road have all been included in the report at Appendix 5. those windows which are shown pass the BRE requirements for APSH and WPSH.

Noise disturbance

- 10.82 With regards to the concerns raised in relation to noise disturbance the scheme is for residential use and office use. It is considered that these uses would not generate noise disturbance to a level that would warrant a refusal of the application. The Acoustic Officer did not raise concerns regarding the proposed uses. However, conditions relating to noise associated with any additional plant equipment and limiting the hours of operation of the lift shaft have been recommended to further control noise disturbance.
- 10.83 The proposal is therefore considered to have an acceptable impact on regard to the amenity of the occupiers of neighbouring properties and those within the proposed development. It would therefore comply with policy DM2.1 of the Development Management Policies 2013, subject to conditions relating to sound insulation between uses, lift noise and land contamination investigation.

INCLUSIVE DESIGN

- 10.84 The proposals result in five new build residential dwellings (four units over three floors and one unit over two floors) and a new B1 Office unit over new basement to second floor levels.
- 10.85 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years.

- 10.86 As a result, the proposed new units are required to accord with Category 2 of the National Standards for Housing Design, set out within the Building Regulations.
- 10.87 Planners are only permitted to require (by Condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The GLA by way of Minor Alterations to the London Plan 2015, has reframed LPP 3.8 Housing Choice to require that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London. In this regard, as part of this assessment, these emerging revised London Plan policies are given weight and inform the approach below.

Residential Units

- 10.88 The layouts of the ground and first floor of the residential units seem largely to meet Category 2 standards. The Inclusive Design Officer has been consulted throughout the assessment process and has had access to amended drawings. They have advised that all thresholds within the proposed flats must not exceed 15mm in order to be considered accessible. This detail can be secured by condition, ensuring that all elements of the scheme are compliant with Category 2 of the National Standards for Housing Design as set out within the Building Regulations.

B1 Office Unit

- 10.89 The Inclusive Design SPD still applies to commercial units. Whilst the Inclusive Design Officer has objected to the proposed platform lift, it is acknowledged that the applicant will be required to undertake internal works in accordance with the relevant Building Control Regulations. As no other objections were raised in this regard, an informative will be included to remind the applicant to construct in accordance with the relevant Building Control Regulations.

HIGHWAYS AND TRANSPORTATION

- 10.90 The site has excellent access to public transport and the Public Transport Accessibility (PTAL) rating is 6a. Bus routes within walking distance to the site are the 43, 153, 263, 271, 393 and N41 from Holloway Road. The site is a five to ten-minute walking distance to Holloway Road Underground Station on the Piccadilly Line, Caledonian Road Underground Station also on the Piccadilly Line, and Drayton Park rail station which provides a frequent weekday service between Moorgate and Hertfordshire.
- 10.91 As the scheme is to be recommended for approval subject to a legal agreement, a clause has been inserted in the Unilateral Undertaking preventing the new residents from being permitted to apply for on-street car parking permits. This is required to ensure that the development meets the requirements of Part H of Core Strategy Policy CS10 (Sustainable development), and Development Management Policy DM8.5 (Vehicle parking).

- 10.92 The council's policies require one cycle parking space per bedroom and 1 per 80 square metres of B1 floorspace. Capacity for 2no. bicycles is shown in a secure location within the building at ground floor level and accessible from George's Road. Whilst this represents a shortfall of 1no as required by Development Management Policy DM8.5, it would not be sufficient to warrant refusal of the application. This is particularly noting the sites location and its high level public transport accessibility. A condition will be included to ensure the submission of details of the storage unit to ensure it is high quality.
- 10.93 The submitted Highways Statement anticipates that refuse collection for the residential units will be carried out on-street in a similar fashion to other residential properties along George's Road. It also notes that the full details of delivery and servicing will not be fully realised until a later date. As the proposals include residential and office uses at a scale that is broadly consistent with that already established in the area, it is considered that a condition requiring details of a Delivery and Servicing Plan to be agreed by the LPA would be appropriate in this instance.

BASEMENT EXCAVATION

- 10.94 The proposal includes single storey basement level excavation covering an extent of 50 square metres and would be wholly contained within the same footprint as the B1 office unit.
- 10.95 For all basement development a Structural Method Statement (SMS) must be submitted (in accordance with the SMS requirements in Appendix B) of the Basement Development SPD 2016 in support of any such application, and this must be signed and endorsed by a Chartered Civil Engineer or Chartered Structural Engineer.
- 10.96 The new basement would only be one storey below ground, with an internal ceiling height of 2.8m. This is considered to be acceptable height for office accommodation.
11. The application is accompanied by a Basement Impact Assessment (BIA), which has been prepared by Symmetrys Limited and signed by a Structural Engineer (CEng MStructC). The Basement Impact Assessment includes information on site history, geology, ground water, flooding, and ground stability. The BIA also includes structural engineering drawings and calculations, including details of underpinning. It is considered that the BIA is consistent with the requirements set for Structural Method Statements outlined within Appendix B of the Basement Development SPD and a condition will be included on any permission being granted requiring compliance with the details and methodologies outlined within the BIA. An additional condition has been recommended to secure the current structural engineer throughout the entire construction phase of the development.

REFUSE AND RECYCLING

- 11.1 Storage for refuse and recycling is shown within the front ground level courtyard of each new unit (including commercial). The storage areas are shown as contained within the application site and within secure locations.
- 11.2 Further details will be secured by conditions in order to ensure that storage areas are sufficiently sized and suitably designed as to not cause harm to the character and appearance of the host property or wider conservation area.

ENERGY AND SUSTAINABLE DESIGN AND CONSTRUCTION

- 11.3 The applicant has submitted an Energy Statement and a Developer Statement and includes the provision of solar panels on the roof tops of the proposed residential units and the commercial unit.
- 11.4 Development Management policy DM6.5 requires all new development to protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development and surrounding area. Developments are required to provide green roofs and the greening of vertical surfaces where it can be achieved in a sustainable manner.
- 11.5 Policy DM7.1 provides advice in relation to sustainable design and construction, stating 'Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development'.
- 11.6 The application has been supported by an Energy Strategy prepared by Energist London in June 2019. This document details how the dwelling will achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement incorporates the 'Be Lean Be Clean Be Green' approach and describes the use of high quality building fabric, materials, glazing and the installation of 3.6 kWp of photovoltaic panels to the flat roof areas, on a 30° pitch. This is to ensure sustainable standards of design in the interest of addressing climate change and to secure sustainable development. The report specifies a 19.33% reduction in CO2 emissions across the whole site and identifies the following design measures to reduce energy demand:
 - Energy-efficient building fabric and insulation to all heat loss floors, walls and roofs.
 - High-efficiency double-glazed windows throughout.
 - Quality of build will be confirmed by achieving good air-tightness results throughout.
 - Low-energy lighting throughout the building, with automatic occupancy controls to the non-domestic areas.
 - High efficiency mains gas boilers to all plots.

- 11.7 The report also specifies strategies to limiting water consumption to the standard of 125 litres of water per person per day.
- 11.8 Although not shown as part of the scheme, a condition will be included to secure the use of the flat roof above ground floor level of House 5 as a biodiverse green roof. The condition will require details of the green roof to be submitted to and approved by the LPA to ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.
- 11.9 The provision of pv Solar cells on the roof of the new building as well as use of sustainable and high quality materials, contributes to renewable energy and carbon reduction in accordance with policies 5.1; 5.2; 5.3; and 5.9 of the London Plan (2016) and policy CS10B of the Islington Core Strategy (2011), and policies DM7.1, DM7.2 and DM7.4 of the Development Management Policies (2013).

TREES

- 11.10 Policy DM6.5 seeks to ensure developments protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. Part B of this policy seeks to ensure developments within proximity of existing trees are required to provide protection from any damage during development. Also the council will refuse permission or consent for the removal of protected trees (TPO trees, and trees within a conservation area) and for proposals that would have a detrimental impact on the health of protected trees.
- 11.11 The design incorporates the existing neighbours tree and there is adequate rooting volume and above ground space to ensure the tree can continue to contribute environmental and amenity benefits. The Tree Officer has been consulted with on a number of similar recent applications at this site and has not objected.
- 11.12 The Council's Tree Officer has assessed the submitted report and has recommended conditions in the event the application is approved, requiring a scheme for the protection of the retained off site trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an Arboricultural Method Statement (AMS) to be submitted to and approved in writing by the Local Planning Authority.
- 11.13 The Tree Officer has confirmed that he would have no objections to the proposal subject to the imposition of this condition. It is therefore considered that the proposal would be acceptable in this regard and compliant with the objectives of Policy DM6.1.

AFFORDABLE HOUSING

- 11.14 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (SPD) together with Core Strategy policy CS12 Part G states that development proposals below a threshold of 10 residential units (gross) will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough.
- 11.15 Paragraph 3.0.5 of the SPD states 'in line with the evidence base, the council will expect developers to be able to pay a commuted sum of £50,000 per unit for sites delivering fewer than 10 residential units in the north and middle parts of the borough where this site is located.
- 11.16 As a proposal for five units which results in an uplift of four residential units, the scheme is liable for a contribution to Affordable Housing of 4 x £50,000 totalling £200,000. The applicant has submitted a viability assessment and initially was not proposing to make the contribution as sought by the Islington Affordable Housing Small Sites Contributions SPD. As the proposal results in the provision 5 new build residential houses, a financial contribution of £7,500 is required as set out in the Environmental Design SPD.
- 11.17 The applicant initially submitted a Viability Appraisal which concluded that a contribution would not be viable, which was consistent with the conclusions of the Planning Inspectors Decision for P2017/1654/FUL. Notwithstanding this, the Viability Appraisal prepared by the Council's independent viability assessors, Adams Integra, concluded that the scheme could support the full contribution of £200,00 towards off-site Affordable Housing plus £7,500 towards the Council's Carbon Offset strategy.
- 11.18 The applicant initially provided a rebuttal to the contribution being sought. This was sent to the Council's Independent Viability Assessor, Adams Integra. They have maintained various assumptions within their updated financial viability assessment including their residential sales values and commercial rental values assumptions. LBI Officers agree with Adams Integra's total assumed residential sales values of £4,756,000, and rental values of £20psf for the basement and £30psf for the upper floors for the proposed B1 unit.
- 11.19 Adams Integra have revised three assumptions including increasing professional fees to 10% of construction costs, including a carbon offsetting contribution to £7,500 and amending developers profit which has been increased to 17% on the residential element with 15% on the commercial. These adopted assumptions result in a reduced residual land value of £868,305, but this remains above the Benchmark Land Value of £857,500 and therefore demonstrates that the scheme can still viably provide the full small sites affordable housing contribution of £200,000.
- 11.20 The applicant was advised that the council were of the view that Adams Integra's adopted input assumptions are reasonable and that the proposed development can viably provide the required £200,000 Small Sites Affordable Housing contribution. The applicant then agreed to pay the required contribution towards affordable housing and carbon offsetting.

- 11.21 Consequently, the applicant is now required to enter into a Unilateral Undertaking to pay the £200,000 Small Sites affordable housing contribution and the £7,500 carbon offsetting contribution.

OTHER MATTERS

Archaeological Priority Area

- 11.22 Islington GIS maps confirm that the site is immediately adjacent to the Ring Cross Hamlet Archaeological Priority Area. As the site is adjacent to the existing Archaeological Priority Area, but not within it, consultation with Historic England has not been undertaken. It is also noted that within Historic England's Archaeological Priority Areas Appraisal (July 2018) Ring Cross Hamlet Archaeological Priority Area appears to have been omitted. In light of this, basement excavation works in accordance with the Basement Development SPD 2016 is considered appropriate and no further archaeological investigation works are required.

Swifts and Bats

- 11.23 Concerns have been raised in relation to the lack of nesting locations for swifts and bats. The applicant has submitted an Ecological Appraisal which provides the results of a survey undertaken to determine whether any swifts or bats have been nesting on site. The report concludes that whilst neither were observed on site, a total of 2no. bat brick boxes and 2no. swift boxes be installed beneath the eaves of the proposed building. As such a condition has been recommended for at least 4 no nesting location to be provided.

Community Infrastructure Levy (CIL)

- 11.24 It should also be noted that the proposal would be liable for CIL (Community Infrastructure Levy) payments.

12. SUMMARY AND CONCLUSION

Summary

- 12.1 A summary of the proposal and its impacts and acceptability is set out at paragraphs 3.1 to 3.7 of this report.
- 12.2 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and material considerations being the National Planning Policy Framework and as such is recommended for approval subject to conditions.

Conclusion

- 12.3 It is recommended that planning permission be granted subject to conditions and section 106 legal agreement head of terms as set out in Appendix 1.

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:

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 the heads of terms as set out in this report to Committee.

The Heads of Terms agreed by the applicant are:

- A financial contribution of £200,000 towards the provision of off-site affordable housing
- A financial contribution of £7,500 towards CO2 offsetting.
- Car-free development
- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement

All payments are due on commencement of development and are to be index-linked from the date of committee. Index linking is calculated in accordance with the Retail Price Index. Further obligations necessary to address other issues may arise following consultation processes undertaken by the allocated S106 Officer.

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5)

2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Dwg 03-100 Rev B; Dwg 03-101 Rev B; Dwg 03-102 Rev B; Dwg 03-103 Rev B; Dwg 03-104 Rev B; Dwg 03-200 Rev A; Dwg 03-201 Rev A; Dwg 03-300 Rev A; Dwg 03-301 Rev A; Dwg 03-302 Rev A; Dwg 03-303 Rev A; Dwg 03-000; Dwg 03-001; Dwg 03-002; Dwg 03-003; Dwg 03-004; Dwg 03-005; Dwg 03-006; Dwg 03-007; Dwg 03-008; Dwg 03-009; Daylight & Sunlight Report 22 May 2019 by Lumina London Limited; Design & Access Statement June 2019; Ecological Appraisal June 2019; Tree Quality Survey June 2019; Energy Strategy 6 June 2019 by Energist London; Highways Technical Note May 2019; Planning Statement May 2019 by Nicholas Taylor + Associates; Desktop Basement Impact Assessment Rev B January 2018 by Symmetrys Ltd</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials
	<p>MATERIALS (DETAILS): Details and samples of all 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> <p>a) solid brickwork (including brick panels and mortar courses) b) window treatment (including sections and reveals); c) plinth to the front elevation along entire terrace d) roofing materials; e) balustrading treatment (including sections); and f) any other materials to be used.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</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>
4	Category 2 Condition
	<p>CONDITION: Notwithstanding the drawings hereby approved, all residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall</p>

	<p>be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs.</p>
5	Inclusive Office
	<p>CONDITION: Notwithstanding the drawings hereby approved, further details will be required to be submitted and approved in writing to Council prior to occupation of the development:</p> <p>These details include</p> <ul style="list-style-type: none"> - specifications of the platform lift and openings of lobby door - The WC with a 1500mm turning circle <p>REASON: to secure the provision of visitable and adaptable office accommodation appropriate to meet diverse and changing needs.</p>
6	Construction Environmental Management Plan
	<p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development 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 order to mitigate the impact of the development to nearby residents and businesses.</p>
7	Basement Development Monitoring
	<p>BASEMENT DEVELOPMENT MONITORING: The Chartered Structural Engineer (MI Struct.E) certifying the Structural Method Statement (SMS) dated January 2018 submitted to support the hereby approved development shall be retained (or a replacement person holding equivalent qualifications shall be appointed and retained) for the duration of the development to monitor the safety of the construction stages and to ensure that the long term structural stability of the existing buildings and other nearby buildings are safeguarded, in line with the supporting Structural Method Statement. At no time shall any construction work take place unless a qualified engineer is appointed and retained in accordance with this condition.</p> <p>REASON: To ensure that the construction work carried out is in accordance to the submitted Structural Method Statement for the duration of the construction and maintain compliance with the Islington Basement Development SPD (2016).</p>

8	Construction Method Plan
	<p>CONDITION: No development works shall take place on site unless and until a Construction Method Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The CMP should include details on the access, parking, and traffic management and delivery arrangement throughout the construction phase of the development. This should include:</p> <ul style="list-style-type: none"> a) identification of construction vehicle routes b) how construction related traffic would turn into and exit the site (including appropriate traffic management) c) the method of demolition and removal of material from the site d) the parking of vehicles of site operatives and visitors e) loading and unloading of plant and materials f) storage of plant and materials used in constructing the development g) the erection and maintenance of security hoarding h) wheel washing facilities where applicable i) measures to control the emission of dust and dirt during construction a scheme for recycling/disposing of waste resulting from demolition and construction works j) construction works k) reference the Arb Report that seeks to protect the 2no. street trees at the front of the site <p>The development shall be carried out strictly in accordance with the details so approved and no change from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity.</p>
9	Sound Insulation Between Uses
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed D1 office and C3 residential uses of the development shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby 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 future occupiers are not unreasonably impacted by unreasonable levels of noise generation.</p>

10	Lift Sound Insulation
	<p>CONDITION: Prior to the first occupation of the residential flats hereby approved sound insulation shall be installed to the lift shaft sufficient to ensure that the noise level within those residential flats does not exceed NR25(Leq) 23:00 - 07:00 (bedrooms) and NR30 (Leq 1hr) 07:00 - 23:00 (living rooms) and a level of +5NR on those levels for the hours of 07:00 - 23:00</p> <p>REASON: To ensure future occupiers are not unreasonably impacted by unreasonable levels of noise generation.</p>
11	Land Contamination
	<p>“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: 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>
12	Refuse/Recycling
	<p>CONDITION: Details of refuse / recycling storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The refuse / recycling storage and collection arrangements shall ensure that storage bins do not obstruct the public highway. The dedicated refuse / recycling enclosure(s) approved shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</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>
13	<p>Cycle Parking (Details)</p> <p>CYCLE PARKING PROVISION (DETAILS): Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) for the site shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the residential units approved under this consent. The storage area(s) shall be secure and provide for no less than 9 cycle spaces for the proposed residential units and 2 spaces for the commercial uses hereby approved. The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
14	<p>Tree Protection (Details)</p> <p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ol style="list-style-type: none"> a. Location and installation of services/ utilities/ drainage. b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c. Details of construction within the RPA or that may impact on the retained trees. d. a full specification for the installation of boundary treatment works. e. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. f. Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses. g. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. h. a specification for scaffolding and ground protection within tree protection zones.

	<ul style="list-style-type: none"> i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. j. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires k. Boundary treatments within the RPA l. Methodology and detailed assessment of root pruning m. Reporting of inspection and supervision n. Methods to improve the rooting environment for retained and proposed trees and landscaping o. Veteran and ancient tree protection and management <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.</p>
15	Second Floor Rear Facing Windows
	<p>CONDITION: Notwithstanding the details shown on the plans hereby approved, the windows to the rear of houses 1 to 4 at second floor level shall be obscure glazed up to 1.7m above finished floor level and shall be implemented fully prior to first occupation of the dwellings and be maintained as such thereafter into perpetuity.</p> <p>REASON: To prevent the undue loss of privacy to the future residential dwellings.</p>
16	Details of Roof Top Privacy Screens and Safety Balustrades
	<p>CONDITION: Prior to the occupation of the building details of the height and materials of the rear parapet and front facing safety balustrades to the roof terraces are to be submitted to and approved in writing by the Local Planning Authority.</p> <p>Rear balustrades shall be obscured and shown as being 1.7m in height from finished floor level.</p> <p>REASON: To ensure the outlook and privacy of neighbouring properties and visual appearance of the host building is not adversely impacted by the proposed development.</p>

<p>17</p>	<p>Biodiversity Green Roof House 5 (DETAILS)</p> <p>CONDITION: The flat roof area above ground floor level to House 5 shown on plan no. Dwg 03-102 Rev B hereby approved shall be used only for the purpose as a biodiversity green roof. Details of the biodiversity green roof at third floor level shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity green roof shall be:</p> <p>d) biodiversity based with extensive substrate base (depth 80-150mm);</p> <p>e) laid out in accordance with plans submitted and hereby approved; and</p> <p>f) 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> <p>The biodiversity green 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>
<p>18</p>	<p>Photovoltaic Panels (details)</p> <p>CONDITION: Prior to first occupation of the development hereby approved, details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to the following and should demonstrate that the panels are not visible from Georges Road:</p> <ul style="list-style-type: none"> • Location; • Area of panels; and • Design (including angle of panels and elevation plans). <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.</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 of design.</p>

19	Sustainable Design & Construction
	<p>CONDITION: The hereby approved development shall be carried out strictly in accordance with the approved Energy Statement (Energist London) dated June 2019.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
20	Bird/Bat Boxes (Compliance)
	<p>CONDITION: For the hereby approved development, a minimum of 4 no. nesting boxes / bricks shall be installed prior to the first occupation of the building to which they form, and shall be retained into perpetuity.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and bio diversity enhancements.</p>

Informatives

1	CIL
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL).</p> <p>The Council will issue a CIL Liability Notice stating the CIL amount that will be payable on the commencement of the development. Failure to pay CIL liabilities when due will result in the Council imposing surcharges and late payment interest.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/cil, and the Islington Council website at www.islington.gov.uk/cil. CIL guidance is available on the GOV.UK website at www.gov.uk/guidance/community-infrastructure-levy.</p>
2	Tree Protection
	<p>The following British Standards should be referred to:</p> <ul style="list-style-type: none"> a. BS: 3998:2010 Tree work – Recommendations b. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

3	Construction Works
	<p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
4	Highways Requirements
	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. All agreements relating to the above need to be in place prior to works commencing. Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing. Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk. Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk. Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk.</p>
5	Section 106 Agreement
	<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>

APPENDIX 2: RELEVANT POLICIES

RELEVANT POLICIES

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.

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

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.

A) The London Plan 2016

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

3 London's people

Policy 3.1 Ensuring equal life chances for all
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
Policy 3.15 Coordination of housing development and investment

5 London's response to climate change

Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.13 Sustainable drainage

6 London's transport

Policy 6.9 Cycling
Policy 6.13 Parking

7 London's living places and spaces

Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture

8 Implementation, monitoring and review

Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Policy CS10 (Sustainable Design)
Policy CS12 (Meeting the Housing Challenge)
Policy CS13 (employment space)

Strategic Policies

Infrastructure and Implementation

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

Policy CS18 (Delivery and Infrastructure)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Housing

DM3.1 Mix of housing sizes

DM3.4 Housing standards

DM3.5 Private outdoor space

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

Transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

Designations

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

- Article 4 Direction – St Mary Magdalene Conservation Area
- Employment Growth Area
- Mayors Protected Vista
- Within 100m of a TLRN Road
- Article 4 Direction A1 – A2(Rest of Borough)
- Article 4 Direction B1(c) to C3

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Environmental Design
- Small Sites Contribution
- Accessible Housing in Islington
- Urban Design Guide
- Inclusive Design

London Plan

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction

Appendix 3 Previous appeal decision



The Planning Inspectorate

Appeal Decision

Site visit made on 10 December 2018

by **William Cooper BA (Hons) MA CMLI**

an Inspector appointed by the Secretary of State

Decision date: 29th March 2019

Appeal Ref: APP/V55700/W/18/3200677
5, 7-11 & 13 George's Road, London N7 8HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Bexwell Developments against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2017/1654/FUL, dated 18 April 2017, was refused by notice dated 23 February 2018.
 - The development proposed is the demolition of the existing buildings and structures on the site, together with the erection of a five residential dwellings (1-4 three bed and 5 one bed) and Office building B1, together with landscaping, cycle parking and storage.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the determination of the application for planning permission, the Government published a revised National Planning Policy Framework¹ (the Framework). I shall proceed on this basis.

Main Issues

3. The main issues are:
 - (a) whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to outlook, overbearing, natural light, defensible space and ventilation
 - (b) the effect of the proposed development on the living conditions of the occupants of neighbouring properties, in respect of outlook
 - (c) whether the proposed development would preserve or enhance the character or appearance of the St Mary Magdalene Conservation Area (CA), including its effect on the character and appearance of the adjacent St James' School flats locally listed building (LLB), and
 - (d) whether the proposed development makes sufficient provision for affordable housing.

Reasons

Background

4. I have had regard to the planning history of the site, specifically the application for a three-storey plus lower ground floor building, comprising six dwellings and office space in 2015, which was refused, and the subsequent appeal decision Ref: APP/V5570/W/16/3144490. Given the relatively recent nature of this decision on the same site as the proposed development, I afford it substantial weight.

Living conditions of future residents

5. Regarding outlook, the previous Inspector's concern has partly been addressed through not having basement rooms in the proposed development. However, concern remains about outlook from rear ground floor windows, as the proposed building would be closer to the high rear boundary wall than the previous scheme which was considered unacceptable. I note that the appellant considers that 'views over the rear boundary wall would be visible from deep within the living/kitchen/dining room, with a generous amount of private amenity space provided'. However, with reference to the drawings, it is evident that the rear wall would overly dominate rear views from within much of the proposed building's ground floor.
6. Having regard to the above factors, I find that the proposal would result in inadequate outlook for its future occupants at rear ground floor level, with an unacceptable sense of enclosure and being hemmed in. I do not accept that views of the sky to the rear of the rear of the dwellings, as cited by the appellant, derived from Vertical Sky Component (VSC) figures, would be sufficient to overcome this.
7. I am satisfied that the VSC figures provided by the appellant demonstrate that, overall, ground floor rooms in the proposed development would enjoy a reasonable level of daylight. However, this does not outweigh the harm I have found.
8. With regard to defensible space, the proposal omits internal courtyard-like enclosures at the front of dwellings, which were in the previous scheme and would provide some separation prior to entering the dwellings. I have had regard to the dwellings without defensible space at the front, cited by the appellant. However, these are older properties and I saw a modern apartment development nearby on George's Road with defensible space in the form of setback from the street and front railings. Within this context, the proposal's lack of separation from front door to the relatively narrow street would, in my judgement, result in insufficient provision of defensible space.
9. Regarding ventilation, I note that the appellant considers this is a matter for Building Regulations rather than planning. Nonetheless, Housing standards Policy DM3.4 of Islington's Local Plan: Development Management Policies (2013) (DMP), includes ventilation, and the Council has concern regarding cross-ventilation in relation to kitchen windows being fixed shut due to abutting the pavement. I find that there is insufficiently detailed evidence from the parties on this matter to reach a conclusive view on it.
10. To conclude on this main issue, the proposed development would provide unacceptable living conditions for future occupiers, with regard to outlook to

the rear and defensible space. As such, it would conflict with Policy 3.5 of the London Plan (2016) (LP), Policy CS12 of the Islington's Core Strategy (2011) (CS) and Policies DM2.1 and DM3.4 of the DMP. Together the policies seek to ensure that development safeguards the living conditions of occupiers. I attach substantial weight to this harm.

Living conditions of neighbouring occupiers

11. Turning to the matter of outlook from Flats No.1 and 6 of the LLB, these properties have habitable room windows in their side elevation, directly facing the appeal site, close to it. Although the living rooms concerned also have front-facing windows, the side windows serving the double height living rooms provide a key level of outlook, particularly for Flat No.1.
12. The gable end of proposed dwelling 5 would be just over 3m from one of the side windows of Flat No.1. Dwelling 5's rear roof terrace would be around 5m from Flat No.1's other side window. Despite the changes to the roof and mass of the proposed development's end unit nearest to the LLB, compared to the previous scheme, these combined factors would cause harm to the outlook of Flat No.1 and create an undue sense of enclosure of it. I attach moderate weight to this harm.
13. The view of the proposed development from the side windows of Flat No.6 would largely be over the top of the barrel roof of proposed dwelling 5, to the gable end of proposed dwelling 4. As such, I consider that dwelling 5 would not cause significant harm to the outlook of Flat No.6.
14. In respect of living conditions of houses on Chillingworth Road, I have had regard to neighbours' concerns about privacy and noise. Obscure glazing to bathrooms and dressing rooms on first and second floors, which could be secured by planning condition, would address overlooking from most proposed first and second floor rear windows. A planning condition could also be applied regarding roof terrace details to address privacy and noise concerns. Regarding views from first-floor bedroom windows of proposed dwellings 1 to 4, the separation distance from these to the main body of houses on Chillingworth Road, as illustrated in the drawings, would be in excess of 20m. Views from the bedroom windows would be filtered to some extent by their Juliet balconies and by the rear gardens on Chillingworth Road. These combined factors would substantially address matters of privacy and noise. However, this does not outweigh the harm I have found in respect of Flat No. 1 of the LLB.
15. To conclude on this main issue, the proposed development would cause unacceptable harm to the living conditions of the occupants of St James School Flat No.1. As such, it would conflict with Policy 3.5 of the LP, Policies CS8 and CS9 of the CS and Policy DM2.1 of the DMP. Together the policies seek to ensure that, through high quality design, development protects the residential environment as a place to live.

Character and appearance of the CA and effect on the LLB

16. The appeal site is a row of buildings comprising a two-storey Georgian house, recording studio and mechanic's workshop. It is located on a side road off Holloway Road, within the CA.
 17. The CA covers an area north of the North London Line, including a stretch of Holloway Road and some streets off it. Its significance lies in the high quality of
-

its varied architecture and townscape, including its early Victorian terraced housing, and school and college buildings. Within this context, I consider that the appeal site contributes positively to the significance of the conservation area due to its visibility from Holloway Road, its heritage buildings, and as part of the setting for the adjacent LLB.

18. George's Road features a variety of building types, styles and heights, with examples between one and five storeys high. Buildings on the street within the conservation area range from the snaking, symmetrical mass of the Radford House flats opposite the appeal site in their green grounds, to the LLB. The LLB is a fairly grand, four-storey building, whose prominence in the street is enabled by the space around it, particularly at upper floor levels. Much of the George's Road between Holloway Road and the LLB is characterised by buildings fronting directly onto, or tight to, the pavement.
19. Within this context, the proposal is for a central symmetrical core of four, flat-roofed three-storey dwellings. This core would be bookended by a fifth, lower dwelling and an office building with varied facades and curved roof elements. Roof terraces are proposed for the dwellings.
20. With regard to design quality, the simplified front building line of the proposed development satisfactorily addresses the previous appeal Inspector's concern about linearity.
21. Regarding the setting of the LLB, the proposal would result in partial loss of views of the side elevation of the LLB from George's Road. However, this is a plainer facade of the LLB than its more ornate front elevation, which will remain clearly visible. Furthermore, the one-storey step down in height from proposed dwelling 5 to the LLB would, in my judgement, provide sufficient separation space to 'announce' the LLB on George's Road. Through retaining some views of the LLB's whitewashed side elevation, this space would maintain some degree of visual 'isolation' for the LLB.
22. Moreover, I consider the increase in separation space, compared with the previous scheme, would result in a sufficiently harmonious step down from the front of the proposed building to the LLB's distinctive horizontal banding. Accordingly, the combined factors described above address the previous Inspector's concerns regarding the LLB's banding and its distinctive grandeur.
23. In summary in respect of the LLB, the proposed development would result in some reduction of views of the former's plainer northeastern elevation. However the proposal's separation space and the continued visual influence of the LLB's distinctive front elevation would overall result in a neutral effect in relation to the LLB.
24. Regarding the existing Georgian house at No.5 George's Road, as seen on my site visit, it is small, plain and unremarkable in appearance, with few of its original detailed architectural features remaining, and is in a poor state of repair. Whilst it makes a modest contribution to the eclecticism of the street's character, it is not a building of beauty or an obvious visual cue to the area's past. Furthermore, in my judgement, proposed new house 5 at the other end of the appeal site, with its two storey height and elliptical barrel roof pediment would adequately replace the eclecticism of the old No.5, in the development's front facade. As such, the old No.5's removal and new No.5's introduction would preserve the character of the streetscene and the conservation area,

thereby satisfying the Islington's Conservation Area Design Guidelines (2002) (DG). Taken along with the appellant's evidence that the refurbishment of this dwelling would be prohibitively expensive and render the scheme unviable, I am satisfied that No.5's demolition is an acceptable element of the proposed scheme.

25. I acknowledge that the proposed building is somewhat plain in its external materials and that its fenestration is more vertical than adjacent buildings. I also recognise that its elliptical roof pediment, curved dormer top and barrel top roofs would be somewhat quirky additions to the streetscene, which echo the curved window shapes of the LLB. Overall, I consider that these elements go some way to echo the eclectic spirit of the existing site. Furthermore, architecturally the proposed building's front facade strikes an acceptable balance between symmetry and individuality, and modesty and personality to fit into the street and the wider area.
26. I note the Council's view that the proposed building should be no taller than two storeys with a third-storey setback/roof addition, within the somewhat narrow streetform. However, given the proposal's separation space from the LLB and the diversity of townscape described above, I consider that the proposal would visually assimilate into the streetscene of George's Road.
27. The Council's concern about the bulk of the proposed building's roof terraces competing visually with the LLB is noted. However, the setback of the balustrade from the edge of the roof behind its parapet, as illustrated in the drawings, would satisfactorily soften the roof terraces' visual impact, viewed from the front and rear of the proposed building.
28. I turn to the proposal's relationship with adjacent industrial buildings to the east. From what I saw of the limited sight lines to those buildings from the appeal site and around it, and their plain, functional architecture, I consider that the proposal would not have an adverse effect on the setting of those buildings.
29. The proposed building would replace longer views of the Radford House flats and their grounds from the rear of terraced housing on Chillingworth Road, which is adjacent to appeal site. However, the diversity of building type, scale and density on George's Road and Chillingworth Road would help assimilate the proposal visually. Furthermore, the rear gardens of dwellings on Chillingworth Road provide some visual and spatial buffer between those houses and the proposed development.
30. Having regard to the above, whilst there would be some change to the local townscape, in my judgement the proposed development would overall assimilate satisfactorily into the area in terms of character and appearance.
31. To conclude on this main issue, the proposed development would preserve the character and appearance of the CA and would be acceptable in terms of its effect on the character and appearance of the LLB. It would therefore accord with Policies 7.4, 7.6 and 7.8 of the LP and Policy CS9 of the CS. It would also accord with Policies DM2.1 and DM2.3 of the DMP, together with the associated guidance in the DG. The policies, when taken together, seek to ensure that development is of appropriate design and appearance to conserve or enhance the historic environment. The policies are broadly consistent with the approach of the Framework in respect of the desirability of sustaining and enhancing the

significance of heritage assets, with great weight given to the asset's conservation.

Affordable housing

32. Policy CS12 of the CS sets out a requirement for a financial contribution towards affordable housing provision for proposed residential development of less than 10 units. Whilst planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise, CS12 predated the Written Ministerial Statement of 28 November 2014 (the WMS), which is confirmed Government policy. The WMS sets out that such contributions should not be sought for developments of 10 units or less, and which have a maximum combined gross floor space of 1,000 sq.m. That policy is reflected in national Planning Practice Guidance (PPG) and is now also reflected in paragraph 63 of the Framework. As such, this is a significant material consideration to which I attach great weight.
33. I have had regard to the Council's evidence of need for small sites' planning contributions for affordable housing, in light of the Borough's circumstances. These include high house prices, poverty levels, high population density and the proportion of housing delivery which comes forward on small sites. I also note that the Council takes account of development viability in the level of contributions expected.
34. I have also had regard to appeal decision Ref: APP/V5570/W/16/3144490. In that decision, the Inspector concluded that those factors set out to justify such contributions relating to the Borough's housing market would not merit a departure from the national policy, whilst acknowledging the Council's viability approach to such contribution requirements. As that decision relates to the same site, borough and development plan policy as the current appeal, I see no reason to disagree with those findings.
35. For the above reasons, I conclude on this issue that, regardless of the dispute between the parties over viability and the appellant's view that a financial contribution towards affordable housing would be unviable, such a contribution would not be necessary for this scale of housing development, due to the greater weight that I have afforded to the national policy set out in the Framework.

Conclusion

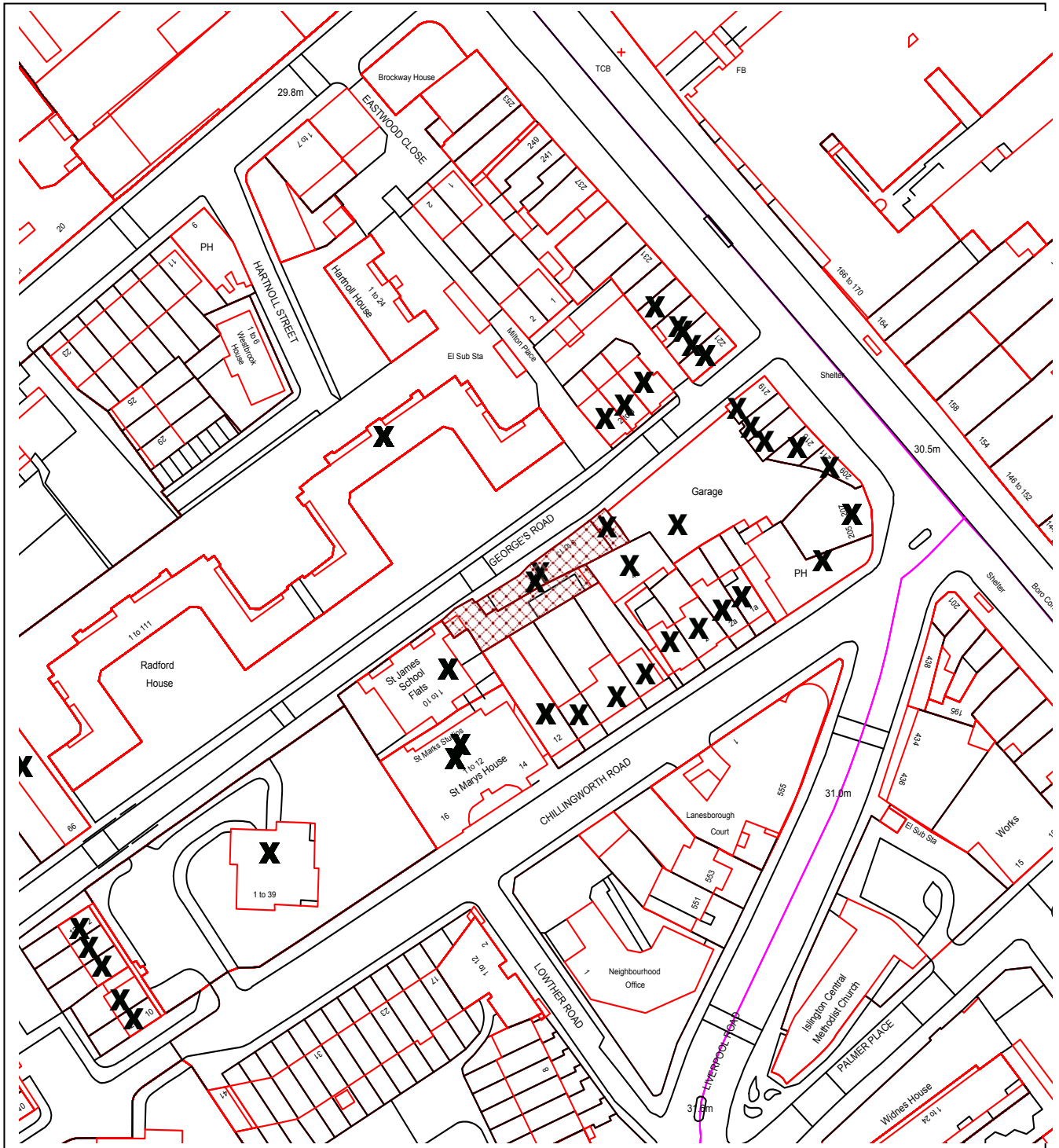
36. It is recognised that the proposal would provide five new dwellings and office space. I have also found that the proposal would be acceptable in terms of its effect on the CA and LLB, and that a contribution towards affordable housing would not be necessary. However, these matters do not outweigh the harm identified to living conditions of the future occupiers and neighbours.
37. For the reasons given above I conclude that the appeal should be dismissed.

William Cooper

INSPECTOR

This page is intentionally left blank

Islington SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.
P2019/1923/FUL

This page is intentionally left blank

ADDENDUM TO PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

Date:	14 January 2020	AGENDA ITEM B2
		NON-EXEMPT

Application number	P2018/1580/FUL
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Not listed
Conservation area	Clerkenwell Green Conservation Area (and Article 4 Direction Within 50m of Charterhouse Square Conservation Area
Development Plan Context	Core Strategy Key Area – Bunhill & Clerkenwell Central Activities Zone Employment Priority Area (General) Cherkenwell Archeaological Priority Area Major Cycle Route Finsbury Local Plan Area – Bunhill & Clerkenwell Mayor’s Protected Vistas – Alexandra Palace viewing terrace to St Paul’s Cathedral Local views from St John Street Local view from Angel Local view from Archway Road Article 4 Direction (B1(c) to C3) Adjoining Grade II listed building – No. 72 St John Street Adjoining Grade II listed building – No. 78 St John Street Adjacent Grade I and Grade II listed buildings – Charterhouse
Licensing Implications	Bunhill Cumulative Impact Policy Area A4 Drinking Establishment A3 Restaurant and Café No licensing application details have been provided by the Applicant.
Site Address	74-76 St John Street, Islington, London, EC1M 4DZ
Proposal	Change of use of part ground floor, basement and lower basement from Use Class B8 (storage) to flexible commercial use within Use Classes A3, A4 and D2. Replacement of ground floor facade and entrance doors, and fenestration to enclose existing ramp.

Case Officer	Nathan Stringer
Applicant	Venaglass Haymarket Limited
Agent	Quod – Mr Stephen Rose

1. RECOMMENDATION

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

- 1.1 the conditions set out in Appendix 2 and as amended in Sections 7 and 8 of this addendum report and legal agreement to secure the costs of works and reduction of the existing crossover in front of the site to allow for on-street refuse collection.

2. BACKGROUND OF DEFERRAL

- 2.1 This application was previously published to the agenda for the Planning Sub-Committee A meeting on 07 November 2019. However, following the publishing of the agenda, officers became aware that a number of documents submitted as part of the application (specifically relating to site demand analysis) had not been made publicly available on the Council's website, and were therefore not available review. As a result, the relevant documents were published to the website and the application was subject to an additional consultation period which was carried out from the 8th November 2019 and ended on the 8th December 2019. To accommodate the required re-consultation period, the application was withdrawn from the agenda of the Planning Sub-Committee A meeting prior to the meeting to facilitate the inclusion of the site demand report to go online and for adjoining residents and third parties to fully consider it.
- 2.2 It is important to note that no additional information has been provided by the applicant since the publication of the agenda for the Planning Sub-Committee A meeting on 07 November 2019.

3. CONSULTATION

- 3.1 The application has been subject to one round of re-consultation following the publishing of the relevant documents to the Council's website for public viewing. Letters were sent to occupants of 161 adjoining and nearby properties on 08 October 2019. A site notice and press advert were also displayed. The public re-consultation period therefore expired on 08th December 2019, however it is the Council's practice to consider representations made up until the date of a decision.
- 3.2 Six additional objections and one additional comment were received during the re-consultation period (beginning 8th November 2019), including 6no. objections and comment from previous objectors, and 1no. new objection from a neighbouring resident. In addition to the issues raised by residents following the first consultation period, the further concerns raised during the re-consultation period include:
 - The proposed low-level extractor would cause significant harm to neighbouring amenity with regard to noise and odour issues, exacerbated by the constraints of the site and nearby sensitive uses (**see paragraphs 5.1 and 5.2**)
 - The consultation of the proposal has been inadequate, and some documents not available (**see officer's note below**)
 - Loss of business floorspace within the Central Activities Zone is based upon submitted evidence which is at least 3 years old (**see paragraphs 5.3-5.4**)
 - Noise and odour impact of the proposal, including concern that the information provided to date is insufficient and noting that the Environmental Health officer recommends a condition requiring further details regarding flues and extractors to be submitted prior to first occupation of the A3/A4/D2 use to which they relate (**see paragraphs 5.1 and 5.2**)

- Outline Operational Management Plan is inadequate (**a further Scheme of Management is required to be submitted for approval under recommended Condition 8**)
- Concern that the proposed servicing and delivery details would not adequately manage the servicing/deliveries required at the site (**see paragraphs 5.5**)
- The application should be refused because the noise and odour implications of the proposal cannot be adequately assessed in the absence of detailed professional reports for such matters (**see paragraphs 5.1-5.2**)
- Concern with regard to the previous Inspector's consideration regarding neighbouring amenity concerns (**Inspector's Appeal Decision is attached at Appendix 3 of the original Committee Report**)
- Concern that the building at no. 66 was not specifically mentioned within the Committee Report (**whilst not explicitly named, the officer assessment of the proposal considered all adjoining and adjacent properties within the 'neighbouring amenity' section of the report**) and
- Concern relating to the recommended conditions of approval, including the absence of a condition requiring the proposed glazed roof to be fixed shut (**see paragraphs 5.6-5.10**).

Officers Note: upon commencement of the re-consultation period, officers noted that the relevant documents recommended for approval were publicly available on the Council's website. This was also confirmed at the writing of this addendum report (16 December 2019).

4. UPDATES FOLLOWING PLANNING SUB-COMMITTEE A 07TH NOVEMBER 2019

- 4.1 A number of the recommended conditions have been revised to address the matters raised during the re-consultation period, as well as to strengthen the recommendation for approval. These are discussed further below.

5. FURTHER OFFICER ASSESSMENT FOLLOWING THE RE-CONSULTATION PERIOD

Proposed extractor/flue unit/s

- 5.1 Significant concerns have been raised by neighbouring occupiers with regard to the impact of the proposed low-level extractor unit upon the level of amenity afforded to residents of adjoining buildings, particularly with regard to noise, vibration and odour. During the re-consultation period of the application, officers attended a site visit to no. 66 St John Street, which adjoins the rear of the application site. During this site visit, it was observed that the low-level location of the proposed kitchen extractor would likely cause harm to neighbouring occupiers as a result of the close proximity of the extractor, and that any impacts would require further officer assessment should such a system be required. Therefore, it is recommended that **Conditions 2 and 9** are revised to explicitly state that no permission is hereby granted for the extractor as shown on proposed drawing number M-4761-XX-(57)-002 Rev P0. This is further discussed within paragraphs 5.6-5.9 of this addendum report.

- 5.2 Neighbour concern has also been raised with regard to the lack of information submitted with regard to the proposed extractor flues, and absence of detailed professional reports for matters such as noise, vibration and odour impacts. These matters were previously addressed within the Committee Report, and the assessment remains unchanged; these matters are also covered by recommended **Conditions 6 (noise), 7 (mechanical plant compliance report) and 9 (flues/extraction systems) as updated.**

Loss of Business floorspace within the Central Activities Zone

- 5.3 Additional concerns were raised during the re-consultation period that the proposed loss of business floorspace is based upon submitted evidence which is at least 3 years old.
- 5.4 As noted within the Committee Report, the information submitted with the application is considered to be sufficient in detail and scope to demonstrate that the loss of the business floorspace is acceptable in this specific case. This information has been scrutinized by the Planning Policy Officer, who considers that the asking price advertised as part of the marketing exercise for the unit is reasonable; the submitted evidence demonstrates that marketing particulars had been provided during the two-year process; and that whilst no additional commentary has been submitted with regard to the current and likely future demand for floorspace within the market area, on balance the information provided is sufficient to satisfy the marketing requirements outlined in Appendix 11 of the Development Management Policies 2013.

Delivery and Servicing

- 5.5 Whilst neighbour concern has been raised with regard to the proposed servicing and delivery procedures, it must be noted that these have been reviewed by the Council's Highways Officer who has raised no concern with regard to the impact of the procedures upon the safe and efficient operation of the highway. Specifically, when a query was raised with regard to whether or not a dedicated loading bay would be required, the officer advised that the proposed method of parking on the existing yellow lines would be sufficient for the requirements of the use.

Amended recommended conditions

- 5.6 Some concern has been raised with regard to the strength of the recommended conditions in ensuring that the proposal does not have an unacceptable impact upon the level of amenity experienced by neighbouring occupiers. Generally, officers consider that the conditions previously recommended are sufficient to ensure that no undue harm is caused; this is further outlined within the Committee Report. However, there are some recommended alterations to the list of recommended conditions.
- 5.7 Following the publication of the Planning Sub-Committee A Report (7th November 2019) for the application and the re-consultation of the development, some revisions to the recommended conditions of approval have been made.

- 5.8 It is recommended that document no. 'M-4761-XX-(57)-002 Rev P0' is removed from the list of approved drawings and documents, and is therefore removed from **Condition 2**.
- 5.9 It is also recommended that **Condition 9** is re-worded to clarify that no permission is granted for the extractor details as submitted. Whilst **Condition 9** as originally drafted requires the submission and approval of details of any new extractor system prior to the first occupation of the development, for the avoidance of doubt the condition is re-worded to clarify that the outline extractor details provided within the drawings do not form part of the approval scheme.
- 5.10 It is also recommended that a new condition of approval is included, requiring that the proposed glazed roof above the access ramp is fixed shut prior to the first occupation of the unit and maintained as such into perpetuity. This matter was raised during the re-consultation period of the application, and officers noted during the site visit to no. 66 that any noise emanating from the rooflight may have the potential to cause harm to occupants of nearby residential dwellings in the case that it is openable. Concern has also been raised that any lightspill from the rooflight may also cause harm; however, officers consider that the low level of the rooflight (which is not located at the top of the lightwell) would ensure that no harmful lightspill is generated.

6. CONCLUSION

- 6.1 The application was initially withdrawn from the agenda of the Planning Sub-Committee A meeting on 07 November 2019 due to a requirement for the application to be re-consulted given that some documents recommended for approval were not available for public viewing on the Council's website. The application has since been re-consulted and officers have undertaken an additional site visit to the adjoining property at no. 66 St John Street. The proposal is not considered to cause undue harm to the amenity of neighbouring occupants, subject to conditions, some of which have been revised following further officer assessment during and after the re-consultation period. The application is therefore recommended for approval, subject to conditions suggested previously amended condition 2 & 9 and new suggested condition 14.

7. UPDATED CONDITIONS

Condition 2 Approved Plans:

The development hereby permitted shall be carried out in accordance with the following approved plans:

Change of Use Design Statement dated 28 January 2019; Email from Kamran Haider dated 02 July 2019; Covering letter dated 9 May 2018; Demand Analysis prepared by Richard Susskind and Company dated October 2017; Richard Susskind and Company – Marketing Particulars; Assessment of Marketing letter from Pater Johnson Merriman dated 1 November 2017; Letter from Howell Brooks and Partners LLP dated 20 July 2017; Letter from Jarvis Keller Stephens dated 20 September 2017; Letter from Imogen Blanning dated 20 July 2018 regarding quality of marketing evidence and Town Centre impact; Letter from Stephen Rose dated 12 February 2019; and Drawing Numbers: Location Plan, GA 01/F, GA 02/E, GA 03/C, GA 04/A, GA 05, GA 06, M-4761-XX-(57)-001 Rev P4, and M-4761-XX-(57)-003 Rev P4.

REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.

Reworded Condition 9: Notwithstanding the hereby approved development, no permission is granted for the kitchen extractor system as shown on omitted drawing number M-4761-XX-(57)-003 Rev P4. Details of any proposed new and/or re-purposed kitchen and/or bathroom flues/extraction systems for the A3/A4/D2 unit hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the use to which they relate.

The filter systems of the approved flue/extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible.

The flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the use to which they relate and maintained as such thereafter.

REASON: In the interest of protecting future residential amenity and the appearance of the resulting building(s).

8. SUGGESTED NEW CONDITIONS

Condition 14: GLAZED ROOFLIGHT FIXED SHUT: Notwithstanding the hereby approved drawings and documents, the glazed monopitch rooflight as shown on approved drawing no. GA 01/F shall be fixed shut prior to the first occupation of the A3/A4/D2 unit, and shall be retained as such thereafter into perpetuity.

REASON: To ensure that the proposed development does not have an unacceptable adverse impact on neighbouring residential amenity.

APPENDIX 1 – PLANNING COMMITTEE REPORT

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB-COMMITTEE A	AGENDA ITEM :B2
Date: 07 November 2019	NON-EXEMPT

Application number	P2018/1580/FUL
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Not listed
Conservation area	Clerkenwell Green Conservation Area (and Article 4 Direction Within 50m of Charterhouse Square Conservation Area
Development Plan Context	Core Strategy Key Area – Bunhill & Clerkenwell Central Activities Zone Employment Priority Area (General) Clerkenwell Archeological Priority Area Major Cycle Route Finsbury Local Plan Area – Bunhill & Clerkenwell Mayor’s Protected Vistas – Alexandra Palace viewing terrace to St Paul’s Cathedral Local views from St John Street Local view from Angel Local view from Archway Road Local view from Archway Bridge Article 4 Direction (A1-A2) Article 4 Direction (B1(c) to C3) Adjoining Grade II listed building – No. 72 St John Street Adjoining Grade II listed building – No. 78 St John Street Adjacent Grade I and Grade II listed buildings – Charterhouse
Licensing Implications	Bunhill Cumulative Impact Policy Area A4 Drinking Establishment A3 Restaurant and Café No licensing application details have been provided by the Applicant.
Site Address	74-76 St John Street, Islington, London, EC1M 4DZ
Proposal	Change of use of part ground floor, basement and lower basement from Use Class B8 (storage) to flexible commercial use within Use Classes A3, A4 and D2. Replacement of ground floor facade and entrance doors, and fenestration to enclose existing ramp.

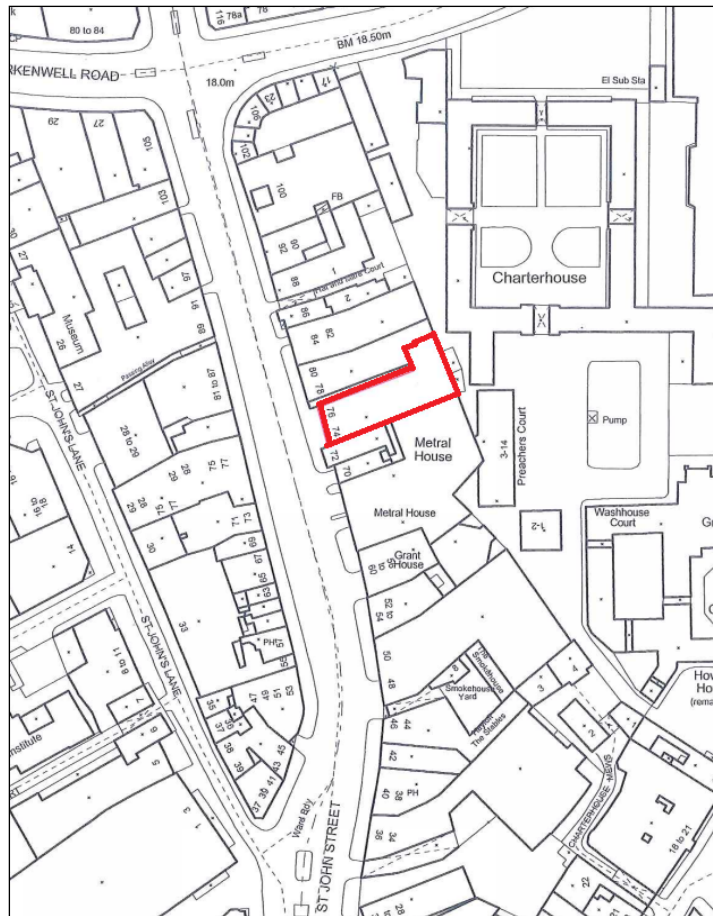
Case Officer	Nathan Stringer
Applicant	Venaqlass Havmarket Limited

1. RECOMMENDATION

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

- 1.1 the conditions set out in Appendix 1; and
- 1.2 the completion of a S106 legal agreement for the provision of costs attributable to the reduction of the existing crossover on the pavement fronting St John Street.

2. SITE PLAN (SITE OUTLINED IN RED)



3. PHOTOS OF SITE/STREET

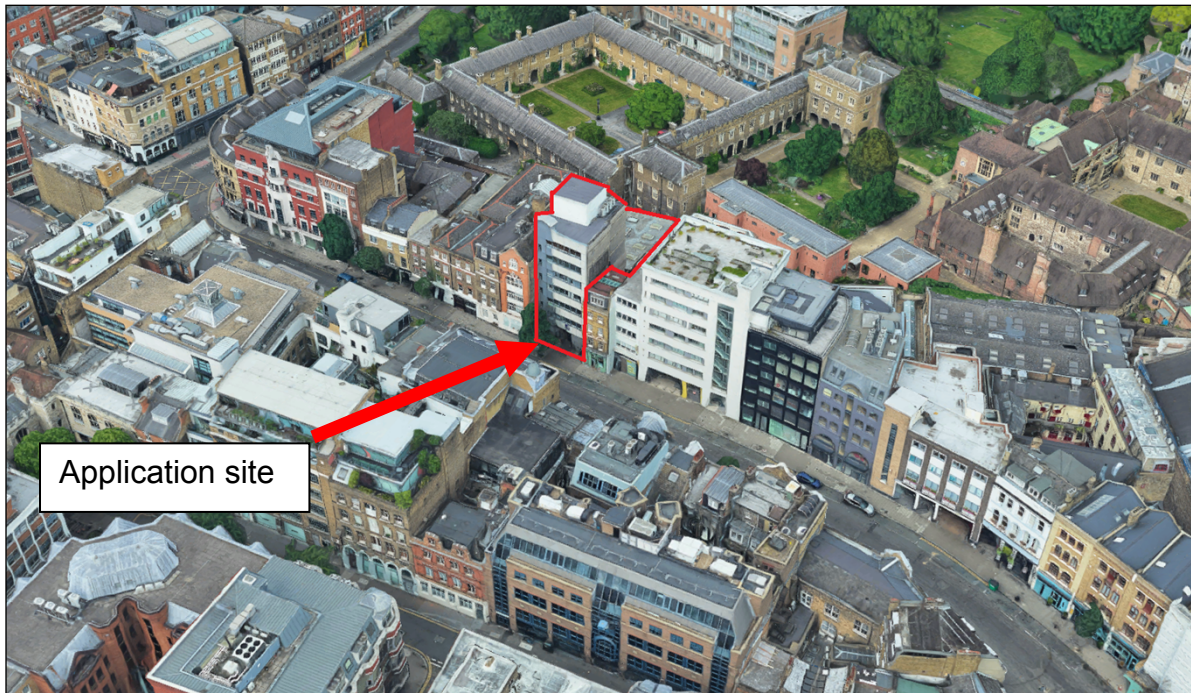


Image 1: Aerial view of the application site

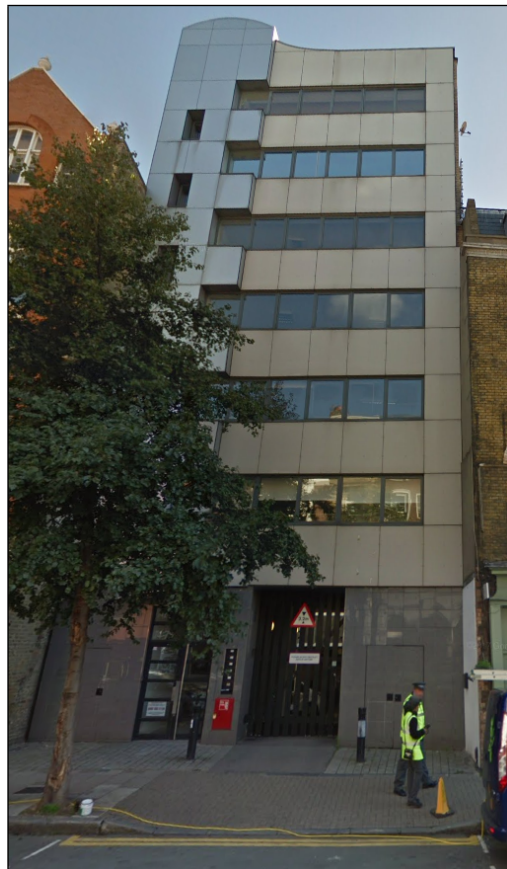


Image 2: The front elevation of the site as viewed from St John Street



Image 3: St John Street, looking north. Site is shown on the right.



Image 4: St John Street, looking south. Site is shown on the left.



Image 5: Basement interior view



Image 5: Basement ramp facing upward towards St John Street

4. SUMMARY

- 4.1 Planning permission is sought for the change of use of ground floor (part), basement and lower basement levels of the property at no. 74-76 St John Street from B8 (Storage) to flexible commercial use within Use Classes A3 (Restaurants and cafes), A4 (Drinking establishments) and D2 (Assembly and leisure). The proposal also includes the installation of a replacement ground floor front façade, and fenestration to enclose the existing ramp fronting St John Street. The key considerations in determining the application relate to the land use, including the loss of the B8 floorspace and the acceptability of the introduction of A3/A4/D2 uses at this location, the associated impact on neighbouring amenity at nos. 72 and 78-80 St John Street and the Charterhouse Buildings to the rear, and the impact of the external alterations on the appearance of the existing building and on the character and appearance of the surrounding conservation area and the setting of the adjoining and adjacent Grade I and Grade II listed buildings.
- 4.2 The proposal is brought to committee because it has received 12 objections from neighbouring residents, generating a lot of interest in the development. The main concerns from objectors include the impact of the proposed use on neighbouring amenity with regard to noise, odour, waste and safety impacts.
- 4.3 The application site comprises a seven storey (over-basement) mid-terrace building located on the eastern side of St John Street. The building also contains a two storey element at the rear. The property consists of storage (B8) use at (part) ground floor, basement and lower basement levels, and office (B1) on the upper floors. The site is excavated to basement level across the full extent of the site. This application relates to the (part) ground, basement and lower basement levels. The building is not listed; however, it is located within the Clerkenwell Green Conservation Area. Immediately to the rear of the site lies the Grade I listed London Charterhouse, and the building adjoins Grade II listed properties to the north and south at nos. 72 and 78-80 St John Street. The site is designated within the Central Activities Zone, the Bunhill & Clerkenwell Finsbury Local Plan Area, the Bunhill & Clerkenwell Core Strategy Key Area, an Employment Priority Area (General), and the Clerkenwell Archaeological Priority Area.
- 4.4 The proposed development would not result in an unjustified loss of guaranteed business floorspace at the site (including the lawful B8 use), and it is considered that the information provided is sufficient to demonstrate that a proposed A3/A4/D2 flexible use at the site would not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability of the borough's Town Centres or of the Central Activities Zone. The development therefore complies with the requirements of policy CS13 of the Core Strategy 2011, policy DM5.2 of the Development Management Policies 2013, and policy BC8 of the Finsbury Local Plan 2013.

- 4.5 The proposed flexible use, together with the proposed external alterations, are not considered to harm the character nor visual appearance of the host building, the surrounding conservation area, or the setting of the adjacent and adjoining statutorily listed buildings. Subject to conditions, the proposal is considered not to have a significant impact upon the local highway network or the amenity of neighbouring properties.
- 4.6 The proposal is therefore considered to be acceptable and it is recommended that the application is approved subject to conditions.

5. SITE AND SURROUNDING

- 5.1 The application site at no. 74-76 St John Street (known as 'Abbey House') is located on the eastern side of St John Street. Immediately at the rear of the site lies the Grade I listed London Charterhouse, and the site immediately adjoins Grade II listed buildings to the north and south. This section of St John Street is largely mixed use in character, with many commercial and residential buildings, and some ground floor retail/restaurant/bar uses.
- 5.2 The site is a seven storey (over-basement) mid-terrace building consists of storage (B8) use at (part) ground floor, basement and lower basement levels, and office (B1) on the upper floors. The site is excavated to basement level across the full extent of the site. This application relates to the (part) ground, basement and lower basement levels.
- 5.3 The property is not listed, however it is located within the Clerkenwell Green Conservation Area. The site is within the setting of Grade II listed buildings immediately adjoining the site at nos. 74 and 78-80 St John Street, and the Grade I and Grade II listed buildings to the rear at the Charterhouse site. The site is designated within the Central Activities Zone, the Bunhill & Clerkenwell Finsbury Local Plan Area, the Bunhill & Clerkenwell Core Strategy Key Area, an Employment Priority Area (General), and the Clerkenwell Archaeological Priority Area.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks permission for a change of use of 585 sqm of floorspace at ground floor (part), basement and lower basement levels of the property at no. 74-76 St John Street from B8 (Storage) to flexible commercial use within Use Classes A3 (Restaurants and cafes), A4 (Drinking establishments) and D2 (Assembly and leisure). The proposal also includes the installation of a replacement ground floor front façade, and fenestration to enclose the existing ramp fronting St John Street.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 **P2016/4605/FUL:** Change of use of part ground floor, basement and lower basement from Use Class B8 (storage) to flexible commercial use within Use Classes A1/A2/A3/A4/B1/D1/D2) use, replacement of ground floor facade and entrance doors, and fenestration to enclose existing ramp. Application refused under delegated authority dated 06/02/2017.

REASON: The proposed development would result in the loss of the lawful B8 use and insufficient evidence has been submitted with the application to indicate that there is no demand for the unit as business use. The development is as such contrary to policy CS13 of the Core Strategy (2011) and Policy BC8 of the Finsbury Local Plan (2013).

REASON: The applicant has failed to submit a Sequential Test to support the location of the proposed A uses and D2 use in an out of Town Centre location. The application has failed to demonstrate how the proposals would not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability of the borough's Town Centres. The proposal has failed to demonstrate how the proposed uses can be accommodated without adverse impact on the amenities of neighbouring residential occupiers. The proposal is therefore contrary to paragraph 24 of the National Planning Policy Framework (2012), and policy DM4.4B of the Development Management Policies (2013).

7.2 The applicant subsequently appealed the decision under appeal reference APP/V5570/W/17/3171820. The Planning Inspectorate dismissed the appeal dated 5 July 2017. The Inspector's decision is attached at Appendix 3.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 166 adjoining and nearby properties on 22 May 2018. A site notice and press advert were also displayed. The public consultation of the application therefore expired on 14 June 2018, however it is the Council's practice to consider representations made up until the date of a decision.

8.2 At the time of the writing of this report, 12 objections had been received from the public with regard to the application. The issues can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- Loss of business floorspace within the Central Activities Zone, without sufficient marketing evidence to demonstrate exceptional circumstances (**see paragraphs 10.2-10.15**)
- Impact of the change of use on neighbouring amenity, including noise, odour, deliveries and waste (**see paragraphs 10.41-10.55**)
- Further noise impacts from the proposal should customers be permitted to drink, dine or socialise on the street (**see paragraphs 10.41-10.55**)
- Increase in traffic movements resulting from the proposal (**see paragraphs 10.56-10.58; and 10.60**)
- Over-concentration of A3/A4 uses on St John Street as a result of the proposal (**see paragraphs 10.16-10.33**)
- Concern that the unit could be used as a night club (**see paragraph 10.62**)
- Note that a similar proposal was previously refused, and that the subsequent appeal was dismissed (**see officer's note below**)

Officer's Note: the site was subject to a previously refused planning application, which was upheld at appeal. The reasons given for the refusal of that application have been addressed in this report, paying special attention as to whether the information submitted is sufficient to overcome concerns.

Internal Consultees

- 8.3 **Policy Officer:** advises that, given the additional information has been provided and because the proposal does not involve A1 floorspace, they no longer have concern regarding the impact of the use upon Town Centres elsewhere within the Borough. Advises that the marketing evidence provided is sufficient to demonstrate that the loss of the business floorspace is acceptable.
- 8.4 **Public Protection Officer:** does not object to the proposal, however notes that the proposed flexible use could allow for restaurants, pubs and gyms at the site, all of which are potentially high noise generating uses with late night operation. Notes that sufficient detail for plant and machinery has not been provided, and that these matters would need to form a further planning application. Advises that a condition is included should permission be granted, requiring a scheme of management be submitted and approved in writing by the Local Planning Authority prior to first occupation of the unit.
- 8.5 **Environmental Health:** does not object to the proposal, however requests that conditions be included requiring further details of the proposed flues / extractor systems be submitted and approved in writing by the Local Planning Authority, and requiring that the flue be fitted with fine filtration or Electrostatic Precipitation followed by carbon filtration.
- 8.6 **Refuse and recycling:** No comment.
- 8.7 **Licensing Officer:** advised that the site is located within the Clerkenwell Cumulative Impact Area, and that any licensing requests would be subject to the provision of additional information to prove that the operation of the unit would not add to the cumulative impact. Also noted that any licence issued would be subject to restriction on hours of operation.
- 8.8 **Inclusive Design:** raised concern that the proposed unit would not include a lift, and that plans detailing the provision of accessible toilets and accessible cycle storage have not been provided. Recommended that a condition is included requiring that an access strategy is submitted to and approved by the Local Planning Authority prior to the commencement of works at the site.

External Consultees

8.9 None.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

- 9.1 Islington Council (Planning Sub-Committee A), 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.)

- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
 - As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
- 9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: “at the heart of the NPPF is a presumption in favour of sustainable development.”
- 9.3 At paragraph 8 the NPPF states that the planning system has three overarching objectives in achieving sustainable development, being an economic objective, a social objective and an environmental objective.
- 9.4 The NPPF seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.5 Since March 2014 Planning Practice Guidance for England has been published online. 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 Sub-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 Quality 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 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 that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.10 Weight is attributable to the Draft London Plan.
- 9.11 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013:
- Clerkenwell Green Conservation Area (and Article 4 Direction)
 - Within 50m of Charterhouse Square Conservation Area
 - Core Strategy Key Area – Bunhill & Clerkenwell
 - Central Activities Zone
 - Employment Priority Area (General)
 - Clerkenwell Archeological Priority Area
 - Major Cycle Route
 - Finsbury Local Plan Area – Bunhill & Clerkenwell
 - Mayor's Protected Vistas – Alexandra Palace viewing terrace to St Paul's Cathedral
 - Local views from St John Street
 - Local view from Angel
 - Local view from Archway Road
 - Local view from Archway Bridge
 - Article 4 Direction (A1-A2)
 - Article 4 Direction (B1(c) to C3)
 - Adjoining Grade II listed building – No. 72 St John Street
 - Adjoining Grade II listed building – No. 78 St John Street
 - Adjoining Grade I and Grade II listed buildings – Charterhouse

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.12 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 Conservation
- Neighbouring Amenity
- Delivery and Servicing
- Refuse
- Cycle Parking
- Accessibility
- Other Matters

Land Use

Loss of B8 floorspace

- 10.2 The application site is a seven storey plus two level basement building located on the eastern side of St John Street. The application pertains to (part) ground, basement and lower basement levels of the building. The proposed flexible use would result in the loss of guaranteed 353 square metres of B8 (storage) business floorspace on the site. The site also includes a car park of 262 square metres, however the application was presented in the initially submitted application as B8 storage. The supporting Planning Statement advises that the established use is B8 (storage) totalling 585 square metres. This was accepted as part of the assessment of the previously refused application ref: P2016/4605/FUL, and was also accepted by the Planning Inspectorate in their assessment of the subsequent appeal.
- 10.3 The site is within an Employment Priority Area (General) and includes 585 square metres of B8 (storage) floorspace. Therefore, Policy CS13 of the Core Strategy 2011, Policy DM5.2 of the Development Management Policies 2013 and Policy BC8A of the Finsbury Local Plan 2013 applies.
- 10.4 Policies CS13 of the Core Strategy and DM5.2 of the Development Management Policies 2013 seek to safeguard existing business floorspace throughout the Borough.
- 10.5 Policy BC8, Part A of the Finsbury Local Plan 2013 states:
- 'A. Within the Employment Priority Areas (General and Offices) designated on the Policies Map shown on Figure 16:*
- i. No net loss in business floorspace will be permitted, either through change of use or redevelopment, unless exceptional circumstances can be demonstrated, including through the submission of clear and robust marketing evidence which shows that there is no demand for the floorspace. This evidence must demonstrate that the floorspace has been vacant and continuous marketed for a period of at least two years. In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable. In addition, the loss of business floorspace will only be permitted where:*
 - a. The proposal would not have a detrimental individual or cumulative impact on the area's primary business role and would not compromise economic function/growth, or*
 - b. It can be demonstrated to the council's satisfaction that the site is no longer suitable for the provision of similar uses.*
 - ii. Proposals should incorporate the maximum amount of business floorspace reasonable possible on the site.'*
- 10.6 Where policies require marketing evidence to be submitted, Appendix 11 of the Development Management Policies 2013 sets out the details required in order to assess the acceptability, or otherwise, of the information submitted.

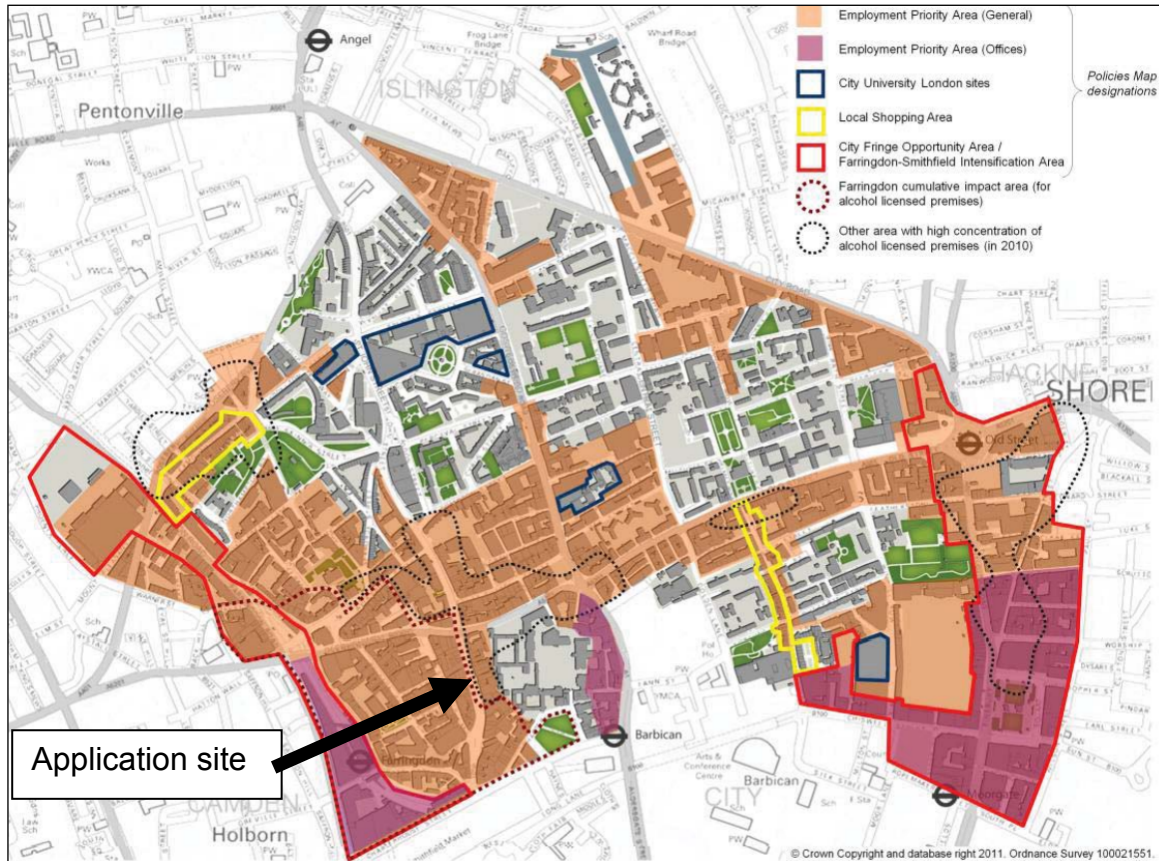
- 10.7 As set out in criteria (i) of the policy, no net loss of business floorspace is permitted unless exceptional circumstances can be demonstrated, including that the floorspace has been vacant and continuously marketed for a period of at least two years. The Applicant has provided evidence to demonstrate that the site was subject to active continuous marketing from June 2014 until June 2016. Marketing information states that offers were invited in excess of £130,000, a price verified by three independent opinions. The site was marketed on the basis of all commercial use classes, and attracted 37 viewings, only one of which was for business floorspace. During the period, five outcomes were unable to agree terms, as the offers provided were considered to be unacceptable.
- 10.8 The Council's policy officer has advised that the asking price advertised as part of the marketing exercise for the unit is considered to be reasonable, when considering comparables in the vicinity and noting that this has been supported by independent verification. The submitted evidence demonstrates that marketing particulars had been provided during the two-year process, including property details and contact information. Whilst the officer notes that no additional commentary has been submitted by the applicant with regard to the current and likely future demand for floorspace within the market area, the information provided is sufficient to satisfy the marketing requirements outlined in Appendix 11 of the Development Management Policies 2013.
- 10.9 As set out in criteria (ii) of the above policy, proposals should incorporate the maximum amount of business floorspace reasonable possible on the site. The existing B8 floorspace was previously used to support the operations of the B1 (office) floorspace on the upper levels of the building. The information provided demonstrates that the site was marketed for a range of business uses, including B1 business floorspace. Officers note that technological advancements have resulted in a reduced demand for business storage capacity, and therefore the loss of the B8 storage space is considered to be acceptable in this instance. Further, the Applicant has also demonstrated that there is no demand for the use of the unit (which has been vacant since at least June 2014) as B1 office floorspace. Given the above, overall it is considered that the proposal has considered the impact of the proposed loss of business floorspace on the area's primary business role, as required by part (a) of policy BC8 of the Finsbury Local Plan 2013. Therefore, the loss of the business floorspace is considered to be acceptable in this instance.
- 10.10 Policy BC8, Part B of the Finsbury Local Plan 2013 states:
- 'B. Within the Employment Priority Area (General) designated on the Policies Map and shown on Figure 16, the employment floorspace component of a development or change of use proposal should not be unfettered commercial (B1(a)) uses, but, where appropriate, must also include retail or leisure uses at ground floor, alongside:*
- i. A proportion of non-B1(a) business of business-related floorspace (e.g. light industrial workshops, galleries and exhibition space), and/or*
 - ii. Office (B1(a)) or retail (A1) floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management, and/or*
 - iii. Affordable workspace, to be managed for the benefit of occupants whose needs are not met by the market. [...]*
- 10.11 The proposed flexible use for the site does not incorporate any business floorspace. However, officers note that the upper levels of the building, including (part) ground floor and one to six, are used solely for B1 purposes. The application does not include the change of use of these levels, and therefore parts (i), (ii) and (iii) of the policy do not apply in this instance.

- 10.12 The development would include the change of use of (part) ground floor, basement and lower basement levels to a flexible A3/A4/D2 use. Each of these uses is considered to constitute a 'leisure' use, and would provide opportunity for non B1(a) floorspace to be provided at the site, in accordance with Part B of policy BC8.
- 10.13 The Council's intention is to deliver a diversity of uses at ground floor level in order to support the core B1(a) office function. Whilst the proposed flexible A3/A4/D2 use would be in the basement levels, it would be accessed through the ground floor street frontage.
- 10.14 As discussed above, it is considered that the applicant has considered the impact of the proposed loss of business floorspace at the site on the areas primary business role, and it has been demonstrated that there is no demand for the use of the basement floor levels (as well as the ground floor access to these levels) as business floorspace. The proposed uses would provide an opportunity to accommodate leisure uses at the ground and level floor levels at the site. The information submitted as part of this application is therefore considered to overcome the first reason given for the refusal of the previous planning application ref: P2016/4605/FUL.
- 10.15 Overall, it is considered that on balance the proposed development would not result in an unjustified loss of guaranteed business floorspace at the site (including the lawful B8 use). The development therefore complies with the requirements of policy CS13 of the Core Strategy 2011, policy DM5.2 of the Development Management Policies 2013, and policy BC8 of the Finsbury Local Plan 2013.

Proposed Flexible A3/A4/D2 Use

- 10.16 The application proposes the change of use to flexible A3/A4/D2 use. It is noted that the application does not involve a proposed mixed A3/A4/D2 use, and therefore the officer assessment must take into consideration that the entirety of the planning unit would be used as either A3, A4 or D2 (rather than a mix of the three). Consideration of the proposed uses is undertaken below.
- 10.17 Policy DM4.2 states that '*entertainment and night-time activities are generally inappropriate outside Town Centres.*' However, the policy notes that an exception applies to the area covered by the Finsbury Local Plan (Area Action Plan for Bunhill and Clerkenwell). Part G of policy BC8 of the Finsbury Local Plan, which applies to the site, stipulates that '*new entertainment uses will only be allowed within the designated Employment Priority Areas.*' Therefore, the principle of an A3 or A4 use may be acceptable, subject to details.
- 10.18 The proposed flexible use, should it result in either an A3 or A4 unit, would constitute an 'entertainment use' under the Finsbury Local Plan (Glossary). Whilst the site is not within a designated Town Centre, it is located within an Employment Priority Area (Finsbury Local Plan) and therefore the restrictions on entertainment and night-time activities noted within policy DM4.2 do not apply. Policy BC8, Part G of the plan notes that Employment Priority Areas may be suitable for new entertainment uses. Development Management Policies will be used to assess applications for new entertainment uses, in order to avoid an unacceptable concentration of such uses.
- 10.19 Paragraph 12.1.7 of the Finsbury Local Plan advises that, within the Central Activities Zone, in order to support and retain the area's nighttime economy whilst safeguarding residential amenity, policy BC8 restricts entertainment uses (i.e. A3, A4 and A5 uses, as well as nightclubs) to Employment Priority Areas. However, as a significant number of people live in these areas, applications for entertainment uses must meet the criteria set out in the relevant Development Management Policies. In its Licensing Policy (2011 to

2014), the council has identified an area around Farringdon that is subject to significant concentration of late-licensed premises. Figure 16 of the Finsbury Local Plan (shown below, Figure 1) identifies this area and other locations which have a high concentration of alcohol licensed premises, and which are therefore particularly prone to adverse impacts from night-time uses (e.g. pubs, bars, clubs and off-licenses). The application site at no. 74-76 St John Street is identified within Figure 16 as forming part of this area.



- 10.20 Policy DM4.3 assesses the location and concentration of uses in the borough and considers whether they would result in an unacceptable concentration of such uses in one area or would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area. This policy considers types of use, size of premises, hours of opening, operation and servicing and odour and noise issues and cumulative impacts within 500m radius of the site
- 10.21 Given that it is not located within a Town Centre or a Local Shopping Area, detailed land use surveys of this part of St John Street have not been undertaken. However, as part of the assessment of the application, planning officers have undertaken a land use survey of the ground floor units of the buildings fronting St Johns Street between Clerkenwell Road in the north and St Johns Lane in the south (the relevant section of which the application site forms a part). The frontage stretches 80m to the north, and 110m to the south of the application site.

- 10.22 The survey demonstrates that there are 39 ground floor units fronting St John Street in this vicinity. Of these, 1no. ground floor unit operates exclusively within the A4 use class (approximately 2.5% of units). An additional 6no. units operated within the A3 use class (approximately 15.3% of units). The remainder of the units are within the A1, A2 or B1 use classes. In accordance with policies DM4.3 of the Development Management Policies and paragraph 12.1.7 of the Finsbury Local Plan, it is therefore not considered that there is an over-concentration of either A3 restaurant/café, or A4 drinking establishments within this section of St John Street.
- 10.23 The proposed flexible A3/A4/D2 unit would have a floorspace of approximately 585 square metres. Whilst it is noted that there are some A3 and A4 units fronting this section of St John Street (approximately 17.8% of units in total), it is not considered that this would represent an over-concentration and it is considered that the proposed use would complement the existing mix of uses within the vicinity, subject to appropriate management.
- 10.24 The applicant has submitted an Outline Operational Management Plan, which outlines the principles for the good management of the premises for each of the proposed uses, having regard to the amenity of existing and future neighbours. As the final end-use or users of the unit is yet to be determined, the plan is designed to act as a framework to outline how the future operational details of the unit would be addressed, including the future provision of details with regard to licensing, noise, ventilation and extraction, hours of operation, servicing and delivery, capacity and door policy, management of external area (including smoking areas), close-down and dispersal policies, and measure to ensure public safety is not jeopardised.
- 10.25 Officers note that the Outline Operational Management Plan submitted does not provide a great level of detail. It relies heavily on the provision of further information following a grant of permission, to be required as per recommended conditions. Whilst officers consider that it would be beneficial for the proposal were this information to be provided upfront, it is accepted that the specific future management of each of the uses would only be confirmed once a tenant was selected. Officers are however confident that such measures are feasible.
- 10.26 Application for planning permission ref P2016/4605/FUL was refused under delegation on 06/02/2017. The application, which also included the change of use of the basement levels to a flexible use that incorporates A3, A4 and D2 uses, provided no detail as to how the impact of the proposed uses upon neighbouring amenity would be managed during operation. The Reason for Refusal 2 states that *'the proposal has failed to demonstrate how the proposed uses can be accommodated without adverse impact on the amenities of neighbouring residential occupiers.'* The application was subsequently upheld at appeal (appeal ref: APP/V5570/W/17/3171820 dated 5 July 2017). However, whilst the Inspector upheld the Council's decision to refuse the application, with regard to the impact of the proposed A3/A4/D2 uses on neighbouring amenity, she concluded that these could be addressed via condition (if the proposal were otherwise acceptable).
- 10.27 The Appeal Decision states:
- 'The nature of the proposed uses, in particular the A3 (restaurants and cafes), A4 (drinking establishments) and D2 (assembly and leisure) use classes, have the potential to adversely affect the living conditions of nearby residents by virtue of noise arising from congregations of customers, music and any extraction equipment. Odour caused by cooking inside the premises may also be an issue. There may also be noise and general disturbance caused by customers and delivery vehicles coming and going outside the premises. Such effects can be particularly intrusive when they take place late into the evening when other background noise levels generally diminish. Proposed uses falling**

within D1 use class may also have the potential for traffic generation, although I note that highway safety is not included as a reason for refusal.

Paragraph 4.21 of the DMP states that in assessing the likely impacts of a proposal, regard will be had to the type of use, proposed hours of opening, size of premises, operation and servicing and measures to mitigate odour and noise from the premises. I have regard to the conditions proposed by the appellant and also the Council. I consider that conditions relating to opening hours, submission and approval of extract and ventilation equipment, noise arising from music, customers or ventilation and extraction equipment, the timing of deliveries etc, potentially tailored to each specific use could have been imposed to address concerns had I decided to allow the appeal.

For the reasons stated above, I, therefore, conclude that with the suggested conditions, the proposal would not have a harmful effect on the living conditions of neighbouring occupiers. The proposal would not, therefore, be contrary to Criterion ii of Part B of Policy DM4.4 of the DMP or Policy DM4.3 of the DMP.'

- 10.28 The survey undertaken demonstrates that the location of the site within an area that does not contain any discernible clusters of A3 units. Given the nature of the Central Activities Zone and the suitability of night time economy uses, overconcentration on a purely quantitative basis is considered unlikely. Whilst officers believe that the provision of operational management details upfront would allow for a greater level of assessment and scrutiny of the application, given the conclusion of the Planning Inspector with regard to the previously refused application, overall it is considered that subject to conditions, the proposal would not have a harmful effect on the living conditions of neighbouring occupiers. As such, conditions have been attached to ensure that the information is provided to and approved by the Local Planning Authority prior to the commencement of relevant operations at the site.
- 10.29 Officers also note that the second reason for the refusal of the previous planning application ref: P2016/4605/FUL stipulated that the applicant had failed to provide a Sequential Test to support the location of the proposed A uses and D2 use in an out of Town Centre location. Therefore, the proposal was considered to have failed to demonstrate that it would not individually, or cumulatively with other developments, have a detrimental impact on the vitality and viability of the Borough's Town Centres. As part of this application, the applicant has provided additional information regarding the Town Centre impact of the proposal (noting that Angel is the closest Town Centre, which states that:
- the previous concern regarding A uses at the site was largely based upon the potential for an A1 unit, which would be large enough to accommodate a supermarket. A1 use has been removed from the current application.
 - an analysis of the Angel Town Centre suggests that food-led bar and restaurant businesses within the Town Centre made an average total of £18,000 in weekly sales, and that expenditure on eating and drinking out will grow by £89.6m by 2021 (from 2016) and almost £200m by 2026. Should permission be granted for an A3/A4 use at the application site, the forecast turnover would be only 1.1% of the growth expected between 2016 and 2021 in the Angel Town Centre. This would be below that which could be considered a "significant adverse impact".
 - should the site be used as a D2 use, this would likely be a gym. 3no. gyms currently operate within the Angel Town Centre, all of which rely on a subscription model. It is not considered that another gym, approximately 1.3km south of the Town Centre, would cause such a drop in membership to these gyms that they would harm the future operations of the Angel Town Centre.
 - It is noted that 'gym' uses are not mentioned in the 2017 Retail and Leisure Study, and are not a primary function of the Town Centre.

- 10.30 The Council's Planning Policy officer has reviewed the information provided with regard to the impact of the proposal on the Angel Town Centre, and has advised that whilst the proposal is for a significant quantum of floorspace, a large proportion of this is basement floor and most significantly the proposal does not include the A1 retail use class. Therefore, the use will not be an 'anchor' retail unit which would draw significant expenditure and footfall away from a Town Centre.
- 10.31 Further, the Policy officer notes that there is a cluster of food, drink and entertainment uses around the Smithfield Market, which is 5 minutes' walk away from the application site. The proposed unit would be accessible to this cluster and may strengthen the offer of the cluster. Given that population growth in central London will also drive increased demand for food, drink, entertainment, and leisure uses within the Central Activities Zone, it is considered that there is demand for additional premises within these use classes. Overall, officers are satisfied that the proposed uses are likely to complement this central London mix of uses and contribute to the vitality and viability of the Central Activities Zone.
- 10.32 Overall, it is considered that the information provided it is sufficient to demonstrate that a proposed A3/A4/D2 flexible use at the site would not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability of the borough's Town Centres or of the Central Activities Zone.
- 10.33 Therefore, officers consider that the flexible A3/A4/D2 uses would be acceptable in principle, subject to conditions. Further detail regarding the assessment of the proposal with regard to neighbouring amenity is provided in paragraphs 10.39-10.53.

Design and Conservation

- 10.34 Policy CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.35 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
- 10.36 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas within their area. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses.
- 10.37 The application proposes the replacement of the existing ramp and doors to stairwell at the ground floor street elevation with a glazed aluminium framed shopfront with bi-folding doors and a fixed glazed entrance door. The building's street frontage is set back further from the pavement than the adjoining Grade II listed buildings on either side, and therefore is not prevalent within the streetscene. Officers note that the existing frontage is largely blank and does not make a positive contribution to the streetscene, and its removal is considered to be acceptable in principle.

- 10.38 Whilst traditional materials are generally required to be used for developments within conservation areas, given the nature of the existing building it is not considered that a traditional shopfront would be appropriate in this instance. The proposed glazed aluminium elevation is considered to be acceptable in this instance, and it is considered that it would result in a more active and positive street frontage. Further, officers note that there are a number of glazed frontages to modern buildings along this section of St John Street, including (but not limited to) buildings at nos. 70 and 52. Overall, it is considered that the proposed ground floor elevation changes are acceptable. The alterations would not harm the character or appearance or the wider conservation area, nor would they cause harm to the setting of the adjoining Grade II listed buildings.
- 10.39 The application also proposes the installation of a glazed roof above the access ramp, within an open-roofed courtyard area at the rear of the primary seven storey frontage building and the two storey rear podium element; and the installation of louvres along the northern flank elevation of the site where it fronts an enclosed fire escape area, where AC condenser units and bin stores would be located. These would be minor alterations to allow for the full enclosure of the basement levels and the enclosure of servicing equipment, and would not be visible from public sightlines nor prominent in private views. No further alterations to the rear of the site have been proposed as part of this application. Whilst it is noted that a condition (Condition 9) has been recommended requiring the lodgement of separate planning applications should extractor units be required at the rear of the site, these details have not been provided as part of this application. Therefore, the proposal under consideration would not harm the setting of the Grade I and Grade II listed Charterhouse buildings at the rear of the site, nor the Grade II listed buildings immediately adjoining at nos. 72 and 78-80 St John Street.
- 10.40 In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the Clerkenwell Green Conservation Area. Further, in accordance with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been given to the desirability of preserving the adjacent listed buildings, their setting and any of their features of special architectural or historic interest. It is considered that the proposal accords with policies CS8 and CS9 of the Core Strategy 2011, policies DM2.1 and DM2.3 of the Development Management Policies 2013, the Islington Urban Design Guide 2017 and the Conservation Area Design Guideline.

Neighbouring Amenity

- 10.41 Policy 7.6 of the London Plan 2016 requires buildings and structures not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing, in particular. Policy DM2.1 of the Development Management Policies 2013 states that development should not have an adverse impact on neighbouring amenity in terms of noise, overshadowing, overlooking, privacy, sunlight and day light receipt, over-dominance, sense of enclosure and outlook.

- 10.42 Policy DM6.1G of the Development Management Policies 2013 states that noise generating uses should, where possible, be sited away from noise sensitive uses.
- 10.43 Paragraph 6.19 of the Development Management Policies advises that the Council will expect noise generating uses and sources to be adequately separated from established residential areas and other noise sensitive uses (such as care homes, schools and hospitals). However, given the borough's density and character it is acknowledged that noise generating uses cannot always be sited away from residential areas. Where potentially noisy developments (such as entertainment venues) are proposed within residential areas, the council will expect the use not to give rise to noise nuisance.
- 10.44 The proposed flexible A3/A4/D2 flexible use unit would cover the (part) ground floor, and basement and lower basement levels. Given the large size of the unit at approximately 585 square metres and the objections received by neighbouring residents, consideration must be given to the impact of the proposed uses on neighbouring amenity. The amenity impacts relating to A3 and A4 uses primarily relate to noise and potential anti-social behaviour late at night. The amenity impacts relating to D2 use primarily relate to noise.
- 10.45 The Council previously raised concerns that the proposal did not provide any details on how the higher sound levels generated within a typical restaurant and bar with longer operating hours would be mitigated for neighbouring residents, along with the noise of patrons coming and going and deliveries. Whilst no detailed plans have been provided regarding a suitable extract system for a A3/A4 use, the site currently hosts an existing extractor system from basement level, which is located within the (currently) open rear internal courtyard between the primary seven storey building and the rear two storey element of the site. The applicant has indicated that any future kitchen extractor unit could be accommodated within this existing extractor route. The outline details provided as part of the application advise that the system would be complete with commercial fine filtration followed by activated carbon filters (grade 20) to provide odour reduction in accordance with Defra guidance, with pre-filtration of grade M5 to EN779 to be included prior to activated carbon filters. The system would utilise ultra violet (uv-c) lamps and cartridges to reduce airborne grease particles and odour; these would break down the long chain hydro carbon molecules in the extract airstream by photolysis. Rigid pack filters would also be installed for the removal of any smoke.
- 10.46 The submitted information demonstrates that a system could be accommodated at the site without causing harm to neighbouring amenity, however officers do note that the information is limited with regard to detail. Whilst officers consider that the it would be beneficial for the proposal were this information to be provided upfront, it is accepted that the specific future management of each of the uses would only be confirmed once a tenant was selected, and therefore the provision of detailed extractor details at this stage is not possible in this instance. The presence of an existing extractor unit further demonstrates that the site can accommodate such a system. Significant material weight is also given to the Planning Inspectorate decision dated 5 July 2017, which concluded that neighbouring amenity concerns with regard to potential A3/A4/D2 uses at the site could be addressed via condition. Officers are therefore confident that such equipment can be feasibly accommodated at the site.

- 10.47 Further, the Council's Environmental Health officer advises that, should an extractor system be required, full details of the system must be submitted to and approved by the Local Planning Authority prior to its installation as there is a potential for odour impact on the offices above. She has recommended that any grant of permission should be subject to a condition requiring the submission of details of the plant and extract equipment to be installed, including details to ensure that the system meets stipulated minimum requirements including height of discharge and the provision of a filtration system. Whilst such equipment would generally be expected to terminate 1m above the eaves of the building (to avoid impact upon the offices above), officers note the presence of the existing extractor system at lower floor levels, and therefore considers that this sets a precedent for a replacement system to be installed at this location in this instance.
- 10.48 Therefore, the proposed extractor location is considered to be acceptable, subject to a condition (Condition 9) requiring the submission and approval of details of any kitchen and/or bathroom flues/extraction systems required, prior to the first occupation of the A3/A4/D2 uses hereby approved.
- 10.49 The Council's Public Protection Team does not object to the application, however notes that the proposed flexible use could allow for restaurants, pubs and gyms at the site, all of which are potentially high noise generating uses with late night operation. Officers note that the Outline Operational Management Plan submitted does not provide a great level of detail. It relies heavily on the provision of further information following a grant of permission, to be required as per recommended condition (Condition 8). Whilst officers consider that the provision of more detailed information would be beneficial for the assessment of the proposal, as discussed in paragraphs 10.25-10.28, the previous planning history at the site must be taken into consideration.
- 10.50 The applicant has also demonstrated that there would be sufficient space for the provision of AC condenser units at lower ground floor level, where these would open onto the escape route along the northern boundary of the site. These would be set behind louvres. No further information has been submitted, however officers are satisfied that the plans demonstrate that condenser units could be accommodated at the site. In order to ensure that the proposal would not result in harmful impacts to neighbouring amenity with regard to noise, conditions 6 and 7 have been included to ensure that the applicant submit for the approval of the LPA a report noting compliance with noise limits for all mechanical plant equipment required.
- 10.51 Overall, given that the Planning Inspectorate in its decision dated 5 July 2017, concluded that neighbouring amenity concerns with regard to potential A3/A4/D2 uses at the site could be addressed via condition, officers consider that the proposal would be acceptable subject to the inclusion of such detailed conditions (Conditions 3, 4, 5, 6, 7, 8 and 9).
- 10.52 The Council's Licensing Officer advises that, as the application site lies within the Clerkenwell Cumulative Impact area, the applicant would have to prove that they would not add to the cumulative impact. Any licence would limit the hours of operation to 8AM to 11PM Sunday to Thursday, and 8AM to 11PM Fridays and Saturdays.
- 10.53 Appendix 10, table 10.2 of the Development Management Policies 2013 provides guidance and standards for reducing impacts of noise generating entertainment uses, including façade treatments and the location of likely noise sources.

10.54 In order to ensure that the proposed development does not have an adverse impact on neighbouring residential amenity, including cumulative impacts given the location of the site within a high concentration of night-time uses, a condition (Condition 8) requiring the submission and approval of a Scheme of Management prior to the first occupation of the flexible A3/A4/D2 unit has also been recommended. This plan would include details of mitigation measures in order to protect residential amenity with regard to noise, waste and anti-social behaviour, notably:

For A3/A4 uses

- sound insulation measures
- a full dispersal policy and procedure;
- a door policy;
- signs to request patrons to leave in a quiet manner and not loiter in the surrounding streets;
- servicing and delivery times/arrangements;
- bottling out and waste management noise and times;
- control and levels of noise from amplified music;
- control of any noise from any designated smoking area;
- close down policy with amplified music shut-off and increased lighting;
- security, including any additional proposed CCTV;
- any additional external or security lighting;
- capacity (of each use); and
- private hire facilities/functions.

For D2 uses

- sound insulation measures;
- control and levels of noise from any amplified music within the unit;
- treatment of structureborne noise & vibration transmission from impact noise, i.e. free weights, kettlebells, weights machines, treadmills etc.; and
- servicing and delivery times/arrangements.

10.55 Further, a condition (Condition 3) has been recommended limiting the hours of operation of flexible A3/A4/D2 unit to between 07:00 and 23:00 Monday to Thursday, 07:00 and Midnight Friday to Saturday (in accordance with licensing requirements), and 8:00 and 22:00 on Sundays and Bank Holidays.

10.56 Overall, subject to conditions, the change of use of the (part) ground floor, basement and lower basement level unit to flexible A3/A4/D2 use class is not considered to likely result in unacceptable material amenity impacts to neighbouring occupiers. The proposal therefore complies with policies DM2.1, DM4.3 and DM6.1G of the Development Management Policies 2013.

Servicing and Delivery

10.57 Policy DM8.6 of the Development Management Policies states that delivery and servicing should be provided off-street, particularly for commercial developments over 200m² gross floor area, that details of the delivery and servicing needs for new developments should be submitted, and that delivery and servicing bays should be strictly controlled. Owing to the constraints of the site on St John Street, an Islington controlled road that is part of a Major Cycle Route, an appropriate off street location for deliveries is not available.

- 10.58 Due to the indicative nature of the needs associated with the end-users of the site, limited information has been provided with regard to the future delivery and servicing requirements of the proposed uses. Officers previously raised concern that the potential servicing requirements may cause harm to the efficient function of St John Street. The applicant has therefore provided further information prepared by a qualified transport planning professional, which advises that there will likely be a low number of servicing movements associated with the development (likely to be smaller vehicles rather than large HGVs). The existing access to the car park (which is kept clear to allow vehicles to enter and exit the site) will no longer be required following the implementation of the scheme, and the double lines directly outside the site could therefore be used by a van for loading/unloading purposes. It is noted that servicing for a number of the existing units along this section of St John Street takes place in a similar manner, i.e. on the yellow line waiting restrictions.
- 10.59 The Council's Highways officer has reviewed the additional submitted information, and considers that the servicing and delivery of the site could be accommodated in the manner proposed (parking on the yellow lines); no concerns were raised with regard to the impact of the proposal upon the safe and efficient operation of the highway. The officer does however note that the existing vehicle crossover will be made redundant following the implementation of the development, and that a smaller crossover will be required in order to allow for the on-street refuse collection. The costs of these works are to be borne by the applicant; therefore, the applicant has agreed to enter into a Section 106 agreement in order to provide the funds for such works, prior to the implementation of the permission. This negotiation and preparation of the agreement is currently being undertaken by the Council's Legal Team and the Applicant's legal representation; therefore, it is recommended that this application is approved subject to conditions and the completion of the legal agreement.
- 10.60 With regard to specific servicing and delivery arrangements, it is important to ensure that deliveries do not conflict with servicing arrangements of neighbouring users and to ensure that the process is effectively managed to ensure safe manoeuvres. Therefore, a condition (Condition 4) has been recommended requiring that details of delivery and servicing to be approved by the Local Planning Authority prior to the first occupation of the flexible A3/A4/D2 unit at the site. A condition (Condition 5) limiting deliveries, collections unloading and loading between the hours of 08:00-20:00 Monday to Saturday, and not at all on Sundays, is also recommended.

Refuse

- 10.61 The proposed plans include a details of a dedicated refuse and recycling store, which would be located at lower ground floor level along the emergency escape route from the rear of the building. Access to the store from the pavement at St John Street would be provided via the escape route. Islington's Recycling and Refuse Storage Requirements require the provision of 1.5 cubic metres of commercial waste storage per 20 dining spaces. The store would provide space for 4no. 240L bins, however as the final use of the unit is not confirmed (i.e. no dining space figures provided), it is difficult to determine whether this would be sufficient. Further, no comments have been received from the Council's waste and recycling team. It is however considered that the storage would be sufficient for a D2 gym use. However, given the scale of the unit, it is considered that there is scope for the appropriate management of refuse for an A3 or A4 unit to be accommodated. Therefore, a condition (Condition 11) has been recommended requiring details of proposed refuse and recycling to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the unit should it be used for either A3 or A4 purposes.

Cycle Parking

- 10.62 In accordance with policy DM8.4 and Appendix 6 of the Development Management Policies 2013, the proposed development should provide 1 cycle parking space per each 60 sqm of A3/A4 floorspace; and 1 space per each 275 sqm of 'Leisure and sports' floorspace (i.e. a gym). In this instance, 10no. cycle parking spaces should be provided for an A3 or A4 unit, and either 3no. or 12no. for a D2 unit (depending on the final end use). Although no cycle parking is proposed, the property is significant in size and therefore it is considered that there is sufficient space to securely store that number of cycles. Therefore, a condition (Condition 10) has been included requiring details of cycle storage for the appropriate number of bicycles (depending on the final end use) to be submitted and approved in writing by the LPA prior to the first occupation of the flexible A3/A4/D2 unit.

Accessibility

- 10.63 Policy DM2.2 DM2.2 seeks to ensure all developments demonstrate that they provide ease of and versatility in use, and deliver safe, legible and logical environments. In this instance, it is acknowledged that the proposal would be positioned over three floors. It is acknowledged that the only access to the lower floor levels would likely be via a staircase, and therefore would not comply with the Council's Inclusive Design requirements. However, the lack of compliance is not considered to warrant refusal given the application relates to an existing building and its resulting restricted layout. However, a condition (Condition 12) has been included requiring an access strategy to be submitted to and approved in writing the LPA prior to the commencement of works.

Other matters

- 10.64 Concern has been raised by neighbouring residents that the proposal would result in the use of the site as a nightclub, noting the disturbance caused by other existing nightclubs within the Farringdon area. Officers note that the application proposes the flexible use of the site as A3/A4/D2, neither of which allow for the operation of a nightclub which falls under the 'Sui Generis' use class. Whilst officers are satisfied that the proposal would not result in the use of the unit as a nightclub, specific restrictions on use within D2 are secured by condition. This would ensure that the proposed use would only be a gym, so as to avoid the additional potential issues of more noise and disturbance to residents through large gatherings of people resulting from other D2 uses.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed change of use of the (part) ground floor, basement and lower basement levels from an existing B8 (storage) use to a self-contained flexible A3/A4/D2 use unit is considered acceptable, on balance, in land use terms given the supporting documentation provided, and the inclusion of conditions for the management of operations, servicing and delivery, extract and plant equipment, and neighbouring amenity impacts (such as noise). The proposed loss of the B8 use and the proposed flexible use is considered to be acceptable and would not result in an overconcentration of drinking establishments/licensed premises.

- 11.2 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Further, in accordance with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been given to the desirability of preserving the adjacent listed buildings, their setting and any of their features of special architectural or historic interest. Overall, the external alterations are not considered to materially harm the character or appearance of the host building, the wider conservation area, or the setting of the adjoining and adjacent statutorily listed buildings.
- 11.3 Subject to conditions, the proposed flexible A3/A4/D2 unit is not considered to result in unacceptable significant harm to the amenity of occupiers of neighbouring properties.
- 11.4 As such, the proposed development is considered to accord with the policies of the National Planning Policy Framework 2012, the London Plan 2016, the Islington Core Strategy 2011, the Development Management Policies 2013, the Finsbury Local Plan 2013, and Supplementary Planning Documents and as such is recommended for approval subject to appropriate conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION

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

List of Conditions:

1	<p>Commencement</p> <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	<p>Approved plans list</p> <p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Change of Use Design Statement dated 28 January 2019; Email from Kamran Haider dated 02 July 2019; Covering letter dated 9 May 2018; Demand Analysis prepared by Richard Susskind and Company dated October 2017; Richard Susskind and Company – Marketing Particulars; Assessment of Marketing letter from Pater Johnson Merriman dated 1 November 2017; Letter from Howell Brooks and Partners LLP dated 20 July 2017; Letter from Jarvis Keller Stephens dated 20 September 2017; Letter from Imogen Blanning dated 20 July 2018 regarding quality of marketing evidence and Town Centre impact; Letter from Stephen Rose dated 12 February 2019; and Drawing Numbers: Location Plan, GA 01/F, GA 02/E, GA 03/C, GA 04/A, GA 05, GA 06, M-4761-XX-(57)-001 Rev P4, M-4761-XX-(57)-002 Rev P0, and M-4761-XX-(57)-003 Rev P4.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Hours of Operation</p> <p>CONDITION: The A3, A4 or D2 unit hereby approved shall not operate outside the hours of:</p> <p>Monday to Thursday - 07.00am to 11.00pm. Friday to Saturday - 07.00am to Midnight Sunday and Bank Holidays – 08.00am to 10.00pm</p> <p>REASON: To ensure that the proposed development does not have an unacceptable adverse impact on neighbouring residential amenity.</p>
4	<p>Delivery and Servicing</p> <p>CONDITION: Details of delivery and servicing of the A3, A4 or D2 unit hereby approved shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the units.</p> <p>The servicing arrangements shall be operated strictly in accordance with the details</p>

	<p>hereby approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
5	Hours of delivery and servicing
	<p>HOURS OF DELIVERY AND SERVICING: Deliveries, collections, unloading, loading for the A3, A4 or D2 unit hereby approved shall only be carried out between the following hours:</p> <ul style="list-style-type: none"> - Monday to Saturday - (08:00 - 20:00) - Sundays/Bank Holidays - not at all. <p>REASON: To minimise the impact of deliveries and servicing on neighbour amenity.</p>
6	Noise
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed 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 control plant noise from kitchen extract, toilet extract and air conditioning units.</p>
7	Mechanical Plant Compliance Report
	<p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from required mechanical plant to demonstrate full compliance with condition 6. The report shall include measurement of the new plant following installation. The report shall be submitted to and approved in writing by the Local Planning Authority within 10 weeks of the commencement of the relevant use hereby permitted, and maintained as such thereafter.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
8	Scheme of Management
	<p>CONDITION: A scheme for the management of the A3, A4 or D2 unit hereby approved hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the units hereby approved. The Scheme of Management shall include:</p> <p><u>A3/A4 uses</u></p> <ul style="list-style-type: none"> a) sound insulation measures b) a full dispersal policy and procedure; c) a door policy; d) signs to request patrons to leave in a quiet manner and not to loiter in the surrounding streets; e) servicing and delivery times/arrangements; f) bottling out and waste management noise and times; g) control and levels of noise from any amplified music within the unit; h) control of any noise from any designated smoking areas; i) close down policy with amplified music shut-off and increased lighting;

	<p>j) security, including any additional proposed CCTV;</p> <p>k) any additional external or security lighting;</p> <p>l) capacity (of each use);</p> <p>m) private hire facilities/functions;</p> <p><u>D2 use</u></p> <p>n) sound insulation measures;</p> <p>o) control and levels of noise from any amplified music within the unit;</p> <p>p) treatment of structureborne noise & vibration transmission from impact noise i.e. free weights, kettlebells, weights machines, treadmills etc;</p> <p>q) servicing and delivery times/arrangements</p> <p>The operation of the unit shall at all times be carried out in accordance with the approved Scheme of Management.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity, including cumulative impacts given the location of the site within a 'high concentration of alcohol licensed premises (2010)'.</p>
9	Flues/Extraction Systems (Details)
	<p>CONDITION: Details of any proposed kitchen and/or bathroom flues/extraction systems for the A3/A4/D2 unit hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the use to which they relate.</p> <p>The filter systems of the approved flue/extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible.</p> <p>The flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the use to which they relate and maintained as such thereafter.</p> <p>REASON: In the interest of protecting future residential amenity and the appearance of the resulting building(s).</p>
10	Details of cycle storage
	<p>CONDITION: Prior to the first occupation of the A3, A4 or D2 unit hereby approved details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter into perpetuity. The proposed cycle storage must accommodate:</p> <p>(a) 10no. cycle parking spaces in the case of A3/A4 use; or</p> <p>(b) 3no. cycle parking spaces in the case of D2 use.</p> <p>REASON: To provide adequate cycle storage.</p>
11	Details of refuse and recycling
	<p>CONDITION: Should the hereby approved unit be occupied for a use under the A3 or A4 use class, details of how the proposed refuse and recycling storage provision would meet the minimum requirements of 1.5 cubic metres per 20 dining spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To ensure the proposal benefits from adequate refuse and recycling</p>

	facilities.
12	Inclusive Design
	<p>CONDITION: An access strategy detailing the means of access and egress for people with disabilities and older people to all parts of the A3, A4 or D2 unit hereby approved shall be to submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.</p> <p>REASON: To ensure that adequate access is provided to the development for people of all abilities, in line with policies 4.6, 7.1 and 7.2 of the London Plan 2016, policy CS7 of the Core Strategy 2011, and policies DM2.1, DM2.2, DM4.12 and DM8.2 of the Development Management Policies 2013.</p>
13	D2 Use
	<p>CONDITION: Notwithstanding the use class order, the flexible A3/A4/D2 unit hereby approved shall not be occupied by any other uses within the D2 use class order (assembly and leisure) other than as a gym.</p> <p>REASON: To avoid the additional potential issues of more noise and disturbance to adjoining residents through large gatherings of people resulting from other more intensive D2 uses.</p>

List of Informatives:

1	Community infrastructure Levy (CIL)
	<p>CIL 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 London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and 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 payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>
2	Other Legislation
	<p>You are advised that the planning permission hereby approved would be subject to fully complying with other legislation outside the realms of the planning regulations including licensing, environmental acts, building control and fire safety regulations.</p>
3	D2 Gym Use
	<p>No permission is granted for the use of the flexible unit for any other purposes which fall within the D2 use class other than a gym. Should you wish to use the unit for any other D2 purposes other than a gym, separate planning permission must be sought.</p>

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have 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

- Chapter 4: London's Economy
- Policy 4.1 Developing London's economy
- Policy 4.4 Promoting Town Centres
- Policy 4.3 Mixed use development and offices

b. Islington Core Strategy 2011

- Policy CS 7 – Bunhill and Clerkenwell
- Policy CS 13 – Employment Spaces
- Policy CS 14 – Retail and services

c. Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.3 – Heritage
- Policy DM4.2 – Entertainment and the night-time economy
- Policy DM4.3 – Location and concentration of uses
- Policy DM5.2 – Loss of existing business floorspace
- Policy DM6.1 – Healthy development
- Policy DM8.2 – Managing transport impacts
- Policy DM8.4 – Walking and cycling
- Policy DM8.6 - Delivery and servicing for new developments
- Appendix 6 – Cycling

d. Finsbury Local Plan 2013

- Policy BC8 – Achieving a balanced mix of uses

3. Designations

- Clerkenwell Green Conservation Area (and Article 4 Direction)
- Within 50m of Charterhouse Square Conservation Area
- Core Strategy Key Area – Bunhill & Clerkenwell
- Central Activities Zone
- Employment Priority Area (General)
- Clerkenwell Archeological Priority Area
- Major Cycle Route
- Finsbury Local Plan Area – Bunhill & Clerkenwell
- Mayor's Protected Vistas – Alexandra Palace viewing terrace to St Paul's Cathedral
- Local views from St John Street

- Local view from Angel
- Local view from Archway Road
- Local view from Archway Bridge
- Article 4 Direction (A1-A2)
- Article 4 Direction (B1(c) to C3)
- Adjoining Grade II listed building – No. 72 St John Street
- Adjoining Grade II listed building – No. 78 St John Street

4. SPD/SPGS

- Urban Design Guide 2017
- Conservation Area Design Guidelines



Appeal Decision

Site visit made on 5 June 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 5 July 2017

Appeal Ref: APP/V5570/W/17/3171820
74-76 St John Street, Islington, London EC1M 4DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Rogers, Venaglass Haymarket Limited against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/4605/FUL, dated 22 November 2016, was refused by notice dated 6 February 2017.
 - The development proposed is change of use of part ground floor, basement and lower basement from Use Class B8 (storage) to flexible commercial use within Use Classes A1/A2/A3/A4/B1/D1/D2) Use, replacement of ground floor façade and entrance doors and fenestration to enclose existing ramp.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr David Rogers, Venaglass Haymarket Limited against the Council of the London Borough of Islington. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this case are:
 - Whether the loss of the business floor space is justified;
 - Whether the proposal would harm the vitality and viability of neighbouring town centres; and
 - The effect of the proposal on the living conditions of existing occupiers.

Reasons

Loss of Class B8 (Storage or Distribution)

4. The appeal site comprises two levels at lower ground floor and basement level within a seven-storey office on St John Street. The site is situated within an Employment Priority Area (General). The ground floor is used for access, the first basement level for car parking and the lower basement level is currently vacant, but previously used for storage. The surrounding area is characterised by a mix of 3-7 storey buildings in a range of uses, typically with ground floor retail, café and showroom uses and office and residential uses on the upper floors.
-

5. Criterion B of Policy CS13 of the Council's Core Strategy 2011 seeks to safeguard existing business spaces throughout the Borough by protecting against change of use to non-business uses, particularly in the Central Activities Zone (CAZ). The supporting text explains that there is continuing pressure on employment floor space from other uses.
6. Criterion A i of Policy BC8 of the Finsbury Local Plan (FLP)–Area Action Plan for Bunhill and Clerkenwell 2013 states that within the Employment Priority Areas (General and Offices) no net loss in business floor space will be permitted, either through change of use or redevelopment, unless exceptional circumstances can be demonstrated, including through the submission of clear and robust evidence which shows that there is no demand for the floor space. This evidence must demonstrate that the floor space has been vacant and continuously marketed for a period of at least two years.
7. In addition, the loss of business floor space will only be permitted where the proposal would not have a detrimental individual or cumulative impact on the area's primary business role and would not compromise economic function/growth, or it can be demonstrated that the site is no longer suitable for the provision of similar uses. Appendix 11 of the Council's Development Management Policies sets out the evidence which is required to adequately demonstrate marketing and market demand.
8. The approach set out in Policy CS13 of the Core Strategy and Criterion A i of Policy BC8 of the FLP is consistent with paragraphs 18 and 19 of the National Planning Policy Framework (the Framework) which seeks to support sustainable economic growth. Furthermore, the approach provides the flexibility required by paragraph 22 of the Framework which seeks to avoid long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose, subject to the submission of evidence. I can, therefore, attach significant weight to those policies in my Decision.
9. The site includes a car park at 262m²; however, the application form indicates the established use is B8 (storage) of some 585m². The appellant indicates that the basement levels have been under-used for many years and that the owners have marketed the premises without success. An email from the commercial agent stating that the premises has been marketed from June 2014 and that during the marketing campaign there were numerous viewings, mainly from the gym sector. A handful of offers from Gym users were received but they did not materialise.
10. The marketing particulars are also included which shows that the premises were marketed for all uses at a rent in excess of £130,000 per annum exclusive. In addition, it is stated that details were initially sent to those parties with a suitable requirement and then to all active London agents. The property was on the agent's website and periodically sent to all London agents. A 'sample' of parties that viewed the property is also included.
11. Additional information has been submitted which includes details of completed deals between 1 June 2014 and 30 June 2016. This shows that the majority of lettings (45 of 50) secured higher rental incomes than £34 per sq ft per annum. Rents ranged from approximately £20 per sq ft to £67.50 per sq ft. The average (median) rental income secured in these lettings was £48.23/sq ft. Thus the rent sought for the appeal property was at the lower end of the rates expected in this location. Further information relating to current 'market comparables' has also been submitted which shows that the rental rate of £34 per sq ft per annum would

be below the rates asked in the EC1M postcode. However, this information does not amount to a professional valuation from at least three agents to confirm that the asking price is reasonable. Furthermore, the submitted information does not include any basement offices or any B8 spaces as there were none available for comparison. Consequently, I cannot be certain that the property was marketed at a reasonable price which takes account of the basement location and the nature of the premises.

12. Furthermore, the value of offers, the reasons why any offers fell through, why it was not possible to agree terms and why offers were refused are not included. Also no details are included as to why the property is 'not of interest'. Consequently, the evidence falls short of that required by Appendix 11 of the DMP. Due to the limited evidence before me, I cannot, therefore, be certain that the property has been marketed on appropriate terms at a reasonable asking price which reflects the nature of the property.
13. I have had regard to the fact that the property is currently vacant and as such there would not be the loss of an actual B8 or business use. However, there would be the loss of business floor space which Policy BC8 of the FLP seeks to protect.
14. The appellant draws attention to paragraph 11.1.3 of the FLP and suggests that the term business use is widely defined and covers all of the uses proposed. However, whilst Policy BC8 seeks to achieve a balanced mix of uses, including a wider range of employment generating uses, Criterion A i specifically refers to business floor space. Business floor space/buildings/development/uses are defined in the glossary as activities or uses that fall within the B-Use Class (i.e. offices, industry, or warehousing). Furthermore, there is insufficient evidence before me to conclude that there would be no demand for B8 or other business uses either now or in the future.
15. The appellant also suggests that the proposal is consistent with the underlying purpose of policy which is to promote employment growth and jobs. However, paragraph 3.47 of the Core Strategy states that the principle will be to continue to protect a variety of spaces and to achieve this, the Core Strategy protects specific types of business floor space where appropriate (B-use classes) within the more general definition of employment floor space. Criterion A i of Policy BC8 seeks to protect business floor space as part of a balanced mix of uses.
16. Attention is also drawn to Criterion B which states that within the Employment Priority Area (general) the employment floor space component of a development or change of use proposal should not be unfettered commercial (B1a) uses, but where appropriate must also include retail or leisure uses at ground floor alongside. Nonetheless, given the flexible nature of the proposal it may be implemented within a single use class resulting in the loss of all the business floor space which would be contrary to Criterion A i of the Policy.
17. For the reasons stated, there is insufficient evidence before me to conclude that the loss of business floor space is justified. The proposal is, therefore, contrary to Policy CS13 of the Core Strategy and Policy BC8 of the FLP.

Vitality and Viability of Town Centres

18. Policy DM4.4 of the DMP seeks to maintain and enhance the retail and service function of Islington's four town centres. Part B states that applications proposing more than 80m² of floor space for uses within the A Use Classes, D2 Use Class and for Sui Generis main town centre uses within the Central Activities Zone, must

demonstrate that the development would not individually or cumulatively with other development have a detrimental impact on the vitality and viability of Town Centres within Islington or in adjacent boroughs, or prejudice the prospect for further investment needed to safeguard their vitality and viability; the proposed uses can be accommodated without adverse effect on amenity; and the proposal would support and complement existing clusters of similar uses within or adjacent to the Central Activities Zone, particularly important retail frontages.

19. Criterion B of Policy CS7 of the Core Strategy relating to Bunhill and Clerkenwell states that there are a number of local centres within the area which are a foci for shops, facilities and/or the evening economy, including amongst others, St. John Street. It goes on to say that these centres will be protected and enhanced in a manner that ensures their vitality and vibrancy, whilst safeguarding the amenity of residential uses. However, the appeal site is not situated within a designated town centre or a defined local centre allocated for retail purposes as defined in appendix 3 of the DMP. Criterion c of Policy 2.11 of the London Plan 2016 states that retail capacity will be focused on the CAZ frontages. However, St John Street is not allocated as a Central Activity Zone frontage as defined in Annex 2 of the London Plan.
20. The proposed A1 retail element and the D2 Assembly and Leisure element are classed as main town centre uses by the Framework. The proposal could accommodate 615m² of A1 retail floor space which would be equivalent to a large 'express/local' supermarket and could, therefore, have an impact on neighbouring town centres, in particular Angel Town Centre.
21. At the time the application was determined retail impact and sequential assessment had not been undertaken. Consequently, the Council considered that insufficient evidence had been submitted to demonstrate that the proposal would not have an impact either individually or cumulatively on nearby Town Centres, in particular Angel Town Centre.
22. A brief Retail Impact Assessment (RIA) has been submitted in support of the appeal. The RIA includes an assessment of Angel Town Centre which draws heavily on the Islington's Town Centres: Review and Health Check (Health Check) (2012) which found that Angel Town Centre was performing very strongly overall due to a combination of a high number of A1 units, alongside complementary vibrant cultural and entertainment uses. The Health Check also found a diversity of uses and a low vacancy rate. On the basis of my site visit, I have no reason to disagree with this assessment.
23. The RIA suggests that the appeal site is relatively small, equating to approximately 1% of the total floor space of 51,496m² of total retail, leisure, financial and business services floor space within Angel Town Centre and concludes that no significant impact is likely as a result of the proposal. Attention is also drawn to the forecast retail sales (2021) set out in the Islington Retail Study Update 2008 which shows the combined turnover of both convenience and comparison goods of £401.6m.
24. It is acknowledged that the proposed retail or D2 floor space would be a small percentage of the total commercial floor space within Angel town centre. However, the proposed floor space of 615m² is significantly above the Council's threshold of 80m² and whilst a brief qualitative analysis has been undertaken, there is no quantitative analysis. In the absence of such analysis, including information such as the turnover of the proposed use, surplus expenditure in Angel

Town Centre and the extent of any trade draw, it is not possible to determine whether the proposal would harm the viability of Angel Town Centre or prejudice the prospect for further investment needed to safeguard its viability.

25. Attention is drawn to paragraph 4.27 of the DMP which states that proposals for retail, services, entertainment, assembly and leisure uses within the CAZ may be appropriate where these would not detrimentally affect the vitality and viability of town centres. It goes on to say that proposals involving these uses (especially those of a small scale) are unlikely to result in detrimental impacts and that the Policy, therefore, takes a flexible, judgement based approach as to whether a full impact assessment is required should be applied. However, in setting a threshold of 80m², the Council clearly considers that proposals above this threshold may have the potential to impact on other centres. The proposal would be larger than the majority of retail units in the street and would be significantly above the threshold set out in Policy DM4.4. Given the scale of the proposal, I consider that in this case a quantitative assessment should be required.
26. Attention is drawn to an appeal decision¹ in which the inspector commented that it is difficult to see how the vitality and viability of Nags Head could be threatened given that it provides a much greater variety of outlets of greater size and as the Sainsbury's Local outlets are planned with a 500m catchment in mind. This case was not in the CAZ and thus engaged Part A of Policy DM4.4 of the DMP. Nevertheless, the floor space threshold set out in part A of the Policy is the same. I note that this case is significantly smaller than the appeal proposal and that the inspector concluded that an impact test would be required. Furthermore, the proposal in this case was for convenience retailing which would be likely to have a local catchment. The flexible nature of the appeal proposal could result in 615m² of comparison retailing which would likely have a wider catchment and could, therefore, have an impact on the viability of Angel Town Centre. This case is not, therefore, directly comparable to the appeal proposal which limits the weight which I can attach to it in my Decision.
27. There is dispute between the parties as to whether a sequential assessment would be required to support the proposal. However, even were a sequential assessment required, in the absence of a quantitative retail assessment, I am unable to determine whether the proposal would have a detrimental impact on the viability of Angel Town Centre.
28. For the reasons stated, I conclude that there is insufficient evidence to determine whether the proposal would harm the vitality and viability of Angel Town Centre. The proposal is, therefore, contrary to Policy DM4.4B of the DMP. This conflict weighs against the scheme.

Living conditions of existing residents

29. The range of flexible uses proposed would permit occupiers such as a café, restaurant, drinking establishment, concert hall, dance hall, gymnasium and indoor sports or recreation. Such a range of uses could lead to potential noise, disturbance or odour for the occupiers of surrounding residential uses.
30. There is an existing void at the rear of the main building which sits adjacent to the rear of the residential properties at 66 St John Street. Indeed a number of objections have been received from occupiers of those units in terms of potential

¹ Appeal reference: APP/V5570/A/13/2210830

noise and disturbance. There are also residential properties above commercial units along St John Street.

31. Criterion ii of Part B of Policy DM4.4 of the DMP requires that proposed uses can be accommodated without adverse impact on amenity. Policy DM4.3 of the DMP states that proposals for cafes, restaurants, drinking establishments, off-licences, hot food takeaways and other such uses will be resisted where they would result in negative cumulative impacts due to an unacceptable concentration of such uses in one area; would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area.
32. The Council considers that on the basis of an A3 use survey, the evidence suggests that there are no discernible clusters of A3 units in the area. Given the nature of the Central Activities Zone and the suitability of night time economy uses, overconcentration on a purely quantitative basis is considered unlikely. I noted on my site visit that A3 and A4 uses were well distributed along the street interspersed with office and commercial uses at ground floor level. However, this does not preclude the need to assess any potential effects arising from the proposal itself.
33. The nature of the proposed uses, in particular the A3 (restaurants and cafes), A4 (drinking establishments) and D2 (assembly and leisure) use classes, have the potential to adversely affect the living conditions of nearby residents by virtue of noise arising from congregations of customers, music and any extraction equipment. Odour caused by cooking inside the premises may also be an issue. There may also be noise and general disturbance caused by customers and delivery vehicles coming and going outside the premises. Such effects can be particularly intrusive when they take place late into the evening when other background noise levels generally diminish. Proposed uses falling within D1 use class may also have the potential for traffic generation, although I note that highway safety is not included as a reason for refusal.
34. Paragraph 4.21 of the DMP states that in assessing the likely impacts of a proposal, regard will be had to the type of use, proposed hours of opening, size of premises, operation and servicing and measures to mitigate odour and noise from the premises. I have regard to the conditions proposed by the appellant and also the Council. I consider that conditions relating to opening hours, submission and approval of extract and ventilation equipment, noise arising from music, customers or ventilation and extraction equipment, the timing of deliveries etc, potentially tailored to each specific use could have been imposed to address concerns had I decided to allow the appeal.
35. For the reasons stated above, I, therefore, conclude that with the suggested conditions, the proposal would not have a harmful effect on the living conditions of neighbouring occupiers. The proposal would not, therefore, be contrary to Criterion ii of Part B of Policy DM4.4 of the DMP or Policy DM4.3 of the DMP.

Other matters

36. The proposal is situated within the Clerkenwell Green Conservation Area and adjacent to Nos 72, 78 and 80 St John Street, which are grade II listed buildings. The existing frontage of the appeal property is largely blank and does not make a positive contribution to the street scene. The proposal would involve the creation of a new facade, entrance and aluminium framed window which would result in a more active and positive frontage. The proposal would not, therefore, harm the

character or appearance of the Conservation Area or the setting of neighbouring listed buildings. The Charterhouse Almhouse lies to the rear of the site and is a grade II listed building. No alterations are proposed to the rear and consequently, the proposal would not harm the setting of this listed building.

Planning Balance

37. I have identified that with conditions, the proposal would not have a harmful effect on the living conditions of neighbouring residents. Furthermore, the proposal would have some benefits in terms of improving the frontage of the site, bringing a vacant, underused unit back into use, promoting a car-free development and contributing to the local economy. However, these benefits could be achieved by other means. I have identified that the proposal would result in the loss of business floor space and have the potential to harm the vitality and viability of Angel Town Centre. I consider that the totality of this harm would outweigh the benefits of the proposal.

Conclusion

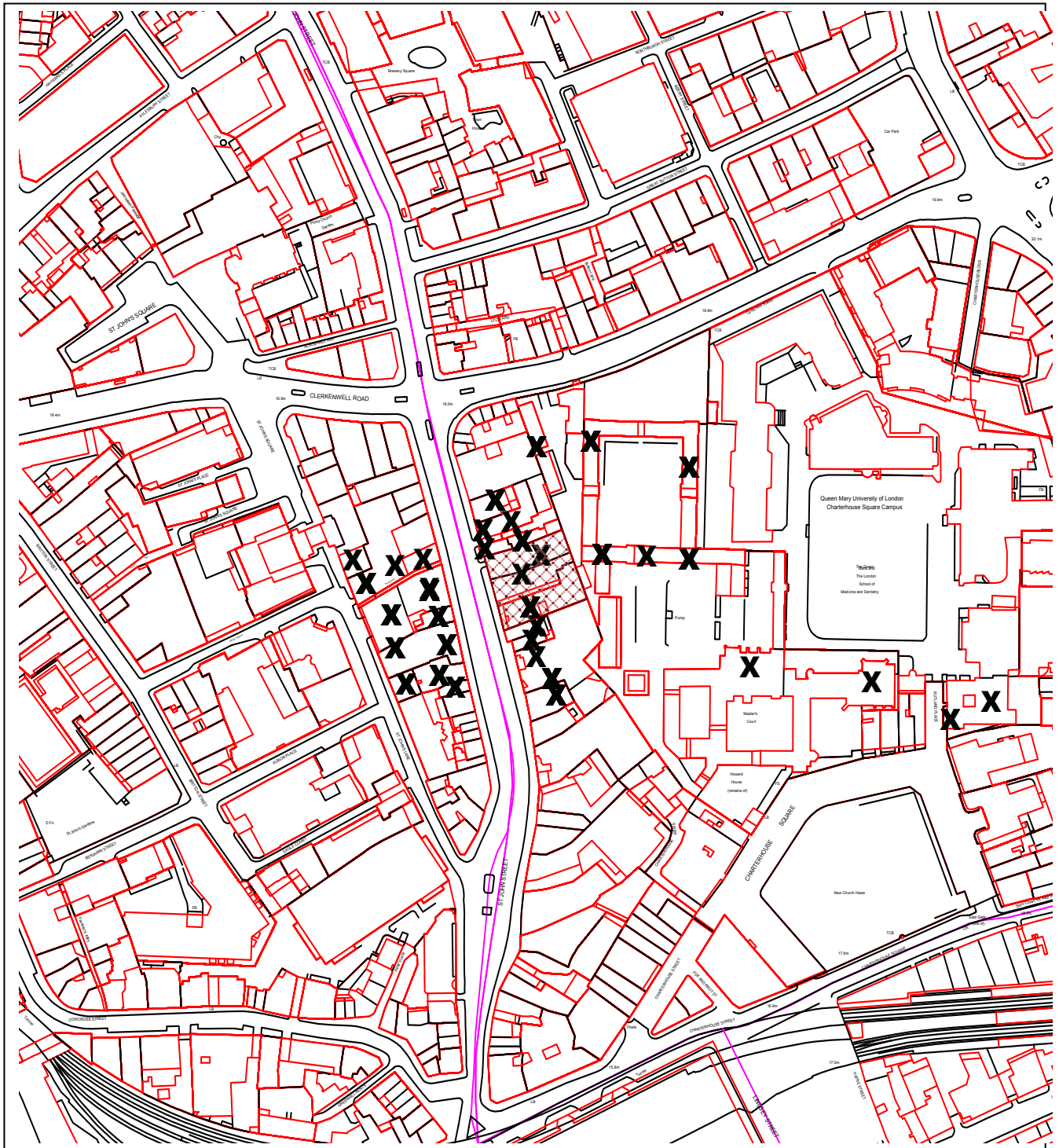
38. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector

This page is intentionally left blank

Islington SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.
P2018/1580/FUL

This page is intentionally left blank



PLANNING COMMITTEE REPORT

PLANNING SUB-COMMITTEE A		AGENDA ITEM NO: B6
Date:	Planning Committee 14 January 2020	

Application number	P2019/2576/FUL and P2019/2605/LBC
Application type	Full Planning Application and Listed Building Consent
Ward	Highbury East
Listed building	Grade II
Conservation area	St Mary Magdalene Conservation Area
Development Plan Context	Adjacent to Lower Holloway Local Shopping Area.
Licensing Implications	None
Site Address	Islington Central Library, 2 Fieldway Crescent, Islington, London, N5 1PF
Proposal	Refurbishment of the ground and first floor of the building reinstating the public foyer from Holloway Road entrance to provide a link to the main library at ground floor level. Change of use of the north western portion of the building at ground and first floor levels in association with the creation of a rehearsal room/ theatre (D2) and associated office at ground and first floor levels. Work includes demolition of internal partitions and mezzanine floor, minor structural alterations to form new doorways, new partitions at ground and first floor level and installation of a new ventilation fan with an accompanying external louvre window which would replace the existing sash window above the loading bay doors at ground floor level upon the Fieldway Crescent Elevation. Installation of a ramp to the side elevation of the Holloway Road entrance to provide inclusive access to the building.

Case Officer	Alex McCombie
Applicant	Mr Gareth Jenkins (London Borough of Islington)
Agent	Haworth Tompkins

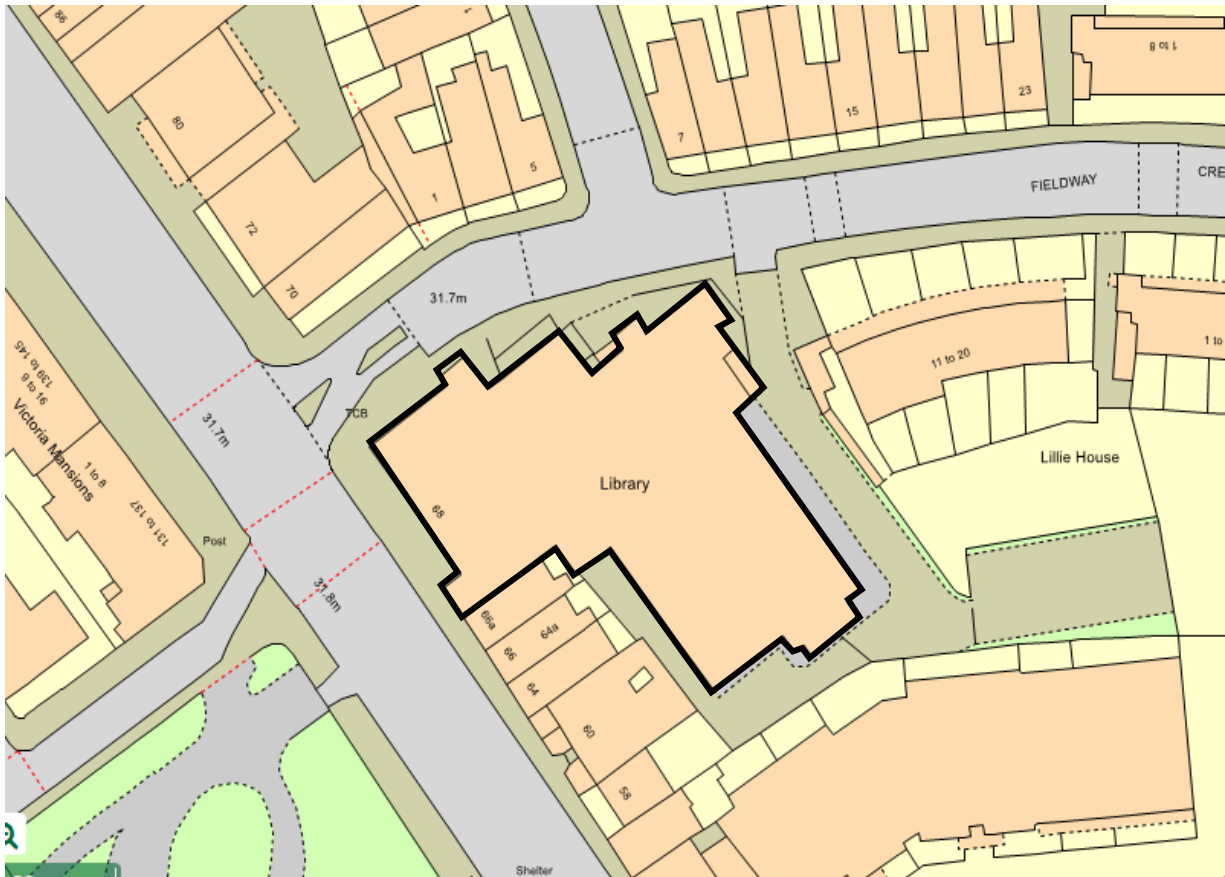
1. RECOMMENDATION

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

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

- conditional upon the completion and signing of a directors level agreement to secure the relate public benefits of the scheme for the borough.

2. SITE PLAN



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of site (from north west)



Image 2: Holloway Road Elevation



Image 3: Fieldway Crescent Elevation



Image 4: Aerial view to the rear of the site



Image 5: Internal view of double height space subject to change of use from Library (D1 use) to Theatre (D2 use)- top left, top right and bottom left. Internal view of Holloway Road entrance/ proposed foyer (bottom right)

SUMMARY

- 3.1 The application for full planning and listed building consent proposes the refurbishment of the ground and first floor of the building, reinstating the public foyer from the Holloway Road entrance providing a link to the main library at ground floor level and the creation of a ramp to the side elevation of the Holloway Road entrance. Change of use of the north western portion of the building at ground and first floor levels in association with the creation of a rehearsal room/ theatre (D2) with an ancillary office. Associated internal works comprising the demolition of internal partitions and mezzanine floor, minor structural alterations to form new doorways, new partitions at ground and first floor level. Installation of a new ventilation fan with an accompanying external louvered window replacing the existing sash window above the loading bay doors at ground floor level upon the Fieldway Crescent Elevation.
- 3.2 The application therefore predominantly relates to the internal changes necessary to convert the north western portion of the Grade 2 listed building at ground and first floor level from its current library use (D1) to a rehearsal room/ theatre for use by the Tall Stories Theatre Group (D2) with associated internal and external alterations to improve access, to and through the building.
- 3.3 This change of use of Library Floorspace (D1) to a rehearsal theatre (D2) is considered acceptable in this instance, the last use of this part of the building was as the First Steps Learning centre which forms part of the Library's adult Education offer and this facility has since been re-provided at the second floor level of the library. Policy 4.12, Part A establishes that the Council will not permit any loss or reduction in social infrastructure uses unless: (i) a replacement facility is provided on site, which would, in the council's view, meet the need of the local population for a specific use.
- 3.4 In this case it is considered that the relocation of the First Steps learning centre to the second floor would ensure that the Library's Adult Education Offer could continue and that Tall Stories outreach programme with local schools and the Library would support the function of the Library as an important piece of social infrastructure.
- 3.5 The building is to be occupied by Tall Stories Theatre Company who are a charitable theatre company who produce a mixture of large and small scale storytelling shows. Larger productions are performed at Internationally and Nationally recognised theatres and fund the organisations performances and outreach work with schools and communities. It is intended that Tall Stories will form a partnership with the Library service to offer an outreach programme which will include 15 free performances a year to be secured through the Heads of terms for the accompanying section 106 agreement. In addition, the company will arrange free themed workshops to help encourage reading and participation in Library reading events such as the Summer Reading Challenge, Reading ahead for adults and Islington Reads. The company will also provide free educational materials for schools and Free exhibitions at Libraries based on Tall stories productions.
- 3.6 The scope of the proposed works resulting in some alterations to the external appearance of the building and more extensive alterations to the internal appearance of the building have been identified by the Design and Conservation Team as resulting in some harm to the historical fabric of the listed building. However, this harm has been weighed against the public benefits of the scheme which includes the outreach programme outlined above which secures a meaningful future working partnership between Islington Central Library, Islington's Schools and the Tall Stories Theatre company.

- 3.7 The scheme for the change of use of Library floorspace to a rehearsal theatre has been subject to several revisions during the course of the consideration of the application to ensure that any alterations to the building are as sympathetic as possible to minimise the harm to the historic fabric of the listed building.
- 3.8 The views of the Inclusive Access Officer have been sought and revised plans have been provided to ensure that the proposed works achieve the highest standards of accessibility, to ensure that the building is fully accessible to all groups.
- 3.9 Public Protection have also been consulted to ensure that the proposed theatre use and operation of the theatre does not give rise to undue noise and disturbance. Subject to conditions, no objections have been raised on this basis.
- 3.10 The proposed development particularly the provision of a well- known and valuable charitable use, is welcomed in principle, brings the original entrance of the building back into use and improves access to the building from the Holloway Road entrance. The application has been considered in conjunction with the National Planning Policy Framework (NPPF) and the presumption in favour of sustainable development.
- 3.11 The proposal is considered acceptable in terms of land use, design, inclusive design, sustainability, waste, recycling and landscaping. Taking all material considerations into account, it is considered that the proposal is acceptable on balance, and that the application should be approved.

4. SITE AND SURROUNDINGS

- 4.1 The site is located on the north eastern side of Holloway Road on a corner plot at the junction with Fieldway Crescent. The application building is a part two, part three storey building, comprised of a two storey Portland stone design to the Holloway Road elevation, with a two storey red brick rear and side projecting wing to the Fieldway Crescent Elevation. The building also features a three storey 1970's Brutalist Style dark red brick and concrete extension to the rear of the original rear and side projecting wing.
- 4.2 The site is well served by Public transport being situated between Highbury and Islington and Holloway Road underground stations and is served by a number of bus routes. On this basis, it therefore has an excellent Public Transport Accessibility Level (PTAL) of 6a (with 1 being the lowest rating and 6a being the highest rating).
- 4.3 The building is Grade 2 listed and is located within the St Mary Magdalene Conservation Area. The listing on the Historic England Website is as follows:

' Public Library. Dated 1906 on the foundation stone and elsewhere, altered and enlarged to Fieldway Crescent front in 1973-6. By Henry T. Hare. The principal front of Hare's building faces Holloway Road, and is faced in Portland stone, and there is a 1906 wing in Fieldway Crescent of red brick set in English bond with stone dressings; roof of slate so far as visible. Two storeys over basement; the first floor not windowed on Holloway Road, but the front reads as five bays, the outer bays projecting slightly. Deep single-storey porch of rusticated stone to right-hand bay with engaged Roman Doric columns carrying a segmental open pediment with datestone and floral drops in the tympanum; flat-arched entrance with double keystones; wrought iron gates to entrance and wrought iron grille to left return; dated lead rainwater head in angle of porch and principal front. The principal front has a base of ashlar, the rest decorated with banded rustication; three window bays to centre set in round, hollow-chamfered

arches, the windows flat-arched and flanked by engaged Ionic columns carrying entablature with double keystone and broken pediment enclosing a cartouche; the windows have original slim wooden mullions and transoms with leaded glazing; rising out of each cartouche, a scrolled bracket each carrying a different emblematic female head; circular niches with architraves between the brackets and linked to them by festoons; fascia over all three windows lettered 'ISLINGTON CENTRAL LIBRARY'. The outer bays have, to the right, the porch and an aedicular niche with a statue of Bacon to the first floor, and, to the left, the foundation stone with small flat-arched window above, and first-floor niche with a statue of Spenser. Pulvinated frieze to the outer bays; mutule cornice, balustrade to central bays, stepped parapet with wreathed ornament to outer bays. The return of the principal facade to Fieldway Crescent has a tripartite window to the ground floor with Ionic pilasters and engaged Ionic columns carrying entablature and central segmental pediment; and a round-arched first-floor window with eared architrave, keystone, and scrolled outer mouldings; a lower, two-storey pedimented wing projects to the left with flat-arched entrance and first-floor flat-arched window under an open segmental pediment. Rear wing of two storeys and four-window range stepped back in Fieldway Crescent: flat-arched windows, stone dressings, moulded stone eaves cornice and bracketed gutters.

INTERIOR: : the block facing into Holloway Road has been largely gutted internally; but the rear wing retains the large former reading room on the ground floor with tall paired windows to the south-west separated by engaged Doric columns, a four-light window to the south-east similarly treated, and a coffered ceiling; above this the former reference library with original panelling incorporating bookcases in six bays, eccentrically large scrolled brackets rising from piers to support entablature to panelled and barrel-vaulted ceiling; segmental sidelights, rooflights and circular windows at either end with archivolt, foliage drops and festoons.'

- 4.4 The area surrounding the site comprises a mix of residential and commercial uses. To the north of the site along Holloway Road the townscape is varied in nature with a mix of 2, 3 and 4 storey buildings with some of these units possessing a commercial use at ground floor level with residential accommodation at upper floor levels. Directly to the east of the site is a residential neighbourhood comprising three storey properties, situated between the St Mary Magdalene and Highbury Fields Conservation Areas.
- 4.5 Directly to the south the built form consists of three storey properties with a range of building heights with a commercial nature at ground floor level and residential flats above.
- 4.6 To the west and north west is St Mary Magdalene Church and its associated grounds (Grade II star listed) and a five storey mansion block comprising commercial units at ground floor level with residential accommodation above.
- 4.7 All the areas to the north, west and immediate south of the property are located within the St Mary Magdalene Conservation Area.

5. PROPOSAL (IN DETAIL)

- 5.1 In this case the application for full and listed building consent proposes the refurbishment of the ground and first floor of the Grade II listed Library building to reinstate the public foyer from the Holloway Road entrance providing a link to the main library at ground floor level and the creation of a ramp to the side elevation of the Holloway Road entrance. Change of use of the north western portion of the building is proposed at ground and first floor levels in association with the creation of

a rehearsal room/ theatre (D2) with an ancillary office. Associated internal works comprising the demolition of internal partitions and mezzanine floor, minor structural alterations to form new doorways, new partitions at ground and first floor level. Installation of a new ventilation fan with an accompanying external louvered window replacing the existing sash window above the loading bay doors at ground floor level upon the Fieldway Crescent Elevation.

- 5.2 The proposed works are sought predominantly to facilitate the change of use of the North Western portion of the building, currently 189.6 sqm of Library floorspace to a rehearsal room/ theatre (D2 use). This represents a change of use of 14.5 % of the total library floorspace which is approximately 1308.4 sqm.
- 5.3 The north western portion of the building subject to the change of use is to be occupied by Tall Stories a charity theatre company that specialises in storytelling performances for all ages and creates large and small touring shows. The company has produced shows that tour in the UK and Internationally with performances shown in the West End, Broadway and the Sydney Opera House such as the critically acclaimed Gruffalo show and uses the profits from these shows to cover the costs of other work such as performing for free in schools, workshops, access performances and small tours in the UK. The proposed rehearsal studio/ theatre space would serve as an operating base for the Theatre company and will be a rehearsal room equipped to work on theatrical productions from the initial idea through to full dress rehearsal with set, props, costume and lighting, an ancillary office for a small staff team and a small store for costumes.
- 5.4 Tall Stories will form a partnership with the Library Service. It is envisaged that the working space for the theatre company and what the company is making, will be an inspiration for free education workshops, behind the scenes tours, open rehearsals and exhibitions, using sets and costumes that bring to life both the story the production is based on, as well as revealing how a theatrical production is made.
- 5.5 The Library Service will target this new, free activity for children, families and our schools. In addition, the library service will work with Tall Stories to provide targeted outreach activities to ensure there is wider borough benefit.
- 5.6 The Library Service and Tall Stories outreach work will include:
 - **Free performances by Tall stories in 20 Islington Schools**
 - **The provision of 15 Free performances a year by Tall Stories with the Library targeting priority groups to engage 1200 residents**
 - **Tall Stories run free themed workshops to help increase participation with the Summer reading challenge for children aged 4-12. Reading ahead for adults and Islington reads which take place annually, to engage 300 residents.**
 - **Provision of free educational materials to all Islington schools within the borough.**
 - **Free exhibitions based on Tall Stories productions to be showcased at Central Library and other borough libraries**
- 5.7 Further information about Tall Stories is provided in the Planning Statement accompanying the application.

5.8 Figure 1 and 2 below shows that Tall Stories will occupy the large room in the north western portion of the Library which is a double height space and occupies approximately 189.6 sqm (14.5%) of the overall 1308.4 sqm metre footprint. This large room (labelled studio) will be converted into a rehearsal room/ theatre with seating, to the southern portion of this room. An ancillary office will be located at ground floor level, with the current mezzanine relocated to provide a costume store at first floor level which would be accessed through a relocated staircase. See figure 3 (Proposed Sections).

5.9 The proposed studio (as marked on the plans) will be used by Tall Stories predominantly as a rehearsal theatre for developing theatrical productions from the initial idea through to full dress rehearsal with set, props, costumes and lighting. Through the partnership with the Library service, the company will also run other events including free educational workshops, behind the scenes tours, open rehearsals and exhibitions.

5.10 The proposals will also include the removal of internal partitions within the foyer leading from the Holloway Road entrance to open up this space to the public and will include the provision of 1 x fully accessible combined WC and shower and a further WC in the small wing to the south of the entrance foyer. A space currently used as a library storeroom.

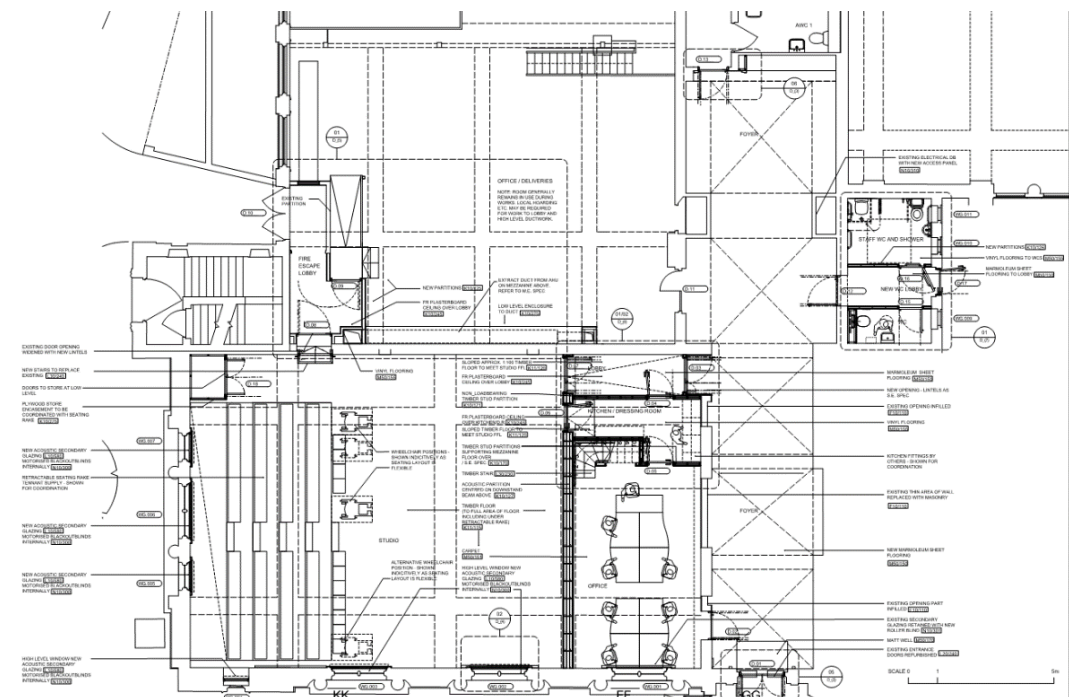


Figure 1: Proposed Ground floor layout

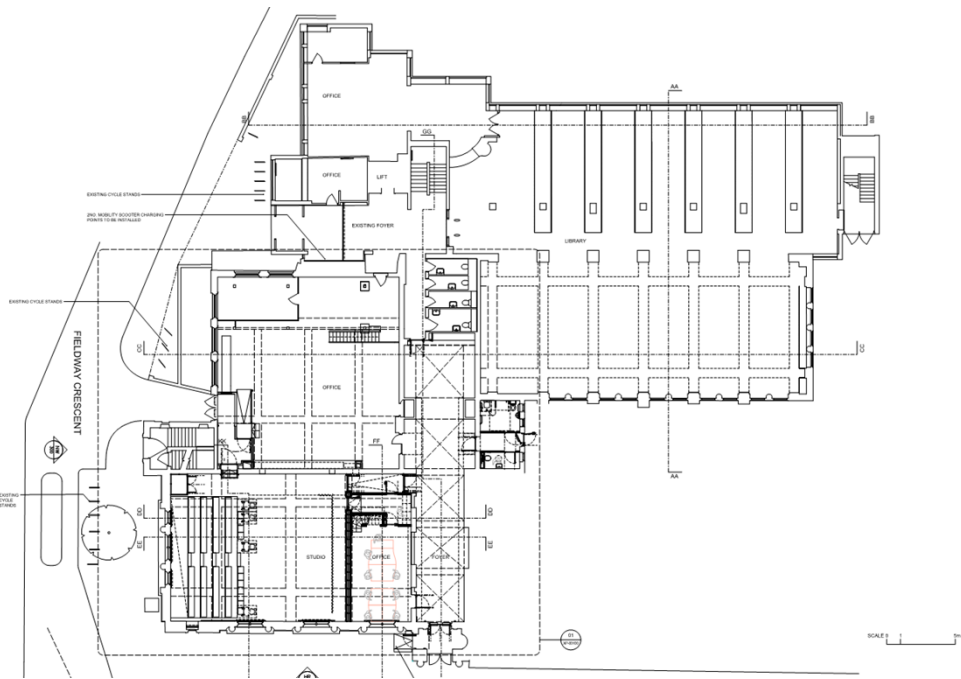


Figure 2: Proposed Rehearsal Studio (Ground floor plan) in context of wider Library

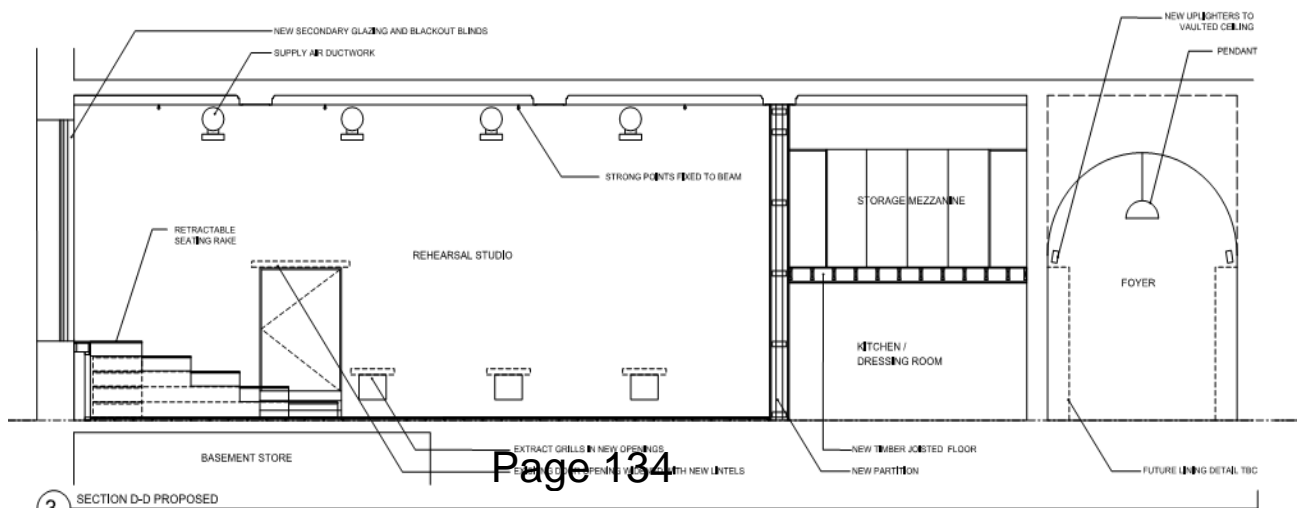


Figure 3: Proposed Section Drawing

5.11 The external alterations associated with the change of use of the north western part of the building and opening up of the foyer and Holloway Road entrance include the provision of a ramp to the side elevation of the Holloway Road entrance (shown in Figure 4) in order to provide accessible access to the Holloway Road entrance.

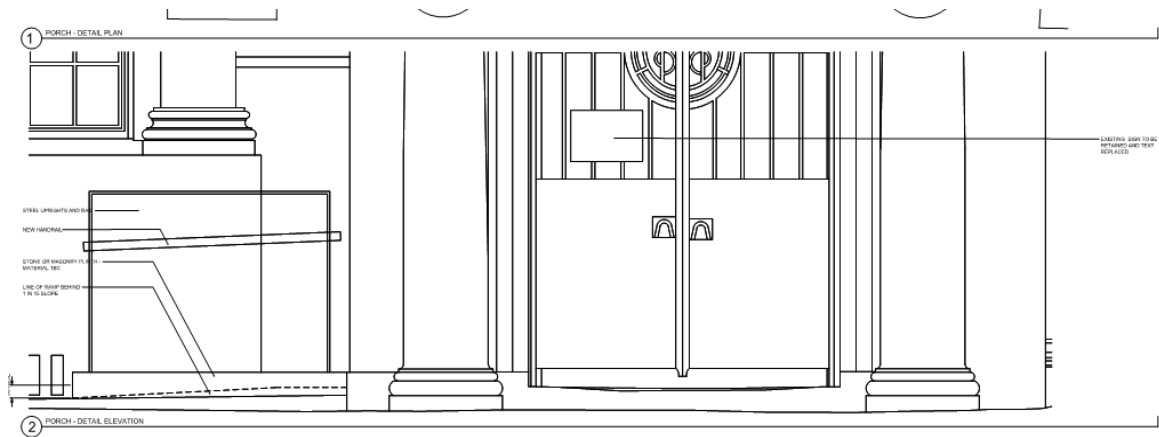


Figure 4: Holloway Road Elevation (Ramp Detail)

5.12 Further, to the Fieldway Crescent Elevation an existing window at ground floor level would be replaced by louvres that would provide an outlet for the ventilation ducts required to provide ventilation to the proposed theatre space. See Figure 5.



Figure 5: Fieldway Crescent Elevation

- 5.13 The proposals follow a previous application for listed building consent (P/2019/0242/LBC) relating to the refurbishment of the ground floor entrance lobby, creation of 2 new staff WC's at first floor level. Refurbishment of the second floor reference library and creation of two new classrooms at second floor level. This comprised the first phase of works relating to the refurbishment of the building and upgrading of Library services.
- 5.14 As a result of this previous listed building consent the First Steps learning centre which was part of the Library's Adult Education Centre offer and occupied the ground floor of the double height space in the north western portion of the building (subject to the current application) has been relocated to the one of the two new classrooms at second floor level.

Revision

- 5.15 During the course of the consideration of the application Officer have requested further information to be submitted in the form of a planning statement and revised Heritage, Design and Access Statement to fully justify the public benefits of the proposed change of use. A robust justification is required in this instance given that the proposed change of use to a rehearsal room/ theatre would in this instance result in the loss of library space, the principle of which the Council would seek to resist in most circumstances.
- 5.16 Amended plans have been submitted to address concerns relating to the scale of the proposed internal alterations and their impact on the historic fabric of the listed building and to seek improvements in relation to the accessibility of the building including the provision of a ramp to the Holloway Road entrance.

6. RELEVANT HISTORY:

- 6.1 P2019/0242/LBC: Refurbishment of ground floor entrance lobby, creation of two new staff WCs at first floor level. Creation of two new classrooms at second floor level. Refurbishment of second floor reference library. Approved with conditions 01 May 2019.

Pre- application advice

- 6.2 A pre application request was submitted in August 2018 (REF: Q2018/3162/LBC) in relation to Internal alterations including the refurbishment of the first floor panelled former reference library room, refitting of the 1970's first floor reading room and alterations to the ground floor lobby entrance and first floor entrance and gallery.
- 6.3 This pre application advice request related to the proposals submitted for application P2019/0242/LBC and no suggestions were made in relation to the works proposed within the current application.

7. CONSULTATION

Public Consultation

- 7.1 Letters were sent to occupants of 119 adjoining and nearby properties on 11 September 2019. A site notice and press advert were displayed on 19 September 2019. The public consultation of the application therefore expired on 13 October 2019, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.2 At the time of the writing of this report no objections have been received from the public with regard to the application.

External Consultees

- 7.3 Historic England: No comments to make
- 7.4 Theatres Trust: Support the proposals and consider that the proposed theatre will help to increase the strength and diversity of the cultural provision within Islington as well as providing a much needed rehearsal space and support to an existing community facility (The Library).
- 7.5 Transport for London: No comments

Internal Consultees

- 7.6 **Design and Conservation Officer:** The proposals would cause neutral and in some cases limited harm to the historic fabric of the listed building. However, weighed against the public benefits of the proposals and the existing internal condition of the building in particular it is not considered that the harm caused would be sufficient enough to recommend refusal of the application.
- 7.7 **Public Protection Officer:** No objections, subject to a condition. The public protection officer has requested a condition in relation to the proposed louvres at ground floor level to the Fieldway Crescent elevation to ensure that the noise generated from the ventilation ducts is at least 5db (A) below the background noise level.
- 7.8 **Inclusive Design Officer:** Initially objected on the basis of a failure to provide a ramp to allow access to the building from the Holloway Road entrance, failure to provide sufficient wheelchair audience seating in the rehearsal studio and due to the lack of an accessible shower, where the new WCs/ showers are due to be provided on the ground floor. Amended plans have now been received to address these concerns and the Inclusive Design Officer raises no concerns on this basis.
- 7.9 **Planning Policy:** Initially had concerns that the net loss of library space and replacement of library space (D1 use) with the proposed theatre use had not been sufficiently justified. However, the applicant has since provided a Planning Statement and revised the Heritage, Design and Access Statement to provide more detailed justification in relation to the public benefits of the scheme. It is considered that

sufficient information has been submitted to demonstrate compliance with Policies DM4.4 and DM 4.12 of the Development Management Policies (2013).

8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

- 8.1 Islington Council (Planning Sub 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.)
- 8.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 8.3 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.
- 8.4 Since March 2014 Planning Practice Guidance for England has been published online
- 8.5 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.
- 8.6 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.
- 8.7 Members of the Planning Sub-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.

8.8 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.

8.9 In accordance with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Listed Building, its setting and any of its features of special architectural or historic interest. Regard has also been given in line with Section 72 of the same act to the impact of the proposals on the character and appearance of the conservation area.

Development Plan

8.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 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.

8.11 Some weight is attributed to the Draft London Plan.

Supplementary Planning Guidance (SPG) / Document (SPD)

8.12 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 and assessment of any heritage impacts to the listed building.
- Inclusive Design
- Impact on the amenity of neighbouring residents.
- Highways and transportation
- Other issues: sustainability, waste and recycling, landscaping, contaminated land and fire safety.

Land-use

- 9.2 The proposals would in this case see the loss of 189.6 sqm of Library (D1) floorspace to change to a Theatre (D2) use.
- 9.3 Policy 4.6 (Support for and enhancement of arts, culture, sport and entertainment) of the London Plan (2016) states that the Mayor will and boroughs and other stakeholders should support the continued success of London's diverse range of arts, cultural, professional sporting and entertainment enterprises and the cultural, social and economic benefits that they offer to its residents, workers and visitors.
- 9.4 Policy DM 4.4 (Promoting Islington's Town Centres) states that the Council will seek to maintain and enhance the retail and service function of Islington's Town Centres.
- 9.5 Part A of Policy DM 4.4 states that for applications proposing more than 80 sqm of floorspace for uses within the A Use Classes, D2 Use class or Sui Generis main Town Centre uses should be located within designated Town Centres. Where suitable locations within Town Centres are not available, Local Shopping area or edge of centre sites should be chosen. Where this is not possible, out of centre sites may be acceptable where:
- (i) Alternative sites within Town Centres, Local Shopping Areas and edge-of – centre sites have been thoroughly investigated
 - (ii) The development would not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability of Town Centres and Local Shopping Areas with Islington or in adjacent boroughs, or prejudice the prospect for further investment needed to safeguard their vitality and viability; and
 - (iii) The development would be accessible to all by a sustainable means of transport and would not prejudice the overall aim of reducing the need to travel;
- 9.6 Additionally, Policy DM 4.12 (social and strategic infrastructure and cultural facilities) states at Part A that:
- 9.7 The council will not permit any loss or reduction in social infrastructure unless:
- (i) A replacement facility is provided on site which would in the council's view, meet the need of the local population for the specific use; or
 - (ii) The specific use is no longer required on site. In such circumstances, the applicant must provide evidence demonstrating:
 - (a) That the proposals would not lead to a shortfall in provision for the specific use within the local catchment
 - (b) That there is either no demand for another suitable social infrastructure use on site, or that the site/premises is no longer appropriate for social infrastructure uses; and
 - (c) Any replacement/relocated facilities for the specific use provide a level of accessibility and standard of provision at least equal to that of the existing facility.

Part C also states that new social infrastructure and cultural facilities must:

- (i) Be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport
- (ii) Provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants
- (iii) Be sited to maximise shared use of the facility, particularly for recreational and community uses; and
- (iv) Complement existing uses and character of the area, and avoid adverse impacts on the amenity of surrounding uses.

Loss of Library floorspace and provision of replacement theatre (D2) floorspace

- 9.8 In this this instance the proposed change of use of the north western portion of the building at ground and first floor levels to a theatre (D2) would result in the loss of 189.6sqm of library use floorspace (D1). The double height space subject to the change of use had previously been used as a First Steps learning centre which forms part of the Library's adult education offer and this first steps learning centre has been relocated to as second floor classroom as part of an earlier application for listed building consent (P2019/0242/LBC).
- 9.9 Criteria (i) of Part A of Policy DM 4.12 establishes that the council will not permit any loss or reduction in social infrastructure uses unless:
- (i) a replacement facility is provided on site which would in the council's view, meet the need of the local population for the specific use;
- 9.10 As noted above the First Steps learning centre which last occupied the north western portion of the Library subject to the proposed change of use formed part of the Library's Adult Education Offer and this facility has been relocated to the second floor of the Library. The proposals would subsequently avoid the loss of this part of the Library's services. It is noted that the proposals would however result in a net loss of library floorspace which has potential to be used in a variety of ways by the Library service.
- 9.11 In total, the proposals would result in the loss of 189.6 sqm of library floorspace comprising 14.5 % of the total floorspace of the library. This subsequently means that 88.5 % of the library would be untouched by the proposals. On basis that the first steps learning steps learning centre (a replacement facility) has been relocated to the second floor and the amount of remaining floorspace it is considered that the proposals would not result in undermining the use of the building as a library.
- 9.12 Tall Stories Theatre company is a registered charity that seeks to use the proposed theatre in a rehearsal space capacity and the company has a strong reputation of working with schools and other education bodies to deliver storytelling in a creative manner.

9.13 The supporting application documents submitted confirm that Tall Stories theatre company will undertake an extensive outreach programme which will work in tandem with the Library service and local schools. In this first 12 months this outreach commitment would include for instance include:

- **The provision of free performances in 20 Islington schools to engage 100 children**
- **The provision of 15 free performances per year, working with the Library service to target priority groups to engage a further 1200 residents**
- **The arrangement of free themed workshops to help encourage participation in Library mass reading events, such as the Summer Reading Challenge for children aged 4-12, Reading ahead for adults and Islington Reads which all take place annually to engage a further 300 residents**
- **The provision of free educational materials by Tall Stories to all Islington Schools.**
- **Arrangement of free exhibitions based on Tall Stories productions which will be showcased at the Central Library as well as a number of other Libraries within the borough. The aim of the exhibition programme is to enhance work with children and their families to engage 200 residents.**

9.14 In the context of the re-provision of the First Steps learning Centre elsewhere in the Library and the operations of the rehearsal theatre which will work in partnership with the Library service to diversify the Library's activities offer. It is considered that the loss of Library floorspace would not the ability of the Library to function as a Library. The replacement first steps learning centre would in the Council's view meet the need of the local population and the proposed rehearsal theatre would also support and secure the future operation of the Library.

9.15 Overall, the proposals are considered to be in accordance with Part A, criteria (i) of Policy 4.12 of the Development Management Policies (2013).

9.16 Part C of Policy 4.12 requires that new social infrastructure and cultural facilities must be:

- (i) Located in areas convenient to a range of sustainable transport modes
- (ii) Provide buildings that are inclusive, accessible, flexible and which provide design standards that meet the needs of intended occupants
- (iii) Sited to maximise the shared use of the facility, particularly for residential and community uses, and
- (iv) Complement existing uses and the character of the area and avoid adverse impacts on the amenity of surrounding uses.

9.17 The site is located between Holloway Road and Highbury and Islington Underground stations, is served by a number of bus routes and has an excellent PTAL of 6B. Appendix A of the Planning Statement details the opportunities that the Tall Stories Theatre company will offer throughout its yearly programme of events for schoolchildren and local residents to watch dress rehearsal performances and for events such as Q & A answer sessions with set designers. Amended plans have been sought during the course of the application to ensure through the provision of

measures such as ramps and wheelchair seating within the rehearsal studio to ensure that the building is accessible to all. The proposals also offer a degree of flexibility in the operation of the building, as the works re-establish a Holloway Road entrance which could for example be used for access for theatre users outside of Library opening hours.

- 9.18 In respect to criteria (iii) which seeks to maximise the shared use of the facility, the planning statement establishes that there is likely to be opportunities for the rehearsal studio to be shared with other community uses. It's also considered that the proposals complement the existing uses and character of the area. With regard to criteria (iv) it is noted that Holloway Road is generally lined with shops, restaurants and cafes, but at the stretch of Holloway Road on its eastern side opposite St Mary Magdalene Church there are a number of civic and community uses which the proposed rehearsal theatre would complement. Further the extent of the scale of the proposed external alterations are minimal and would present a null impact on the amenities of neighbours.
- 9.19 Overall, the proposed change of use of the north western portion of the building from Library floorspace to a theatre rehearsal space is considered to meet the tests of Policy DM 4.12 of the Development Management Policies (2013).

Alternative sites

- 9.20 The application site in this instance is adjacent to the Lower Holloway Local Shopping area and is as noted above outside the Council's preferred Town Centre location for new theatre (D2) uses. Notwithstanding this, the application is accompanied by a supporting planning statement detailing that a search has been undertaken by the Tall Stories Theatre company to find a permanent home comprising a rehearsal space with ancillary office and costume store since 2016.
- 9.21 Sites have been considered in South London such as at the Embassy Gardens development which would have provided a purpose built theatre within a community space but this application was unsuccessful.
- 9.22 However, the theatre company has stronger ties to North London having rented offices within the area for a number of years and Tall Stories are keen to establish links with Islington's existing theatre scene comprising the Almeida, Little Angel, Sadler's Wells and Barbican Theatres.
- 9.23 Sites were considered at other locations within Islington including at:
- Methodist Church Hall, Archway Town Centre
 - Tetherdown Hall, Muswell Hill
- 9.24 Methodist Church Hall was discounted on the basis that the purchase of the building was too expensive, combined with the need for extensive refurbishment and that the building was too operationally large in scale for the Tall Stories Theatre company.
- 9.25 Tetherdown Hall in Muswell Hill was considered more operationally suitable however the theatre company were outbid on this site.
- 9.26 Paragraph 92 of the National Planning Policy Framework states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 9.27 Islington Library was selected after a meeting with Islington Council. The double height space to the north western portion of the building was considered to meet the operational requirements of the Theatre company. The location of a permanent home within a library (a building already dedicated to stories) was reasoned to be an ideal-fit for a storytelling Theatre Company.
- 9.28 Policy DM 4.4 (Promoting Islington's Town Centres) states that the Council will seek to maintain and enhance the retail and service function of Islington's Town Centres.
- 9.29 Part A of Policy DM 4.4 states that for applications proposing more than 80 sqm of floorspace for uses within the A Use Classes, D2 Use class or Sui Generis main Town Centre uses should be located within designated Town Centres. Where suitable locations within Town Centres are not available, Local Shopping area or edge of centre sites should be chosen. Where this is not possible, out of centre sites may be acceptable where:
- (i) Alternative sites within Town Centres, Local Shopping Areas and edge-of – centre sites have been thoroughly investigated
 - (ii) The development would not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability of Town Centres and Local Shopping Areas with Islington or in adjacent boroughs, or prejudice the prospect for further investment needed to safeguard their vitality and viability; and
 - (iii) The development would be accessible to all by a sustainable means of transport and would not prejudice the overall aim of reducing the need to travel;
- 9.30 In line with the requirements of criteria (i) of Part A of Policy DM 4.4 Officers have assessed the information provided on the consideration of alternative sites. It has demonstrated that other sites have been considered across London and within Islington which were discounted on the basis of operational requirements or due to financial considerations.
- 9.31 Overall, it considered that the consideration of alternative sites as described in the accompanying planning statement constitutes a thorough investigation complying with the requirements of criteria (i) of Policy DM4.4.

- 9.32 Criteria (ii) and (iii) of Part A of Policy DM 4.4 relates to development that would have a detrimental impact on the vitality and viability of Town Centres and Local Shopping Area within Islington and other boroughs, with criteria (iii) aiming to provide development that is accessible to all through public transport.
- 9.33 The proposed theatre model seeks to use the theatre space predominantly for rehearsals and is not considered to be development that would impact on the vitality or viability of Town Centres or the adjacent local shopping centre. With respect to access to the site via public transport the site is between Holloway Road and Highbury and Islington Station and is served by a number of bus routes. The site has a Public Transport Accessibility Level of 6b indicating an excellent level of accessibility by public transport.
- 9.34 Part A, criteria (i) Policy 4.12 (Social and strategic infrastructure and cultural facilities) establishes that the Council will not permit any loss or reduction in social infrastructure unless a replacement facility is provided on site which would in the council's view meet the need of the local population for a specific use.
- 9.35 Overall, the proposed rehearsal theatre is not considered to provide a use that would undermine the predominant retail and service function of the Lower Holloway Local Shopping area. The location of the proposal adjacent to a Local Shopping area rather than with a Town Centre is considered justified in this instance given the provision of evidence in the application supporting documents that alternative sites within the borough have been extensively considered. As such the proposals are considered to accord with Policy DM 4.12 of the DMP Policies (2013).

Design, Conservation and Heritage Considerations

- 9.36 Central Library is listed at Grade II, it dates from 1906 by Henry T Hare and was part funded by Carnegie. It has an imposing Portland stone façade to Holloway Road with large leaded cross casement windows containing top opening lights and a decorative scroll design. The currently unused original entrance is a projecting bay on this elevation.
- 9.37 To Fieldway Crescent, the rear side and projecting wing are in red brick with Portland Stone banding beyond which is 1970's Brutalist- style dark red brick and concrete extension. The list description explains that the interior to the Holloway Road frontage is largely gutted. The main room has been subdivided with an enclosed mezzanine extension and the entrance foyer has been partially boxed in, but still survives behind it. In the room facing Fieldway Crescent where the ventilation changes are proposed, the room has few internal features although it retains its timber entrance door from the foyer corridor and has retained its original windows (with one partially adapted to form a loading bay entrance).
- 9.38 The building has strong architectural, historic and communal heritage values. It is an accomplished architectural design with a strong streetscape presence; it has interest as being one of the Carnegie funded libraries in the old Islington borough and has communal significance as being a public library, historically with lecture spaces as well as reading rooms.
- 9.39 Local Planning authorities should identify and assess the particular significance of any heritage asset that may be affected by the proposals taking account of the available evidence and any necessary expertise. They should take this into account when

considering the impact of a proposals on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 9.40 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.41 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.42 The National Planning Policy Framework (NPPF) 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 and should contribute positively to making places better for people.
- 9.43 London wide planning policies relevant to design and conservation are set out in Chapter 7 of the London Plan, and the Mayor of London's character and Context SPG is also relevant.
- 9.44 At the local level, Policy CS 8 and 9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 9.45 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
- 9.46 Section 16 and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, establishes that in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the listed Building its setting and any of its features of special architectural or historic interest. Section 72 of the same act sets out the statutory duty to preserve or enhance the character and appearance of the Conservation Area.

Internal alterations

- 9.47 In this instance the proposed internal alterations to the listed building involves adapting the main Holloway Road frontage room to a rehearsal room with a new subdivision, re-opening the original entrance to serve both the theatre and the library in addition to the existing main entrance on Fieldway Crescent and reinstating the foyer and entrance corridor. The proposed alterations would also seek to rearrange the ground

floor level WC accommodation, to install motorised blinds, replacement secondary glazing and noise attenuation measures to the front Holloway Road) elevation windows and to provide a mechanical air handling system to include louvres on the Fieldway Crescent Elevation in place of an existing window.

- 9.48 Design and Conservation Officers have been consulted on the proposals and involved since pre application stage.

Large double height room subject to change of use to theatre (north western corner of the building)

- 9.49 In respect to the rearrangement of the large double height room due to be converted into a rehearsal theatre the Design and Conservation Officer considered that the reorganisation of the subdivision of the room moving the existing mezzanine floor from the northern to the southern side of the room would have a neutral or marginally beneficial impact on the historic fabric of the listed building.

- 9.50 In this room it is also proposed to install 4 ventilation ducts which would form part of the air handling unit for the theatre space which would terminate via louvres above a window to the Fieldway Crescent elevation.

- 9.51 The impact of the air handling unit on the historic fabric of the listing building is considered to be regrettable by the Design and Conservation Officer. Further details have been sought through amended plans during the course of the application as some of these ventilation ducts hang directly in front of the front elevation windows. However, the amended plans confirm that these ducts would be set in 1.5 metres from the front elevation windows and located at a high level limiting their visibility.

- 9.52 On this basis it is considered that given the current condition of the space, the impact of the air handling unit ducts on the theatre space are considered neutral.

- 9.53 Replacement secondary glazing to the front elevation windows is also proposed and is similarly considered to be of neutral impact considering the presence of the existing secondary glazing. The internal motorised box blinds accompanying the secondary glazing are considered to be regrettable additions, but would have a neutral impact in the view of the Design Officer.

Internal Foyer leading from the Holloway Road entrance and WC's

- 9.54 The removal of the subdividing elements in the entrance foyer is welcomed and further the reinstatement of an entrance way from Holloway Road and reshaping of the groin vaulted corridor is considered to be of heritage benefit to the historic fabric of the listed building.

- 9.55 The proposed position of the WC's in the side room is a reversion to their original location and again would be welcomed.

External Alterations

9.56 In association with the internal works to the building comprising the change of use of the large double height room on the Holloway side of the building from library space (D1) to a rehearsal theatre (D2). A small number of external alterations are proposed.

Ramp

9.57 At the Holloway Road Elevation, it is proposed to install a ramp to the side elevation of the proposed Holloway Road entrance.

9.58 Discussions on the design of this ramp have been ongoing through the consideration of the application and amended plans were initially sought to move the location of the ramp from its position to the side of the Holloway Road entrance to instead ramp internally to reduce the visual impact of the ramp on the listed Building.

9.59 However, the applicant was unable to achieve a suitable gradient through ramping internally and subsequently a further set of amended plans have been sought to propose the ramp in its initial position and to remove all but the essential handrails to limit the impact on the historic fabric of the listed.

9.60 The proposed ramp is now considered to have a less than substantial harm on the historic fabric of the listed building.

Louvered window

9.61 Upon the Fieldway Crescent elevation it is also proposed to install a louvered window which would replace the top portion of the existing window above the loading bay and associated ramp to the side elevation of the building.

9.62 The louvres are required as an exit point from the ventilation ducting which would be installed inside the building at ground floor level. Design and Conservation Officers consider the loss of the remaining part of the historic window to inclusive of a row of metal louvres to be harmful to the historic fabric of the building.

9.63 Overall it is considered that the acceptability of the scheme in listed building terms is finely balanced and the extent of harm to the listed building needs to be carefully weighed against the public benefits of the scheme.

Impact of the proposal upon significance of designated heritage assets

9.64 As noted previously, the application site is Grade II listed and is located within the boundaries of the St Mary Magdalene Conservation Area.

9.65 Therefore, in the determination of the application, the assessment of the proposal must consider the impact on these heritage assets in accordance with the legislation set out in Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which is outlined below:

- Section 66(1) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- Section 72(1) provides that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of (amongst others) the planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character.
- 9.66 The South Lakeland District Council v Secretary of State for the Environment case and the Barnwell Manor case (East Northamptonshire DC v SSCLG) establish that “preserving” means “doing no harm”.
- 9.67 The decision of the Court of Appeal in Barnwell Manor confirms that the assessment of the degree of harm to the heritage asset is a matter for the planning judgement of the decision-maker. However, where the decision-maker concludes that there would be some harm to the heritage asset, in deciding whether that harm would be outweighed by the advantages of the proposed development, the decision-maker is not free to give the harm such weight as the decision-maker thinks appropriate. Rather, Barnwell Manor establishes that a finding of harm to a heritage asset is a consideration to which the decision maker must give considerable importance and weight in carrying out the balancing exercise.
- 9.68 There is therefore a “strong presumption” against granting planning permission for development which would harm a heritage asset. In the Forge Field case the High Court explained that the presumption is a statutory one. It is not irrefutable. It can be outweighed by material considerations powerful enough to do so. Paragraph 134 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. A local planning authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.
- 9.69 The case-law also establishes that even where the harm identified is less than substantial (i.e. falls within paragraph 134 of the NPPF), that harm must still be given considerable importance and weight.
- 9.70 When more than one heritage asset would be harmed by the proposed development, the decision-maker also needs to ensure that when the balancing exercise is undertaken, the cumulative effect of those several harms to individual assets is properly considered.
- Islington Central Library
- 9.71 In assessing the proposals hereby under consideration, special regard has been had to the desirability of preserving the historic fabric of the Grade II listed application building.
- 9.72 The listing details for Islington Central Library are as follows:

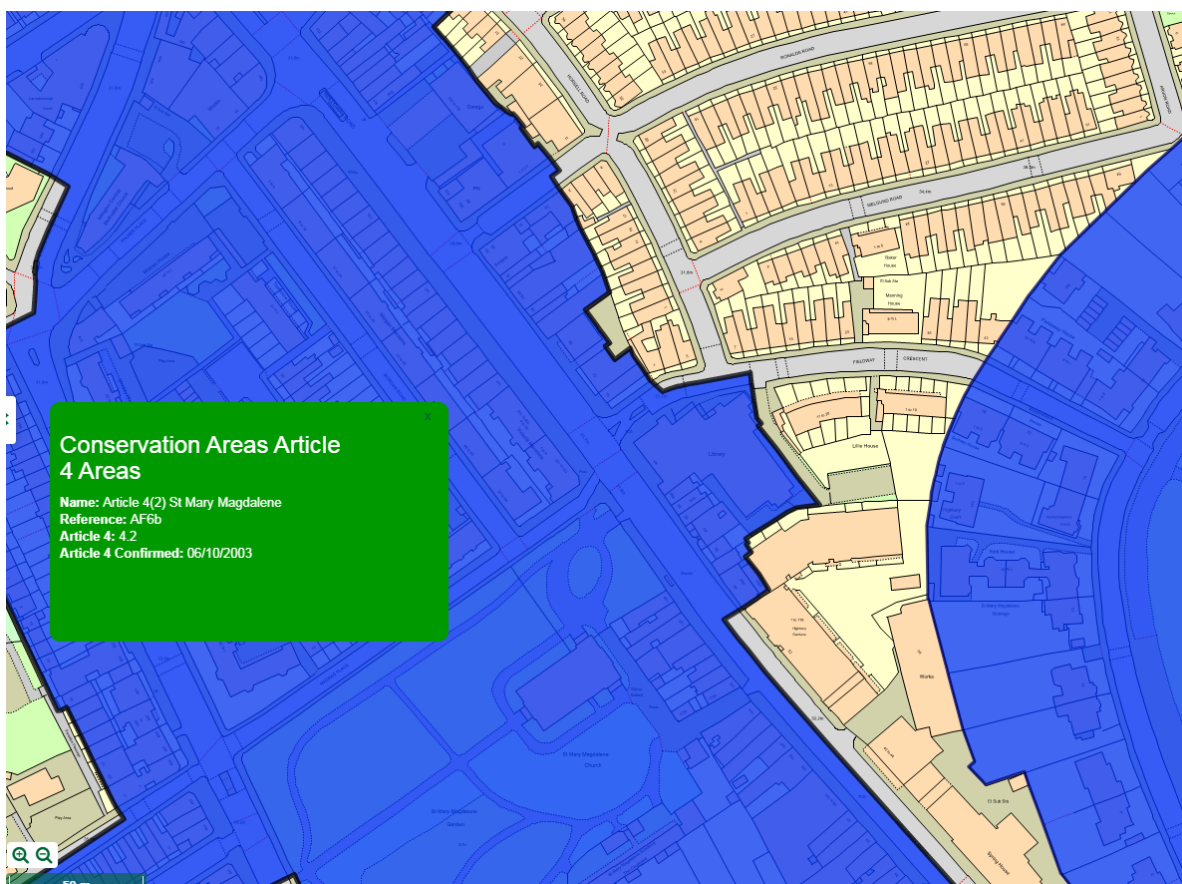
Public Library. Dated 1906 on the foundation stone and elsewhere, altered and enlarged to Fieldway Crescent front in 1973-6. By Henry T. Hare. The principal front of Hare's building faces Holloway Road, and is faced in Portland stone, and there is a

1906 wing in Fieldway Crescent of red brick set in English bond with stone dressings; roof of slate so far as visible. Two storeys over basement; the first floor not windowed on Holloway Road, but the front reads as five bays, the outer bays projecting slightly. Deep single-storey porch of rusticated stone to right-hand bay with engaged Roman Doric columns carrying a segmental open pediment with datestone and floral drops in the tympanum; flat-arched entrance with double keystones; wrought iron gates to entrance and wrought iron grille to left return; dated lead rainwater head in angle of porch and principal front. The principal front has a base of ashlar, the rest decorated with banded rustication; three window bays to centre set in round, hollow-chamfered arches, the windows flat-arched and flanked by engaged Ionic columns carrying entablature with double keystone and broken pediment enclosing a cartouche; the windows have original slim wooden mullions and transoms with leaded glazing; rising out of each cartouche, a scrolled bracket each carrying a different emblematic female head; circular niches with architraves between the brackets and linked to them by festoons; fascia over all three windows lettered 'ISLINGTON CENTRAL LIBRARY'. The outer bays have, to the right, the porch and an aedicular niche with a statue of Bacon to the first floor, and, to the left, the foundation stone with small flat-arched window above, and first-floor niche with a statue of Spenser. Pulvinated frieze to the outer bays; mutule cornice, balustrade to central bays, stepped parapet with wreathed ornament to outer bays. The return of the principal facade to Fieldway Crescent has a tripartite window to the ground floor with Ionic pilasters and engaged Ionic columns carrying entablature and central segmental pediment; and a round-arched first-floor window with eared architrave, keystone, and scrolled outer mouldings; a lower, two-storey pedimented wing projects to the left with flat-arched entrance and first-floor flat-arched window under an open segmental pediment. Rear wing of two storeys and four-window range stepped back in Fieldway Crescent: flat-arched windows, stone dressings, moulded stone eaves cornice and bracketed gutters. INTERIOR: : the block facing into Holloway Road has been largely gutted internally; but the rear wing retains the large former reading room on the ground floor with tall paired windows to the south-west separated by engaged Doric columns, a four-light window to the south-east similarly treated, and a coffered ceiling; above this the former reference library with original panelling incorporating bookcases in six bays, eccentrically large scrolled brackets rising from piers to support entablature to panelled and barrel-vaulted ceiling; segmental sidelights, rooflights and circular windows at either end with archivolt, foliage drops and festoons.

- 9.73 An assessment of the impact of the proposals on the listed building has been undertaken under paragraphs 9.47 to 9.65 of this report.

St Mary Magdalene Conservation Area

- 9.74 Special attention has also been paid to the desirability of preserving or enhancing the character and appearance of the St Mary Magdalene Conservation Area. A map of the CA is provided below:



- 9.75 The conservation area is characterised by the Grade II star listed ST Mary Magdalene Church and its grounds, largely commercial frontages on Holloway Road and residential side streets. The significance of this conservation area appears to be held in the church and its grounds and in the Victorian era commercial and residential buildings.
- 9.76 The external alterations required in relation to the proposed change of use of library floorspace (D1) to a rehearsal theatre are of a small scale and of limited visibility with exception of the proposed ramp to the side of the Holloway Road entrance.
- 9.77 It is considered that the limited scale and bulk of the external alterations would cause some harm to the conservation area, but this harm would be less than substantial and should be weighed against the public benefits arising from the development.

Benefits of the proposal and balance of identified harm

- 9.78 Paragraph 196 of the NPPF 2019 states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

- 9.79 Public benefits are defined within the National Planning Practice Guidance, which advise that public benefits:

'may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature of scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.'

9.80 As noted above, the proposal is considered to cause less than substantial harm to the character and appearance of the Grade II listed building and ST Mary Magdalene Conservation Area.

Overall public benefits (not including benefits specific to residents of the London Borough of Islington)

9.81 A number of benefits to arise from the proposal have previously been outlined within the report above. The proposal would support the diversification of the Library's service offer and Tall Stories theatre company would offer an outreach programme which would include:

- **The provision of free performances in 20 Islington schools to engage 100 children**
- **The provision of 15 free performances per year, working with the Library service to target priority groups to engage a further 1200 residents**
- **The arrangement of free themed workshops to help encourage participation in Library mass reading events, such as the Summer Reading Challenge for children aged 4-12, Reading ahead for adults and Islington Reads which all take place annually to engage a further 300 residents**
- **The provision of free educational materials by Tall Stories to all Islington Schools.**
- **Arrangement of free exhibitions based on Tall Stories productions which will be showcased at the Central Library as well as a number of other Libraries within the borough. The aim of the exhibition programme is to enhance work with children and their families to engage 200 residents.**

Benefits specific to the London Borough of Islington

9.82 Tall Stories are a storytelling theatre company for all ages that creates both large and small scale touring shows with tours shown in the UK and internationally.

9.83 They are a registered charity that are not reliant on regular funding, instead the profits from their large scale shows such as the Gruffalo cover the costs of other areas of their work such as performing free in schools, workshops, access performance and small scale tours in the UK.

9.84 The Theatre company will draw up a creative Service agreement with the Council with the additional benefits to residents of the building including:

The 11 by 11 programme

Tall Stories will provide

- Opportunities for Islington schools and residents to watch dress rehearsals of Tall Stories productions within the rehearsal / performance space. Subject to our rehearsal

schedule, approximately 10-15 preview performances could take place a year for schools, community groups and Islington residents.

- Opportunities for Islington schools to find out how work is made by meeting members of the Tall Stories team (office and creative) for a question and answer session. (With a minimum of 4 sessions per year.)
- Opportunities for Islington schools to attend performances of 'Future Perfect' (and/or other similar schools touring shows) in the rehearsal / performance space and/or in local schools (applicable if Tall Stories is touring the show to schools).
- On all the above opportunities priority will ideally be given to Islington schools that have a high proportion of students eligible for free school meals.

Encouraging the love of reading

Tall Stories will provide where possible:

- Opportunities for local adult and family groups to watch dress rehearsals of Tall Stories productions within the rehearsal / performance space.
- Tall Stories will work alongside Islington to create an exhibition in the new entrance to the library with a love of stories and storytelling at its heart.
- Tall Stories will provide existing educational materials that accompany our shows for library and school use within the borough.

Adding Firepower to other existing programmes of work:

- Tall Stories will add firepower to Islington Council's existing work where possible, enhancing at least one major promotion a year as agreed, such as the adult or summer reading challenge, national libraries week, etc.

9.85 Whilst the proposal is considered to cause less than substantial harm to the character and appearance of the heritage asset, the public benefits gained from the proposal as outlined above, including improvements to the accessibility of the building are significant. Officers are mindful of the statutory duty to preserve or enhance the character and appearance of the heritage assets, and place great weight on this.

9.86 It is considered that these public benefits tip the balance in favour of permission being granted, noting the great weight placed on the desire to preserve the conservation area character. The proposal is therefore considered on-balance to be acceptable in design and conservation terms, providing these public benefits are secured with suitable planning obligations within an associated Section 106 agreement.

9.87 Officers acknowledge that the public benefits gained from the proposal are exclusively linked to the use of the building by Tall Stories, and therefore should members resolve to grant planning permission,

9.88 Overall, subject to the planning obligations agreed, the proposal is considered to bring public benefits to be secured that weigh in favour of the scheme, and to outweigh the

less than substantial harm caused to the Grade II listed building and the St Mary Magdalene Conservation Area including the harm caused to the host building and the streetscene. The proposal therefore accords with the NPPF 2019, policies 7.4, 7.6 and 7.8 of the London Plan 2016, policy CS9 of the Islington Core Strategy 2011, and policies DM2.1 and DM2.3 of the Islington Development Management Policies (2013).

Accessibility

- 9.89 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 Development Management Policies (2013) which requires developments to demonstrate that they provide for ease or and versatility in use, produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of a development from the outset and over its lifetime. Policies on inclusive design are also supported by the Inclusive Design in Islington SPD, adopted in 2014.
- 9.90 A ramp is proposed in this instance to the side elevation of the Holloway Road entrance to provide step free access to the building. This is considered to be a considerable enhancement in terms of the overall accessibility of the building and would ensure that the Holloway Road entrance of the building is accessible to all users.
- 9.91 The Council's Inclusive Design Officer provided comment on the original plans stating concerns in relation to the gradient of the proposed ramp at the Holloway Road entrance, requesting two wheelchair seats/ spaces in the seating area of the proposed theatre and noting that mobility scooter charging points and an accessible shower would be required to improve the accessibility of the proposals to all users.
- 9.92 By way of amended plans these aspects have all been incorporated within the proposals and it is considered that the proposed scheme is compliant with the Council's aims for accessibility as set out in Policy DM 2.2 (Inclusive Design).

Neighbouring Amenity

- 9.93 All new development is 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. 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.
- 9.94 Notwithstanding this, in this instance the limited scale of the external works would present a null impact on the amenities of neighbours.

Noise

- 9.95 Associated with the proposed rehearsal theatre it is proposed to install acoustic secondary glazing on the Holloway Road façade and Fieldway Crescent faced to

prevent the ingress of noise from outside and to provide a suitable acoustic environment for the use and a satisfying experience for the audience this will also work to minimise the outbreak of sound from performances.

9.96 Public Protection Officers have reviewed this element of the scheme and raise no objections subject to the following condition:

- Full particulars and details of a scheme for sound insulation for the rehearsal room/theatre shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.

The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the operation of the rehearsal room/theatre use hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.”

9.97 The proposals also include a ventilation system which would terminate upon the Fieldway Crescent elevation. Again, Public Protection Officers raise no objections to this aspect of the proposals, but the following condition is requested to protect the amenities of neighbouring residents:

- “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.”

9.98 Overall, the proposed theatre use and associated ventilation is considered acceptable in noise impact terms, subject to the conditions attached which will also require acceptance in Listed Building terms.

Highways and Transportation

9.99 Policy CS10 of the Core Strategy (2011) encourages sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use, and requiring that all new developments are car free.

9.100 Policy DM 8.1 of the DMP Policies (2013) provides that the design of new development is required to prioritise the transport needs of pedestrians, public transport users and cyclists above those of motor vehicles. Policy DM 8.2 of the Development Management Policies provides that development proposals are required, inter alia, to maximise safe and convenient access to, from and within developments for pedestrians and cyclists, provide equal access for all, and adequately address delivery, servicing and drop-off requirements. Policy DM8.6 requires that provision for delivery and servicing should be provided off street and that delivery vehicles should be able to enter and exit the site in forward gear. Policy DM 8.4 requires cycle parking to be provided in accordance with the minimum standards set out in Appendix 6 of the Islington Development Management Policies, for theatres this is 1 space per 50 sqm.

9.101 The proposed development is located in an area with a PTAL rating of 6b (excellent). It is highly accessible by public transport, bicycle and on foot, and it is therefore

considered that the vast majority of visitors to the site, particularly in the daytime, will arrive via one of these three forms of transportation.

- 9.102 The applicant is not providing any vehicle parking as part of the proposals and no cycle parking is to be provided. However, details have been submitted in the application's accompanying planning statement of 34 cycle spaces in proximity to the Library including 9 Sheffield stands on the Central Library's demise and 25 racks in the surrounding public realm.
- 9.103 The proposed theatre is approximately 189.6 sqm in size and therefore 4 spaces are required to be provided.
- 9.104 There are no new cycle spaces proposed in this instance due to site constraints, however the applicant has offered to provide a financial contribution to support more cycle racks in the public realm.
- 9.105 In this instance this approach is considered to be acceptable and in accordance with Policy DM 8.4.
- 9.106 Deliveries and Servicing will take place off street using the existing loading bay at Fieldway Crescent. It is considered that due to the scale and nature of the proposal, the delivery and servicing requirements would not be particularly intensive, but may become more frequent during periods where productions are being shown, but nevertheless existing provision is acceptable.

Other issues

- 9.107 Sustainability: Policy CS10 of the Islington Core Strategy (2013) requires developments to address a number of sustainability criteria such as climate change adaptation, sustainable construction and enhancement of biodiversity. Development Management Policy DM 7.1 requires development proposals to integrate best practice sustainable design standards (provided with Islington's Environmental Design SPD and underpinned by the Mayor's Sustainable Design and Construction Statement SPG). Policy DM 7.2 requires developments to best practice energy efficiency standards in terms of design and specification, and Policies CS15 and DM 6.5 require development to maximise opportunities to 'green the borough through measures such as planting and green roofs. As this proposal is of a small scale and relates to a change of use rather than the construction of new buildings, it is not considered reasonable to impose the level of sustainability measures expected for new buildings. However, it is noted that the general refurbishment of the site is likely to improve the energy efficiency of the building, including installation of secondary glazing to windows.
- 9.108 Waste and recycling: Policy CS11 of the Islington Core Strategy (2013) requires developments to provide waste and recycling facilities which fit current and future collection practices and are accessible to all. The proposals have not provided any details of refuse or recycling provision; a condition will therefore be attached requiring further details of waste storage to be provided.

- 9.109 Subject to a condition it is considered that the proposals comply with Policy CS11 of the Core Strategy (2013)
- 9.110 Landscaping: Policy DM6.5 (A) stipulates that developments must protect, contribute to and enhance the landscape, and are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation. In this instance the proposals relate to a change of use of the building. The Library is surrounded by hard landscaping and it is considered that it would be unreasonable to request any tree planting or soft landscaping as part of the proposals.

10. SUMMARY AND CONCLUSION

Summary

- 10.1 A summary of the proposal is set out at paragraphs 3.1 to 3.11 of this report.

Conclusion

- 10.2 It is recommended that planning permission and listed building consent be granted subject to conditions and completion of service level agreement as set out in Appendix 1 – RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission and listed building consent be granted subject to the prior completion of a Service Level Agreement 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 following Heads of Terms are to be secured:

A. Minimum Commitments:

- **Free performances by Tall stories in 20 Islington Schools**
- **The provision of 15 Free performances a year by Tall Stories with the Library targeting priority groups to engage 1200 residents**
- **Tall Stories run free themed workshops to help increase participation with the Summer reading challenge for children aged 4-12. Reading ahead for adults and Islington reads which take place annually, to engage 300 residents.**
- **Provision of free educational materials to all Islington schools within the borough.**
- **Free exhibitions based on Tall Stories productions to be showcased at Central Library and other borough libraries**

List of Conditions:

1	Commencement (Compliance)
	<p>CONDITION: The development hereby permitted shall not be begun 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 b the Planning and Compulsory Purchase Act 2004.</p>
2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Proposed Basement Plan 1651-HT-P-00099; Proposed GF Plan- 1651-HT-P-00100-REV P2; Proposed FF Plan- 1651-HT-P-00101; Proposed Sections- 1651-HT-S-00200; Studio Windows- 1651-HT-D-(4) 02; Louvered window- 1651-HT-D- (4)03; Detailed room sections- 1651-HT-D-(4) 05; Proposed Elevations- 1651-HT-E-00300-REV P2; GF Whole Building- 1651-HT-P-01100; Ductwork- 19001-M-101-1; High level ducts detailed drawing- 1651-HT-D-(4)05 REV P2; Ramp- 1651-HT-E-00302 REV P3; Ramp-1651-HT-E-00303 REV P2;</p>

	<p>Heritage Report and Design and Access Statement REV A November 2019; and Haworth Tompkins Planning Statement- November 2019;</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	Detailed Drawings and Samples
	<p>CONDITION: Detailed drawings or samples of materials as appropriate, in respect to the following shall be submitted to an approved in writing by the local planning authority before the relevant part of the work is begun, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained:</p> <p>(a) Details of the decorative colour scheme (b) Details of the signage to be placed on the Holloway Road Entrance gate including its method of fixing. (c) Details of the lighting scheme for the foyer (d) Details of the flooring for the theatre space and its means of fixing (e) Details of the fixing of the raked seating into the building (f) Detailed drawings of the external louvres and a sample to include proposed colour finish.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
4	Hours of operation (Compliance)
	<p>CONDITION: The D2 use hereby approved shall not operate at all on Sundays or Bank Holidays.</p> <p>On days where rehearsals are taking place, the use shall not operate outside of the hours of 08.00 to 22.30. All visiting members of the public must vacate the building before 22.00.</p> <p>On all other days, the use hereby approved shall not operate outside the hours of 08.00 to 22.00.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
5	Deliveries and servicing
	<p>CONDITION: Deliveries, collections, loading and unloading shall only take place between the hours of 08.00 and 20.00 Monday to Saturday. No deliveries, collections, loading or unloading shall take place on Sundays or Bank Holidays.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>

6	Refuse facilities
	<p>CONDITION: Details of storage for refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The works shall be carried out in accordance with these details prior to first occupation of the development and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure that the refuse enclosure is of acceptable capacity for the effective functioning of the use.</p>
7	Sound insulation
	<p>CONDITION: "Full particulars and details of a scheme for sound insulation for the rehearsal room/theatre shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the operation of the rehearsal room/theatre use hereby 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 that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
8	Fixed plant controls
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq,Tr}$ 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 $L_{AF90, Tbg}$. 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 proposed development does not have an adverse impact on neighbouring residential amenity.</p>
9	No obscure windows
	<p>NO OBSCURING OF GROUND FLOOR WINDOWS (COMPLIANCE) CONDITION: The window glass of all ground floor windows shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility above a height of 1.4m above finished floor level be placed within 2.0m of the inside of the window glass.</p> <p>REASON: In the interest of securing passive surveillance of the street, an appropriate street frontage appearance and preventing the creation of dead/inactive frontages.</p>
10	Fire safety strategy details
	<p>FIRE SAFETY STRATEGY (DETAILS) CONDITION: Prior to commencement of the development hereby approved, a Fire Safety Strategy shall be submitted to and approved in writing by the Local Authority.</p> <p>The Fire Safety Strategy must demonstrate to the satisfaction of the local planning authority that the proposal is capable of providing adequate Fire Brigade access to the building (with reference to Approved Document B, volume 2 or relevant code of practice). The arrangements for Fire Brigade access to the building must be acceptable to the Fire Brigade (such as the installation of a sprinkler system within the building).</p> <p>The development shall be carried out in accordance with the Fire Safety Strategy approved under this condition and shall be maintained as such thereafter.</p>

	REASON: To ensure appropriate fire safety measures, in particular adequate access for Fire Brigade appliances.
--	--

That the grant of listed building consent be subject to **conditions** to secure the following:

List of Conditions:

1	Commencement
	<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
	<p>CONDITION: All new works and works of making good to the retained fabric, whether internal or external, shall be finished to match the adjacent work with regard to the methods use and to colour material, texture and profile.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</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. .</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.</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>

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 2011, 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

Chapter 3: London's People

Policy 3.1- Ensuring Life chances for all

Policy 3.2- Improving health and addressing health inequalities

Policy 3.6- Protection and enhancement of social infrastructure

Chapter 5: London's response to climate change

Policy 5.2- Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.10- Urban Greening

Policy 5.13- Sustainable Drainage

Policy 5.15 Water use and supplies

Policy 5.18 Construction, excavation and demolition waste

Chapter 6: London's transport

Policy 6.3- Assessing effects of development on transport capacity

Policy 6.9- Cycling

Policy 6.10- Walking

Policy 6.13- Parking

Chapter 7: London's living spaces

Policy 7.1- Lifetime neighbourhoods

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Policy CS8- Enhancing Islington's Character
Policy CS9- Protecting and enhancing Islington's built and historic environment
Policy CS10- Sustainable Design
Policy CS11- Waste

C) Development Management Policies June 2013

Policy DM2.1 Design
Policy DM2.2 Inclusive Design
Policy DM 2.3 Heritage
Policy DM4.12 Social and Strategic infrastructure and cultural facilities
Policy DM 6.5 Landscaping, trees and biodiversity
Policy DM 7.1 Sustainable Design and construction
Policy DM 7.2- Energy Efficiency and carbon reduction in minor schemes
Policy DM 7.4- Sustainable design standards
Policy DM 7.5- Heating and Cooling
Policy DM8.1 Movement Hierarchy
Policy DM< 8.2 Managing transport impacts
Policy DM 8.4 Walking and Cycling
Policy DM 8.5 Vehicle Parking
Policy DM 8.6 Delivery and servicing for new developments

5. Designations

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

- St Mary Magdalene Conservation Area

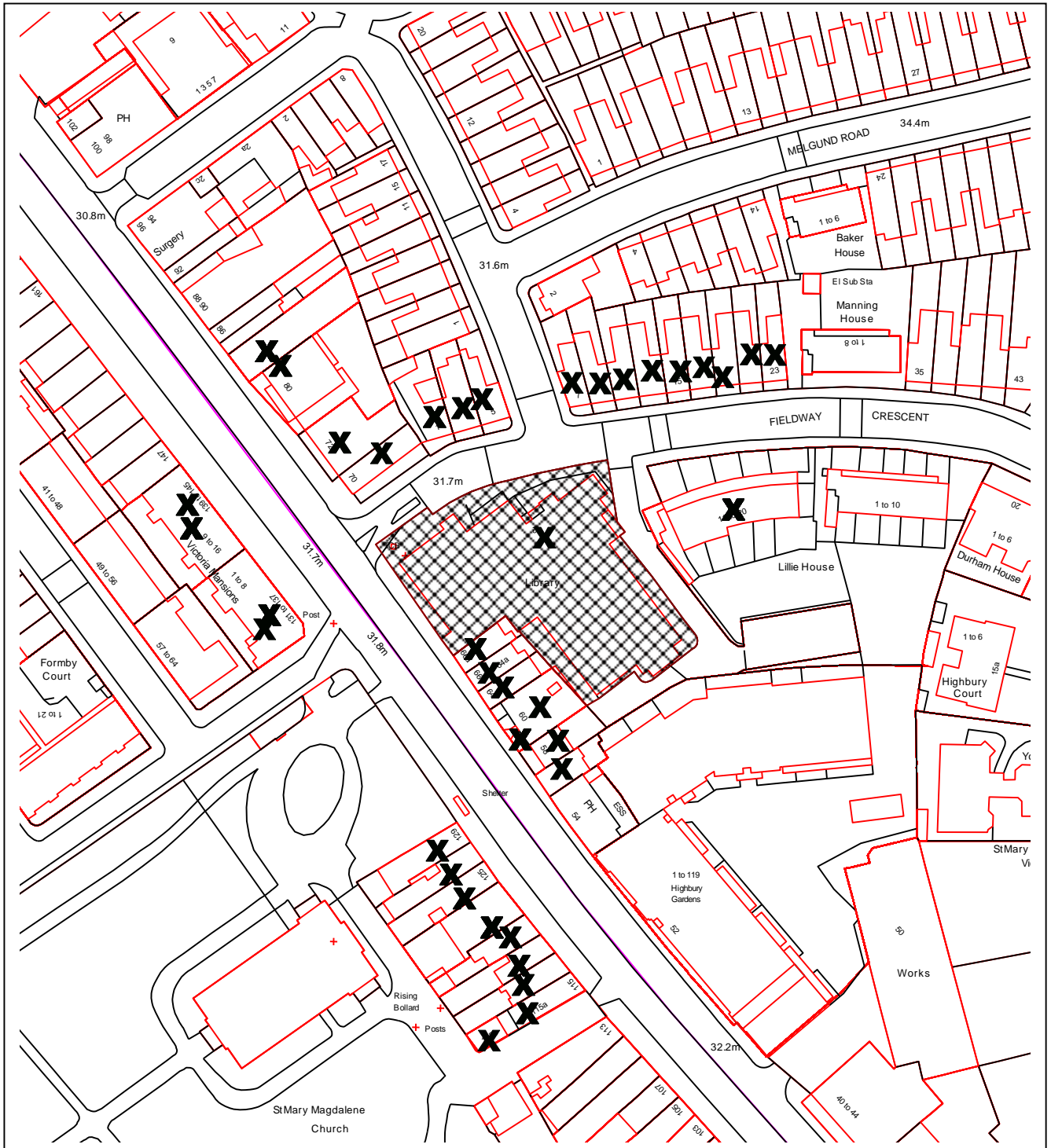
6. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

- Islington Urban Design Guide (2017)
- Inclusive Design in Islington (2014)
- Inclusive Landscape Design (2010)
- Environmental Design (2012)
- ST Mary Magdalene Conservation Area Design Guidelines (2002)

This page is intentionally left blank

Islington SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.
P2019/2576/FUL

This page is intentionally left blank

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB-COMMITTEE A		AGENDA ITEM NO:B4
Date:	14 January 2020	NON-EXEMPT

Application number	P2019/1782/FULL & P2019/1799/ADV
Application type	Full Planning Application and Advertisement Consent
Ward	Caledonian
Listed building	No
Conservation area	Kings Cross (CA21) Within 50 metres of keystone Crescent CA
Development Plan Context	Kings Cross & Pentonville Road Core Strategy Area Kings Cross Local Shopping Area
Licensing Implications	None
Site Address	Telephone Kiosks Outside 23 Caledonian Road, London, N1
Proposal	Full planning permission and advertisement consent is sought for the Removal of 3 existing telephone booths and replacement with 1 no. InLink unit telephone kiosk and associated 2 LED digital display/advertisement panels and associated alterations.

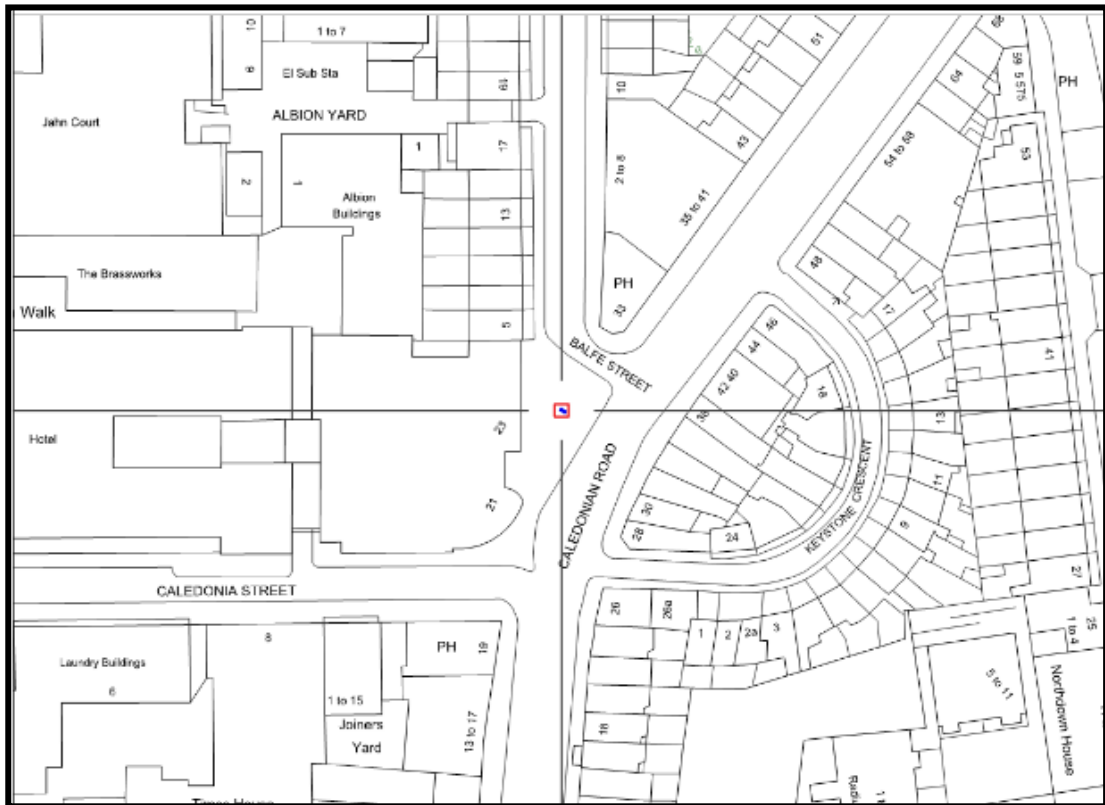
Case Officer	Jake Shiels
Applicant	British Telecommunications PLC – Mr Neil Scoresby
Agent	Primesight Ltd

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission and advertisement consent:

1. subject to the conditions set out in Appendix 1.

2. SITE PLAN (enclosed in red)



3. PHOTOS OF SITE/STREET

Application Site



Image 1: Aerial view of the site



4. SUMMARY

- 4.1 The applications propose the installation of a free-standing telecommunications structure (InLink) with 2no. LED digital display screens on a pavement area outside no. 23 Caledonian Road of which is located within the Kings Cross Conservation Area, Kings Cross and Pentonville Road Key Area and Kings Cross Local Shopping Area. The Inlink unit requires full planning permission and the two displays on the structure require advertisement consent. Therefore, the entire structure requires two separate planning consents from the council which is the case with both committee applications within this report.
- 4.2 The proposed unit would measure approximately 0.8 metres in width at the ground level and 0.9m at the top of the unit. The structure would have an overall depth of approximately 0.3m and would measure 2.9m in height. The link unit would house a touch screen and key pad and would facilitate free UK landline and mobile phone calls, Wi-Fi and emergency and civil services.
- 4.3 It is considered that the proposed structure and advert display, whilst not desirable in planning and visual terms would not materially harm the character and appearance of the streetscene or the Kings Cross Conservation Area bearing in mind the established and historical existing booths on site which are visually dominant and harmful within this section of the streetscene. The current development will enable these harmful features to be removed as a direct and secured as a direct result of the development and within these site specifics, it is considered to be therefore acceptable in this case.
- 4.4 The replacement single phone kiosk which takes up less space than the existing 3no. telephone boxes frees up pavement space and would not provide a concealed space which can attract anti-social behaviour. In addition, the single phone kiosk due to its position in place of 3 no. telephone booths is considered not to create an obstruction nor compromise pedestrian and highway safety.
- 4.5 The site is an area of high Anti-Social Behaviour and the 3no. existing phone boxes are used to facilitate criminal activity and are generally an eyesore due to the illegal uses associated with the telephone boxes. The proposal to remove these boxes is supported in this regard and is supported by the Design Out Crime Officer (Metropolitan Police) with the application and is supported by the BT InLink Anti-Social Behaviour (ASB) management plan which provides an algorithm to prevent the use of the InLink for crime and other misuses.
- 4.6 The proposal is considered to cause no harm to the character and appearance of the surrounding area, and to accord with the Development Plan.

5. SITE AND SURROUNDINGS

- 5.1 The application site is the pavement area outside no. 23 Caledonian Road of which is located within the Kings Cross Conservation Area, Kings Cross and Pentonville Road Key Area and Kings Cross Local Shopping Area.
- 5.2 No.23 is a 4 storey a mixed use building that supports a Tesco Supermarket at ground floor. The immediate vicinity is largely mixed use in character with Balfe Street to the north-west comprising 3 storey Grade II Listed residential properties, whilst directly north is the Institute of Physics a two storey building fronting the site that is currently being developed further for additional storeys to accommodate the use. 28-46 Caledonian Road is directly east of the site. These 2 storey properties comprise commercial elements (A1/A3) at ground floor with residential units on the upper floors.
- 5.3 The pavement area pertinent to this application is a large pedestrian area that bends around to Balfe Street to the north. The area is shaded by the 3no. large street trees that run north to south outside the A1 supermarket. 3 no. BT telephone boxes are located in between the Street Trees and run perpendicular to the access of the shop set almost 6m from the shop front.

6. PROPOSAL (in Detail)

- 6.1 The application seeks planning permission and Advertisement Consent for the installation of a free-standing telecommunications structure (InLink) with 2no. LED digital display screens.
- 6.2 The proposed unit itself would be a 'monolithic' structure which would measure approximately 0.8 metres in width at the ground level and 0.9m at the top of the unit. The structure would have an overall depth of approximately 0.3m and would measure 2.9m in height. The link unit would house a touch screen and key pad and would facilitate free UK landline and mobile phone calls, Wi-Fi and emergency and civil services.
- 6.3 The proposal also incorporates the removal of 3no. existing phone boxes. The phone boxes to be removed are in the same location as the proposed InLink. This is detailed on the proposed plan below:

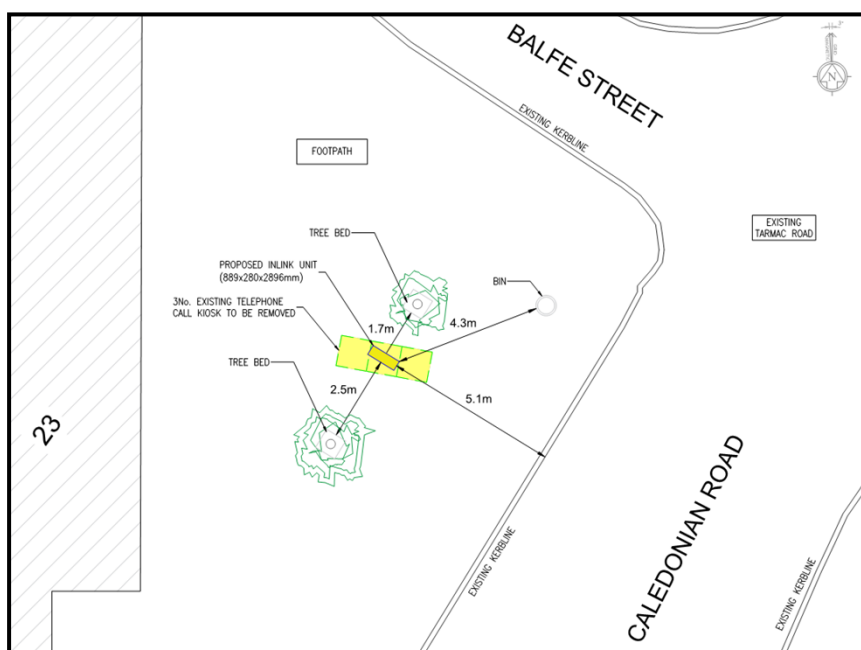


Image 2: Proposed site plan

7. RELEVANT HISTORY

7.1 **P2017/0948/ADV:** Installation of a free standing internet/ wifi/ telephone kiosk known as a 'link unit', with internally illuminated advertisement screens to two sides. Withdrawn on **06/06/2017**.

7.2 The following previous planning applications relating to BT InLinks are considered particularly relevant to the current proposal:

- **P2018/1141/FUL & P2018/1255/ADV (Pavement outside 200 Pentonville Road):** Installation of 1no. InLink telecom apparatus with 2no. digital display panels (illuminated) mounted on the footway, and removal of 2no. existing BT payphones on the pavement. Approved with conditions 24/07/2018.
- **P2018/1128/FL & P2018/1280/ADV (Pavement outside 311 Holloway Road):** Installation of 1no. InLink telecom apparatus with 2no. digital display panels (illuminated) mounted on the footway, and removal of 2no. existing BT payphones on the pavement. Approved with conditions on 18/07/2019.
- **P2018/1150/FUL & P2018/1270/ADV (Pavement opposite 18-30 Clerkenwell Road):** Installation of 1no. InLink telecom apparatus with 2no. digital display panels (illuminated) mounted on the footway. Applications refused 20/06/2018, subsequent appeal dismissed.
- **P2018/1132/FUL & P2018/1243/ADV (Pavement outside 28 Junction Road):** Installation of 1no. InLink telecom apparatus with 2no. digital display panels (illuminated) mounted on the footway. Applications refused 20/06/2018, subsequently allowed at appeal without conditions.
- **2018 Refused Full Planning and Advertisement Consent Applications:** A number of Full Planning and associated Advertisement Consent applications for the installation of InLink units and associated digital advertisement displays across the Borough were refused in 2018. Appeals have been lodged for many, however these are yet to be decided by the Planning Inspectorate. These include:

Full Planning: P2018/1117/FUL, P2018/1118/FUL, P2018/1119/FUL, P2018/1120/FUL, P2018/1121/FUL, P2018/1129/FUL, P2018/1130/FUL, P2018/1131/FUL, P2018/1141/FUL, P2018/1142/FUL, P2018/1147/FUL, P2018/1148/FUL, P2018/1148/FUL, P2018/1149/FUL, P2018/1151/FUL, P2018/1152/FUL, P2018/1153/FUL, P2018/1154/FUL, P2018/1155/FUL, P2018/1156/FUL, and P2018/1259/FUL.

Advertisement Consent: P2018/1133/ADV, P2018/1135/ADV, P2018/1241/ADV, P2018/1260/ADV, P2018/1264/ADV, P2018/1266/ADV, P2018/1268/ADV, P2018/1272/ADV, P2018/1278/ADV, P2018/1282/ADV, P2018/1285/ADV, P2018/1286/ADV, P2018/1289/ADV, P2018/1290/ADV, P2018/1293/ADV, P2018/1295/ADV, P2018/1296/ADV, P2018/1300/ADV, P2018/1301/ADV, and P2018/1302/ADV.
- **2017 Approved Prior-Approval Applications:** A number of prior-approval applications for the installation of InLink units across the borough were approved on 17 August 2017. The approved applications include: P2017/2661/PRA, P2017/2662/PRA, P2017/2663/PRA, P2017/2664/PRA, P2017/2668/PRA, P2017/2669/PRA, P2017/2671/PRA, P2017/2672/PRA, P2017/2673/PRA, P2017/2674/PRA and P2017/2675/PRA.
- **2017 Approved Advertisement Applications:** In association with the approved Prior-Approval applications listed above, advertisement applications were lodged for the advert panels on either side of the InLink unit. Each of these were approved. The approved

applications include: P2017/0550/ADV, P2017/0553/ADV, P2017/0573/ADV, P2017/0599/ADV, P2017/0605/ADV, P2017/0697/ADV, P2017/0698/ADV, P2017/0900/ADV, P2017/0903/ADV, P2017/0922/ADV, and P2017/0949/ADV.

- **P2017/0922/ADV (pavement o/s 169-173 Old Street)**: Advertisement consent for the internally illuminated advertisement screens to two sides of the BT phone link structure. Application refused 08/09/2017.

REASON: The proposed advertisement display by reason of its height, method of illumination and proximity to existing traffic signals would cause a distraction to drivers which would be detrimental to public safety and cause a hazard. The proposal would be contrary to policies CS8 and CS9 of the Islington Core Strategy (2011), policies DM2.1 and DM2.6 of the Islington Development Management Policies (2013) and the Islington Urban Design Guide (2017).

- Following discussions with the Council, the applicant withdrew 52 advertisement consent applications for InLink units that had been recommended for refusal by officers in August 2017.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of adjoining and nearby properties at Caledonian Road, Balfe Street, Keystone Crescent, Joiners Yard and York Way on 9 July 2019.
- 8.2 At the time of the writing of this report a total of **24** responses have been received from the public with regard to the application, **23** in support of the application and **1** objection. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets)

Anti-Social Behaviour

- Existing phone boxes used for drug use, sex adverts, inappropriate advertising and are a magnet for anti-social behaviour
- Phone boxes are remnants of the old kings cross
- Phone boxes are used as toilets
- Removal of 'undesirables'
- Removal of telephone boxes would make community more safe.

(paragraphs 10.21-10.24)

Street clutter and design

- Proposal will remove clutter and will mitigate room for trash to be dumped like the current situation
- Phone boxes are an eyesore
- Current facilities detract from the local environment
- The area is located within the vicinity of the NC1 tech hub and therefore this type of facility is in keeping with local area
- The InLink will be far less unsightly than existing boxes
- Would be an improvement to the street scene.
-

Objection

- Welcome the removal of structures, but against new replacement based on the fact that Tesco has free wi-fi, whilst there is another structure further down Caledonian Road, the motivation is therefore to be a structure for advertisement purposes only
- The pavement with 3 mature trees provides a shaded area for pedestrians to enjoy

- Already enough clutter within this pedestrian space
- The proposal would cause noise and light pollution.
(paragraphs 10.3-10.13)

Requirement for telephone boxes

- In the age of mobile phones, there is no need for retaining existing telephone boxes

InLink uses

- It is important that the InLink cannot be used to facilitate continued drug related use
- InLink should have a no call out handset

(paragraphs 10.21-10.24)

Other matters

- Comment made on Islington Society and blanket objections to InLinks:
 - Comments made based on companies like BT using structures for advertisement purposes only. (**officer response: this is not the case here at this site.**)
 - Concerns also made with privacy issues and whether the structures can be used to track users and their information. (**officer response: BT is a heavily regulated company and combined with GDPR regulations means this privacy matter should not be a reason to deny this application.**)
 - Unsuccessful attempts to reach out to Islington Society and meet and discuss this proposal. (**Officer response: The council have no powers to enforce this or to refuse the application based on levels of discussions with local amenity groups**)

Internal Consultees

- 8.3 **Design and Conservation officer:** No objections from officers. Officers consider the existing booths to add considerable clutter and visual harm to this section of Caledonian Road. It is acknowledged that Inlink units are generally unwelcome additions to the boroughs streets but note the direct removal of the 3 existing booths which can be secured through this development. Bearing in mind the specific and existing site context the Inlink unit is considered to have a neutral impact on the character and appearance of the CA and the removal of the existing units would significantly enhance the character and appearance of the CA and wider urban setting and surrounding street scene.

External Consultees

- 8.4 **London Underground:** *No comment to make on this planning application.*
- 8.5 **TFL London Overground:** No objection, and made the following comments:

The site is on A5203 Caledonian Road, which forms part of the Strategic Road Network (SRN). While the Local Authority is the Highway Authority for those roads, TfL has a

duty under the Traffic Management Act 2004 to ensure that any proposal does not have an adverse impact on the SRN.

1. In line with Healthy Streets and Streetscape guidance, TfL welcomes the de-cluttering of street environments.

2. The location of the proposal is welcomed as it does not encroach on the clear space needed to provide safe passage for pedestrians.

It is understood that a separate advertisement consent application (ref: P2019/1799) has also been submitted. The following comments would reflect TfL's conditions on such consent being granted.

3. No special visual effects of any kind are permitted during the time that any message is displayed. The displayed image must not include animated, flashing, scrolling, intermittent or video elements.

4. No visual effects of any kind to be permitted to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method.

5. The minimum time between successive displayed images shall be 10 seconds.

6. The sequencing of messages relating to the same product is prohibited.

7. The intensity of the illuminance of the advertisement shall be no greater than 300Cdm² during hours of darkness.

8. The footway and carriageway on the A5203 Caledonian Road must not be blocked during the installation and maintenance of the InLink. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, obstruct the flow of traffic.

Provided the above comments are addressed, TfL have no objection to this proposal.

8.6 **TfL Underground Infrastructure Protection:** No comment to make on this planning application.

8.7 **Islington Society:** have objected to similar applications as there is no need for the structures and there is proliferation of street clutter.

8.8 **Metropolitan Police:** No objection, comments read:

Contact has been made with the local Neighbourhood Policing teams (NPT officers) regarding the replacement of the current telephone kiosks for an InLink and I am fully aware of the support for such a change.

The 'Algorithm' is currently active on all InLink devices within the UK and apparently identifies potential 'drug dealing' numbers and then puts a block on them...I have been working with Camden Council & InLink with two devices in Camden Town which have been used to test this operating procedure. This went on for 12 weeks and half way through we had to request the USB charging facility on one of them to be deactivated due to anti-social behaviour. But this was implemented immediately and stopped the problem of large groups congregating at the devices.

The 'Anti-Social Behaviour Plan' details everything to help mitigate risk surrounding the devices and as the current three telephones are generating a large amount of ASB then 'Option B' will be recommended for the period of Three (3) months... this will allow for a guaranteed reduction and then can be reassessed after consultation with the local NPT and community. So I would recommend that a temporary restriction on free phone calls be implemented.

8.9 **Network Rail:** *After reviewing the information provided in relation to the above planning application, Network Rail has no further observations or comments to make.*

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

9.1 Islington Council (Planning Sub-Committee A), 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 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.

9.3 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.

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 Sub-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.
- 9.9 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.

Development Plan

- 9.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, 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.
- 9.11 Some weight is attributable to the Draft London Plan.

Adverts

- 9.12 The Town & Country Planning (Control for Advertisements) (England) Regulations 2017

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.13 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:
- Design, appearance of the inlink kiosk/ structure and the impact on the character of the area;
 - Impact on public safety and neighbouring amenity;
 - Impact on highways and transport.

Design, Conservation and Appearance

- 10.3 The National Planning Policy Framework (NPPF) 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 and should contribute positively to making places better for people.
- 10.4 Policy CS 8 and 9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.5 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
- 10.6 The Islington 'Streetbook' Supplementary Planning Document 2012 seeks to improve the appearance of public areas through avoiding street clutter, mismatched elements and a lack of visual coherence.
- 10.7 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas within their area. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses.
- 10.8 Policy DM6.2 of the Development Management Policies 2013 states that advertisements are required to be of the highest possible design standard and contribute to an attractive environment. They must not contribute to clutter or a loss of amenity and should be sensitive in visual appearance to its siting and the surrounding street scene. It also states that advertisements must contribute to a safe environment and must not cause a safety hazard to pedestrians or road users
- 10.9 The proposed units are considered to be 'monolithic' structures. The InLink structure would measure approximately 0.8 metres in width at the ground level and 0.9m at the top of the unit. The structure would have an overall depth of approximately 0.3m and would measure 2.9m in height. It would contain an advertisement screen on both sides, measuring approximately 0.7m x 1.2m. The digital LED adverts would be statically illuminated with an illuminance level of **2,500 cd/m**.





Image 3 & 4: Existing and proposed street montage of the site showing existing phone boxes and proposed InLink

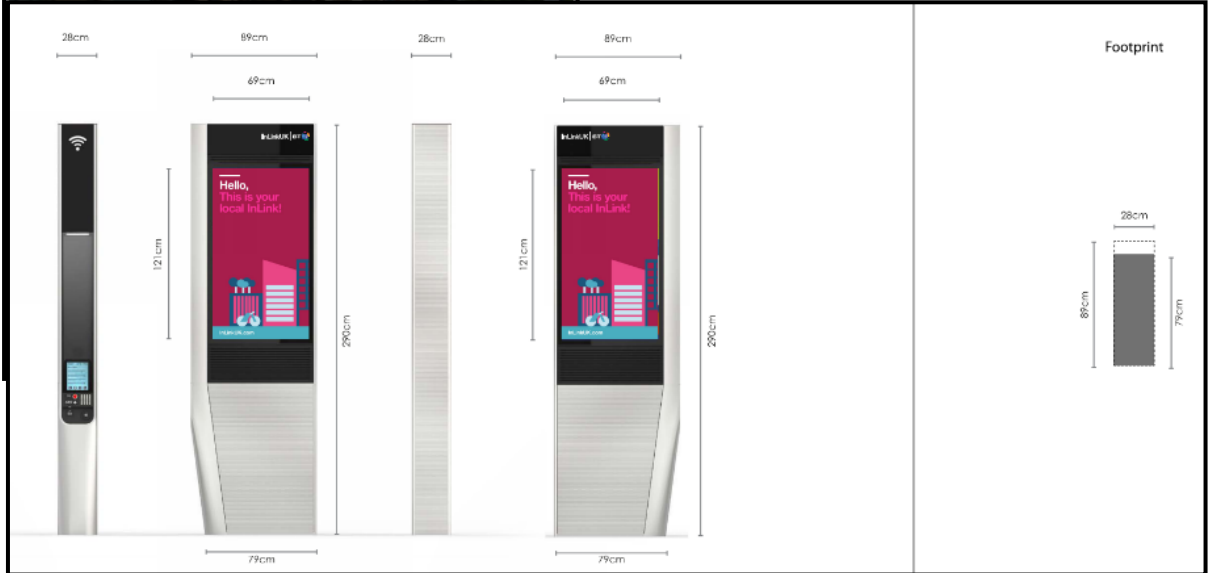


Image 5: BT InLink Dimensions

- 10.10 The proposal is located along the western footpath of Caledonian, at the southern entrance to Balfe Street. This is a prominent location on a busy highway, and is seen in the context of surrounding 3-4 storey contemporary developments and more traditional built form. The location is within a designated conservation area, and is within the setting of the Grade listed buildings at Balfe Street. Some concern is raised with regard to the detailed design of the structure. The advertisement screens on both sides of the apparatus are large and their illumination is at 2,500 cd/m. The InLink unit is contemporary in design and appearance, however it is noted that it would be located outside of 23 Caledonian Road, a contemporary 4 storey development with a retail unit with full width glazing at ground floor (Tesco). In addition to this, given the commercial nature of the surroundings, the scale of the adjacent building and the width of the pavement, on balance, it is not considered that it would detract from the character and appearance the streetscene and wider townscape.
- 10.11 Consideration is also given to the removal of 3 phone boxes from the pavement, to allow for a like for like replacement, but resulting in an overall less cluttered streetscape. The removal of these phone boxes would be welcomed, as it would result in the removal of clutter from the footpath on the western side of Caledonian Road in close proximity to the InLink unit. Overall, the pavement in this location is generous and there is a tall contemporary building adjacent, with substantial trees along the pavement. In this location, the InLink unit would not stand out and dominate the streetscene.
- 10.12 Concern is raised regarding the impact of the proposed adverts on the immediate streetscene. The proposed adverts would be internally illuminated with sequential changes in image that would draw the eye on this fairly open section of pavement. The proposed illuminance level of 2,500 cd/m during the day and 600 cd/m between

dusk and dawn is also considered to be excessive, and the form of illumination would be at odds with the generally more subtle advertisement lighting on many of the adjacent buildings. However, whilst undesirable, it is not considered that the proposed advert would warrant a reason for the refusal of the application in this instance.

- 10.13 Overall, it is considered that the proposed structure and advert, whilst not desirable, would not materially harm the character and appearance of the streetscene or the adjacent Conservation Area subject to restrictions or brightness (**condition**). The proposal therefore complies with the requirements of policy DM2.1 of the Development Management Policies 2013, and the Islington Urban Design Guide 2017.

Highways and Transportation

- 10.14 Policy DM2.1 of the Development Management Policies 2013 accords with the NPPF in seeking to sustain and enhance Islington's built environment. The policy seeks to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and locally distinctive patterns of development.
- 10.15 The NPPG advises that proposed advertisements at points where drivers need to take more care are more likely to affect public safety, including locations at junctions, roundabouts, pedestrian crossings, on approach to a low bridge or level crossing, or other places where local conditions present traffic hazards.
- 10.16 Part E of Transport for London's Streetscape Guidance advises that, when considering applications for open-sided units (including the structure proposed as part of this application), a footway width of minimum 4,200mm is required but designers should also consider pedestrian flows to determine appropriate placement.
- 10.17 Policy T2 (Healthy Streets) of the draft London Plan states that 'Development proposals should demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance.'
- 10.18 Unnecessary and dysfunctional street clutter in any location in the footway on a TLRN road has an obvious adverse impact on the movement of pedestrians, which goes against TfL's statutory network management duties.
- 10.19 It is proposed to remove the existing 3 no. telephone booths and replace with a single telephone kiosk. It is acknowledged that the pavement hosts a large amount of existing clutter within close proximity to the proposed structure including trees, kerbside bins, lampposts, traffic signals, cycle parking and traffic signs. However, given that the proposal would result in the removal of 3 no. phone booths which have been cited to attract anti-social behaviour to area. The replacement single phone kiosk which takes up less space thus freeing valuable pavement space and would not provide a concealed space which can attract anti-social behaviour the proposed structure is considered acceptable in principle. In addition, the single phone kiosk due to its position in place of 3 no. telephone booths it is considered not to create an obstruction nor compromise pedestrian and highway safety which would be detrimental to public safety and cause a hazard.
- 10.20 Transport for London does not object to the proposal subject to conditions and it is considered based on the width of the pavement and location of the InLink that the proposal is acceptable in this regard.

Crime prevention

- 10.21 The site is an area of high Anti-Social Behaviour or 'Crime risk area' and as detailed within the comments from residents, the 3no. existing phone boxes are used to facilitate criminal activity and are generally an eyesore due to the illegal uses associated with the telephone boxes. In combination with local residents, local councillors and the Design Out Crime Officer, the proposal would be supported in this regard.
- 10.22 Comments have been received from the Design Out Crime Officer (Metropolitan Police) based on the BT InLink Anti-Social Behaviour (ASB) management plan which provides an algorithm to prevent the use of the InLink for crime and other misuses. Officers consider this algorithm to adequately address any concerns relating to the use of the InLink that would be closely monitored.
- 10.23 Option B relates to the InLink proposed in a 'Crime Risk area' as defined by a Designing Out Crime Officer (or equivalent) and agreed by their manager:
- A temporary restriction will be put in place on this InLink from activation as agreed with the Police Service, which for example could include the restriction of free calls to mobile numbers, for a minimum period of three (3) months and will not be removed without the Police Service being given a reasonable opportunity to agree in accordance with the escalation process detailed in the InLink Anti-Social Behaviour Management Plan.*
- The Design Out Crime Officer would under a full application identify crime related issues attributed to each site, and in the accordance advise conditions related to the above guidance.*
- 10.24 The intention of the Automatic Anti-Social Restriction technology is to significantly reduce the opportunities to misuse the free call services provided by an InLink.
- 10.25 The DOCO Officer does not object to the InLink within this location subject to a suitably worded condition based on the submitted information.

Neighbouring Amenity

- 10.26 Policy DM2.1 states that development should not have an adverse impact on neighbouring amenity in terms of overshadowing, noise pollution, anti-social behaviour, overlooking, privacy, direct sunlight and day light, over-dominance, sense of enclosure and outlook.
- 10.27 Due to the nature of the proposed telecommunications/advertisement structure, it is not considered that it would materially harm neighbouring amenity. The structure would be set away clear and acceptable distances from adjacent commercial and residential properties located on a much wide section of Caledonian Road which is more commercial in nature with a large Tesco located adjacent and the busy and heavily trafficked and pedestrian flows in and around Kings Cross Station and Pentonville Road. The inlink unit would be relatively narrow in scale and height compared to the existing structure and would be significantly better surveilled from adjacent commercial and residential properties therefore increasing the natural surveillance of the unit itself which is not present on site as existing as the existing booths form a wall and an area of seclusion which is inherently insecure and raises clear and already identified security and ASB issues. Within this specific urban context in and around the site, it is not considered that the proposal would give rise to any material adverse amenity impacts and would in fact significantly improve already occurring security and ASB issues in and around the site at present.

11. SUMMARY AND CONCLUSION

- 11.1 Officers acknowledge that the BT InLink structures are generally not desirable additions to the streetscene within the Borough and cause undue and harmful visual clutter when seen within their context. However, in this instance the proposal results in the direct removal of 3no. telephone boxes with the replacement of a smaller 1no. InLink within the same site location, which significantly declutters the existing streetscape, improves permeability, security around the site and directly reduces anti-the occurrence and potential for Anti-social behaviour in and around the site. Additionally, by virtue of its siting in close proximity to more contemporary buildings and a mixed use environment the development is considered acceptable and would not appear out of character within the streetscene, nor would the development harm the Kings Cross Conservation Area and is considered conducive and a visually acceptable feature to the to the surrounding urban context within this part of Islington Borough.
- 11.2 Overall, subject to conditions the proposal would not harm the character or appearance of the host building nor that of the surrounding area. The proposal accords with policies DM2.1 & 2.3 of the Development Management Policies 2013, policies CS8 and CS9 of the Core Strategy 2011 and the Urban Design Guide 2017. In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

- 11.3 It is recommended that planning permission and advertisement consent are both granted subject to conditions.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

1	Commencement
	<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
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Site Plan, D0002 V3, Design and Access Statement; InLink Product Statement - May 2019, Anti-Social Behaviour Management Plan - April 2019, Existing and Proposed Views, Summary of Feedback from Local Community.</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.
3	Removal of existing telephone boxes
	<p>CONDITION: The InLink unit hereby approved shall not be erected until the 3 existing BT phone boxes shown on Drawing No. ISL-004 dated 5th June 2019 are removed in their entirety.</p> <p>REASON: In the interests of visual amenity and highway safety, in accordance with London Plan policy 6.3 and Development Management Policies DM2.1, DM2.6, DM2.7 and DM8.2 and DM8.4, the Islington Urban Design Guide SPD 2017, the Islington Streetbook SPD 2012 and the Transport for London Streetscape Guidance Third Edition 2017 Rev 1.</p>
4	Crime Prevention
	<p>Notwithstanding the approved plans, this device must at all times whilst operational comply with the agreed BT InLink Anti-Social Behaviour (ASB) management plan, Option B - Crime Risk area and the devices will be installed with full functionality. Any and all inappropriate use shall be dealt with by the algorithm and the management plan based on the following:</p> <ul style="list-style-type: none"> • The agreed management plan v1.7 is to be followed and not altered without prior approval of the MPS Designing out crime team. • This device must also include the algorithm as agreed by BT and the Metropolitan Police Service (MPS). The algorithm 'threshold' must not be altered without prior approval of the MPS designing out crime team. • A temporary restriction will be put in place on this InLink from activation as agreed with the Police Service, which would include the restriction of free calls to mobile numbers, for a minimum period of three (3) months and will not be removed without the Police Service being given a reasonable opportunity to agree in accordance with the escalation process detailed in the InLink Anti-Social Behaviour Management Plan. <p>REASON: To protect public safety and preventing anti-social behaviour and crime in accordance with policies 6.7,6.10 and 7.5 of the London Plan (2016), policies DM2.1, DM2.7 and DM8.2 of the Development Management Policies (2013).</p>

RECOMMENDATION B

That the grant of advertisement consent be granted subject to conditions to secure the following:

List of Conditions

1	Standard advertisement conditions
	CONDITION: Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

	<p>Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.</p> <p>Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.</p> <p>No advertisement is to be displayed without permission of the owner of the site or any other people with an interest in the site entitled to grant permission.</p> <p>No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military)</p>
2	Luminance
	<p>CONDITION: Notwithstanding the hereby approved plans, the advertisement display(s) shall be statically illuminated and the illumination shall not exceed a maximum steady brightness of 300 candelas per square metre during the hours of darkness consistent with the guidance set out in the Institute of Lighting Professionals (ILP) publication: "The Brightness of Illuminated Advertisements" (PLG05, January 2015).</p> <p>The advertisement displays shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>
3	Special effects
	<p>CONDITION: Notwithstanding the hereby approved plans, There shall be no special effects (including noise, smell, smoke, animation, exposed cold cathode tubing, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>
4	Display functions
	<p>CONDITION: The minimum time between <i>successive displayed images shall be 10 seconds</i>, the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays and the display will include a mechanism to freeze the image in the event of a malfunction.</p> <p>REASON: In the interests of highway safety.</p>
5	Installation and maintenance
	<p>CONDITION: Notwithstanding the hereby approved plans, the footway and carriageway on the A5203 Caledonian Road must not be blocked during the installation and maintenance of the advertising panel. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the</p>

	clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic. REASON: In the interests of highway safety.
6	Visual effects controls
	CONDITION: Notwithstanding the hereby approved plans, <i>no visual effects of any kind to be permitted to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method.</i> REASON: In the interests of highway safety.
7	Sequencing prohibitions
	CONDITION: Notwithstanding the hereby approved plans, The sequencing of messages relating to the same product is prohibited. REASON: In the interests of highway safety.

APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE

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

1. National and Regional 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.

- NPPF (2019)

Adverts

The Town & Country Planning (Control for Advertisements) (England) Regulations 2017

2. Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 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**

- Policy 6.2: Providing public transport capacity and safeguarding land for transport
- Policy 6.3: Assessing effects of development on transport capacity
- Policy 6.7: Better streets and surface transport
- Policy 6.10: Walking
- Policy 7.4: Local character
- Policy 7.5: Public realm
- Policy 7.8: Heritage asserts and archaeology

B) Islington Core Strategy 2011

Policy CS8 (Enhancing Islington's Character)
 Policy CS9 (Protecting and Enhancing

C) Development Management Policies June 2013

- Policy DM2.1: Design
- Policy DM2.3: Heritage
- Policy DM2.6: Advertisements
- Policy DM2.7: Telecommunications and utilities
- Policy DM8.2: Managing transport impacts
- Policy DM8.4: Walking and cycling

3. Designations

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

Kings Cross & Pentonville Road Core Strategy Area
 Kings Cross Local Shopping Area

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

The following SPGs and/or SPDs are relevant:

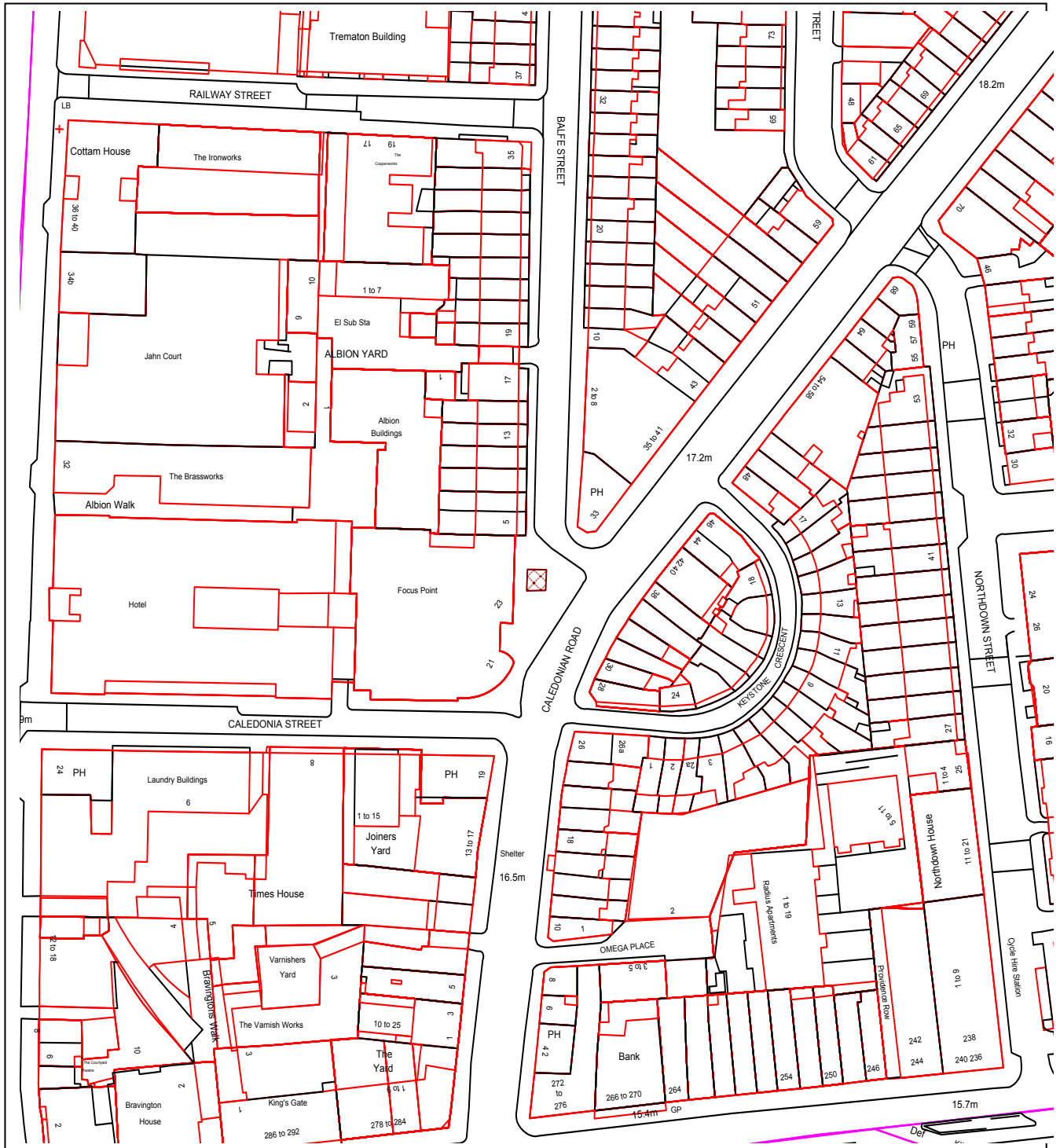
Islington Local Plan

Urban Design Guide (2017)
 Kings Cross Conservation Area Guidelines (2002)

Transport for London

- Streetscape Guidance Fourth Edition
 2019 Revision 1

Islington SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.
P2019/1799/ADV

This page is intentionally left blank

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB-COMMITTEE A		AGENDA ITEM NO:B5
Date:	14 January 2020	NON-EXEMPT

Application number	P2019/1782/FULL & P2019/1799/ADV
Application type	Full Planning Application and Advertisement Consent
Ward	Caledonian
Listed building	No
Conservation area	Kings Cross (CA21) Within 50 metres of keystone Crescent CA
Development Plan Context	Kings Cross & Pentonville Road Core Strategy Area Kings Cross Local Shopping Area
Licensing Implications	None
Site Address	Telephone Kiosks Outside 23 Caledonian Road, London, N1
Proposal	Full planning permission and advertisement consent is sought for the Removal of 3 existing telephone booths and replacement with 1 no. InLink unit telephone kiosk and associated 2 LED digital display/advertisement panels and associated alterations.

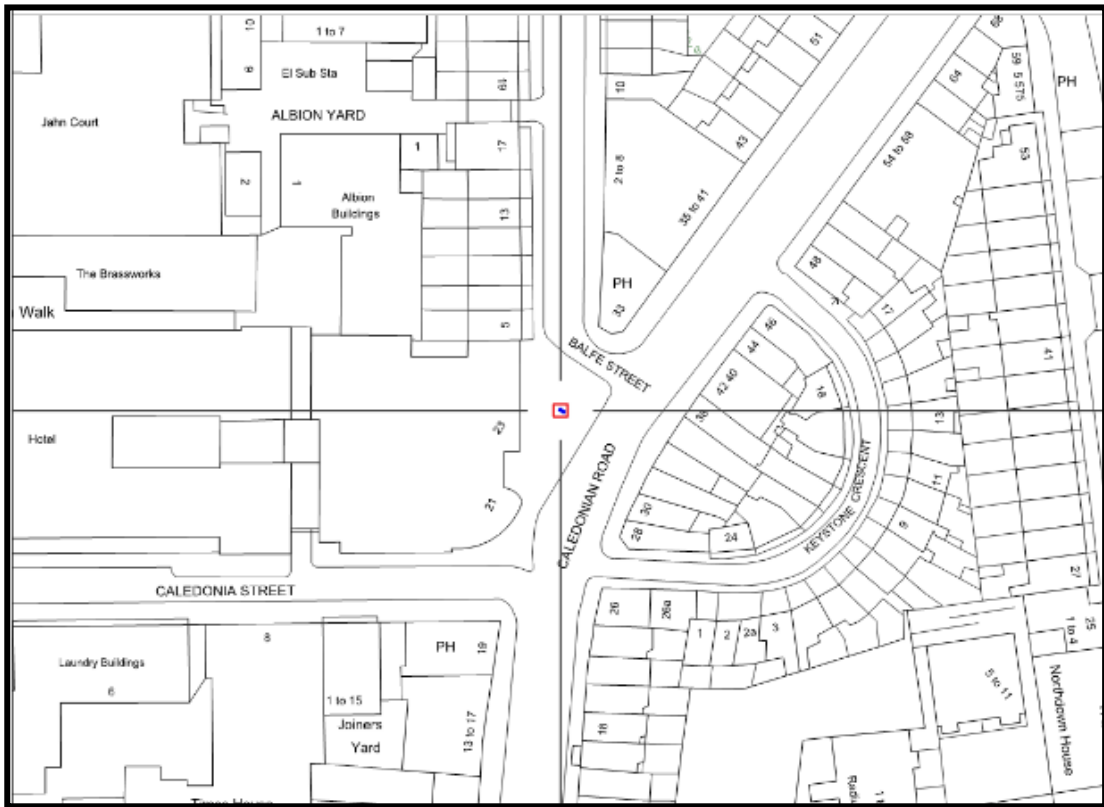
Case Officer	Jake Shiels
Applicant	British Telecommunications PLC – Mr Neil Scoresby
Agent	Primesight Ltd

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission and advertisement consent:

1. subject to the conditions set out in Appendix 1.

2. SITE PLAN (enclosed in red)

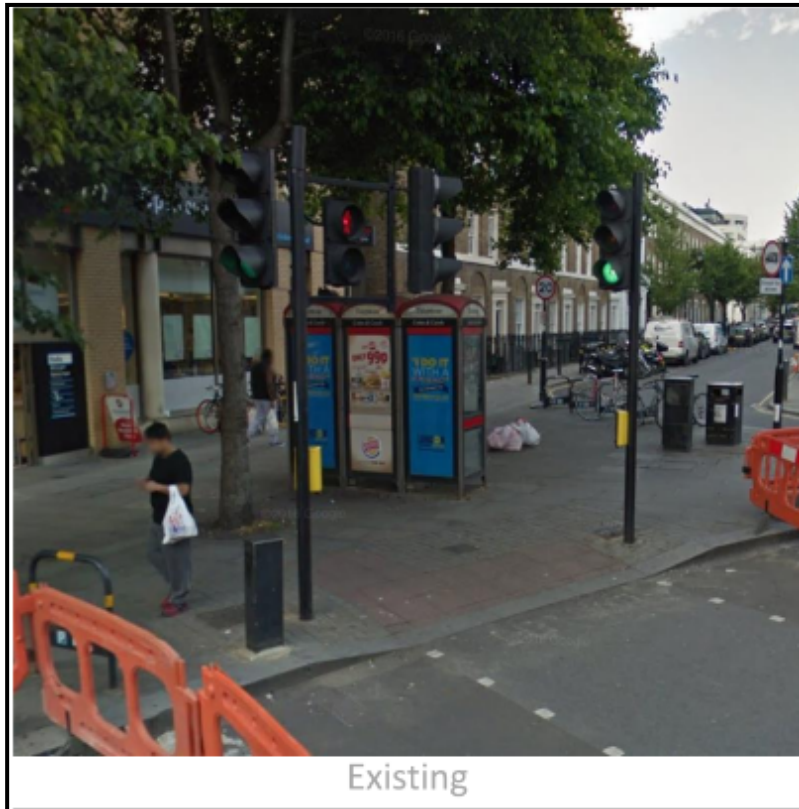


3. PHOTOS OF SITE/STREET

Application Site



Image 1: Aerial view of the site



Existing

4. SUMMARY

- 4.1 The applications propose the installation of a free-standing telecommunications structure (InLink) with 2no. LED digital display screens on a pavement area outside no. 23 Caledonian Road of which is located within the Kings Cross Conservation Area, Kings Cross and Pentonville Road Key Area and Kings Cross Local Shopping Area. The Inlink unit requires full planning permission and the two displays on the structure require advertisement consent. Therefore, the entire structure requires two separate planning consents from the council which is the case with both committee applications within this report.
- 4.2 The proposed unit would measure approximately 0.8 metres in width at the ground level and 0.9m at the top of the unit. The structure would have an overall depth of approximately 0.3m and would measure 2.9m in height. The link unit would house a touch screen and key pad and would facilitate free UK landline and mobile phone calls, Wi-Fi and emergency and civil services.
- 4.3 It is considered that the proposed structure and advert display, whilst not desirable in planning and visual terms would not materially harm the character and appearance of the streetscene or the Kings Cross Conservation Area bearing in mind the established and historical existing booths on site which are visually dominant and harmful within this section of the streetscene. The current development will enable these harmful features to be removed as a direct and secured as a direct result of the development and within these site specifics, it is considered to be therefore acceptable in this case.
- 4.4 The replacement single phone kiosk which takes up less space than the existing 3no. telephone boxes frees up pavement space and would not provide a concealed space which can attract anti-social behaviour. In addition, the single phone kiosk due to its position in place of 3 no. telephone booths is considered not to create an obstruction nor compromise pedestrian and highway safety.
- 4.5 The site is an area of high Anti-Social Behaviour and the 3no. existing phone boxes are used to facilitate criminal activity and are generally an eyesore due to the illegal uses associated with the telephone boxes. The proposal to remove these boxes is supported in this regard and is supported by the Design Out Crime Officer (Metropolitan Police) with the application and is supported by the BT InLink Anti-Social Behaviour (ASB) management plan which provides an algorithm to prevent the use of the InLink for crime and other misuses.
- 4.6 The proposal is considered to cause no harm to the character and appearance of the surrounding area, and to accord with the Development Plan.

5. SITE AND SURROUNDINGS

- 5.1 The application site is the pavement area outside no. 23 Caledonian Road of which is located within the Kings Cross Conservation Area, Kings Cross and Pentonville Road Key Area and Kings Cross Local Shopping Area.
- 5.2 No.23 is a 4 storey a mixed use building that supports a Tesco Supermarket at ground floor. The immediate vicinity is largely mixed use in character with Balfe Street to the north-west comprising 3 storey Grade II Listed residential properties, whilst directly north is the Institute of Physics a two storey building fronting the site that is currently being developed further for additional storeys to accommodate the use. 28-46 Caledonian Road is directly east of the site. These 2 storey properties comprise commercial elements (A1/A3) at ground floor with residential units on the upper floors.
- 5.3 The pavement area pertinent to this application is a large pedestrian area that bends around to Balfe Street to the north. The area is shaded by the 3no. large street trees that run north to south outside the A1 supermarket. 3 no. BT telephone boxes are located in between the Street Trees and run perpendicular to the access of the shop set almost 6m from the shop front.

6. PROPOSAL (in Detail)

- 6.1 The application seeks planning permission and Advertisement Consent for the installation of a free-standing telecommunications structure (InLink) with 2no. LED digital display screens.
- 6.2 The proposed unit itself would be a 'monolithic' structure which would measure approximately 0.8 metres in width at the ground level and 0.9m at the top of the unit. The structure would have an overall depth of approximately 0.3m and would measure 2.9m in height. The link unit would house a touch screen and key pad and would facilitate free UK landline and mobile phone calls, Wi-Fi and emergency and civil services.
- 6.3 The proposal also incorporates the removal of 3no. existing phone boxes. The phone boxes to be removed are in the same location as the proposed InLink. This is detailed on the proposed plan below:

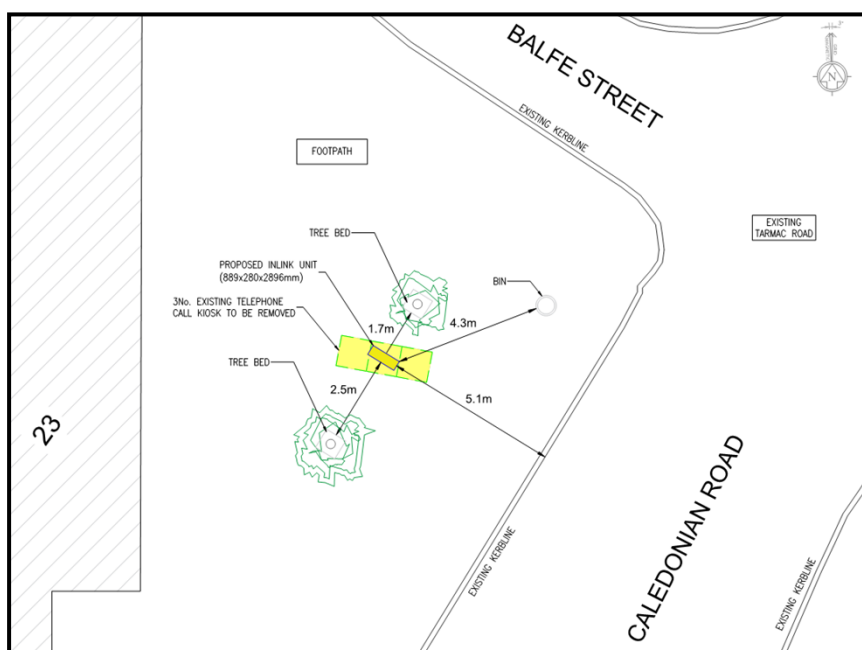


Image 2: Proposed site plan

7. RELEVANT HISTORY

7.1 **P2017/0948/ADV:** Installation of a free standing internet/ wifi/ telephone kiosk known as a 'link unit', with internally illuminated advertisement screens to two sides. Withdrawn on **06/06/2017**.

7.2 The following previous planning applications relating to BT InLinks are considered particularly relevant to the current proposal:

- **P2018/1141/FUL & P2018/1255/ADV (Pavement outside 200 Pentonville Road):** Installation of 1no. InLink telecom apparatus with 2no. digital display panels (illuminated) mounted on the footway, and removal of 2no. existing BT payphones on the pavement. Approved with conditions 24/07/2018.
- **P2018/1128/FL & P2018/1280/ADV (Pavement outside 311 Holloway Road):** Installation of 1no. InLink telecom apparatus with 2no. digital display panels (illuminated) mounted on the footway, and removal of 2no. existing BT payphones on the pavement. Approved with conditions on 18/07/2019.
- **P2018/1150/FUL & P2018/1270/ADV (Pavement opposite 18-30 Clerkenwell Road):** Installation of 1no. InLink telecom apparatus with 2no. digital display panels (illuminated) mounted on the footway. Applications refused 20/06/2018, subsequent appeal dismissed.
- **P2018/1132/FUL & P2018/1243/ADV (Pavement outside 28 Junction Road):** Installation of 1no. InLink telecom apparatus with 2no. digital display panels (illuminated) mounted on the footway. Applications refused 20/06/2018, subsequently allowed at appeal without conditions.
- **2018 Refused Full Planning and Advertisement Consent Applications:** A number of Full Planning and associated Advertisement Consent applications for the installation of InLink units and associated digital advertisement displays across the Borough were refused in 2018. Appeals have been lodged for many, however these are yet to be decided by the Planning Inspectorate. These include:

Full Planning: P2018/1117/FUL, P2018/1118/FUL, P2018/1119/FUL, P2018/1120/FUL, P2018/1121/FUL, P2018/1129/FUL, P2018/1130/FUL, P2018/1131/FUL, P2018/1141/FUL, P2018/1142/FUL, P2018/1147/FUL, P2018/1148/FUL, P2018/1148/FUL, P2018/1149/FUL, P2018/1151/FUL, P2018/1152/FUL, P2018/1153/FUL, P2018/1154/FUL, P2018/1155/FUL, P2018/1156/FUL, and P2018/1259/FUL.

Advertisement Consent: P2018/1133/ADV, P2018/1135/ADV, P2018/1241/ADV, P2018/1260/ADV, P2018/1264/ADV, P2018/1266/ADV, P2018/1268/ADV, P2018/1272/ADV, P2018/1278/ADV, P2018/1282/ADV, P2018/1285/ADV, P2018/1286/ADV, P2018/1289/ADV, P2018/1290/ADV, P2018/1293/ADV, P2018/1295/ADV, P2018/1296/ADV, P2018/1300/ADV, P2018/1301/ADV, and P2018/1302/ADV.
- **2017 Approved Prior-Approval Applications:** A number of prior-approval applications for the installation of InLink units across the borough were approved on 17 August 2017. The approved applications include: P2017/2661/PRA, P2017/2662/PRA, P2017/2663/PRA, P2017/2664/PRA, P2017/2668/PRA, P2017/2669/PRA, P2017/2671/PRA, P2017/2672/PRA, P2017/2673/PRA, P2017/2674/PRA and P2017/2675/PRA.
- **2017 Approved Advertisement Applications:** In association with the approved Prior-Approval applications listed above, advertisement applications were lodged for the advert panels on either side of the InLink unit. Each of these were approved. The approved

applications include: P2017/0550/ADV, P2017/0553/ADV, P2017/0573/ADV, P2017/0599/ADV, P2017/0605/ADV, P2017/0697/ADV, P2017/0698/ADV, P2017/0900/ADV, P2017/0903/ADV, P2017/0922/ADV, and P2017/0949/ADV.

- **P2017/0922/ADV (pavement o/s 169-173 Old Street):** Advertisement consent for the internally illuminated advertisement screens to two sides of the BT phone link structure. Application refused 08/09/2017.

REASON: The proposed advertisement display by reason of its height, method of illumination and proximity to existing traffic signals would cause a distraction to drivers which would be detrimental to public safety and cause a hazard. The proposal would be contrary to policies CS8 and CS9 of the Islington Core Strategy (2011), policies DM2.1 and DM2.6 of the Islington Development Management Policies (2013) and the Islington Urban Design Guide (2017).

- Following discussions with the Council, the applicant withdrew 52 advertisement consent applications for InLink units that had been recommended for refusal by officers in August 2017.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of adjoining and nearby properties at Caledonian Road, Balfe Street, Keystone Crescent, Joiners Yard and York Way on 9 July 2019.
- 8.2 At the time of the writing of this report a total of **24** responses have been received from the public with regard to the application, **23** in support of the application and **1** objection. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets)

Anti-Social Behaviour

- Existing phone boxes used for drug use, sex adverts, inappropriate advertising and are a magnet for anti-social behaviour
- Phone boxes are remnants of the old Kings Cross
- Phone boxes are used as toilets
- Removal of 'undesirables'
- Removal of telephone boxes would make community more safe.

(paragraphs 10.21-10.24)

Street clutter and design

- Proposal will remove clutter and will mitigate room for trash to be dumped like the current situation
- Phone boxes are an eyesore
- Current facilities detract from the local environment
- The area is located within the vicinity of the NC1 tech hub and therefore this type of facility is in keeping with local area
- The InLink will be far less unsightly than existing boxes
- Would be an improvement to the street scene.
-

Objection

- Welcome the removal of structures, but against new replacement based on the fact that Tesco has free wi-fi, whilst there is another structure further down Caledonian Road, the motivation is therefore to be a structure for advertisement purposes only
- The pavement with 3 mature trees provides a shaded area for pedestrians to enjoy

- Already enough clutter within this pedestrian space
- The proposal would cause noise and light pollution.
(paragraphs 10.3-10.13)

Requirement for telephone boxes

- In the age of mobile phones, there is no need for retaining existing telephone boxes

InLink uses

- It is important that the InLink cannot be used to facilitate continued drug related use
- InLink should have a no call out handset

(paragraphs 10.21-10.24)

Other matters

- Comment made on Islington Society and blanket objections to InLinks:
 - Comments made based on companies like BT using structures for advertisement purposes only. (**officer response: this is not the case here at this site.**)
 - Concerns also made with privacy issues and whether the structures can be used to track users and their information. (**officer response: BT is a heavily regulated company and combined with GDPR regulations means this privacy matter should not be a reason to deny this application.**)
 - Unsuccessful attempts to reach out to Islington Society and meet and discuss this proposal. (**Officer response: The council have no powers to enforce this or to refuse the application based on levels of discussions with local amenity groups**)

Internal Consultees

- 8.3 **Design and Conservation officer:** No objections from officers. Officers consider the existing booths to add considerable clutter and visual harm to this section of Caledonian Road. It is acknowledged that Inlink units are generally unwelcome additions to the boroughs streets but note the direct removal of the 3 existing booths which can be secured through this development. Bearing in mind the specific and existing site context the Inlink unit is considered to have a neutral impact on the character and appearance of the CA and the removal of the existing units would significantly enhance the character and appearance of the CA and wider urban setting and surrounding street scene.

External Consultees

- 8.4 **London Underground:** *No comment to make on this planning application.*
- 8.5 **TFL London Overground:** No objection, and made the following comments:

The site is on A5203 Caledonian Road, which forms part of the Strategic Road Network (SRN). While the Local Authority is the Highway Authority for those roads, TfL has a

duty under the Traffic Management Act 2004 to ensure that any proposal does not have an adverse impact on the SRN.

1. In line with Healthy Streets and Streetscape guidance, TfL welcomes the de-cluttering of street environments.

2. The location of the proposal is welcomed as it does not encroach on the clear space needed to provide safe passage for pedestrians.

It is understood that a separate advertisement consent application (ref: P2019/1799) has also been submitted. The following comments would reflect TfL's conditions on such consent being granted.

3. No special visual effects of any kind are permitted during the time that any message is displayed. The displayed image must not include animated, flashing, scrolling, intermittent or video elements.

4. No visual effects of any kind to be permitted to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method.

5. The minimum time between successive displayed images shall be 10 seconds.

6. The sequencing of messages relating to the same product is prohibited.

7. The intensity of the illuminance of the advertisement shall be no greater than 300Cdm² during hours of darkness.

8. The footway and carriageway on the A5203 Caledonian Road must not be blocked during the installation and maintenance of the InLink. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, obstruct the flow of traffic.

Provided the above comments are addressed, TfL have no objection to this proposal.

8.6 **TfL Underground Infrastructure Protection:** No comment to make on this planning application.

8.7 **Islington Society:** have objected to similar applications as there is no need for the structures and there is proliferation of street clutter.

8.8 **Metropolitan Police:** No objection, comments read:

Contact has been made with the local Neighbourhood Policing teams (NPT officers) regarding the replacement of the current telephone kiosks for an InLink and I am fully aware of the support for such a change.

The 'Algorithm' is currently active on all InLink devices within the UK and apparently identifies potential 'drug dealing' numbers and then puts a block on them...I have been working with Camden Council & InLink with two devices in Camden Town which have been used to test this operating procedure. This went on for 12 weeks and half way through we had to request the USB charging facility on one of them to be deactivated due to anti-social behaviour. But this was implemented immediately and stopped the problem of large groups congregating at the devices.

The 'Anti-Social Behaviour Plan' details everything to help mitigate risk surrounding the devices and as the current three telephone are generating a large amount of ASB then 'Option B' will be recommended for the period of Three (3) months... this will allow for a guaranteed reduction and then can be reassessed after consultation with the local NPT and community. So I would recommend that a temporary restriction on free phone calls be implemented.

8.9 **Network Rail:** *After reviewing the information provided in relation to the above planning application, Network Rail has no further observations or comments to make.*

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

9.1 Islington Council (Planning Sub-Committee A), 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 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.

9.3 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.

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 Sub-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.
- 9.9 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.

Development Plan

- 9.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, 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.
- 9.11 Some weight is attributable to the Draft London Plan.

Adverts

- 9.12 The Town & Country Planning (Control for Advertisements) (England) Regulations 2017

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.13 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:
- Design, appearance of the inlink kiosk/ structure and the impact on the character of the area;
 - Impact on public safety and neighbouring amenity;
 - Impact on highways and transport.

Design, Conservation and Appearance

- 10.3 The National Planning Policy Framework (NPPF) 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 and should contribute positively to making places better for people.
- 10.4 Policy CS 8 and 9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.5 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
- 10.6 The Islington 'Streetbook' Supplementary Planning Document 2012 seeks to improve the appearance of public areas through avoiding street clutter, mismatched elements and a lack of visual coherence.
- 10.7 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas within their area. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses.
- 10.8 Policy DM6.2 of the Development Management Policies 2013 states that advertisements are required to be of the highest possible design standard and contribute to an attractive environment. They must not contribute to clutter or a loss of amenity and should be sensitive in visual appearance to its siting and the surrounding street scene. It also states that advertisements must contribute to a safe environment and must not cause a safety hazard to pedestrians or road users
- 10.9 The proposed units are considered to be 'monolithic' structures. The InLink structure would measure approximately 0.8 metres in width at the ground level and 0.9m at the top of the unit. The structure would have an overall depth of approximately 0.3m and would measure 2.9m in height. It would contain an advertisement screen on both sides, measuring approximately 0.7m x 1.2m. The digital LED adverts would be statically illuminated with an illuminance level of **2,500 cd/m**.



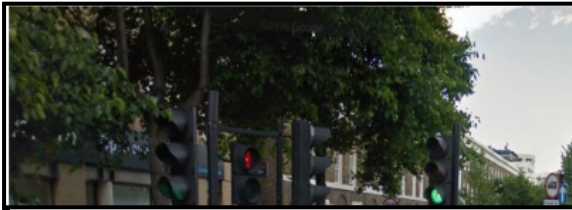


Image 3 & 4: Existing and proposed street montage of the site showing existing phone boxes and proposed InLink

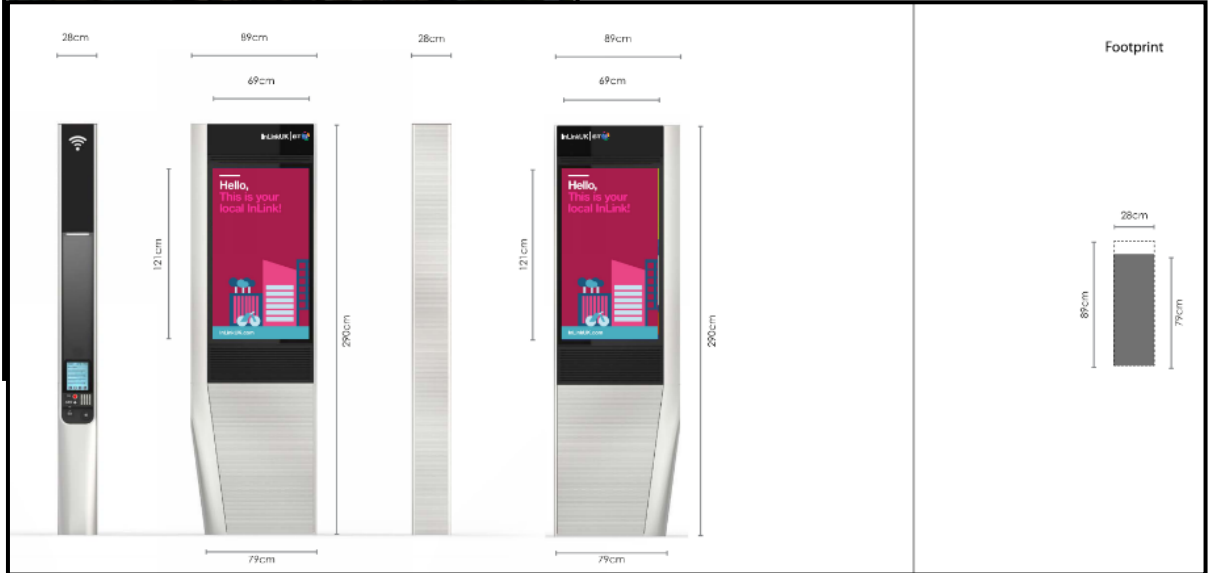


Image 5: BT InLink Dimensions

- 10.10 The proposal is located along the western footpath of Caledonian, at the southern entrance to Balfe Street. This is a prominent location on a busy highway, and is seen in the context of surrounding 3-4 storey contemporary developments and more traditional built form. The location is within a designated conservation area, and is within the setting of the Grade listed buildings at Balfe Street. Some concern is raised with regard to the detailed design of the structure. The advertisement screens on both sides of the apparatus are large and their illumination is at 2,500 cd/m. The InLink unit is contemporary in design and appearance, however it is noted that it would be located outside of 23 Caledonian Road, a contemporary 4 storey development with a retail unit with full width glazing at ground floor (Tesco). In addition to this, given the commercial nature of the surroundings, the scale of the adjacent building and the width of the pavement, on balance, it is not considered that it would detract from the character and appearance the streetscene and wider townscape.
- 10.11 Consideration is also given to the removal of 3 phone boxes from the pavement, to allow for a like for like replacement, but resulting in an overall less cluttered streetscape. The removal of these phone boxes would be welcomed, as it would result in the removal of clutter from the footpath on the western side of Caledonian Road in close proximity to the InLink unit. Overall, the pavement in this location is generous and there is a tall contemporary building adjacent, with substantial trees along the pavement. In this location, the InLink unit would not stand out and dominate the streetscene.
- 10.12 Concern is raised regarding the impact of the proposed adverts on the immediate streetscene. The proposed adverts would be internally illuminated with sequential changes in image that would draw the eye on this fairly open section of pavement. The proposed illuminance level of 2,500 cd/m during the day and 600 cd/m between

dusk and dawn is also considered to be excessive, and the form of illumination would be at odds with the generally more subtle advertisement lighting on many of the adjacent buildings. However, whilst undesirable, it is not considered that the proposed advert would warrant a reason for the refusal of the application in this instance.

- 10.13 Overall, it is considered that the proposed structure and advert, whilst not desirable, would not materially harm the character and appearance of the streetscene or the adjacent Conservation Area subject to restrictions or brightness (**condition**). The proposal therefore complies with the requirements of policy DM2.1 of the Development Management Policies 2013, and the Islington Urban Design Guide 2017.

Highways and Transportation

- 10.14 Policy DM2.1 of the Development Management Policies 2013 accords with the NPPF in seeking to sustain and enhance Islington's built environment. The policy seeks to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and locally distinctive patterns of development.
- 10.15 The NPPG advises that proposed advertisements at points where drivers need to take more care are more likely to affect public safety, including locations at junctions, roundabouts, pedestrian crossings, on approach to a low bridge or level crossing, or other places where local conditions present traffic hazards.
- 10.16 Part E of Transport for London's Streetscape Guidance advises that, when considering applications for open-sided units (including the structure proposed as part of this application), a footway width of minimum 4,200mm is required but designers should also consider pedestrian flows to determine appropriate placement.
- 10.17 Policy T2 (Healthy Streets) of the draft London Plan states that 'Development proposals should demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance.'
- 10.18 Unnecessary and dysfunctional street clutter in any location in the footway on a TLRN road has an obvious adverse impact on the movement of pedestrians, which goes against TfL's statutory network management duties.
- 10.19 It is proposed to remove the existing 3 no. telephone booths and replace with a single telephone kiosk. It is acknowledged that the pavement hosts a large amount of existing clutter within close proximity to the proposed structure including trees, kerbside bins, lampposts, traffic signals, cycle parking and traffic signs. However, given that the proposal would result in the removal of 3 no. phone booths which have been cited to attract anti-social behaviour to area. The replacement single phone kiosk which takes up less space thus freeing valuable pavement space and would not provide a concealed space which can attract anti-social behaviour the proposed structure is considered acceptable in principle. In addition, the single phone kiosk due to its position in place of 3 no. telephone booths it is considered not to create an obstruction nor compromise pedestrian and highway safety which would be detrimental to public safety and cause a hazard.
- 10.20 Transport for London does not object to the proposal subject to conditions and it is considered based on the width of the pavement and location of the InLink that the proposal is acceptable in this regard.

Crime prevention

- 10.21 The site is an area of high Anti-Social Behaviour or 'Crime risk area' and as detailed within the comments from residents, the 3no. existing phone boxes are used to facilitate criminal activity and are generally an eyesore due to the illegal uses associated with the telephone boxes. In combination with local residents, local councillors and the Design Out Crime Officer, the proposal would be supported in this regard.
- 10.22 Comments have been received from the Design Out Crime Officer (Metropolitan Police) based on the BT InLink Anti-Social Behaviour (ASB) management plan which provides an algorithm to prevent the use of the InLink for crime and other misuses. Officers consider this algorithm to adequately address any concerns relating to the use of the InLink that would be closely monitored.
- 10.23 Option B relates to the InLink proposed in a 'Crime Risk area' as defined by a Designing Out Crime Officer (or equivalent) and agreed by their manager:
- A temporary restriction will be put in place on this InLink from activation as agreed with the Police Service, which for example could include the restriction of free calls to mobile numbers, for a minimum period of three (3) months and will not be removed without the Police Service being given a reasonable opportunity to agree in accordance with the escalation process detailed in the InLink Anti-Social Behaviour Management Plan.*
- The Design Out Crime Officer would under a full application identify crime related issues attributed to each site, and in the accordance advise conditions related to the above guidance.*
- 10.24 The intention of the Automatic Anti-Social Restriction technology is to significantly reduce the opportunities to misuse the free call services provided by an InLink.
- 10.25 The DOCO Officer does not object to the InLink within this location subject to a suitably worded condition based on the submitted information.

Neighbouring Amenity

- 10.26 Policy DM2.1 states that development should not have an adverse impact on neighbouring amenity in terms of overshadowing, noise pollution, anti-social behaviour, overlooking, privacy, direct sunlight and day light, over-dominance, sense of enclosure and outlook.
- 10.27 Due to the nature of the proposed telecommunications/advertisement structure, it is not considered that it would materially harm neighbouring amenity. The structure would be set away clear and acceptable distances from adjacent commercial and residential properties located on a much wide section of Caledonian Road which is more commercial in nature with a large Tesco located adjacent and the busy and heavily trafficked and pedestrian flows in and around Kings Cross Station and Pentonville Road. The inlink unit would be relatively narrow in scale and height compared to the existing structure and would be significantly better surveilled from adjacent commercial and residential properties therefore increasing the natural surveillance of the unit itself which is not present on site as existing as the existing booths form a wall and an area of seclusion which is inherently insecure and raises clear and already identified security and ASB issues. Within this specific urban context in and around the site, it is not considered that the proposal would give rise to any material adverse amenity impacts and would in fact significantly improve already occurring security and ASB issues in and around the site at present.

11. SUMMARY AND CONCLUSION

- 11.1 Officers acknowledge that the BT InLink structures are generally not desirable additions to the streetscene within the Borough and cause undue and harmful visual clutter when seen within their context. However, in this instance the proposal results in the direct removal of 3no. telephone boxes with the replacement of a smaller 1no. InLink within the same site location, which significantly declutters the existing streetscape, improves permeability, security around the site and directly reduces anti-the occurrence and potential for Anti-social behaviour in and around the site. Additionally, by virtue of its siting in close proximity to more contemporary buildings and a mixed use environment the development is considered acceptable and would not appear out of character within the streetscene, nor would the development harm the Kings Cross Conservation Area and is considered conducive and a visually acceptable feature to the to the surrounding urban context within this part of Islington Borough.
- 11.2 Overall, subject to conditions the proposal would not harm the character or appearance of the host building nor that of the surrounding area. The proposal accords with policies DM2.1 & 2.3 of the Development Management Policies 2013, policies CS8 and CS9 of the Core Strategy 2011 and the Urban Design Guide 2017. In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

- 11.3 It is recommended that planning permission and advertisement consent are both granted subject to conditions.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

1	Commencement
	<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
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Site Plan, D0002 V3, Design and Access Statement; InLink Product Statement - May 2019, Anti-Social Behaviour Management Plan - April 2019, Existing and Proposed Views, Summary of Feedback from Local Community.</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.
3	Removal of existing telephone boxes
	<p>CONDITION: The InLink unit hereby approved shall not be erected until the 3 existing BT phone boxes shown on Drawing No. ISL-004 dated 5th June 2019 are removed in their entirety.</p> <p>REASON: In the interests of visual amenity and highway safety, in accordance with London Plan policy 6.3 and Development Management Policies DM2.1, DM2.6, DM2.7 and DM8.2 and DM8.4, the Islington Urban Design Guide SPD 2017, the Islington Streetbook SPD 2012 and the Transport for London Streetscape Guidance Third Edition 2017 Rev 1.</p>
4	Crime Prevention
	<p>Notwithstanding the approved plans, this device must at all times whilst operational comply with the agreed BT InLink Anti-Social Behaviour (ASB) management plan, Option B - Crime Risk area and the devices will be installed with full functionality. Any and all inappropriate use shall be dealt with by the algorithm and the management plan based on the following:</p> <ul style="list-style-type: none"> • The agreed management plan v1.7 is to be followed and not altered without prior approval of the MPS Designing out crime team. • This device must also include the algorithm as agreed by BT and the Metropolitan Police Service (MPS). The algorithm 'threshold' must not be altered without prior approval of the MPS designing out crime team. • A temporary restriction will be put in place on this InLink from activation as agreed with the Police Service, which would include the restriction of free calls to mobile numbers, for a minimum period of three (3) months and will not be removed without the Police Service being given a reasonable opportunity to agree in accordance with the escalation process detailed in the InLink Anti-Social Behaviour Management Plan. <p>REASON: To protect public safety and preventing anti-social behaviour and crime in accordance with policies 6.7,6.10 and 7.5 of the London Plan (2016), policies DM2.1, DM2.7 and DM8.2 of the Development Management Policies (2013).</p>

RECOMMENDATION B

That the grant of advertisement consent be granted subject to conditions to secure the following:

List of Conditions

1	Standard advertisement conditions
	CONDITION: Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

	<p>Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.</p> <p>Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.</p> <p>No advertisement is to be displayed without permission of the owner of the site or any other people with an interest in the site entitled to grant permission.</p> <p>No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military)</p>
2	Luminance
	<p>CONDITION: Notwithstanding the hereby approved plans, the advertisement display(s) shall be statically illuminated and the illumination shall not exceed a maximum steady brightness of 300 candelas per square metre during the hours of darkness consistent with the guidance set out in the Institute of Lighting Professionals (ILP) publication: "The Brightness of Illuminated Advertisements" (PLG05, January 2015).</p> <p>The advertisement displays shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>
3	Special effects
	<p>CONDITION: Notwithstanding the hereby approved plans, There shall be no special effects (including noise, smell, smoke, animation, exposed cold cathode tubing, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>
4	Display functions
	<p>CONDITION: The minimum time between <i>successive displayed images shall be 10 seconds</i>, the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays and the display will include a mechanism to freeze the image in the event of a malfunction.</p> <p>REASON: In the interests of highway safety.</p>
5	Installation and maintenance
	<p>CONDITION: Notwithstanding the hereby approved plans, the footway and carriageway on the A5203 Caledonian Road must not be blocked during the installation and maintenance of the advertising panel. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the</p>

	clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic. REASON: In the interests of highway safety.
6	Visual effects controls
	CONDITION: Notwithstanding the hereby approved plans, <i>no visual effects of any kind to be permitted to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method.</i> REASON: In the interests of highway safety.
7	Sequencing prohibitions
	CONDITION: Notwithstanding the hereby approved plans, The sequencing of messages relating to the same product is prohibited. REASON: In the interests of highway safety.

APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE

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

1. National and Regional 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.

- NPPF (2019)

Adverts

The Town & Country Planning (Control for Advertisements) (England) Regulations 2017

2. Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 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

- Policy 6.2: Providing public transport capacity and safeguarding land for transport
- Policy 6.3: Assessing effects of development on transport capacity
- Policy 6.7: Better streets and surface transport
- Policy 6.10: Walking
- Policy 7.4: Local character
- Policy 7.5: Public realm
- Policy 7.8: Heritage asserts and archaeology

B) Islington Core Strategy 2011

Policy CS8 (Enhancing Islington's Character)
 Policy CS9 (Protecting and Enhancing

C) Development Management Policies June 2013

- Policy DM2.1: Design
- Policy DM2.3: Heritage
- Policy DM2.6: Advertisements
- Policy DM2.7: Telecommunications and utilities
- Policy DM8.2: Managing transport impacts
- Policy DM8.4: Walking and cycling

3. Designations

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

Kings Cross & Pentonville Road Core Strategy Area
 Kings Cross Local Shopping Area

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

The following SPGs and/or SPDs are relevant:

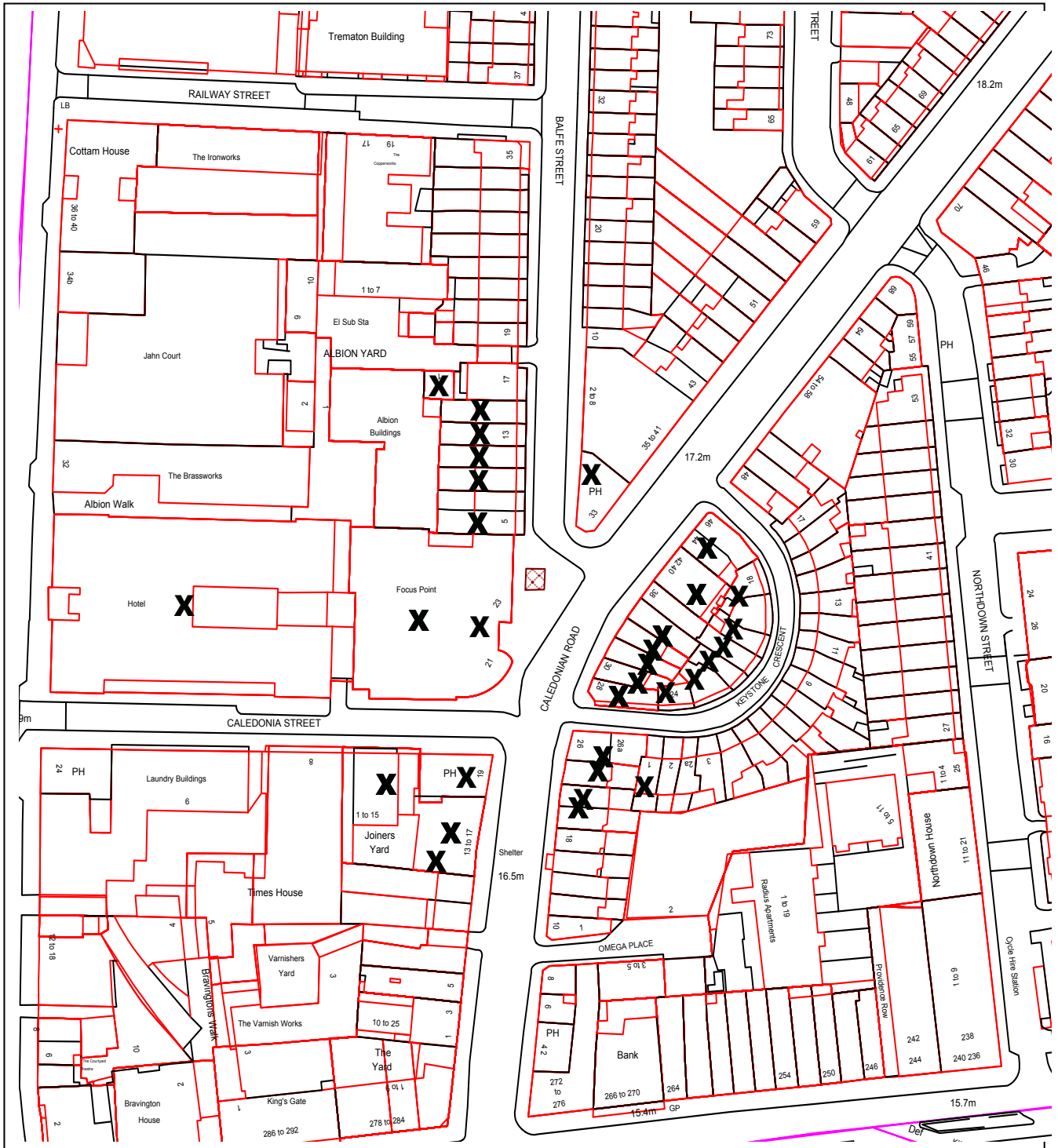
Islington Local Plan

Urban Design Guide (2017)
 Kings Cross Conservation Area Guidelines
 (2002)

Transport for London

- Streetscape Guidance Fourth Edition
 2019 Revision 1

Islington SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.
P2019/1782/FUL

This page is intentionally left blank

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB-COMMITTEE A

Date:	14 January 2020	NON-EXEMPT
-------	-----------------	------------

Application number	P2019/2469/FUL
Application type	Full Planning Application
Ward	St. Georges Ward
Listed building	Locally Listed Building Within 50m of the Grade II Statutory listed Odeon Cinema Building
Conservation area	Mercers Road/Tavistock Terrace Conservation Area (and Article 4 Direction)
Development Plan Context	Core Strategy Key Area – Nags Head & Upper Holloway Road Locally Listed Building (Grade B) Cycle Route (Strategic) Site Allocation – 443-445 Holloway Road Transport for London Road Network Rail Land Ownership – TfL Surface Article 4 Direction (A1 to A2) Article 4 Direction (B1(c) to C3) Employment Growth Area – Holloway Road North
Licensing Implications	N/A
Site Address	National Youth Theatre, 443-445 Holloway Road, N7 6LW
Proposal	Single storey entrance and studio pavilion with associated landscaping. Additional window to south elevation and automatic opening vents (AOVs) to windows to comply with fire regulations.

Case Officer	Planning Applications Team
Applicant	National Youth Theatre – Ms Karen Turner
Agent	DSDHA – Mr David Hills

1. RECOMMENDATION

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

- 1.1 the planning obligations as summarised at Appendix 1 (Recommendation A); and
- 1.2 the conditions set out in Appendix 1 (Recommendation B).

2. SITE PLAN



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the application site



Image 2: The front elevation of the site as viewed from Holloway Road



Image 3: Holloway Road, looking north-west. Site is shown on the left.



Image 4: Holloway Road, looking south-east. Site is shown on the right

4. SUMMARY

- 4.1 Planning permission is sought for the erection of a single storey entrance and studio pavilion extension fronting Holloway Road to the building occupied by the National Youth Theatre (NYT) with associated landscaping, the insertion of an additional window to the south elevation of the building, and automatic opening vents (AOVs) to windows. Following revisions (to the height), the proposed extension includes two flat roofed adjoining and connecting blocks; the 'reception' block with a projection of 11.5m, a width of 5.4m, and a height of 4.9m; and the 'studio' block with a projection of 10.1m, a width of 9.1m, and a height of 4.2m.

- 4.2 The building contains workshop, studio, office, and storage/archive spaces, and acts as the primary production site and space used by the NYT for the delivery of their programme of masterclasses, auditions, 'Playing Up' (a level 3 Access to Higher Education course over one year), 'Creative Leadership' (a free training session for members aged 18-25) and rehearsals for productions. The NYT was established in 1956 as the world's first youth theatre and has occupied the building since 1987. It is a Charity that earns and raises all income annually, with only 9% of their income coming from public subsidy. In terms of land use, it is considered that the proposed additional D1 floorspace at the site is acceptable.
- 4.3 The existing building incorporates a raised ground floor level which is significantly higher than the external ground level, with steep steps providing access to the building. An alternative side entrance is available with lift access however this is separate to the main access and is considered to be compromised as it is accessed via the side shared entranceway. The proposal seeks to enhance the level of accessibility to the building, through the provision of a level entrance pavilion and studio, and internal upgrades including the installation of a platform lift to gain access to the primary ground floor level.
- 4.4 The application site is locally listed at Grade B; is located within the Mercers Road/Tavistock Terrace Conservation Area and is located approximately 50m to the north-west of the Grade II listed Odeon Cinema at the junction of Holloway Road and Tufnell Park Road.
- 4.5 Information has been submitted to demonstrate that alternative options to the erection of a front extension were considered during the design development stage. Officers are satisfied that alternative options have been genuinely considered as part of the detailed design process undertaken, and notes the applicant's assertion that the erection of an extension upon the front forecourt is the only viable option for the expansion of the building.
- 4.6 The proposed front pavilion extension would project beyond the established predominant building line along this section of Holloway Road and would be very visible in public sightlines. The detailed design of the proposed extension is of a high quality, however officers do hold concern with regard to the bulk and scale of the proposed front extension which would conceal the entirety of the existing ground floor façade by matching the height of the raised ground floor level. Overall, there is concern held with regard to the bulk and scale of the extension and the 'less than substantial harm' it would cause to the Mercers Road/Tavistock Terrace Conservation Area, including harmful impact to the streetscene and host building.
- 4.7 The NPPF states that: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'* The public benefits gained from the proposal and the continued operation of the NYT are outlined in paragraphs 10.67 and 10.68 and set out within Appendix 1. Additionally, the improvements to the accessibility of the building when taken together are considered to present significant public benefits. It is considered that these collective public benefits tip the balance in favour of permission being granted, noting the great weight to be placed on the desire to preserve the conservation area character.
- 4.8 The recommendation to grant planning permission is subject to planning obligations to secure the NYT public benefits and also secures the demolition of the front extension in the event that the NYT benefits secured by planning obligations cease to be provided. The proposal is therefore considered finely balanced, bearing in mind the great weight afforded to the less than substantial harm caused, but on-balance to be acceptable in

design and conservation terms, providing the public benefits are secured including the remedy (demolition) in the event the public benefits case through suitable planning obligations within an associated Section 106 agreement.

5. SITE AND SURROUNDING

- 5.1 The application site is a three storey mid-terrace building located on the south-western side of Holloway Road at nos. 443-445 Holloway Road, which forms part of a larger complex of buildings known as nos. 443-449. The building is locally listed and is located within the Mercers Road/Tavistock Terrace Conservation Area.
- 5.2 The site forms part of the Holloway Road North Employment Growth Area, and the buildings at nos. 443-453 Holloway Road are subject to a site allocation (NH4) within the Site Allocations June 2013. The buildings at nos. 443-449 fronting Holloway Road host a range of uses, including office, light industrial and café spaces, as well as the National Youth Theatre. To the south and west of the site there are a number of residential buildings. Overall, the character of the area is predominantly mixed use in character.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks permission for the erection of a single storey entrance and studio pavilion extension fronting Holloway Road with associated landscaping, the insertion of an additional window to the south elevation of the building, and automatic opening vents (AOVs) to windows to comply with fire regulations.

Revisions and additional information

- 6.2 The applicant submitted revised drawings and additional information on 17 December 2019. The revised drawings reduced the overall height of the front extension to 4.9m and 4.2m to the new studio. No reduction in projection beyond the building lines was made. Two additional windows were also introduced in the north facing (side) elevation of the extension.
- 6.3 Additional information was also received regarding public benefits on 2nd January 2020.
- 6.4 No further public consultation was undertaken as the revisions amounted to a reduction in scale and no objections were initially received, although further comments were sought from the Tree officer and the Metropolitan Police (Designing Out Crime) officer.

7. RELEVANT HISTORY:

Planning applications

Nos. 443-449 Holloway Road

- 7.1 P2019/2839/FUL: Retrospective change of use of Unit 2 and proposed change of use of Unit 1 at ground floor of the Gatehouse Building from office (Use Class B1a) to flexible shop/restaurant and cafe/office (Use Class A1/A3/B1) – refused 13/12/2019

REASON: The proposal would result in the unjustified loss of business floor space within a designated Employment Growth Area, and no marketing evidence has been submitted to demonstrate that the property has been adequately marketed for a period of at least two-years, nor has a robust market demand analysis been submitted to justify the lack of marketing evidence provided. The proposed development is therefore considered to be contrary to the NPPF 2019, Policy 4.1 of the London Plan 2016, Policy CS13 of the

Islington Core Strategy 2011, and policies DM5.2 and DM5.4 of the Islington Development Management Policies 2013.

- 7.2 P2017/4121/FUL (443-445): External alterations to front facade and entrance at ground floor level including installation of new glazed frontages, canopies and front gate. New cobblestone paving also proposed for the forecourt and underpass. Approved with conditions 19/12/2017.
- 7.3 P2014/4684/PRA: Prior approval for change of use from B1 (Office) to C3 (Residential) to create 18 residential units. Prior approval required – refused 08/01/2015.

REASON: In accordance with The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 and specifically the provisions of (amended) Paragraph N (2A), the Local Planning Authority refuses this application as in its opinion, the developer has provided insufficient information to enable the LPA to establish whether the proposed development complies with restriction J.1.(b) which requires that the use of the units contained within the application building subject to this application were all as B1(a) offices on or before 30 May 2013.

- 7.4 P2013/3213/FUL (443-445): Refurbishment of and extension to 443-445 Holloway Road, demolition of Units A-G 449 Holloway Road and development of three new buildings to provide 2,267sqm. of replacement D1 floorspace (National Youth Theatre), 80 new residential units (use Class C3) and 401 sqm. of flexible commercial floorspace (use Class A1/A3/B1) along with associated highways works, car and cycle parking, landscaping and plant room. Approved with conditions 13/06/2014.
- 7.5 P011046 (443-445): Change of use of the property to Business (B1) use. Submitted by National Youth Theatre. Approved with conditions 15/12/2001.
- 7.6 P011047 (443-445): Change of use of the property to non-residential educational (D1) use. Submitted by National Youth Theatre. Approved with conditions 05/12/2001.
- 7.7 971690 (443-449 Block C): Change of use from warehouse to woodworking, joinery and furniture manufacture. Approved with conditions 20/11/1997.
- 7.8 920887 (443-449 Block H): Change of use of ground floor area from w.c. / store area to A2. Installation of new shopfront. 07/09/1992.
- 7.9 871380 (443-445): Change of use from warehouse to use for offices storage scenery and costume workshops and rehearsal space for the National Youth Theatre. Approved with conditions 27/01/1988.

Rear Mews Building

- 7.10 P2019/1036/FUL: Change of use of 891sqm of storage and distribution floorspace (Use Class B8) at ground and first floor levels of the Rear Mews Building to offices (Use Class B1a), and associated external alterations. Decision pending.
- 7.11 P2019/1758/COLP: Certificate of Lawfulness (Proposed) application for the change of use of the second floor level from storage and distribution (Use Class B8) to offices (Use Class B1a). Decision pending.
- 7.12 P2019/1735/FUL: Retention of second floor level roof terrace at rear of Mews building. Decision pending.

Pre applications

- 7.13 P2019/1804/MIN: Proposed new extension to the front entrance of the building, and refurbishment of existing interior spaces.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 205 adjoining and nearby properties on 23 August 2019. A site notice and press advert were also displayed. The public consultation of the application therefore expired on 22 September 2019, however it is the Council's practice to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report, 14 letters of support had been received from the public with regard to the application. The comments and supporting statements are summarised below:
- Support the introduction of a crossing on Holloway Road, improvements to paving of the shared access route and improvements to the streetscape of Holloway Road. OFFICER COMMENT: These works are not part of the planning application and appears to relate to bids for funding for work outside of the redline plan.
 - The NYT is a good local and national resource and this scheme will provide new facilities, more space for young creatives and for the NYT to expand into the local community
 - The proposal will create more accessibility for upcoming artists as the building is not currently accessible to people who are mobility impaired.
 - The design of the new frontage will heighten the NYT's street presence, be more welcoming and inviting and encourage more young people to get involved
- 8.3 In addition, the following letters of support have been received:
- 7 letters of support from:
 - Jenette Arnold OBE AM, London Assembly Member for North East London, Hackney, Islington and Waltham Forest.
 - Samuel Rhodes School, Islington.
 - Family Action.
 - Groundwork.
 - Shakespeare's Globe.
 - The Park Theatre, Finsbury Park.
 - Highshore School, Camberwell.
 - 8 letters of support from 5 trustees, 1 chair, 1 member and 1 patron of the NYT themselves.
- 8.4 9 letters were also submitted expressing support for grant applications to the London Marathon Charities Trust, Morris Charitable Trust (both for the 'capital redevelopment' of the building) and the Greener City Fund (for public realm improvements and a pocket park on Holloway Road):
- The Arsenal Foundation (Arsenal Football Club).
 - Cllr Watts (1 letter for each grant application).
 - Jenette Arnold OBE AM, London Assembly Member for North East London, Hackney, Islington and Waltham Forest.
 - Transport for London.
 - Cllr Webbe.
 - Cllr Clarke.
 - National Youth Theatre.

- 8.5 Copies of letters of generic unaddressed letters and statements of support from 2018 have also been submitted from
- City and Islington College.
 - Andrea Stark, Islington Council, Employment and Skills Director.
 - Michael Calderbank, Islington Council, Economic Development.
 - Jenette Arnold OBE AM, London Assembly Member for North East London, Hackney, Islington and Waltham Forest.
 - Cllr Comer-Schwartz.
 - Cllr Satnam Gill.
 - Cllr Clarke.

Internal Consultees

- 8.6 **Design and Conservation Officer:** the ground floor elevation of the building is of lesser importance and architectural quality than the first floor, but both its concealment and disruption to the building line are both considered to result in some harm to the conservation area, and the locally listed building. This is considered to be 'less than substantial' and should be weighed against the benefits arising from the development. In the event that support is to be given, advised that a condition is attached requiring the submission and approval of material details and samples prior to commencement of construction.
- 8.7 **Accessibility Officer:** welcomes the accessibility improvements proposed as part of the application, and notes additional improvements including the provision of accessible WCs. Requests that a condition is included to ensure the provision of mobility scooter charger points, accessible cycle spaces, a means of escape management plan, adequate size changing room and level pavers. Raises concern that the closest blue badge parking bay is located 100m away from the main entrance and requests that accessible parking is secured by a S106 agreement (either with the provision of accessible parking bays close to the site or a financial contribution).
- 8.8 **Tree Officer:** whilst it is noted that the application site is within the root protection area of 2no. protected street trees, the information provided suggests that tree root growth is limited into the development area and the proposed foundation design will lessen any potential harm to tree roots. Therefore, the officer does not object to the proposal. Whilst concerns are raised with regard to the impact of the extension upon future pressures to prune the trees, the officer advises that the likely pruning in the future is not likely to significantly harm the trees. Requests condition regarding tree protection.
- 8.9 **Director of Employment, Skills and Culture** supports the s106 benefits being offered and has committed to support the NYT to establish / deepen links with key services to ensure targeting of Islington residents on the correct way. Additionally, is happy to convene an annual s106 review meeting with the NYT (with catch ups throughout the year) to ensure the benefits are maintained and grown.

External Consultees

- 8.10 **Transport for London:** The site of the proposed development is on (A1) Holloway Road, which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN and is therefore concerned with any proposal that may affect the performance/safety of the TLRN.
- 8.11 Requested confirmation of the distance between the proposed entrance and existing TfL street trees and that it met the minimum of 2 metres of clear footway. Requested informatives regarding not blocking the A1; construction vehicles must only park at permitted locations within permitted time periods; no skips or construction materials to be

kept on the footway and carriageway; and that the removal of or pruning of any TfL trees will require TfL approval.

- 8.12 **Theatres Trust:** The proposed front extension will facilitate a revision to the internal layout resulting in improved accessibility to the building and additional studios and facilities and forms the first phase of a wider programme of development. The extension will house a reception area with member hub, a platform lift and an additional studio. Alterations within the existing building will include an accessible WC and an accessible WC and shower and a further additional studio. At present the building suffers from inadequate accessibility as a result of level changes so we are pleased that these issues will be resolved. We also consider the scale and design of the extension to be appropriate and to improve visibility and prominence of the Youth Theatre creating a greater sense of arrival. Therefore, we are support of this proposal. We have no objection to the external alterations to provide additional windows and openings.
- 8.13 **Secure by Design officer:** There are concerns about having a blank north facing (side) elevation. The extension breaks the straight sight line along the street and, especially at night, there are concerns that anyone could be waiting in the corner. It also encourages street urination with numerous drinking establishments in the area and a late night economy. Rough sleeping is also a huge issue in the area and in Islington as a whole at the moment therefore the advice is that there should be as much transparency through the building as possible – especially at night with any dark recesses well lit to avoid anyone lurking in the dark corners.

Officer note: Conditions to prevent the obscuring of the windows in the extension have been imposed and additionally, to secure lighting and CCTV details to ensure no dark corners are introduced adjacent the north facing (side) elevation adjacent to 447 Holloway Road in order to address these concerns above.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

- 9.1 Islington Council (Planning Sub-Committee A), 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.)
 - As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
 - As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

- 9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: “at the heart of the NPPF is a presumption in favour of sustainable development.”
- 9.3 At paragraph 8 the NPPF states that the planning system has three overarching objectives in achieving sustainable development, being an economic objective, a social objective and an environmental objective.
- 9.4 The NPPF seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.5 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.6 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.
- 9.7 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.
- 9.8 Members of the Planning Sub-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.
- 9.9 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

- 9.10 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 that are considered relevant to this application are listed at Appendix 2 to this report.

9.11 Weight is attributable to the Draft London Plan.

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

- Core Strategy Key Area – Nags Head & Upper Holloway Road
- Locally Listed Building (Grade B)
- Cycle Route (Strategic)
- Site Allocation – 443-445 Holloway Road
- Transport for London Road Network
- Rail Land Ownership – TfL Surface
- Article 4 Direction (A1 to A2)
- Article 4 Direction (B1(c) to C3)
- Employment Growth Area – Holloway Road North

Supplementary Planning Guidance (SPG) / Document (SPD)

9.13 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 Conservation
- Accessibility
- Neighbouring Amenity
- Trees
- Highways and Transportation
- Other Matters

Land Use

Provision of additional D1 Floorspace

10.2 The application site is a three storey (plus basement) building which includes 2,119 sqm of D1 (non-residential institution) floorspace and is occupied by the National Youth Theatre (NYT), which has recently signed a 999 year lease on the property. The building contains workshop, studio, office, and storage/archive spaces, and acts as the primary production site and space used by the NYT for the delivery of their programme of masterclasses, auditions, 'Playing Up' (a level 3 Access to Higher Education course over one year), 'Creative Leadership' (a free training session for members aged 18-25) and rehearsals for productions.

10.3 The application proposes the erection of a single storey extension to the front of the building fronting Holloway Road, to provide an additional 141 sqm of D1 floorspace. The addition would include a new entrance lobby with improved accessibility to the remainder of the building, as well as an additional studio to support the delivery of the NYT programme.

10.4 Policy DM4.12 Part C of the Development Management Policies states:

'C. New social infrastructure and cultural facilities, including extensions to existing infrastructure and facilities, must:

- i. be located in areas convenient for the communities they serve and accessible by a range of sustainably transport modes, including walking, cycling, and public transport;*
- ii. provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;*
- iii. be sited to maximise shared use of facility, particularly for recreational and community uses; and*
- iv. complement existing uses and the character of the area and avoid adverse impacts on the amenity of surrounding uses.'*

- 10.5 The application site is located within an area that is well served by public transport. Holloway Road forms part of the TfL Road Network, and the site is within close proximity to 24 hour bus stops, 700m walking distance from the Upper Holloway Overground Railway Station, and 950m walking distance from the Holloway Road Underground Railway Station. Overall, the site has a Public Transport Accessibility Level (PTAL) rating of 5 (third highest), which indicates that it has very good access to public transport. The site is also located within a densely developed part of the Borough which is within close proximity to the Nags Head Town Centre, and an area which contains good cycling infrastructure. Overall, it is considered that the proposal complies with part (i) of DM4.12C.
- 10.6 The existing building incorporates a raised ground floor level which is significantly higher than the external ground level, with steep steps providing access to the building. An alternative side entrance is available with lift access however this is separate to the main access and is considered to be compromised as it is accessed via the side shared entranceway. The proposal seeks to enhance the level of accessibility to the building, through the provision of a level entrance pavilion and studio, and internal upgrades including the installation of a platform lift to gain access to the primary ground floor level. The proposal represents improvements to the accessibility of the building and would provide enhanced opportunities for mobility impaired users. It would therefore comply with part (ii) of policy DM4.12C.
- 10.7 The application site is subject to a Site Allocation (NH4: 443-453 Holloway Road). The allocation covers a much larger part of the site as can be seen from the image below. Whilst the allocation suggests the wider site would be *"suitable for mixed use development including housing, continued business uses (including office and warehouse use), and commercial uses along Holloway Road"* it also states that *"the locally listed building (443-445 Holloway Road) should be retained, along with any existing arts/cultural uses"*.
- 10.8 The National Youth Theatre was established in 1956 as the world's first youth theatre and has occupied the building since 1987. It is a Charity that earns and raises all income annually, with only 9% of their income coming from public subsidy. Programmes are delivered and funded through grants, partnerships, fundraising, earned income (including box office income and hiring out the largest double height rehearsal spaces) and third party funding agreements. NYT continue to be successful in funding applications for the above type of programming as such funding directly services identified needs and achieves positive outcomes for the target beneficiaries
- 10.9 The existing NYT programme includes the use of the building for masterclasses, auditions, Playing Up (a sustainable programme over one year), Creative Leadership and rehearsals for productions. Specifically, the facilities at Holloway Road are currently utilised to provide the following services and programmes (not an exhaustive list):

- Accredited Access Courses for vulnerable young adults, NEET's (young people not in Employment, Education or Training);
- Special Educational Needs (SEN) Schools Partnerships, supporting disabled young children and adults to achieve their potential (school partnerships, after school club and inclusive workshops); and
- Cultural Enrichment Programme (Borough-wide services for schools and teachers), which forms part of Islington's 11 x 11 programme. Bespoke offers include school assembly talks, free theatre tickets, CPD programmes for teachers, invitations to open rehearsals timed to suit the needs of the school, and free tickets to Relaxed Performances suitable for those on the autism spectrum or with a learning disability; and
- Evening and weekend activities including open access events for young people, including a Black history month event curated from open spoken word submissions.

10.10 Following the completion of the proposed development, the services and programmes to be offered from the Holloway Road facilities would be expanded to include (not an exhaustive list):

- Improved inclusion programming and disability access, including the provision of a fully accessible venue as well as improved acoustic controls, quiet break out spaces, mobility lifts and Changing Spaces toilets;
- Increase opportunities for invitations to local schools for performances and workshops with cast, tech, directors and writers as part of Islington's 11 x 11 programme;
- Co-working spaces, including dedicated free desk space for start up companies, within a space in the current building that cannot be used for other functions;
- Additional rehearsal and workshop space for associated theatre arts companies, including Company Three, The Pappy Show, All Change Arts, Breaking Convention and others;
- Increased opportunities to provide Social Value Contracts with creative industries working within Islington, connecting young people to successful industry companies through the teaching of skills for employment progression including work placements to align with the local textile industry at Fonthill Road, and opportunities to shadow sound and lighting directors, movement choreographers, stage designers and costume designers; as well as the provision of facilities for open rehearsals for school groups to see major West End productions in development;
- Increased capacity to provide evening and weekend activities, including opportunities to partner with local company 'Breaking Convention' (a charity who operate within the Borough without a fixed venue developing programmes and mentoring young people in spoken word and performances); and
- Increased capacity to provide programmes for children aged 11-14 (Start Up Saturdays and Start Up Half Term), 10 week long term led ensemble training for classes of up to 25 participants.

10.11 Overall, the proposal would allow enlargement of the D1 facility to maximise the use of the property to provide recreational and community uses. The services and programmes to be offered would extend and support the existing use of the facility, and are considered to complement the existing uses and the overall character (uses) of the area without adverse impacts on the amenity of surrounding uses. The application therefore complies with part (iii) and (iv) of policy DM4.12C in terms of the proposed use as well as the Site Allocation NH4 by retaining the arts / cultural uses at the site. See the design and conservation area section below with regard to the proposed extension itself.

10.12 The site is also located within the Holloway Road North Employment Growth Area. Policy DM5.1 of the Development Management Policies 2013 stipulates that within Employment

Growth Areas, the council will encourage the intensification, renewal and modernisation of existing business floorspace. Whilst the site does not include business floorspace and the proposal is limited to the provision of additional D1 floorspace, it must be noted that the overall reconfiguration of the floorspace will allow for a growth in employment opportunities at the site following an increase in activity at the venue. It is predicted that additional paid roles will be available for creative associates, facilitators, inclusive practitioners, and new apprenticeship roles, (the application form states that there will be 1 additional full time employee).

- 10.13 Overall, in terms of land use it is considered that the proposed additional D1 floorspace at the site is acceptable. The proposal would improve accessibility at the site, increase opportunities for the provision of NYT programmes and services, and would allow for an increase in paid employment roles based within the building. The proposal therefore complies with policy DM4.12 Part C, and policy DM5.1 of the Development Management Policies 2013.

Design and Conservation

- 10.14 The application site is a three storey (plus basement) building with a raised ground floor level. The building is a former Mission Hall designed by George Truefitt in 1872 and is locally listed at Grade B. The front elevation includes six arched windows at first floor level, and the building is constructed of stock brick with the use of stone and stucco dressings including a strong stucco dentilled moulded cornice below a decorative parapet. The architectural design of the building has some classical and Romanesque influence. The building is considered to make a positive contribution to the Conservation Area. It is also noted that the Odeon Cinema, a Grade II listed art-deco building, is located approximately 50m to the south-east of the application site along the same side of Holloway Road.
- 10.15 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 10.16 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.17 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.18 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.19 The application site is located within the Mercers Road/Tavistock Terrace Conservation Area, the character of which comprises largely of commercial frontages along Holloway Road and predominantly residential side streets. The area includes an attractive range of Victorian buildings, mostly developed during the 1850s and 1860s and the relatively few

buildings that have been built subsequently have generally added to the character of the area.

- 10.20 Policy CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.21 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
- 10.22 The application site is subject to a Site Allocation NH4: with respect of 'Design considerations and constraints' states the need to retain the locally listed building as noted above and also states:
- "The design of any development should be of high quality to conserve and enhance the setting of locally listed buildings and the wider area including the Mercers Road / Tavistock Terrace Conservation Area within which the front half of the site sits. As well as using high quality appropriate materials, proposals will need to respect the scale, massing rhythm, and fenestration of adjoining buildings."*
- 10.23 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas within their area. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses.
- 10.24 The application proposes the erection of a single storey front entrance and studio pavilion extension upon the forecourt of the NYT building fronting Holloway Road. During the course of the application, the applicant submitted revised plans to reduce the height of the proposed extension, which were accepted by the Council.
- 10.25 Following revisions, the proposed extension includes two flat roofed adjoining and connecting blocks; the 'reception' block would project 11.5m beyond the front building line, and would have a width of 5.4m, and a height of 4.9m. It would provide an internal floor area of 48 sqm. The adjoining and connecting 'studio' block would project 10.1m beyond the front building, and would have a width of 9.1m, and a height of 4.2m. It would provide an internal floor area of 80 sqm. Overall, the combined front extension, which would be viewed as two adjoining masses, would have a width of 14.6m (almost the full width of the host building), with an internal floor area of 128 sqm.

Justification of forecourt extension option

- 10.26 As part of the application, information has been submitted to demonstrate that alternative options to the erection of a front extension were considered during the design development stage. Following an analysis of the options, it was determined by the applicant that the erection of an extension upon the front forecourt of the building was the most viable method to expand the building. The cost estimates are as stated by the applicant.

10.27 Specifically, the following options were explored and discounted by the applicant, and all 3 options state the following justification:

- a front extension of the same scale as the currently proposed entrance area (i.e. with the studio 7 removed and the entrance rotated 90 degrees). Provision of this is assumed in the cost comparisons;
- The route for disabled users would require use of a platform lift and a passenger lift to reach the new studio space. This option would therefore not meet NYT's brief for accessibility standards.
- The Clore Duffield Foundation standards state 'Learning spaces are best located close to an entrance'. The 3 options set out below would not meet this standard.
- Option 1 – enlarged studio at basement level. Costed at £400,000 less than current proposal, but with no Studio 7 provided.

This option included the demolition of the ground floor slab and relocation of Studio 6 to basement level (increasing its ceiling height) without extending the existing. This was discounted as it would not provide an additional studio, would result in the loss of significant plant space.

- Option 2 – new studio 7 formed by excavating basement. Costed at an additional £1.11m (excluding temporary relocation costs) to current proposal.

This option included excavation of the basement to accommodate a new studio. This was discounted by the applicant as the construction costs of underpinning the structure were considered to be prohibitive, the studio space would not be adequate, it would result in the loss of significant plant space.

The applicant suggests that the excavation would be extensive, requiring the temporary relocation costs to the NYT in addition to the costs quoted above.

- Option 3 – new studio at roof level. Costed at an additional £1.3m to the current proposal.

This option included the erection of a roof extension to provide a new studio. This was discounted as it would require significant construction costs due to structural strengthening requirements for the building, as well as temporary relocation costs due to the interruption caused by the necessary strengthening works (costs are not included in the above conclusions).

For cost comparison purposes the provision of a studio of 85m² is assumed, with access provided by extending the lift and stair by a storey.

10.28 Whilst officers consider that Options 1 and 2 would likely have resulted in better design and conservation outcomes than the proposal under consideration, it is noted that these would likely not be financially viable (Option 2) or would not increase the capacity of the building (Option 1), would still necessitate some form of front extension in order to improve access and would result in the loss of significant plant space (which would need to be re-provided elsewhere). Option 3, which would require the erection of a roof extension, would also likely have an impact upon the character and appearance of the host building and wider conservation area and would not be viable. Therefore, officers are satisfied that alternative options have been genuinely considered as part of the detailed design process undertaken, and notes the applicant's assertion that the erection of an

extension upon the front forecourt is the only viable option for the expansion of the building. The detailed design and impact of the proposed extension upon the host building, streetscene, and character and appearance of the Mercers Road/Tavistock Terrace Conservation Area (as well as the setting of the Grade II Listed Odeon Cinema building) is assessed further within the report below.

Building Line

- 10.29 The front building line of the properties along the south-western side of Holloway Road (of which the application site forms a part thereof) between Tufnell Park Road and no. 447 Holloway Road (adjoining the application site) varies. The main bulk of the Grade II listed Odeon Cinema building at the junction of Tufnell Park Road and Holloway Road aligns with the front elevation of the adjoining Victorian terraces at nos. 429A-429P; however, the cinema's single storey parade of shops projects beyond this building line up to the pavement of Holloway Road. The resulting building line steps back from the rear of the Odeon Cinema to the front of the terraces at nos. 429A-P. At the same location, the roadway of Holloway Road narrows and the footpath increases in width, allowing for generous forecourts and pavement to the front of nos. 429A-P. The existing locally listed NYT building projects approximately 2m beyond the front building line of nos. 429A-P, and the front of the adjoining building at no. 447-449 project a further 3.5m beyond the existing NYT building frontage. The result is a stepped, yet clean, building line across the south-western side of Holloway Road (as shown in Figure 1 below).



Figure 1: Existing building line

- 10.30 As a result of the predominant building line and alignment of Holloway Road, the public pavement and private forecourts widen as you approach the NYT site from the south-east. The existing NYT forecourt is not built upon (however it is used for car parking), and therefore there are clear sightlines along the footpath towards the front of the building and to the projection at no. 447-449. Due to the existing enclosure (low level structures) of the NYT forecourt, the pavement narrows as you approach the application site. This is shown in Figure 2 below.



Figure 2: Existing pavement widths



Figure 3: Proposal

- 10.31 The proposed front extension would therefore project beyond the predominant front building line along this section of Holloway Road, and would be very visible in public sightlines (Figure 3 above), the impact of which would be exacerbated by the fact that the line of the pavement ‘dog-legs’ around it.
- 10.32 Specifically, with regard to building lines, policy DM2.1B(ii) states that development proposals are required to demonstrate how they have successfully addressed elements of the site and its surroundings including building lines and frontages.
- 10.33 Paragraph 5.20 of the Islington Urban Design Guide 2017 states that all new developments should be based on a layout that delivers permeability and consistent building lines (amongst others). Paragraph 5.36 advises that building lines should avoid creating:

- blank flank walls;
- concerns and recesses that offer concealment opportunities;
- set-backs that divorce buildings from their street context;
- projections that draw unwarranted attention, undermine sightlines and narrow the footway; and
- gaps that expose land and structures behind that were not designed to have a public frontage.

10.34 As discussed above, the proposed front pavilion extension would project beyond the established predominant building line along this section of Holloway Road. Specifically, it would project beyond the front elevation of the locally listed NYT building by 11.45m. This projection would draw attention to the building in sightlines from the south-east and north-west (most prominent from the south-east), obscure these same sightlines, and would visually accentuate the narrowing of the footpath in this location. Officers do hold concerns with regard to the impact that the extent of the projection would have upon the character and appearance of the host building, streetscene, and wider conservation area.

10.35 However, the applicant asserts that the NYT is a landmark building that currently lacks an adequate public presence within the streetscene, and therefore could be improved as a result of the extension. Officers do note that the single storey projecting parade of shops at the side of the Odeon Cinema results in a projection in the building line approaching the junction of Holloway Road and Tufnell Park Road, and that the impact of the projection of the proposed extension at NYT would be less significant when considered within the context of the existing Odeon structure. This is shown in Figure 4 below.

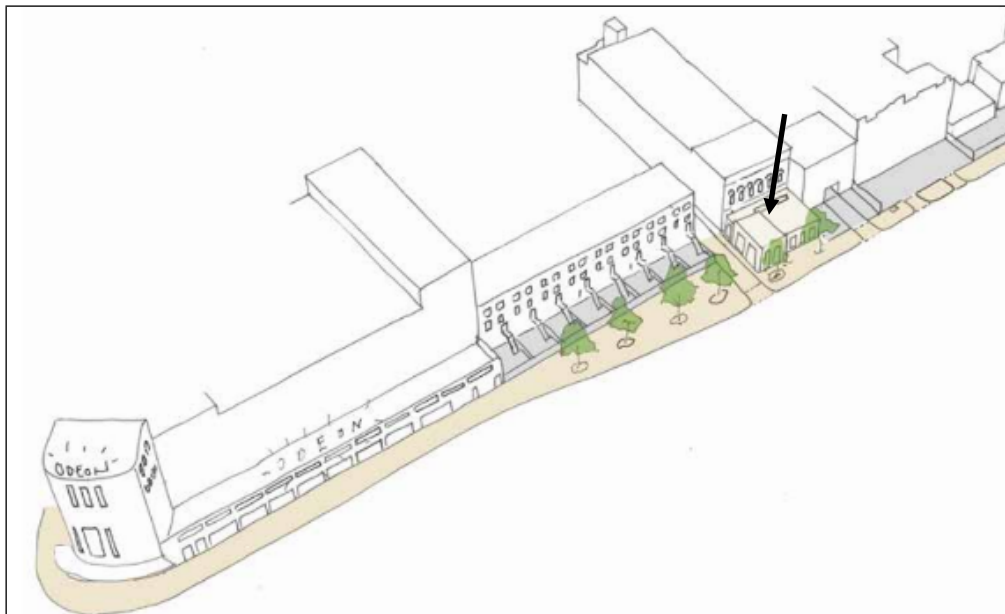


Figure 4: street context

Bulk and massing of the extension

10.36 As noted above, policy DM2.1B(ii) requires that development proposals demonstrate how they have successfully addressed the elements of the site and its surroundings including urban form, such as building lines, frontages, plot sizes and patterns, building heights, storey heights and massing.

10.37 The proposed extension would be made up of two adjoining 'blocks' with heights of (as amended) 4.9m and 4.2m, with varying projection of between 11.45 and 10.1m. The taller of the two would be the 'reception' block, which follows the southern building line. The

adjoining 'studio' block would be set to its north. When viewed from Holloway Road directly in front of the site, the extension would include two flat roof planes that would step down from left to right.

- 10.38 Officer concern has been raised throughout the course of the assessment period with regard to the overall height and depth of the extension, which has resulted in the submission of the revised scheme with reduced height. The revised extension has been reduced to 4.9m in height (reception block) and to 4.2m (studio block). Whilst officers do still hold concern with regard to the overall bulk of the proposed extension, it is acknowledged that the site is constrained – accessibility is inadequate; the building is at capacity and the NYT programme has very little room for expansion at the current location. To address concerns, the applicant has provided evidence to justify the footprint and height of the proposed extension. This is discussed below.
- 10.39 With regard to the proposed reception block, which covers a floor area of 48 sqm and has a height of 4.9m, a reduction in the footprint and height of the space was not recommended by the applicant's accessibility consultant (and agreed by the Council's Inclusive Design officer) as it would pose the three following issues:
- a reduction in circulation and manoeuvre floorspace would not provide an alternative space for wheelchair users to be served at the reception desk as well as wait without obstructing the main entrance (it is likely that more than one wheelchair user or others requiring manoeuvre space would need to be accommodated at any given time), and the overall capacity for all users would also be significantly reduced. Any reduction in the size of the reception desk would render it unsuitable for some disabled staff members, contrary to the Equality Act 2010;
 - a reduction in floorspace would eliminate space for waiting visitors to be seated if required, and wheelchair users would not have space to wait without obstructing routes. Many ambulant disabled people require a seat with arm and back rests to enable sitting and rising; the capacity to provide this would be eliminated; and
 - the entrance block is required to provide adequate internal ceiling height to allow the operation of a platform lift to the raised primary ground floor level of the building.
- 10.40 With regard to the bulk and scale of the adjoining studio block (Studio 7), which covers a floor area of 80 sqm and has an amended height of 4.2 m, a number of options to reduce the extent of the space have been explored and discounted. This includes three options to reduce the projection of the studio (to either match the building line of the adjoining building at no. 447-449 and enlarge existing Studio 6; or to reduce the projection of the proposed Studio 7 by 3 metres or by 1 metre). Each of these options were discounted as unviable for the requirements of the NYT, for the following reasons:
- the reduced floorspace would either result in a studio undersized for the identified needs (options 2 and 3), or no additional studio at all (option 1);
 - the resulting Studio 7 (options 2 and 3) would fall significantly short of the Clore Duffield Foundation standards for studio size (85 sqm), as set out in 'Space for Learning'; and
 - option 1 would result in the loss of additional fabric to the historic façade and an enlarged Studio 6 would suffer from an unacceptably low ceiling height of 2.8m as a result of the site's constraints (specifically the level differences between the external forecourt and the raised ground floor level).
- 10.41 In the instance that both the studio and reception blocks were reduced in depth by 3 metres, in addition to the disadvantages identified for both above, access to Studio 7 would need to be isolated from the reception desk and reception area (which would create security problems).

- 10.42 Following the discounting of the options outlined above, the applicant has also provided information which demonstrates that the size of the proposed Studio 7 is as minimal as possible to meet the needs of the NYT programme. The proposed Studio 7 is to be used for typical class sizes of 30, and therefore the 80 sqm provided would still be 5 sqm short of the minimum recommended by the Clore Duffield Foundation 'Space for Learning' standards. The information submitted as part of the application outlines that the studio is fundamental to the NYT's brief to work with additional disabled and at risk young adults, which is demonstrated by the 'Day in the Life of' and 'Week in the Life of' summaries submitted (within the November Design and Access Statement). These summaries provide an example of the workshops, classes, school clubs, and education programmes that operate across the building concurrently at any given time of the day and week. For example, the proposed Studio 7 could be used from 10AM-1PM for a technical workshop in costume design and production, from 2PM-4PM for school workshops, and from 4:30PM-6PM and 7PM-9PM for after school club for local young people. At the same times throughout the day, the other studios could be used for improvisation workshops, school workshops and workshops for GCSE students, additional after school club spaces, the 'Stepping Up' programme, vocal technique workshops, and creative leadership training sessions (not an exhaustive list).
- 10.43 Notwithstanding the benefits of the proposal outlined above, officers do hold concern with regard to the bulk and scale of the proposed front extension which would conceal the entirety of the existing ground floor façade by matching the height of the raised ground floor level. Whilst the extension has been reduced in height during the application process, it would still appear as a bulky and dominant addition to the front of the building when viewed from public sightlines. The revised extension does, however, ensure the retention of many sightlines towards the historic first floor façade (including the decorative arched window openings), particularly in direct views from the opposite side of Holloway Road (as demonstrated in Figure 5 below). Overall, there is concern held with regard to the bulk and scale of the extension and its resulting impact upon the character and appearance of the host building, the streetscene, and the wider Mercers Road/Tavistock Terrace Conservation Area.



Figure 5: Proposed front elevation

Materiality, Fenestration and Frontages



- 10.44 Paragraph 24.7 of the Conservation Area Design Guidelines advises that new buildings should respect the scale, massing, rhythm and fenestration of adjoining buildings; and use high quality facing materials (amongst other considerations). Whilst the proposal relates to an extension of an existing building rather than the construction of an entirely new building, given its prevalence within the streetscene it is considered that the above principles apply in this instance.
- 10.45 Given the officer concerns raised with regard to the building line, scale and bulk of the extension, it is important to ensure that the detailed design of the proposed front extension is of outstanding quality. The proportion of the extension is made up of framed facades coupled with a fenestration pattern which has been designed with a vertical emphasis, in keeping with the host building and adjoining buildings. Further, the fenestration pattern to the front elevation includes 6no. window openings, replicating the historic arched window openings at the first floor level above. Whilst the additional window to be inserted at the flank second floor elevation of the building would not have a vertical emphasis, this would be located on an elevation of lesser importance and would not be highly visible in public sightlines, so is acceptable in this instance. Overall, the fenestration pattern is considered to be within keeping with the host building and immediate streetscene, and would act to minimise any harm caused by the scale and bulk of the extension overall.
- 10.46 The vertical steel-framed window and door openings of the extension would be framed by green glazed bricks, which would be of a high quality with a reflective, lustrous finish. The bricks are highly durable and have been designed to replicate a common materiality of traditional Victorian shop and pub frontages, many of which are found throughout the Borough. Several references are made within the Urban Design Guide 2017 to the use of glazed brick in purpose-built public buildings and shopfronts, and paragraph 5.204 specifically refers to glazed bricks as an appropriate materiality for a shopfront to an historic building.
- 10.47 Whilst the extension would not constitute a shopfront and the NYT is not a publicly-owned building, officers note that the proposal would afford an open frontage within a prominent location, and that the building is publicly accessible. Therefore, the proposed materiality, which would replicate the traditional elevational treatment of many significant public

buildings and shopfronts throughout the Borough, is considered to be acceptable in this instance.

- 10.48 The proposal also includes the laying of new pavers within the forecourt around the proposed extension, to match those as existing at the neighbouring Billiards Factory site (no. 447-449). This is considered to be acceptable, and would represent an improvement upon the existing urban realm which comprises an unsightly car park and associated fencing. Condition 3 require the submission of these materials in order to ensure that they are acceptable.
- 10.49 Overall, the Design and Conservation Officer advises that the detailed design of the proposed extension is of a high quality. For the avoidance of doubt and to ensure that the resulting appearance of the extension is of the same high standard as outlined within the plans and documents submitted, a condition (Condition 3) is recommended, requiring the submission of material details and samples for the approval of the Local Planning Authority prior to the commencement of construction.
- 10.50 Policy DM2.1, Part A (xi) states that development should not unduly prejudice the satisfactory development or operation of adjoining land and/or the development of the surrounding area as a whole.
- 10.51 The submitted plans showed the proposed extension with an entirely blind flank frontage where it aligns with the boundary of the forecourt to the neighbouring building at no. 447-449 (The Billiard Factory) – to the north facing (side) façade. Whilst the insertion of window openings along the boundary of a site is normally undesirable, the omission of any glazing within this elevation would have resulted in a detrimental blank frontage which is highly visible in both long and short public sightlines from the north-west, and raised significant concerns with regard to ‘Secure by Design’ principles. The proposal has since been revised to incorporate two glazed windows and one brick window with vertical strip lighting along this elevation to address these concerns, ensuring that the extension provides an open and active frontage with reduced opportunity for crime. In addition, conditions 5 and 10 require that there is no obscuring of any ground floor windows and that details of lighting and security measures are submitted. Officers welcome the creation of openings in this instance, given the design considerations noted. Further, it must be noted that the impact of these openings at the boundary would be reduced when taking into consideration the common freehold ownership of the application site and the adjoining property at no. 447-449.

Impact of the proposal upon significance of designated heritage assets

- 10.52 As noted above, the application site is locally listed at Grade B; is located within the boundaries of the Mercers Road/Tavistock Terrace Conservation Area; and is located approximately 50m to the north-west of the Grade II listed Odeon Cinema at the junction of Holloway Road and Tufnell Park Road.
- 10.53 Therefore, in the determination of the application, the assessment of the proposal must consider the impact on these heritage assets in accordance with the legislation set out in Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which is outlined below:
- Section 66(1) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- Section 72(1) provides that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of (amongst others) the planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character.
- 10.54 The South Lakeland District Council v Secretary of State for the Environment case and the Barnwell Manor case (East Northamptonshire DC v SSCLG) establish that “preserving” means “doing no harm”.
- 10.55 The decision of the Court of Appeal in Barnwell Manor confirms that the assessment of the degree of harm to the heritage asset is a matter for the planning judgement of the decision-maker. However, where the decision-maker concludes that there would be some harm to the heritage asset, in deciding whether that harm would be outweighed by the advantages of the proposed development, the decision-maker is not free to give the harm such weight as the decision-maker thinks appropriate. Rather, Barnwell Manor establishes that a finding of harm to a heritage asset is a consideration to which the decision maker must give considerable importance and weight in carrying out the balancing exercise.
- 10.56 There is therefore a “strong presumption” against granting planning permission for development which would harm a heritage asset. In the Forge Field case the High Court explained that the presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. Paragraph 134 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. A local planning authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.
- 10.57 The case-law also establishes that even where the harm identified is less than substantial (i.e. falls within paragraph 134 of the NPPF), that harm must still be given considerable importance and weight.
- 10.58 When more than one heritage asset would be harmed by the proposed development, the decision-maker also needs to ensure that when the balancing exercise is undertaken, the cumulative effect of those several harms to individual assets is properly considered. Historic England does not suggest that the cumulative effect of the individual instances of harm identified amounts to substantial harm and officers do not consider that the total harm (i.e. the cumulative effect of the several instances of harm identified) amounts to substantial harm.

Odeon Cinema (Grade II Listed)

- 10.59 In assessing the proposals hereby under consideration, special regard has been had to the desirability of preserving the setting of the nearby Grade II listed Odeon Cinema.
- 10.60 The listing details for the cinema read as follows:

Cinema, built 1937-8 as the Gaumont by the Gaumont-British Picture Corporation in conjunction with one of their subsidiary companies, the General Theatre Corporation. Architect: C. Howard Crane (1885-1952) of Chicago. Following bomb damage in World War II, the cinema was internally reconstructed in 1958, when the architects were T.P. Bennett & Son. The auditorium block is not of special interest internally.

Buff, green, brown and black faience, with brown brick, roof of copper on the tower, but roofs over the auditorium and foyer block not seen. The building stands on a wedge-shaped site, and the description falls into four parts: a tower, rectangular in plan, on the corner of Holloway Road and Tufnell Park Road, faced with faience; a lower wing to the tower, also faced with faience, on Tufnell Park Road; a parade of shops in Holloway Road; and the main auditorium block, of brick.

EXTERIOR: Curving entrance on the corner of Tufnell Park Road and Holloway Road with a canopy over, which returns down Tufnell Park Road; tripartite window above the entrance with engaged fluted columns with palm leaf capitals and a frieze of scrolling ornament between the columns; there is a similar window on the Tufnell Park Road side of the tower, but on the Holloway Road side the window is single with the engaged columns in the reveals; original decorative metal glazing. Above this, panels edged by brown faience; the chamfered, slightly inset corners of the tower have windows with original metal glazing and vertical panels of arabesques above; frieze of three narrow recessed bands below parapet which is coped with black faience; attic comprising one low set-back with fluted frieze; second higher set-back with three blind windows to each side; entablature to top parapet; shallow hipped roof with flagpole. The lower, faience-covered wing in Tufnell Park Road has a vertical inset panel of arabesques flanked by fluted pilasters. The shops in Holloway Road are faced in faience and are interspersed with exits; frieze of green faience below the parapet and an open arcade with cornice over, fronting what was originally a terrace cafe. The shop fronts have been renewed and are not of special interest, although the overall composition of faience columns and terrace frieze is an important decorative scheme. The brick auditorium wing at the rear of the site has sparing use of faience decoration. The architectural interest of the site is concentrated in the foyer block and in the elevation to Holloway Road.

INTERIOR: Double-height galleried foyer, with a semi-circular end facing the entrance. Stair at the apsidal end with an octagonal newel-post and squat column-on-vase balusters; closed string decorated with Rinceau, brass handrails; at gallery level the walls are divided by Corinthian pilasters singly and in pairs to the sides, and Corinthian columns to the apsidal end, with bands of latticework and fluting between; valences to windows and other openings; two large panels of mirror-glass with Modern metal grills and another panel with glazing imitating the windows. Full entablature with triglyphs and paterae, modillion cornice with mutules; the plaster ceiling decoration follows a semi-circular pattern at the inner end having a broad band of fluting and a narrow band of ornament, cartouches and paterae. First floor crush hall with Corinthian pilasters, frieze of swags, fluted frieze and cornice; plaster ceiling decoration with ogee patterned ribs. The former café area has been adapted as an extra screen, but the decorative scheme is thought to survive behind the partitioning. The auditorium has been subdivided into smaller cinemas and is not of special interest.

ANALYSIS: Originally, the Gaumont was one of the most spectacular of Britain's super-cinemas; while the auditorium has been lost, its external impact is still greater than almost any other cinema, an example of trans-Atlantic bravura. Prominent in the field in the USA, C. Howard Crane designed the stupendous Fox cinemas in Detroit and St. Louis and was also amongst the team of architects and designers responsible for the Radio City Music Hall in New York. Crane was only one of two leading American cinema architects to work in Britain; Thomas Lamb's Empire, Leicester Square, has, however, been gutted. Crane was also the architect of the Earl's Court Exhibition Hall. Included for the exceptional quality of the principal elevations and foyer areas.

10.61 The significance therefore is derived from the faience and internal details and the Architect. Given the distance between the two sites (50m), and noting that the primary elevation of the Odeon Cinema is located away from the NYT site at the junction of Tufnell Park Road, it is not considered that the proposal would cause harm to the setting of the heritage asset.

Mercers Road/Tavistock Terrace Conservation Area

10.62 Special attention has also been paid the desirability of preserving or enhancing the character and appearance of the Mercers Road/Tavistock Terrace Conservation Area. A map of the CA is provided below (figure 5)



Figure 5: Conservation area

10.63 The conservation area is characterised as comprising largely commercial frontages along Holloway Road and predominantly residential side streets. The area includes an attractive range of Victorian buildings, mostly developed during the 1850s and 1860s and the relatively few buildings that have been built subsequently have generally added to the character. The significance of this conservation area appears to be held in the Victorian era commercial buildings that front Holloway Road.

10.64 As noted within the assessment above, officers do hold concerns with regard to the scale and bulk of the proposed extension, as well as its significant projection beyond the established building line. However, whilst the extension would conceal the entire ground floor façade of the front elevation, the revised proposal would ensure that many sightlines towards the historic first floor elevation (including the decorative arched window openings) are retained. This first floor façade is considered to be of greater importance and architectural quality than the ground floor elevation, and is specifically noted within the local listing description.

10.65 Overall, the bulk, scale, and depth of the front extension dominates the front elevation of the building from many public sightlines, most notably short and long public sightlines from the south-east and north-west of the site along Holloway Road. The Design and Conservation Officer considers that the concealment of the ground floor façade and the disruption of the building line cause some harm to the conservation area, and locally listed building. However, this is considered to be 'less than substantial' and should be weighed against the public benefits arising from the development. It is also recognised that the design of the proposed extension is of a high quality, which also mitigates its impact to some extent.

Benefits of the proposal and balance of identified harm

10.66 Paragraph 196 of the NPPF 2019 states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

10.67 Public benefits are defined within the National Planning Practice Guidance, which advise that public benefits:

'may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature of scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.'

10.68 As noted above, the proposal is considered to cause less than substantial harm to the character and appearance of the Mercers Road/Tavistock Terrace Conservation Area.

Overall public benefits (not including benefits specific to residents of the London Borough of Islington)

10.69 A number of benefits to arise from the proposal have previously been outlined within the report above. The proposal would allow for the expansion of the existing programme of services offered by the NYT from the Holloway Road site; these services and programmes would extend and support the existing use of the facility and ensure that it remains a viable use into the future. The extension would also provide for improved accessibility for mobility impaired employees and beneficiaries of the NYT. The overall public benefits of the scheme are outlined below (not an exhaustive list).

- improved inclusion programming and disability access, including the provision of a fully accessible venue as well as improved acoustic controls, quiet break out spaces, mobility lifts and Changing Spaces toilets;
- co-working spaces, including dedicated free desk space for start-up companies, within a space in the current building that cannot be used for other functions;
- additional rehearsal and workshop space for associated theatre arts companies, including Company Three, The Pappy Show, All Change Arts, Breaking Convention and others;
- increased opportunities for young people to shadow sound and lighting directors, movement choreographers, stage designers and costume designers; as well as the provision of facilities for open rehearsals for school groups to see major West End productions in development;
- increased capacity to provide evening and weekend activities, including opportunities to partner with local company Breaking Convention who operate within the Borough without a fixed venue developing programmes and mentoring young people in spoken work and performances.

Benefits specific to the London Borough of Islington

10.70 The NYT has ambitious plans for programme expansion, and the proposed extension would allow sufficient capacity to provide this from the Holloway Road building. Much of the increased capacity of the site would allow for the delivery of new and increased programmes tailored for local young people from within the London Borough of Islington. In

addition to the overall benefits outlined above, there are a number of additional benefits which are specific to residents of the Borough (not an exhaustive list):

- increased opportunities for invitations to local schools for performances and workshops with cast, tech, directors and writers as part of Islington's 11 x 11 programme;
- increased targeted disability projects and the Twilight/Evening open access programmes for local young people from the Borough;
- increased capacity to provide free Membership to Islington residents aged 14-25 (30 if learning disabled) who most need support. This includes fully bursary funded activities including participating in West End productions, national tours, international cultural exchange, creative leadership, facilitator training and employment progression opportunities, technical and backstage training, free theatre tickets and talent development workshops;
- increased opportunities to provide Social Value Contracts with creative industries working within Islington, connecting young people to successful industry companies through the teaching of skills for employment progression including work placements to align with the local textile industry at Fonthill Road;
- the Playing Up and Stepping Up programmes (a higher education programme and a programme targeting vulnerable young people who have left school without 5 GCSEs, respectively), are offered in partnership with City & Islington College and are part of a piloted programme targeted at local recruitment;
- development of an Islington based education offer in conjunction with Chickenshed Theatre for learning disabled young adults aged 19+, with recruitment targeted at local disability groups;
- increased capacity to provide programmes for children aged 11-14 (Start Up Saturdays and Start Up Half Term), 10 week long termly led ensemble training for classes of up to 25 participants. Free places within these programmes are intended to be offered for looked after children in the Borough, and bursary supported free places are to be offered to young carers via Family Action Group (an Islington based charity); and
- provision of holiday clubs for young adults with learning disabilities (14+), specifically for local residents who are easily able to travel to the venue;

10.71 Whilst the proposal is considered to cause less than substantial harm to the character and appearance of the heritage asset, the public benefits gained from the proposal as outlined above, including improvements to the accessibility of the building are significant. Officers are mindful of the statutory duty to preserve or enhance the character and appearance of the heritage assets, and place great weight on this.

10.72 It is considered that these public benefits tip the balance in favour of permission being granted, noting the great weight placed on the desire to preserve the conservation area character. The proposal is therefore considered on-balance to be acceptable in design and conservation terms, providing these public benefits are secured with suitable planning obligations within an associated Section 106 agreement.

10.73 Officers acknowledge that the public benefits gained from the proposal are exclusively linked to the use of the building by the NYT, and therefore should members resolve to grant planning permission, it is important to note the permission would not set a precedent for similar front extensions at adjoining and adjacent sites, within the Conservation Area, or across the Borough. Should the proposed front extension have been earmarked for occupancy by other users/for other uses which did not offer the benefits identified above, the less than substantial harm caused to the heritage assets would have been considered unacceptable. Given that the benefits gained from the proposal are so intrinsically linked to the continued use and occupancy of the site by the NYT, officers believe it necessary to

ensure that the extension not remain for any other purposes or by any other operator. The NYT have agreed to a planning obligation requiring the demolition of the forecourt extension and the making good of the forecourt prior to the NYT's departure of the building, should the NYT relocate in the future, or if the benefits secured by s106 agreement are no longer being provided.

- 10.74 Overall, subject to the planning obligations agreed, the proposal is considered to bring public benefits to be secured that weigh in favour of the scheme, and to outweigh the less than substantial harm caused to the conservation Mercers Road/Tavistock Terrace Conservation including the harm caused to the host building and the streetscene. The proposal therefore accords with the NPPF 2019, policies 7.4, 7.6 and 7.8 of the London Plan 2016, policy CS9 of the Islington Core Strategy 2011, and policies DM2.1 and DM2.3 of the Islington Development Management Policies (2013) and the Site Allocation NH4: 443-453 Holloway Road.

Accessibility

- 10.75 Policy 7.2 of the London Plan 2016 states development should achieve the highest standards of accessible and inclusive design, ensuring that developments can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances. Further, policy DM2.2 of the Development Management Policies 2013 seeks all new developments to demonstrate inclusive design. The principles of inclusive and accessible design have been adopted in the design of this development in accordance with the above policies.
- 10.76 The existing building incorporates a raised ground floor level which is significantly higher than the external ground level, with steep steps providing access to the building. The proposal seeks to enhance the level of accessibility to the building, through the provision of a level entrance pavilion and studio, and internal upgrades including the installation of a platform lift to provide wheelchair access to the primary ground floor level. The proposal represents improvements to the accessibility of the building and would provide enhanced opportunities for mobility impaired users.
- 10.77 Specifically, the primary benefit of the proposal for wheelchair users and differently abled persons is the provision of an accessible studio space, as well as the installation of an internal chair lift to provide access to the raised primary ground floor level. Further, the proposed reception area would be large enough to allow circulation and manoeuvre space for wheelchair users to be served at the reception desk as well as wait without obstructing the main entrance, and would also allow for the provision of seating for the benefit of ambulant disabled people. The reception desk has also been designed to be suitable for use by disabled employees of the NYT.
- 10.78 The accessibility improvements included as part of the proposal would allow for greater access to the NYT programme for beneficiaries who are disabled or mobility impaired. The expanded programme offerings are outlined within paragraphs 10.67 and 10.68 of this report.
- 10.79 Overall, the officers consider that the proposal would represent significant improvement with regards to accessibility to the site. However, the Inclusive Design Officer has also requested that a number of additional items/improvements are secured via condition (recommended **Condition 9**). The condition requires:
- that the reception desk contains sections of varying heights to allow for interaction with wheelchair users;
 - that a baby changing facility is provided;

- that the proposed cycle parking includes provision for accessible parking;
 - that the facility provides at least 1 mobility scooter charging point.
 - A changing area that is large enough; and
 - The provision of the proposed platform lift.
- 10.80 The Inclusive Design officer has also requested that the applicant enters into an arrangement with the owner of the neighbouring property to allow the use of the driveway to the side of the building as a drop off and pick up area for wheelchair users. The applicant has advised that they foresee difficulties in delivering this, but have agreed to the financial contribution of £2,000 towards the creation of an on-street wheelchair accessible parking bay in the vicinity of the site. In the event of opposition to amending the traffic management order, the contribution would be used towards accessible transport initiatives to increase the accessibility of the area for people with mobility and sensory impairments.
- 10.81 A condition has also been included (**Condition 8**) requiring the submission of a means of escape management plan for the approval of the Local Planning Authority prior to the first occupation of the development.
- 10.82 Overall, the proposal represents significant inclusive design improvements to the building, including the provision of a new level access studio and internal upgrades to allow access to the existing raised ground floor level. Subject to the above recommended conditions and legal agreement, the proposal is considered to comply with policy 7.2 of the London Plan 2016, policy CS12 of the Islington Core Strategy 2011, and policy DM2.2 of the Islington Development Management Policies 2013.

Neighbouring Amenity

- 10.83 Policy 7.6 of the London Plan 2016 requires buildings and structures not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing, in particular. Policy DM2.1 of the Development Management Policies 2013 states that development should not have an adverse impact on neighbouring amenity in terms of noise disturbance, overshadowing, overlooking, privacy, sunlight and day light receipt, over-dominance, sense of enclosure and outlook.
- 10.84 The application site adjoins The Billiard Factory (no. 447-449) to the north and west. As this is a commercial site, the consideration of the impact upon amenity in this instance is limited. However, it is noted that the neighbouring properties to the south of the site (nos. 429A-429P) are residential in use.

Impact upon the Billiards Factory

- 10.85 The proposed pavilion extension would project approximately 6.3 metres beyond the front building line of the Billiards Factory, and would have a height of 4.2m along this boundary. It would therefore be within close proximity to the front ground floor window openings of the site. The extension would result in reduced outlook and access to sunlight and daylight at the ground floor units of the building. The window within the northern flank elevation of the extension would also allow opportunities for increased overlooking between the sites. However, as noted above, the Billiards Factory is subject to sole commercial use, and therefore the impact upon amenity is not considered to warrant a reason for the refusal of the application in this instance. This impact is also lessened when taking into consideration the common freehold ownership of the two sites.

Impact upon residential properties at nos. 429A-429P

- 10.86 The proposed forecourt extension would have a height of 4.9 metres and depth of 11.5 metres at the elevation closest to the nearest residential property at no. 429P. Specifically, the extension would be located 9.5 metres to the north-east of the closest ground floor residential window opening and 7 metres from the closest first floor window opening (however it is noted that this opening sits taller than the roof of the proposed extension). Given that it sits largely to the north of, and is a sufficient distance from, the closest habitable room windows at no. 429P, it is not considered that it would cause undue harm to the level of amenity afforded to residents of this property with regard to outlook, overshadowing, over-dominance, sense of enclosure, or access to sunlight and daylight.
- 10.87 The proposed extension would also incorporate glazed window openings with the flank elevation closest to the residential dwellings (the nearest opening would be approximately 10.5 metres separating distance from the closest ground floor window opening at no. 429P). These window openings would afford oblique sightlines from the proposed reception block towards the neighbouring properties. However, the impact of this is not considered to warrant a reason for the refusal of the application, when taking into consideration the location of the existing residential windows within a street-facing elevation and the resulting closer public sightlines offered from the public pavement towards these windows.
- 10.88 Whilst the proposal would not result in a change of use of the building, it is noted that it would allow for an increased concentration of use of the established D1 use. The proposed Studio 7 would significantly increase the presence of the D1 use within the streetscene, however officers note that it would be set adjacent to The Billiard Factory and away from the nearest residential receivers to the south of the site. The reception area is to be staffed at all times, and is considered unlikely to result in increased noise disturbance. However, due to the proximity of the two uses and likelihood of increased evening use an operational management plan would be sought from the NYT prior to first use of the entrance extension, setting out how visitors and staff will be directed to leave quietly and respect neighbours (condition 10). noise disturbance that would cause undue harm to neighbouring residential occupiers.

Conclusion

- 10.89 The proposed forecourt extension is not considered to result in undue harm to the levels of amenity afforded to nearby residential occupiers. The application is therefore considered to be acceptable with regard to neighbouring amenity, and accords with Policy 7.6 of the London Plan 2016 and Policy DM2.1 of the Development Management Policies 2013.

Trees

- 10.90 Policy DM6.5 of the Development Management Policies 2013 stipulates that developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. Specifically, Part B (i) and (ii) of the policy state that:
- (i) *'Developments are required to minimise any impacts on trees, shrubs and other significant vegetation. Any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits, must be agreed with the council and suitably reprovided. Developments within proximity of existing trees are required to provide protection from any*

damage during development. Where on-site re-provision is not possible, a financial contribution of the full cost of appropriate re-provision will be required.

(ii) The council will refuse any permission or consent for the removal of protected trees (TPO trees, and trees within a conservation area) and for the proposals that would have a detrimental impact on the health of protected trees.'

- 10.91 There are 2no. mature street trees at the public pavement adjoining the front of the site, including a Norway Maple and a London Plan tree. These trees are to be retained, however, they are within very close proximity to the proposed extension, and the development would encroach into the Root Protection Area (RPA) of both trees. The applicant has submitted an Arboricultural Impact Assessment & Outline Method Statement, as well as a Tree Constraints Plan as part of the application, which have been assessed by the Council's Tree Officer. Transport for London (the owner of the trees) has also provided comment.
- 10.92 As part of the Arboricultural Impact Assessment, a trench of 0.5m in depth was excavated by hand an air-spade adjacent to the property boundary along Holloway Road. Whilst the foundations for the proposed extension encroach into the circular representation of the TPAs to Trees 1 and 2, no significant growth was located beneath the application site (this mainly consisted of roots up to 5mm thick, with one root of 20mm diameter). Taking into consideration the above, the foundations for the proposed extension will be deep pad foundations under pier locations with a ground beam spanning between the pads. These have been designed around the roots to minimise root damage following the completion of the root investigation works.
- 10.93 Transport for London, the owner of the trees, does not object to the proposal. They advise that should the development involve the removal or pruning of a TfL tree in order to facilitate the construction of the extension, this would need approval from TfL prior to construction commencing.
- 10.94 The Council's tree officer has reviewed the submitted information and notes that tree root growth is limited into the development area, and that the proposed foundation design (pile/pad and beam) will also lessen any potential harm to tree roots. As such, no further concerns with regard to this have been raised subject to the inclusion of a recommended tree protection condition (Condition 4) and submission of a final tree protection plan including foundation design.
- 10.95 The tree officer previously raised concern regarding the placement of the proposed extension beneath the canopy of both Trees 1 and 2, which would generally be expected to add post development pressure for significant tree pruning of the overhanging tree crown (or request for removal). Specifically, once a structure such as that proposed is permitted underneath a mature tree, the relationship between the tree and its surroundings is fundamentally changed. The seasonal nuisance and occasional branch loss associated with living trees may become unacceptable. A branch landing on the roof of the structure and leaf blocked gutters are examples of conflict that is uninvited. In addition, twig abscission can also be significant and would be a nuisance in respect of falling on the ground/guttering of the proposed extension.
- 10.96 As discussed above, the application has been revised to reduce the overall height of the extension by up to 1 metre. This would also improve the relationship between the addition and the canopies of Trees 1 and 2. The tree officer notes that the reduction in height would result in only minimal selective pruning works occurring to the trees in order to physically construct the building. However, he does still maintain that branch encroachment, seasonal debris etc. would likely still be an issue that may be problematic

to the building in the future. Despite this, the tree officer notes that this in itself would not be sufficient to warrant a reason for the refusal of the application. Overall, he considers that the likely pruning to occur in the future is not likely to significantly harm the trees, especially given the lack of concern raised by tree owner's (TfL) with regard to the impact of the proposed development upon the trees.

- 10.97 Overall, the proposal would not involve the removal of the two protected TfL-owned street trees, and the information submitted demonstrates that the extension would not cause such harm to the health or future maintenance of the trees as to warrant a reason for the refusal of the application in this instance. The Council's Tree Officer therefore does not object to the proposal, subject to the inclusion of a condition requiring the submission of a tree protection scheme including a Tree Protection Plan for the approval of the Local Planning Authority prior to the commencement of development. Overall, the proposal is considered to be acceptable and accords with policy DM6.5 of the Development Management Policies 2013.

Highways and Transportation

- 10.98 The site is located along the south-western side of the A1 (Holloway Road), which forms part of the Transport for London Road Network and is a principal north-south route within Central London. The site has a very good Public Transport Accessibility Level (PTAL) of 5, with a number of bus stops and railway stations within walking distance. The existing building contains a number of car parking spaces and servicing area within the front forecourt. The proposal would result in the loss of the existing car parking area.
- 10.99 The proposed entrance to the extension, which would act as the primary public entrance to the NYT site, would be located along the south-eastern flank elevation of the proposed extension where it fronts the access drive for the neighbouring property and faces the wide public pavement.

Pedestrian Access

- 10.100 Core Strategy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking. Furthermore, in line with policies DM2.1 (Design) Part A and DM2.2 (Inclusive design), new developments should be safe for pedestrians.
- 10.101 The PTAL of the site maximises the opportunity for visitors and employees to walk all or part of their trips to the site. Whilst the Council would prefer to see street-facing entrances to buildings, it is acknowledged that the intensity of the use of the building presents additional constraints in this instance. The proposed entrance faces the predominant approach from Finsbury Park and Holloway Road Underground Stations, and would allow safe egress onto the generously sized pavement to the south of the site. Specifically, the side access allows for the safer entrance and egress for managing groups of young people, off of the public footpath and away from the traffic of Holloway Road. This has been accepted by the Council's Inclusive Design officer.

Cycle Access and Parking

- 10.102 Policy DM8.4 (Walking and cycling) Part C of the Development Management Policies 2013 requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible cycle parking. Additionally, Policy CS10 (Sustainable design) Part H of the Core Strategy 2011 seeks to maximise opportunities for cycling. The expected provision of cycle parking is outlined within Appendix 6 of the Development Management Policies 2013, which outlines that 1 cycle space per 50 sqm of

floorspace should be provided for theatre facilities. In this instance, this would be applicable to the uplift only, and therefore 3no. cycle parking spaces are required.

- 10.103 At present, no cycle parking is provided within the existing site. The application proposes the creation of 10no. parking spaces at the rear of the site, which is a welcomed addition. However, the location of the cycle parking spaces as outlined on the plan falls outside of the red site line (it is, however, located within the blue line to represent common ownership). This is not considered to be a reason for the refusal of the application given the constraints of the site, however a condition has been included requiring the applicant submit details demonstrating the provision of at least 3no. cycle spaces accessible from within the site prior to the first occupation of the approved extension.

Vehicle Parking

- 10.104 Islington operations car-free policies. For non-residential development, Policy DM8.5 Part B states that parking will only be permitted where this is essential for operational requirements and integral to the nature of the business/service (such as car hire or storage/distribution use). Normal staff parking will not be permitted. No objection is held to the loss of existing car parking within the forecourt of the building. Further, the development does not propose any car parking as part of the proposal, in accordance with Policy CS10H of the Core Strategy 2011, which requires car free development.
- 10.105 Details regarding accessible parking are discussed within the Accessibility section of this report.

Refuse and Recycling

- 10.106 The application proposes an increase of D1 floorspace of approximately 140 sqm, which would equate to an uplift above existing of approximately 7%. It is therefore not considered that the development would result in a significant increase in refuse and recycling storage and collection requirements. For the avoidance of doubt, a condition has been recommended (Condition 7) to ensure that all refuse and recycling facilities provided fit current and future collection practices and targets and that these are accessible to all in accordance with Policy CS11 of the Core Strategy 2011.

Servicing and Deliveries

- 10.107 Little information has been provided as part of the application with regard to servicing and deliveries, other than noting that the existing arrangements would be retained (access gained through the gated shared access route to the south of the site). As noted above, the proposal includes a 7% uplift of D1 floorspace. It is therefore not considered that it would result in a significant increase in servicing and delivery requirements, and this does not warrant a reason for the refusal of the application.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 10.108 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development. This means that the measures required to mitigate the negative impacts of this development in terms of lack of accessible parking spaces and local accessibility cannot be funded through Islington's CIL. Separate contributions are therefore needed to pay for the necessary accessible transport and local accessibility investment required to ensure that the development does not cause unacceptable impacts on the local area.

10.109 None of the financial contributions included in the heads of terms represent general infrastructure, so the pooling limit does not apply. Furthermore, none of the contributions represent items for which five or more previous contributions have been secured.

10.110 The following summary Heads of Terms are to be secured (and have been agreed by the applicant) in order to mitigate the impacts of this development and make it acceptable in planning terms:

Minimum commitments of the NYT.

10.111 These minimum commitments are set out in recommendation A of Appendix 1. They cover existing and proposed expanded services to be provided to local people, with some particular targeted provision to Islington residents free opportunities.

10.112 The commitments include the requirement to invite to join the NYT Trustee Board the Islington Council Executive Member for Children, Young People & Families (or replacement titled Executive Member) as an observer to facilitate a close understanding of the Charity by LBI representatives and a close understanding of Islington priorities in turn by NYT and additionally facilitate an ease of communication and greater collaboration going forwards.

10.113 Commitment that where the detailed heads of terms refer to 'local' it includes Islington residents. The NYT additionally commit to discussing and agreeing with the Director of Employment Skills and Culture (Andrea Stark or any possible replacement in the future) and her team mechanisms to prioritise Islington residents securing places on NYT programmes generally and to meet the agreed quotas year on year, for inclusion into this s106 agreement.

Demolition of the front extension

10.114 This obligation recognises that the (finely balanced) officer support for the front extension is predicated on the provision of the ongoing operations of the NYT at the site, and the minimum commitments to be secured in an associated s106 legal agreement. The specific benefits being provided and to be provided by the NYT are an absolute requirement for ongoing justification for a front extension into the public realm that is identified to cause harm to the conservation area, locally listed building and streetscene generally.

10.115 As such, the applicant has agreed to a head of term that secures the demolition of the front extension in the event that the NYT vacate the building, sell the leasehold or make a formal decision to discontinue the provision of the minimum commitments of the NYT (secured by legal agreement). This is considered necessary in order to ensure that there is an ongoing public benefit that will continue to outweigh the harm to heritage assets and to depart from the requirements of policy DM2.1 regarding ensuring that development respects established building lines as identified in this assessment caused by the scale of front extension. This provision (demolition) and the others sought are considered to meet the statutory tests being:

- 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.

Accessible Transport contribution

- 10.116 Accessible transport (wheelchair accessible parking bay contribution of £2,000) towards the creation of an on-street accessible parking bay, or alternative accessible arrangements. This is secured due to the proposals intention to increase the provision for all users and lack of current wheelchair accessible parking facilities nor opportunities for drop off at the site. This is a site specific obligation.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 A summary of the proposal is set out at section 4 of this report.

Conclusion

- 11.2 It is recommended that planning permission be granted subject to conditions and planning obligations 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 following Heads of Terms are to be secured:

A. Minimum Commitments for NYT:

1. To invite to join the NYT Trustee Board the Islington Council Executive Member for Children, Young People & Families (or replacement titled Executive Member) as an observer to facilitate a close understanding of the Charity by LBI representatives and a close understanding of Islington priorities in turn by NYT and additionally facilitate an ease of communication and greater collaboration going forwards.
2. Commitment that where the below heads of terms refer to 'local' it includes Islington residents. The NYT commit to discussing and agreeing with the Director of Employment Skills and Culture (Andrea Stark) and her team the best approaches to prioritise Islington residents securing NYT programmes generally and to meet the below agreed quotas year on year (in conjunction with the above head of term 1) for inclusion into the final s106 agreement.
3. 1 x Level 3 Accredited Course per academic year, lasting nine months with 3 days per week of **free** Education and Training (prioritised to an LBI resident). Total offer of places is for up to 26 NEET (not in Education, Employment or Training) local young people between the ages of 19-25.
4. 2 x Level 2 Accredited Courses per academic year (prioritised to Islington residents), each lasting up to 12 weeks with 2 days per week of **free** Education and Training for up to 14 local NEET (not in Education, Employment or Training) young people per course who are between the ages of 19 – 25.

Note: The Level 2 Course targets those who left school without achieving 5 GCSE's.

5. Participation in LBI led Cultural Enrichment Programmes for LBI Children and Young People including 11 x 11 and 100 x 16 offering cultural opportunity free to LBI Schools and bespoke activity targeting the needs identified by the Cultural Leaders Strategy Group led by LBI and the LBI Teacher CPD Programmes. This includes:
 - a) a minimum of three free ticket opportunities to show performances run by the NYT (usually paid tickets) to Islington Schools per year
 - b) bespoke work experience programmes and Employability Workshops or Talks for Islington Schools.(a and b - benefitting School Aged Pupils ages 9-18 x 120 minimum participants).
6. A minimum of 2 x Teacher CPD Events for Islington Teachers per year, free to teachers and schools. Twilight or half day sessions, benefitting a minimum of 25 Teachers each.
7. 6 x Audition Days (£46) and 6 x Backstage Interview Days (£39) per year free to LBI residents under the age of 25 through The NYT Islington Pledge targeting young people from a working class background, EHCP learners, those qualifying for free school meals, those in care or care leavers, those with a declared disability, 'estranged students' and

those eligible for Pupil Premium intending to benefit a minimum of 30 LBI residents annually. Each last a full day.

8. 3 x Careers and Creative Arts Sector Employability Open Events per year, each x 1 half day and targeting up to 50 local young people under the age of 25 who are NEET, school leavers. Free to attend for LBI Residents.
9. Programmes for Pupils with SEN to be delivered on site to include work experience opportunities, workshops, after school and holiday based workshops and events for up to 15 young participants under the age of 19 up to 3 times per year. Free to participants. NYT commit to working with LBI Teams to prioritise LBI resident attendance.
10. The National Youth Theatre REP company training offering 16 young people under the age of 25 a free alternative to Drama School Training. Lasting Ten to Twelve months as a full time free programme, the participants benefit from 40 hours of Training per week for an Academic Year including participation in 3 x Professional Productions to public audiences. Auditions, usually fee paying (£46), will be free to Islington Residents.
11. Employability Workshops and Careers Open Evening Events targeting local residents providing information about careers in the creative industries, including costume design, writing for stage, theatre directing, production, acting and technical backstage roles. X 3 per year each targeting a minimum of 30 local young people and their parents/carers/representatives as appropriate, free to Islington Residents. NYT commit to working with LBI Teams to prioritise LBI resident attendance.
12. Performances, Talks and Workshops for Islington Schools x 12 per year each targeting classes of up to 30 pupil participants and teaching staff, c.12 in the case of SEN Schools. Free to attendees and supporting aspects of the School Curriculum including literature, drama and Physical Education (movement).
13. 12 Free Creative Co-Working Spaces – targeting young local creative start up companies wishing to develop a specialism in Theatre and the Creative Industries, in production, writing or performing. 6 x LBI creative practitioners under 25 to be awarded free workspace for a start up year.
14. Work Experience for Islington Students and Islington SEN Pupils including:
 - a) 6 x week or part week placements per year for pupils under the age of 19; and
 - b) 10 x Work Exposure opportunities for x 10 Pupils under the age of 19.
15. Evening and Weekend Drop In Programmes and Participatory Talks or Events 3 x per year targeting local young people under the age of 25. Each event lasting 2-3 hours. Free to attend. NYT commit to working with LBI Teams to prioritise Islington residents into these events.
16. 6 x Courses per year in the Start Up Saturday programme, offering theatre practical training in ensemble practice to local 11-14 year olds. The Start Up Saturday Programme runs termly for 10 weeks on a Saturday afternoon or morning. These courses are paid, accommodating up to 24 participants each at a cost of £259. 2 x places per course totalling 12 per year on the weekly programme will be offered free to LBI residents who are 'looked after children' or formerly looked after.

Additionally, NYT Bursaries are available to enable fee waivers to LBI residents from a working class background as per NYT's bursary policy.
17. Start Up Weeks – Week long programmes during School Holidays and Half Terms. 3 x per year, each accommodating up to a maximum of 24 (depending on the needs of the cohort). Targeting young people ages 11-14 and local young people with Special Educational Needs up to 19. These courses are paid for (normally £329) but 2 x places per course will be offered free to LBI Residents with additional needs or 'looked after children' totalling 6 x free weeks per year.

18. Public Events Programme – targeting local young people to participate in open workshops x 3 per year each lasting 2-3 hours for minimum of 30 beneficiaries (90) under the age of 26, free to attend.

B. Demolition of the front extension in the event that the NYT dispose of or vacate the premises or discontinue the programme of benefits for Islington residents. Timescale for this process to be completed within [timescale to be agreed and updated to Sub-Committee] from the date of disposal /vacation of the site or discontinuance of the provision of benefits secured in the legal agreement. The timescale to be agreed shall include a provision to secure approvals for reinstating the front forecourt and make good the interventions to the locally listed building.

C. Accessible transport (wheelchair accessible parking bay contribution of £2,000) towards the creation of an on-street accessible parking bay, or alternative accessible arrangements.

That, should the **Section 106** Deed of Planning Obligation not be completed within a reasonable timeframe from the date of the Committee (in the event of resolution to grant) the Service Director, Planning and Development or Head of Service – Development Management 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 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:

List of Conditions:

1	Commencement
	<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
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Site Location Plan 284_P20.101 rev 1; -P10.111; -P10.101; -P10.110; -P10.112; -P10.113; -P10.114; -P10.200; -P10.300; -P20.110; -P20.111 rev 1; -P20.112 rev 1; -P20.113 rev 1; -P20.114 rev 1; -P30.100 rev 1; -P40.100 rev 1; -20.300; -20.301; -20.302; -20.303; -20.304; Arboricultural Impact Assessment & Outline Method Statement prepared by Arboricultural Solution, rev 2 December 2019; Design and Access Statement prepared by DSDHA rev B December 2019; Planning Response Document prepared by DSDHA November 2019; Platform Lift details; Noise Impact Assessment prepared by Sound Space Vision, 3 July 2019; Drainage Information.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials (Details)
	<p>MATERIALS (DETAILS): Details and samples of all 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) Solid brickwork (including brick panels and mortar courses) b) Glazed brick c) Render (including colour, texture and method of application); d) Window and door treatment (including sections and reveals); e) Roofing materials; f) Hard landscaping including Pavers to front forecourt; g) green procurement plan; h) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</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>
4	Tree Protection
	<p>TREE PROTECTION (COMPLIANCE) CONDITION: The protection of the retained trees shall be carried out in accordance with BS 5837:2012 and the hereby approved tree protection plan(s) (TPP) and arboricultural method statement (AMS).</p>

	<p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy DM 6.5, policies 7.19 and 7.21 of the London Plan and pursuant to section 197 of the Town and Country Planning Act 1990.</p>
5	ACTIVE GROUND FLOOR FRONTAGES
	<p>NO OBSCURING OF GROUND FLOOR WINDOWS (COMPLIANCE) CONDITION: The window glass of all ground floor windows shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility above a height of 1.4m above finished floor level be placed within 2.0m of the inside of the window glass.</p> <p>REASON: In the interest of securing passive surveillance of the street, an appropriate street frontage appearance and preventing the creation of dead/inactive frontages.</p>
6	CYCLE PARKING (DETAILS)
	<p>CYCLE PARKING PROVISION (DETAILS) CONDITION: Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The storage shall be covered, secure and provide for no less than 10 cycle spaces.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
7	REFUSE/RECYCLING (COMPLIANCE)
	<p>REFUSE/RECYCLING PROVIDED (COMPLIANCE): A dedicated refuse / recycling enclosure(s) shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</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>
8	FIRE SAFETY STRATEGY (DETAILS)
	<p>FIRE SAFETY STRATEGY (DETAILS) CONDITION: Prior to commencement of the development hereby approved, a revised Fire Safety Strategy shall be submitted to and approved in writing by the Local Authority.</p> <p>The Fire Safety Strategy must demonstrate to the satisfaction of the local planning authority that the proposal is capable of providing adequate Fire Brigade access to the building (with reference to Approved Document B, volume 2 or relevant code of practice). The arrangements for Fire Brigade access to the building must be acceptable to the Fire Brigade (such as the installation of a sprinkler system within the</p>

	<p>building).</p> <p>The development shall be carried out in accordance with the Fire Safety Strategy approved under this condition and shall be maintained as such thereafter.</p> <p>REASON: To ensure appropriate fire safety measures, in particular adequate access for Fire Brigade appliances.</p>
9	INCLUSIVE DESIGN (COMPLIANCE)
	<p>INCLUSIVE DESIGN (COMPLIANCE) CONDITION: The development shall be designed in accordance with the principles of Inclusive Design. To achieve this the development shall incorporate/install:</p> <ul style="list-style-type: none"> a) A reception desk that contains section of varying heights to allow for interaction with wheelchair users; b) The provision of a baby changing facility; c) Provision of accessible cycle parking; d) Provision of at least 1 mobility scooter charging point; e) Paving stones with a level difference between paving units/at joints of no greater than 5mm with joints filled flush or if recessed, no deeper than 5mm and no wider than 100mm; f) A changing place that is at least 4x3m in size; and g) Ground floor platform lift in line with details hereby approved. <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
10	OPERATIONAL MANAGEMENT PLAN (DETAILS)
	<p>OPERATIONAL MANAGEMENT PLAN (DETAILS) CONDITION: Prior to the commencement of the use of the extension hereby approved an Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Operational Management Plan shall include the following details:</p> <ul style="list-style-type: none"> - Hours of operation; - Management of crowds inside and outside the building before and after performances, events and classes; and - Management of queues inside and outside the building. <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
12.	CCTV AND LIGHTING (DETAILS)
	<p>CCTV AND LIGHTING (DETAILS) CONDITION: Details of site-wide general security measures, including specific details with regard to the north facing (side) elevation adjacent to 447 Holloway Road, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The details shall relate to:</p> <ul style="list-style-type: none"> a) CCTV; b) general lighting; and/or c) security lighting <p>The details shall include the location and full specification of: all lamps; light</p>

<p>levels/spill; cameras (detailing view paths); lamps and support structures</p> <p>The general security measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the any resulting general or security lighting and CCTV cameras are appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the building.</p>
--

List of Informatives:

1	Community infrastructure Levy (CIL)
	<p>CIL 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 London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London’s Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and 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 payable on commencement of the development. Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</p>
2	Other Legislation
	<p>You are advised that the planning permission hereby approved would be subject to fully complying with other legislation outside the realms of the planning regulations including licensing, environmental acts, building control and fire safety regulations.</p>
3.	TFL ROAD NETWORK
	<p>The footway and carriageway on (A1) Holloway Road must not be blocked during the construction of the proposed development. Temporary obstructions during the construction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on (A1) Holloway Road.</p> <p>All vehicles associated with the construction of the proposed development must only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions.</p> <p>No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time.</p> <p>TfL seeks to protect and enhance the natural environment, including trees, planted areas and grassed areas which make up the green estate on the TfL Road Network. If the development involves the removal or pruning of a tree which is an asset of TfL, in order to facilitate the construction of the development, this will need approval from TfL prior to construction commencing.</p>

4.	TREES
	The following British Standards should be adhered to: a. BS:3998:2010 Tree work – Recommendations b. BS:5837 (2012) Trees in relation to demolition, design and construction - Recommendations.

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 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have 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
 - Policy 3.16 – Protection and enhancement of social infrastructure
 - Policy 4.6 – Support for and enhancement of arts, culture, sport and entertainment
 - Policy 5.3 – Sustainable design and construction
 - Policy 6.9 – Cycling
 - Policy 6.10 – Walking
 - Policy 7.2 – An inclusive environment
 - Policy 7.4 – Local Character
 - Policy 7.6 – Architecture
 - Policy 7.8 – Heritage assets and archaeology
- b. **Islington Core Strategy 2011**
 - Policy CS3 – Nag's Head and Upper Holloway Road
 - Policy CS9 – Protecting and enhancing Islington's built and historic environment
 - Policy CS10 – Sustainable design
- c. **Development Management Policies June 2013**
 - Policy DM2.1 – Design
 - Policy DM2.2 – Inclusive design
 - Policy DM2.3 – Heritage
 - Policy DM4.12 – Social and strategic infrastructure and cultural facilities
 - Policy DM6.5 – Landscaping, trees and biodiversity
 - Policy DM7.1 – Sustainable design and construction
 - Policy DM8.2 – Managing transport impacts
 - Policy DM8.3 – Public transport
 - Policy DM8.4 – Walking and cycling
 - Policy DM8.5 – Vehicle parking
 - Policy DM8.6 – Delivery and servicing for new developments
 - Appendix 6 – Cycling
- d. **Site Allocations June 2013**
 - NH4: 443-453 Holloway Road

3. Designations

- Core Strategy Key Area – Nags Head & Upper Holloway Road
- Locally Listed Building (Grade B)
- Cycle Route (Strategic)
- Site Allocation – NH4: 443-445 Holloway Road
- Transport for London Road Network/Rail Land Ownership – TfL Surface
- Article 4 Direction (A1 to A2)
- Article 4 Direction (B1(c) to C3)
- Employment Growth Area – Holloway Road North

4. SPD/SPGS

- Urban Design Guide 2017
- Conservation Area Design Guidelines

APPENDIX 3

National Youth Theatre, Production House for Young People, Holloway Road

This document sets out the current and planned additional programmes and activities of the charity, National Youth Theatre (NYT), that delivers public benefit to Islington Residents, specifically via services for children and young people aged 11-25, our target beneficiaries. **NYT wants to do more for young people. Whether vulnerable, at risk groups, or further accreditation leading to confidence, life skills and employability, NYT is continually developing further programmes to the benefit of children and young people in direct dialogue with our service commissioners including Candy Holder and Andrea Stark for LBI.**

The planned reconfiguration and expansion of the NYT building will enable the below additional services to be delivered. As set out in our previous documents this is however not a simple case of 'additionality'; without planning permission to expand, the full range of charitable programmes and services delivered by NYT (including those that are currently being delivered) will be lost as direct benefits to the residents of Islington. Without the extension NYT will be forced to relocate premises, very likely outside of Islington to enable the planned expansion of our charitable services.

The building reconfiguration and extension will enable disability access and equality of access to all our programmes, a key requirement for the future of NYT. Equally the reconfiguration and extension will enable NYT to enhance the volume, range and regularity of our current programme doubling access to some courses and allowing the introduction of new programmes.

Accredited Access Courses for vulnerable young adults, NEET's (Young People Not in Employment, Education or Training):

Playing Up: For over 11 years NYT has been delivering vital and immensely successful Access Courses to Higher Education for young adults who are not in Education, Employment or Training. These programmes began life in partnership with Clean Break Theatre, to offer a restorative, confidence building lifeline for young offenders leaving Youth Offenders Institutes. **Playing Up** is a Level 3 Access to Higher Education Course, accredited by OCN (Open College Network) the Accreditation Assessment Body for Access courses in London and are delivered in partnership with City & Islington College for up to 26 participants per year.

Stepping Up is a new Level 2, OCN Accredited course targeting the ever more vulnerable young adults who have left school without 5 GCSE's and now at 19-25 years old have limited opportunities for further education or employment specific training. In partnership with City & Islington College, NYT have piloted targeted local recruitment with Pupil Referral Units (PRU's), Social Services, Youth Offending Institutes, Family Action and Young Carers. Stepping UP and Playing UP target the most vulnerable, at risk young adults, often those with multiple barriers to progression in education or employment and often with associated disability, addiction, mental health challenges or similar life challenges including homelessness or those with refugee status.

As the sole arts led charity provider of Level 2 Access Courses in the Borough, the new planned studio capacity is essential to enable the additional two Stepping Up cohorts for up to 28 pupils to benefit from Level 2 Training with NYT and for the Stepping Up Programme to become a firm fixture in the NYT calendar. The intended planned progression from Stepping Up (Level 2)

through to Playing Up (Level 3) will enable life-changing benefits for local young people. At the end of the academic year programme, Playing Up Students work with a professional Director and Writer for a commissioned text to produce a play for public audiences. In 2020 the Playing Up show will be presented in Islington, at the Pleasance Theatre, driving local audiences and awareness and encouraging applications to potential participants for future years. NYT Playing Up and Stepping Up programmes directly tackle inequality, levelling opportunity to a fairer playing field for employability and skills development and offer a unique lifeline for those young people from the most challenging backgrounds whether constrained by class, disability, homelessness, addiction, crime or mental health, young people report NYT as life changing.

Special Educational Needs (SEN) Schools Partnerships, supporting LBI's disabled young children and adults to achieve their potential:

NYT partner with Islington SEN School, Samuel Rhodes for 11-19 year old EHCP (those with an Education, Health and Care Plan) Learners. NYT have contracted a 3 year programme with Samuel Rhodes beginning in 2019/20, with funding support from the GLA, to deliver a whole school partnership directly working with every pupil, an after school in depth skills club for up to 36 pupils, and inclusive workshops alongside a work experience programme for disabled pupils where NYT are hosting work placements and supporting student placement matching students to host venues and companies via our networks. This cannot happen on site at NYT on Holloway Road without the addition of our planned new spaces and accessible entrance. SEN pupil registers are continually increasing and with limited suitable and alternative school based venues, our partnership would be severely restricted without the dedicated proposed new studio spaces and access.

The NYT building is not currently fit for purpose to host a visiting class exclusively of young people with disability and their support teams given limited access, the current physically hostile arrival experience, lack of acoustic separation and the pressures on existing spaces. The planned Studios 6 and 7 are directly designed to enable support staff to observe SEN pupils and to be fully accessible spaces, with neighbouring break out space. Without the planned extension this work would be impossible to deliver on site at Holloway Road. The NYT architectural design brief specifically requires a welcoming entrance and studio facilities that can accommodate multiple users with disability or reduced mobility at any given time.

LBI Cultural Enrichment Programme, Borough wide Services for Schools and Teachers:

NYT were one of the first organisations recruited by Andrea Stark and her team in the Directorate for Employment, Skills and Culture to sign up to the Policy Pledge for Islington's 11 x 11 programme, whereby children and young people in the borough experience 11 quality cultural experiences by the end of Year 11. NYT have created bespoke offers for schools including School Assembly Talks, Free Theatre Tickets, CPD programmes for Teachers, Invitations to open rehearsals timed to suit the needs of the school and free tickets to Relaxed Performances suitable for those on the autism spectrum or with a learning disability. The NYT aim is to make it simple for teachers to incorporate cultural enrichment into the core curriculum through a flexible offer and menu of opportunities. In September NYT hosted the Teacher CPD Event for the LBI Schools Cultural Leads hosting over 40 teachers from Islington Schools, presenting an open rehearsal of a set text 'Frankenstein' as CPD and talks by our team on Careers Advice for young people. This CPD programme for Teachers will be expanded with the new studio and building redevelopment. NYT have pledged to support the 100 x 16 work experience programme, to

directly host young learners from LBI in cultural venue management experience as well as in those trades and professions associated directly with Theatre including stage directing, event production, lighting design, costume design and production, set design etc. NYT are regular attendees at the Cultural Strategy Group meetings led by Councillor Kaya Comer Schwarz and Andrea Stark and seek a proactive role in partnership with LBI.

Schools Programmes – NYT specialises in set text adaptations and contemporary ensemble practice to ensure work is appealing to the target school's audience. NYT set text performances support GCSE and A Level English and Drama and the digital use of Virtual Reality in theatre productions support digital skills curricula activities. NYT's invitation to local schools will include open rehearsals and performances, workshops with cast, tech, directors and writers. These activities are currently limited by space constraints, yet there is a proven high demand within the 11 x 11 network where Drama is the most popular subject and the host organisations have not been able to service demand in full. In September 2019 NYT hosted the Islington Cultural Leads Schools Workshop with 45 teachers present from across the Islington schools network, primary, secondary and SEN underlining demand for Theatre support with budgets declining in schools and the demand for ever more local provision to mitigate diminishing time for the arts in the school curriculum. Islington Teachers and Cultural Leads for LBI will inform the new programme post the capital redevelopment. Post the planned extension, NYT Trustees have agreed to amend our Charitable Aims to reduce our working age down to 9, from 11. This will enable new services to be developed for local primary schools in line with the Borough's Cultural Enrichment Strategy.

NYT's architectural design brief to DSDHA required a new studio space that could accommodate a minimum of one class size, whether primary or secondary, alongside a Studio Theatre space that could accommodate multiple classes simultaneously. The reception and welcome area need to function as a staffed entrance ensuring safety and equal access for all users.

Employability, creating jobs in Islington, delivering skills for employability, supporting emerging companies making a start in the creative industries

Employment: NYT currently employ Islington Residents. NYT employment opportunities will grow with more venue-based activity with further paid roles for Creative Associates, Facilitators, Inclusive Practitioners in our Programme. NYT are a Disability Confident and London Living Wage Employer. NYT plan to introduce new apprenticeship roles to the team, with positions planned for cultural venue and operations management when the venue opens, in partnership with Imagination.

Creative incubator – Co working spaces – NYT 's planned reconfiguration and expansion includes dedicated free desk space for start-up companies, within a space in the current building that cannot be used for other functions. These free co working spaces will be accessed by those young people who have been involved with NYT, who find a safe space with NYT and can continue to be housed whilst they find their own career footing, intended to support Associate companies, supporting early stage career development. NYT plan for this to lead into targeted and outreach career development network support events/professional development and early creative career opportunities in line with the London Borough of Islington Affordable Workspace Strategy.

Social Value Contracts, Creative Industries Networks working in Islington at Holloway Road – NYT directly connect young people to successful industry companies. When the new

building is complete, NYT will be offering social value contracts for major west end shows and hirers, representing the fast growing sector in the UK economy (creative industries). NYT directly teach skills for employment progression; from work placement applications for young people to align with the local textile industry on Fonthill Road; to opportunities to shadow Sound and Lighting Directors, Movement Choreographers, Stage Designers and Costume designers being available to young people locally alongside Open Rehearsals for school groups to see major west end productions in development. NYT have unique, direct and substantial links to industry. In line with the Boroughs' plans for culture NYT directly help demonstrate that cultural enrichment can directly translate into progression routes into higher education or a range of employment possibilities and work.

Skills training for employability: NYT programmes develop skills for young people that do not only relate to working in Theatre, on stage or off stage. NYT programmes teach skills about respect, commitment, self- management, regularity of attendance, confidence, communication, interpersonal skills, team working and other such fundamental skills for lifelong employability across multiple employment sectors.

Evening and weekend activities – Post opening of the reconfigured building and new studios the NYT local offer for young people will be extended to include twilight and evening programmes enabling active participation in cultural activity by local young people against a growing absence of healthy alternatives. NYT have begun piloting open access events, including a Black history month event curated from open spoken word submissions. NYT are in discussions with local company, Breaking Convention, who operate in the Borough but without a fixed venue developing programmes and mentoring young people in spoken word and performance. Talks and events will also be planned to align to career development workshops e.g. On Backstage employment opportunities including Stage Management, Lighting Design, Costume Workshops etc. working with NYT's extensive professional network and alumni to deliver talks to encourage other young people to come through the doors and get involved, signposting creative and career progression.

Programmes for Children Aged 11-14: Start Up Saturdays and Start Up Half Term Programmes

A creative participation programme for children ages 11-14, that offers 10 week long termly led ensemble practice training for classes of up to 25 participants. Courses are also run over 6 days during school half terms and holidays. When the programmes are offered at Holloway Road NYT will offer free places for looked after children in the borough through coordination with Matthew Blood, Virtual Head for looked after and previously looked after children. NYT also offer bursary supported free places to young carers via Family Action Group, an Islington based charity and their support group connections to family support networks.

These courses are currently held off site around London in hired venues and are not regularly delivered within the Borough. The new studio provision will enable these popular programmes to be offered at Holloway Road, the home of NYT, but again without the expansion on site securing NYT's future to deliver, this offer locally will be greatly restricted.

Physical and Mental Health and wellbeing – NYT Programmes promote life skills for independent living; health and wellbeing, through increased social participation and group activity. At a time when the importance of social prescribing is acknowledged nationally with the Government's announcement in October 2019 for the National Academy for Social Prescribing.

NYT's plans for the increased studios post the redevelopment are in line with Mayor's Strategy for Sport and Physical Activity published in December 2018. NYT work in partnership with Arsenal Football Club and the community foundation to support local referrals to NYT, to encourage local engagement in creative practice and social integration. NYT's planned new physical movement workshops will specifically support the ProActive Islington Physical Activity Needs Assessment and Action Plan published in October 2019. Target groups include BAME communities, lower socio economic income groups, LGBTQI, people with learning disabilities and people with mental health conditions – all target participants for many NYT programmes in Islington. The Council, LBI, has expressed the commitment to raising the profile of community centres like NYT, in addition to the standard sports offers, as being spaces for all priority groups to help overcome barriers to participation. Additionally, targets for improving mental health rates will be met through participation in physical, social activity. With only two studios currently, NYT is overly restricted in the number of young people it can reach and benefit. With five studios in the expanded and reconfigured building, NYT's offer will align to LBI Council priorities for health and wellbeing, encouraging engagement and embedding physical activity and mental health awareness across all programmes.

Young People led Programming, NYT's work is led for young people, by young people. NYT's focus is decided by those they work with whether the burning issues for young people are around transgender identify, the climate crisis, tackling violent knife crime, homelessness, radicalisation or sexuality. Community groups are invited to participate in live programming, to support R&D and to engage in forum theatre practice whereby young people can directly affect story outcomes. Engagement, empowerment and seeing yourself reflected in a story or group is powerful for Young People, encouraging aspiration. The proposed works will enable more work to be locally shared with more young people from the Borough. Without a dedicated space for sharing work NYT's programme teams are currently in constant competition for the existing two studios, competing against earned income targets to sustain the charity and with other programmes. The new studios offer flexibility of purpose across the venue.

Future Additional Programme Examples:

The following are a sample of detailed examples of programmes that NYT is currently planning for as future projects. With the new venue fully accessible and with the new studio spaces offering flexibility for a multitude of uses, the following are in development.

Holiday Clubs for young adults with learning disability, 14+: - the aim is to provide week long courses during the summer holiday with a specific focus on inclusive practice, communication skills and creativity. The Clubs would be specifically for local residents who are more easily able to travel to the venue.

Teacher Training Programmes: CPD programmes in ensemble practice, professional development opportunities and networks with Writers, Directors, Designers for Teachers (primary and secondary) encouraging work training links and work experience for future employability.

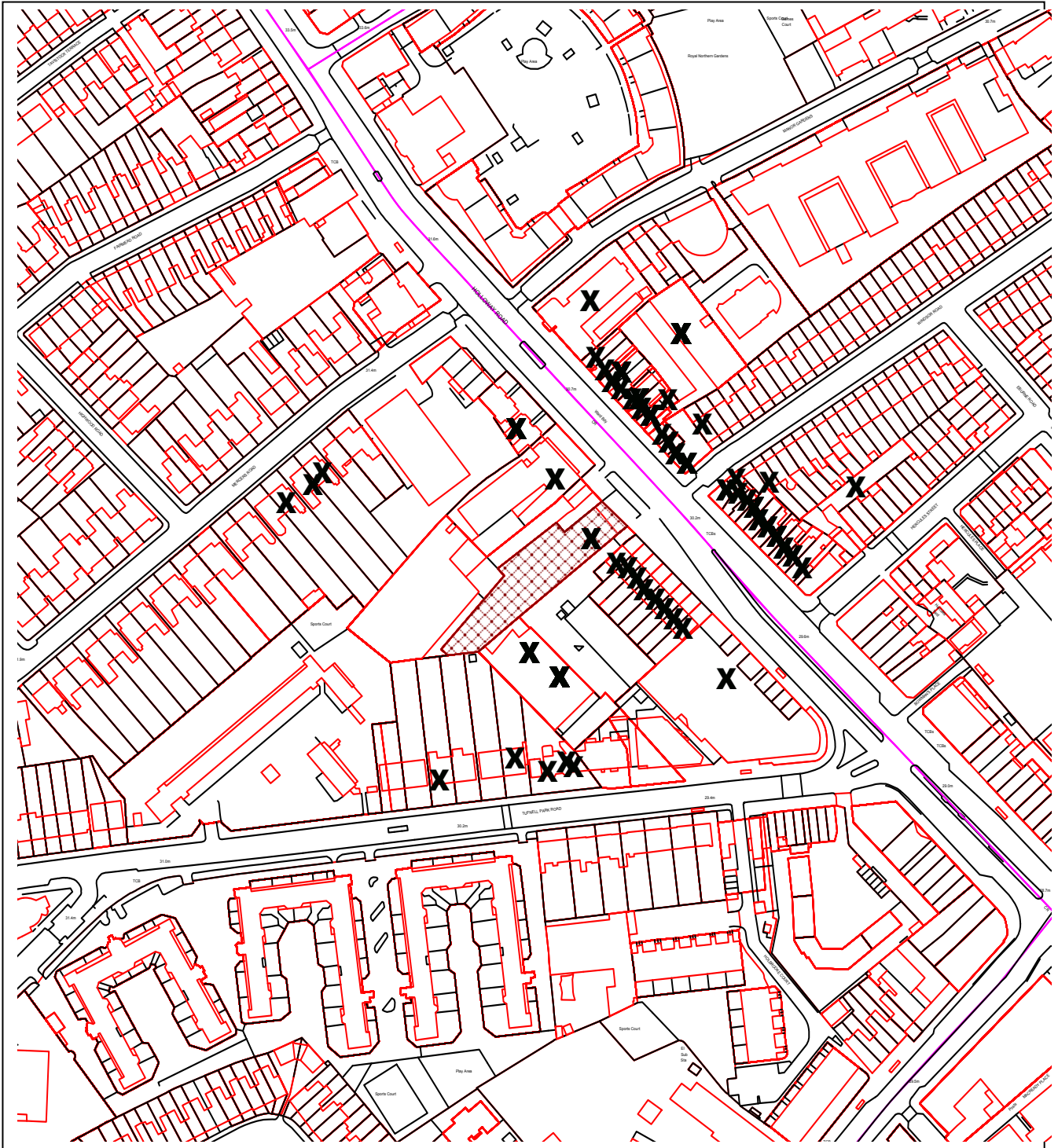
1. Arts Award Accreditation: NYT plan to develop as a local centre of excellence for the National Arts Award programming aligning to Arts Council England to extend the currently minimal local provision with a flexible menu of opportunity for young people aged 9-25 on the 5 accredited awards. There are currently no arts organisations within four miles of NYT that are open to register new young people on an Arts Award according to the list provided by the Arts Award website.

2. Work Experience Placements, Costume Design: NYT are applying to both Drapers Foundation and the Ashley Family Foundation to create new work placement programmes that

enable hands on experience for young people who want to consider a role in design, fashion, textiles production or related sectors. Costume design in the creative industries is a continually growing sector. NYT are aware this can align to the Fonthill Road Textiles programme. NYT Trustees and Executive are clear that if this planning permission is not granted to NYT, then the consequence would be the necessity of a move by NYT away from the Borough. This would then result in the loss of the whole programme above as the opportunity cost to Islington.

(Additional detailed event and curricula breakdowns were provided in our 'Week in the Life of NYT' section of our Design and Access Statement docs submitted in November 2019).

Islington SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.
P2019/2469/FUL

This page is intentionally left blank