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## **AGENDA FOR THE PLANNING SUB COMMITTEE A**

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Members of the Planning Sub Committee A are summoned to a meeting, which will be held via Zoom on **22 March 2021 at 7.30 pm**. The link to the Zoom meeting is below. If you prefer to join the meeting by phone please dial 0208 080 6592. Enter meeting ID 936 1861 5183 when prompted.

**This is to notify you that item B4 (Unit 4, Roman Way Industrial Estate, ) has been withdrawn and will not be considered at this evening's meeting**

<https://weareislington.zoom.us/j/93618615183>

Enquiries to : Zoe Lewis  
Tel : 020 7527 3486  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 14 March 2021

### **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](mailto:enquiriesplanning@islington.gov.uk).**

[Committee Membership](#)

[Wards](#)

[Substitute Members](#)



Councillor Picknell (Chair) - St Mary's;  
Councillor Poyser (Vice-Chair) - Hillrise;  
Councillor Clarke - St George's;  
Councillor Convery - Caledonian;  
Councillor Ismail - Holloway;

Councillor Klute - St Peter's;  
Councillor Kay - Mildmay;  
Councillor Woolf - Canonbury;  
Councillor Chowdhury - Barnsbury;  
Councillor Wayne - Canonbury;  
Councillor Williamson - Tollington;  
Councillor Webbe - Bunhill;  
Councillor Burgess - Junction;  
Councillor A Clarke-Perry - St Peter's;  
Councillor Hyde - Caledonian;

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
6. Minutes of Previous Meeting

1 - 4

**B. Consideration of Planning Applications** **Page**

1.	236 Upper Street, Islington, London, N1 1RU	7 - 34
2.	85-87 Southgate Road, London, N1 3JS	35 - 72
3.	Gate House, 1 St John's Square, London, EC1M 4DH	73 - 110
4.	Unit 4, Roman Way Industrial Estate, 149 Roman Way, London, N7 8XH (ITEM WITHDRAWN)	111 - 146

**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, 11 May 2021

**Please note all committee agendas, reports and minutes are available on the council's website: [www.democracy.islington.gov.uk](http://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](mailto:enquiriesplanning@islington.gov.uk).**



# Public Document Pack Agenda Item A6

London Borough of Islington

## Planning Sub Committee A - 19 January 2021

Minutes of the meeting of the Planning Sub Committee A held on 19 January 2021 at 7.30 pm.

**Present:**      **Councillors:**      Picknell (Chair), Poyser (Vice-Chair), Clarke and Convery

### Councillor Angela Picknell in the Chair

**148**      **INTRODUCTIONS (Item A1)**

Councillor Picknell welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.

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

Apologies were received from Councillor Ismail.

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

There were no declarations of substitute members.

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

There were no declarations of interest.

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

The order of business would be as per the agenda.

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

**RESOLVED:**

That the minutes of the meeting held on 10 November 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**154**      **236 UPPER STREET, ISLINGTON, LONDON, N1 1RU (Item B1)**

Retrospective change of use from a retail unit to a restaurant/cafes (Class E); the installation of mechanical plant (extractors and air conditioning unit) on the rear roof of the building; installation of an air conditioning unit in the rear garden; and a single storey rear extension to the building including installation of rooflights. Retention of existing shopfront alterations with use of the front tables and chairs and external alterations to rear elevation including installation of rooflights.

(Planning application number: P2020/1364/FUL)

In the discussion the following point was made:

- Members expressed concern that the applicant was not in attendance to address the concerns of objectors.

Councillor Picknell proposed a motion to defer the consideration of the application for the applicant to attend and address the concerns of residents. This was seconded by Councillor Poyser and carried.

**RESOLVED:**

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

155

**85-87 SOUTHGATE ROAD, LONDON, N1 3JS (Item B2)**

Change of use of building from A1 use (retail with ancillary residential) [876sqm] to Class E (office with production rooms), external minor alterations to include replacement entrance door, cycle parking, window replacements; replacement of existing winter garden at first floor level, installation of 2x mechanical plant and associated screened plant enclosure at roof level, courtyard alterations and associated works.

(Planning application number: P2020/1700/FUL)

In the discussion the following points were made:

- The planning officer stated that one further objection had been received regarding construction works, the noise report, hours of operation and hours of servicing. An extra condition on Class E-restricted uses (compliance) had been added to the proposed list of conditions.
- In response to a member's question, the planning officer stated that the 1994 extant planning permission did not restrict hours of operation.
- In response to a question from a member about whether the plant enclosure could be seen by neighbours, the planning officer advised that it could be seen but consideration should be given to whether it was an appropriate outlook.
- A member raised concern that bedrooms would be above the entrances.
- In response to a question from a member, the applicant stated that typical working hours would be from 10am-6.30pm. All staff would not be in the office together and usually approximately two thirds of staff would be there at any one time. As the company was a global one, flexibility in terms of hours of operations was required. On occasions a handful of staff would need to be there outside of the usual working hours to work with people in other countries. A production room was different to a recording studio and people worked there digitally. Soundproofing was designed so that no noise could get in or out of the production rooms.
- In response to a member's question, the applicant advised that most staff would use public transport or walk or cycle to work. Many staff lived locally.
- In response to a question from a member, the applicant advised that a business manager would be employed for this site. They would be the main point of contact for neighbours.

- A member stated that the change of use to B1 office seemed satisfactory and that residents had benefitted from the previous retail use not being as intrusive as it could have been e.g. if it had been a supermarket.
- A member commented that more conditions could provide more reassurance to neighbours.

Councillor Picknell proposed a motion to defer the application to a meeting in the next cycle of Planning Sub-Committee meetings to enable more consideration to be given to neighbouring amenity and how this could be protected more with amended/additional conditions. This was seconded by Councillor Poyser and carried.

**RESOLVED:**

That consideration of the application be deferred to a meeting in the next cycle of Planning Sub-Committee meetings for the reason outlined above.

156

**GARAGES BELOW 1-17 WESTACOTT CLOSE, WESTACOTT CLOSE, LONDON, N19 3LE (Item B3)**

Change of use of 23 ancillary residential garages to a central storage depot for the Council Estate Services (B8 Use), alteration of entrance and replacement of louvered panels with windows and associated works.

(Planning application number: P2020/2407/FUL)

In the discussion the following points were made:

- In response to a question from a member about deliveries, the planning officer stated that larger deliveries of equipment would be approximately every 60 days. The applicant confirmed that mechanical vehicles would not be used for deliveries and four wheeled manually powered hydraulic trolleys would be used. Although motorised equipment such as leaf blowers would be stored there but would not be used within the depot.
- A member questioned the floorspace and the 170sqm circulation area and the applicant advised the circulation space was a central space between the garages to enable movement.

**RESOLVED:**

That planning permission be granted subject to the conditions set out in Appendix 1 of the officer report.

The meeting ended at 9.00 pm

**CHAIR**

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## Schedule of Planning Applications

PLANNING COMMITTEE - Monday 22 March, 2021

### COMMITTEE AGENDA

1 236 Upper Street  
Islington  
London  
N1 1RU

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2 85-87  
Southgate Road  
London  
N1 3JS

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3 Gate House  
1 St John's Square  
London  
EC1M 4DH

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4 Unit 4  
Roman Way Industrial Estate  
149 Roman Way  
London  
N7 8XH

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1 236 Upper Street  
Islington  
London  
N1 1RU

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**Application Number:** P2020/1364/FUL  
**Ward:** St. Marys

**Proposed Development:** Retrospective Change of use from a retail unit to a restaurant/cafes (Class E); the installation of mechanical plant (extractors and air conditioning unit) on the rear roof of the building; installation of an air conditioning unit in the rear garden; and a single storey rear extension to the building including installation of rooflights. Retention of existing shopfront alterations with use of the front tables and chairs and external alterations to rear elevation including installation of rooflights.

**Application Type:** Full Planning Application

**Case Officer:** Daniel Jeffries

**Name of Applicant:** Mr V Kizilkaya

**Recommendation:**

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**2 85-87  
Southgate Road  
London  
N1 3JS**

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**Application Number:** P2020/1700/FUL

**Ward:** Canonbury

**Proposed Development:** Change of use of building from A1 use (retail with ancillary residential) [876sqm] to Class E (office with production rooms), external minor alterations to include replacement entrance door, cycle parking, window replacements; replacement of existing winter garden at first floor level, installation of 2x mechanical plant and associated screened plant enclosure at roof level, courtyard alterations and associated works. [RECONSULTATION- You are being reconsulted following additional details on this application notably the submission of a draft Operational management plan).

**Application Type:** Full Planning Application

**Case Officer:** Samir Benmbarek

**Name of Applicant:** Young Turks HQ Limited

**Recommendation:**

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**3 Gate House  
1 St John's Square  
London  
EC1M 4DH**

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**Application Number:** P2020/3454/FUL

**Ward:** Clerkenwell

**Proposed Development:** Erection of roof extensions at fifth and sixth floor levels; erection of roof top plant room to include mechanical plant; formation of terrace at sixth floor level; installation of mechanical plant at second floor level; erection of infill front extensions at ground floor level; and associated external alterations including façade repair, landscaping at ground floor and erection of cycle store.

**Application Type:** Full Planning Application

**Case Officer:** Samir Benmbarek

**Name of Applicant:** M&G Real Estate

**Recommendation:**

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**4 Unit 4  
Roman Way Industrial Estate  
149 Roman Way  
London  
N7 8XH**

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**Application Number:** P2019/2774/FUL

**Ward:** Caledonian

**Proposed Development:** Change of use from Light Industrial (B1(c)) to Commercial Kitchen and Delivery Centre (Sui Generis) (Departure from Development Plan).

**Application Type:** Full Planning Application

**Case Officer:** Owen Griffiths

**Name of Applicant:** N/a

**Recommendation:**

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### PLANNING COMMITTEE REPORT



<b>PLANNING SUB-COMMITTEE A</b>		
<b>Date:</b>	22 <sup>nd</sup> March 2021	<b>NON-EXEMPT</b>

Application number	P2020/1364/FUL
Application type	Full Planning Application
Ward	St Marys
Listed building	Opposite Union Chapel Grade I Listed Building
Conservation area	Upper Street (North) Conservation Area
Development Plan Context	Highbury Corner Core Strategy Key Area Upper Street Local Shopping Area and Article 4 Direction (A1-A2) Locally Listed Building Within 100m of TLRN (Transport for London Road Network) Rail Safeguarding (Transport for London Tunnels) Article 4 Direction A1-A2 (Rest of the borough)
Licensing Implications	Site does not have a License to Sell Alcohol
Site Address	236 Upper Street, Islington London N1 1RU
Proposal	Retrospective change of use from a retail unit to a restaurant/cafes (Class E); the installation of mechanical plant (extractors and air conditioning unit) on the rear roof of the building; installation of an air conditioning unit in the rear garden; and a single storey rear extension to the building including installation of rooflights. Retention of existing shopfront alterations with use of the front tables and chairs and external alterations to rear elevation including installation of rooflights.

Case Officer	Daniel Jeffries
Applicant	Mr V Kizilkaya
Agent	Mr T Ay

### 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in the original report attached in Appendix 1.

## **2. REASONS FOR DEFERRAL**

2.1 This application was previously discussed at the Planning Sub-Committee A meeting on 19<sup>th</sup> January 2021 (original report in Appendix 1) where objectors were given the opportunity to speak.

2.2 The agreed minutes for the meeting confirmed that in the discussion the following point was made:

- Members expressed concern that the applicant was not in attendance to address the concerns of objectors.
- Councillor Picknell proposed a motion to defer the consideration of the application for the applicant to attend and address the concerns of residents. This was seconded by Councillor Poyser and carried.

2.3 Members resolved to defer the application in order for the Sub-Committee to allow the applicant to respond to issues raised by objectors at a further meeting.

## **3. BRIEF SUMMARY OF PROPOSAL**

3.1 The application seeks the retention of the change of use to restaurant from a retail unit, as well as external changes including a single storey rear extension and to the shopfront, as well as proposed plant equipment to the roof of the extension and to the rear garden.

## **4. UPDATES FOLLOWING COMMITTEE ON 19<sup>TH</sup> JANUARY 2021**

### *Policy Updates*

4.1 The London Plan 2021 was formally adopted on 02 March 2021. Therefore, the local development plan comprises of the London Plan 2021, the Islington Core Strategy 2011 and the Islington Development Management Policies 2013.

4.2 The relevant policies from the recently adopted London Plan 2021 in respect to this application are listed below:

- Policy GC5- Growing a good economy
- Policy D1- London's form, character and capacity for growth
- Policy D4- Delivering good design
- Policy D5- Inclusive design
- Policy D14- Noise
- Policy HC1- Heritage conservation and growth

4.3 To confirm, the relevant policies from the Core Strategy 2011 and the Development Management Policies 2013 remain the same (as listed at the end of the Planning Committee Report). Some weight is still attached to the Draft Islington Local Plan. There are no significant policy changes to the assessment of this application as a result of its formal adoption and is not considered to warrant any changes to the original assessment.

4.4 Following the conclusion of the Planning Sub-Committee A on 19<sup>th</sup> January 2021 no additional information has been submitted by the applicant and no further objections or comments have been received by the Council.

## **5. CONCLUSION**

5.1 It is considered to be compliant with the Council's policies in regards to land use, design including the impact on heritage assets, the amenity of neighbouring properties, the local highway network and in all other associated material considerations. It is therefore recommended that planning permission be granted subject to conditions as outlined in Appendix 2 the original committee report set within Appendix 1.



<b>PLANNING SUB-COMMITTEE A</b>		<b>NON-EXEMPT</b>
<b>Date:</b>	19 <sup>th</sup> January 2021	

Application number	P2020/1364/FUL
Application type	Full Planning Application
Ward	St Marys
Listed building	Opposite Union Chapel Grade I Listed Building
Conservation area	Upper Street (North) Conservation Area
Development Plan Context	Highbury Corner Core Strategy Key Area Upper Street Local Shopping Area and Article 4 Direction (A1-A2) Locally Listed Building Within 100m of TLRN (Transport for London Road Network) Rail Safeguarding (Transport for London Tunnels) Article 4 Direction A1-A2 (Rest of the borough)
Licensing Implications	Site does not have a License to Sell Alcohol
Site Address	236 Upper Street, Islington London N1 1RU
Proposal	Retrospective change of use from a retail unit to a restaurant/cafes (Class E); the installation of mechanical plant (extractors and air conditioning unit) on the rear roof of the building; installation of an air conditioning unit in the rear garden; and a single storey rear extension to the building including installation of rooflights. Retention of existing shopfront alterations with use of the front tables and chairs and external alterations to rear elevation including installation of rooflights.

Case Officer	Daniel Jeffries
Applicant	Mr V Kizilkaya
Agent	Mr T Ay

## 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1.

2. SITE PLAN (SITE OUTLINED IN RED)



3. PHOTOS OF SITE/STREET

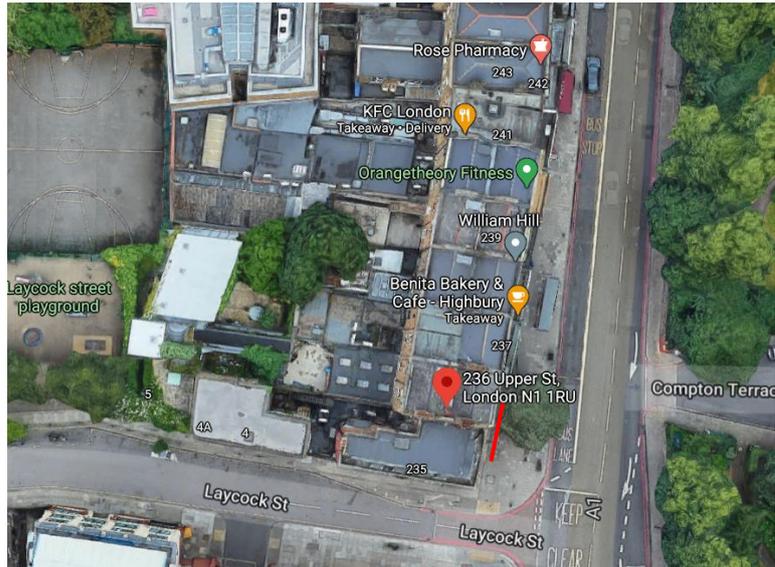


Image 1: Aerial view of site

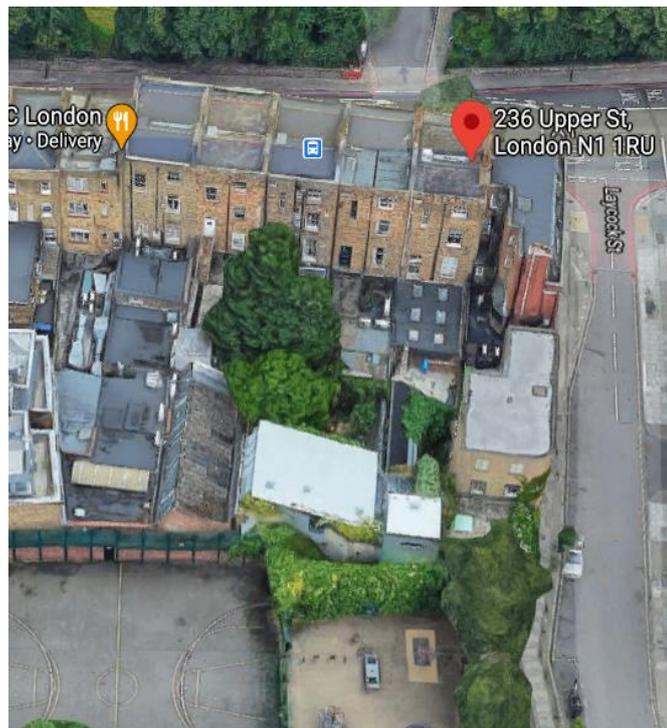


Image 2: Aerial view facing east



**Image 3:** View of roof of rear existing extension



**Image 4:** View of rear garden

## **4. SUMMARY**

- 4.1 The application seeks retrospective planning permission for the change of use from an A1 retail unit to a restaurant/cafes. The proposal seeks to retain existing external alterations including the single storey rear extension and rooflights above, as well as the changes to the existing shopfront, with the use of the tables and chairs to the front. The application proposes the installation of mechanical plant (extractors and air conditioning unit) on the rear roof of the existing single storey extension, as well as an air conditioning unit within the rear garden.
- 4.2 In land use terms, the application does not include any evidence to demonstrate the loss of the existing retail unit would comply with Policy DM4.6, impact to the Local Shopping Area including the required 2 years marketing information. The lack of compliance with Policy DM4.6 is considered to result in harm to the Local Shopping Area, which counts against the scheme. However, given the Town and Country Planning (Use Classes) Regulations were updated on 1st September 2020, with the existing retail unit (former A1) and proposed restaurant (former A3) uses becoming Class E, alongside other town centre uses. This enables buildings to have a number of flexible uses and changes to a use within the same class do not require planning permission. Therefore, the change of use from retail to restaurant is not to be considered development as they are both now within the same Use Class E in accordance with recent Use Class Order regulations.
- 4.3 The proposal is considered to be compliant with the design advice found within the Islington Design Guide 2017 and Upper Street (North) Conservation Area Design Guidelines, and the objectives of policies CS8 and CS9 of the Islington Core Strategy (2011), and DM2.1 and DM2.3 of Development Management Policies (2013). It is therefore considered to preserve the visual appearance and historic character of the locally listed building and wider Upper Street (North) Conservation Area, and is acceptable in design terms.
- 4.4 Whilst the proposal has the potential for increased noise and odour to the surrounding area, given the proposed plant equipment and nature of the use, the Council's Environmental Health Pollution Officers have recommended a number of controls to mitigate this impact. In addition, conditions relating to preventing the use of the rear garden, as well as the opening hours and the front seating area are also recommended.
- 4.5 The proposal is considered to not detrimentally impact the wider public highway network including Upper Street, which is a TLRN road.
- 4.6 The proposal is considered to be acceptable and it is recommended that the application be approved subject to conditions.
- 4.7 The application is brought to committee because of the number of objections received (5).

## **5. SITE AND SURROUNDINGS**

- 5.1 The site is located on the west side of Upper Street and forms the ground floor and basement level of a mid-terraced four storey building. The unit has been used as a retail unit and is part of a row of commercial premises forming part of the Upper Street Local Shopping Area.
- 5.2 The surrounding area is characterised by four storey buildings on the west side of Upper Street, with retail/commercial uses at ground floor and ancillary accommodation or residential units above. The site itself is within the Upper Street Conservation Area and is within the Highbury Corner Core Strategy Key Area.

## 6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks retrospective planning permission to change of use from a retail unit (formerly Class A1 use) to a restaurant/café (formerly Class A3 use). The proposal seeks to retain the existing external alteration including the single storey rear extension and rooflights above, as well as changes to the existing shopfront, with the use of the tables and chairs to the front. The application proposes the installation of mechanical plant (extractors and air conditioning unit) on the rear roof of the existing single storey extension, and the installation of an air conditioning unit within in the rear garden.

## 7. RELEVANT HISTORY:

*236 Upper Street*

*Planning*

- 7.1 870764: Retention of a new shopfront. Approved on 23/09/1987
- 7.2 951258: Change of use of the ground floor to the part sale of hot food (Class A3 of the Town and Country Planning (Use Classes) Order 1987) in connection with the principle use of that floor for the sale of cold foods. Approved on 14/12/1995
- 7.3 982322: Alterations to front façade. Approved on 05/07/1999.
- 7.4 P2014/2740/PRA: Application to obtain the prior approval of the Local Planning Authority in relation to the temporary (Flexible) change of use from Sandwich shop (A1 Use) to Restaurant (A3 Use). **(Withdrawn)**
- 7.5 P2017/4769/FUL: Single storey extension to the rear at ground floor level and installation of air conditioning units above the flat roof at rear ground floor level. **(Withdrawn)**
- 7.6 P2018/0520/PRA: Change of use from Class A1 (shops) to Class A3 (Food and Drink) including installation of an air conditioning unit and ESP extractor system. **(Withdrawn)**
- 7.7 P2018/0625/FUL: Erection of rear shop extension at ground floor level. **(Withdrawn)**
- 7.8 P2018/0884/FUL: Change of use from Class A1 (shops) to Class A3 (restaurants and cafes); the installation of mechanical plant (extractors and air conditioning unit) on the rear roof of the building; installation of an air conditioning unit in the rear garden; and a rear extension to the building including installation of rooflights. Retention of existing shopfront alteration and external alterations to rear elevation including installation of rooflights. **(Withdrawn)**
- Enforcement*
- 7.9 E/2015/028: Without planning permission, the erection of a means of enclosure. Case Closed on 23/07/2015.
- 7.10 E10/04696: Unauthorised roller shutter. Enforcement Notice Issued on 18/01/2011. Notice complied with on 12/09/2011
- 7.11 E/2018/0011: Works to rear yard and possible change of use.

Planning

- 7.12 992231: Change of use of basement/ground shop unit at No.236 and its incorporation into the 'Tut 'n' Shive' Public House as an ancillary Coffee Bar, construction of rear ground level extension to both properties and external alterations to ground floor facades. **Refused** on 31/07/2000.

**REASON:** The proposed development would cause the effective loss of a retail unit within a protected local shopping centre. The proportion of non-retail units would be increased above the maximum of one-third as permitted by Policy S18 of the Islington Unitary Development Plan and would adversely affect the potential range of shops required to meet local needs.

**REASON:** The proposed form of the new shopfront to 236 Upper Street is out of keeping with the traditional form of shopfronts in the Upper Street Conservation Area.

**REASON:** The proposed development is likely to cause noise and disturbance and therefore have a serious adverse effect on the amenities of adjoining and nearby residential occupiers.

- 7.13 P000774: Change of use of no. 236 from mixed A1/A3 to A3 (food/drink) and erection of single storey rear extension. Alterations to ground floor side and front elevations. **Refused** on 13/09/2000.

**REASON:** The proposed development would cause the effective loss of a retail unit within a protected local shopping centre. The proportion of non-retail units would be increased above the maximum of one-third as permitted by Policy S18 of the Islington Unitary Development Plan and would adversely affect the potential range of shops required to meet local needs.

**REASON:** The proposed form of the new shopfront to 236 Upper Street is out of keeping with the traditional form of shopfronts in the Upper Street conservation Area.

**REASON:** The proposed development is likely to cause noise and disturbance and therefore have a serious adverse effect on the amenities of adjoining and nearby residential occupiers.

- 7.14 P001567: Installation of new fascia signs and associated lighting. **Refused** on 21/02/2001.

*REASON: The size, position and nature of the proposed advertisement would have a serious adverse effect on the visual amenity of the area contrary to Policy Env9 of the Islington Unitary Development Plan.*

## 8. CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants of 18 adjoining and nearby properties at Upper Street, Laycock Street and Witherington Road on the 24<sup>th</sup> June 2020. This is in addition to the display of a site notice and a press advert. Following the submission of an amended Noise Assessment further consultation letters were sent on 3<sup>rd</sup> December 2020. The consultation period expired on 18<sup>th</sup> December 2020.

- 8.2 At the time of the writing of this report a total of **5** responses had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

**Design**

- Visual appearance and impact on the surrounding area  
**(Paragraphs 10.18 to 10.38)**

**Neighbouring Amenity**

- Noise from use and plant equipment, including use of rear garden and from openings;
- Increased odour to surrounding properties
- Light pollution  
**(Paragraphs 10.39-10.52)**

**Accessibility**

- Lack of accessible accommodation
- Impact on access to upper floor flats  
**(Paragraphs 10.58-10.59)**

**Other matters**

- Works carried out without planning permission
- Lack of information in relation to changes required to sewage systems, water supply and electricity,
- Potential risk of rodent infection  
**(Paragraphs 10.61-10.62)**

**External Consultees**

- 8.3 **Transport for London:** No objections but requested that adequate cycle storage provision, the carriageway/footway are not blocked and the existing parking controls are adhered.

**Internal Consultees**

- 8.4 **Environmental Health Pollution (Acoustic) Officer:** No objection subject to conditions relating to noise levels, a verification report to be submitted and the installation of timer to control the hours of operation between 08:00 to 23:00 hours each day.
- 8.5 **Environmental Health Pollution (Odour) Officer:** No objections subject to conditions relating to the details of the proposed filters and for the extraction equipment to be regularly cleaned and maintained.
- 8.6 **Policy (Land use) Officer:** No objection to the change of use, particularly given the change to Class E.
- 8.7 **Street Trading:** Confirmed that the premises does not have a tables and chairs licence as it has its own private forecourt so wouldn't need a licence from Street Trading.

## **9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES**

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents

### **National Guidance**

- 9.1 Islington Council (Planning Sub-Committee A), in determining the planning application has the main following 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 A must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

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

### **Development Plan**

- 9.9 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 and the Islington 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.

### **Designations**

- 9.10 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:
- Upper Street (North) Conservation Area
  - Highbury Corner and Holloway Road Core Strategy Key Area
  - Upper Street Local Shopping Area and Article 4 Direction (A1-A2)
  - Locally Listed Building
  - Within 100m of TLRN (Transport for London Road Network)
  - Rail Safeguarding (Transport for London Tunnels)
  - Article 4 Direction A1-A2 (Rest of the borough)

### **Supplementary Planning Guidance (SPG) / Document (SPD)**

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

### **Emerging Policies**

#### **Draft London Plan (Intend to Publish Version), December 2019**

- 9.12 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State appointed a Panel to conduct an examination in public ("EIP") this opened on 15 January 2019 and continued until May 2019. The Panel of Inspectors made several recommendations to the Mayor on the 8 October 2019 and the Mayor responded on the 9 December 2019 with an 'Intend to Publish' version of the plan. The Secretary of State considered the 'Intend to Publish' version and the proposed changes and made several Directions in March and December 2020 setting out changes to some policies. On 21 December 2020 the Mayor formally approved a new 'Publication London Plan', prepared to address the Secretary of State's Directions which has been sent to the Secretary of State for his consideration. The Secretary of State has up to 6 weeks to decide if he is content for the Mayor to formally publish the London Plan. Given the advanced stage at which the draft London Plan is at the policies in the plan which are not subject to Directions can be afforded significant weight. Given what is proposed in the application, the Directions are not considered to effect the assessment of this case. The emerging London Plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:

### Draft Islington Local Plan 2019

9.13 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress.

In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

9.14 Emerging policies relevant to this application are set out below:

- Policy R8 – Location and Concentration of Uses
- Policy R10 – Culture and the Night-Time Economy
- Policy R11 – Public House
- Policy T4: Public realm
- Policy T5: Delivery, servicing and construction

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Land Use
- Neighbouring Amenity
- Design, Conservation and Heritage
- Highways and Transport
- Accessibility
- Refuse and Recycling

### Land Use

10.2 The application site is located within the Highbury Corner and Holloway Road Core Strategy Key Area which is protected by Policy C4 of Islington Core Strategy. In terms of land use, the proposed development would involve the change of use of the retail floorspace (130sqm) to a restaurant.

10.3 To confirm, in reference to the Land Use Gazetteer, the former use of a restaurant was A3, and as such is now Class E.

### *Loss of Retail*

- 10.4 The Town and Country Planning (Use Classes) Regulations were updated on 1<sup>st</sup> September 2020, with former use classes A1 (Retail), A2 (Financial and Professional Services), A3 (Café/Restaurant), B1 (Office, Research and Development and Light Industrial) and parts of D1 (Medical Centre, Crèche, Day Nursery) and D2 (Gymnasium) becoming Class E. This enables buildings to have a number of flexible uses and changes to a use within the same class do not require planning permission. Therefore, the change of use from retail to restaurant/café use would not be considered to constitute development as they are both now within the same use class.
- 10.5 The Town and Country Planning (Use Classes) Regulations 2020 detail that where an application is submitted prior to the updated regulations coming into force, as is the case here, it must be determined by reference to the uses or use classes under the Use Classes Order in force on 31<sup>st</sup> August 2020. Notwithstanding this, the updated Use Class Order is a material planning consideration in the assessment of the application.
- 10.6 Therefore, in this instance, the acceptability of the change of use would be subject to an assessment against the relevant planning policy.
- 10.7 Policy DM4.6 of Development Management Policies (2013) seeks to ensure an appropriate mix and balance of uses within the Upper Street Local Shopping Area, and maintains and enhances the retail and service function of the designation.
- 10.8 Part B of Policy DM4.6 seeks to ensure development for existing ground floor retail units are protected from Change of Use unless all of the following criteria are satisfied:
- i. The premises has been vacant for a continuous period of at least 2 years and continuous marketing evidence for this 2 year vacancy is provided which demonstrates that there is no realistic prospect of the unit being used in its current use in the foreseeable future;
  - ii. The proposal would not result in a harmful break in the continuity of retail frontages;
  - iii. Individually, or cumulatively, the proposed replacement use would not have an adverse effect on the vitality, viability and predominantly retail function of the Local Shopping Area.
- 10.9 Any marketing evidence submitted to support a loss of retail floorspace should comply with the requirements of Appendix 11 of the Development Management Policies. This includes evidence of active marketing (including advertisements, particulars and brochures, registration with at least one commercial property agent, and marketing of the site at a reasonable rate), response and details of response (such as prospective occupants, further viewings, asking rate, and reasons for declining the site) and a market demand analysis.
- 10.10 The application has not included any marketing evidence or other information to demonstrate that the loss of the retail unit would be acceptable in regards to this policy. Therefore in the absence of this information, it is considered that the proposal would result in harm to the function Local Shopping Area, as the application fails to demonstrate that the change of use would be acceptable in land use terms, which weighs against the scheme.

### *Proposed restaurant*

- 10.11 Whilst the application has failed to demonstrate the loss of the existing use would be acceptable against adopted planning policy, given the existing ground floor town centre commercial uses, including a wide choice and number of retail, cafes, sandwich bars, banks, restaurants and active ground floor commercial units along this extensive section of Upper Street, it is considered that the further introduction of restaurant in this location is considered acceptable, subject to all other material planning considerations.

### *Class E restrictions*

- 10.12 As noted above, the Town and Country Planning (Use Classes) Regulations were amended on 1st September 2020. The amended Use Class regulations omit the former Use Class A1 and introduces a new Use Class E, which encompasses retail use, together with many other town centre uses. The application proposes the change of use to restaurant, with no other uses proposed. Significant weight needs to be given to the relatively recent Use Class Order changes which means that the previous A1 use can change to a wider series of uses including a restaurant within use Class E. This is a material consideration and bearing in mind this fact and the busy commercial nature of the area around the site on a main thoroughfare, it is considered that the council could not reasonably justify the refusal of the application on a land use basis.
- 10.13 It is considered that the other uses that are encompassed by Class E would not be an appropriate use for the site or within the surrounding local context without the submission of further details and mitigation measures.
- 10.14 The proposed site is considered appropriate for financial and professional services (former A2) and business floorspace (former B1) given the day-to day operation is similar to that of the existing retail unit.
- 10.15 The potential use of the building as clinic, health centre or nursery (former D1) is considered not appropriate given no information to demonstrate otherwise, these uses would be expected to cause a strain upon the local highway and traffic which is considered as part of neighbouring amenity. The building is also considered not to be conducive or suitable for such uses given its layout and constraints.
- 10.16 The use of the site as a gym or other form of indoor recreation (former D2) is considered inappropriate as such uses would expect longer operating hours and are generally of an intensive day-to day operation which would need further information to demonstrate would have an acceptable on the surrounding area.
- 10.17 As such, a condition is recommended restricting the use of the development to only restaurant (as proposed), business floorspace, retail unit or financial and professional services use and no other use within Class E of the Use Class Order 2020. Should any other use be proposed, this would require the submission of an application and appropriate supporting documentation

### **Design and Conservation**

- 10.18 Paragraph 193 of the NPPF (2019) states that '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). Furthermore, at paragraph 196: '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.
- 10.19 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. At the local level, 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.

- 10.20 Policy DM2.3 seeks to ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. Development that makes a positive contribution to Islington's local character and distinctiveness will be encouraged. It seeks to ensure developments within the setting of a listed building are of good quality contextual design. It also seeks to retain, repair and reuse of non-designated heritage assets. Proposals that unjustifiably harm the significance of a non-designated heritage asset will generally not be permitted.
- 10.21 In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Upper Street (North) Conservation Area. Section 61(2) and 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, seeks to ensure special attention has been paid to the desirability of preserving or enhancing the character and appearance of the setting of listed buildings. Whilst the Grade I Listed Building (Union Chapel) is located on the opposite side of Upper Street (east), given the scale of the proposal and separation distance, the site is not considered to be within its setting.
- 10.22 The design advice found within the Islington Urban Design Guide 2017 and Upper Street (North) Conservation Area Design Guidelines should be taken into consideration in the design assessment of the proposal.
- 10.23 The proposal includes a number of different external alterations with an assessment of these elements set out below:
- Shopfront*
- 10.24 Policy DM4.8 seeks to ensure new shopfronts and alterations to existing shopfronts to demonstrate a high quality of design, which complements the original design, proportions, materials and detailing of the shopfront, surrounding street scene and the building of which it forms a part.
- 10.25 Paragraphs 5.194 to 5.217 of the UDG provides advice in relation to acceptable forms of shopfront design. It advises that *new shopfronts to historic buildings should follow the principles of traditional shopfront design. They should be well proportioned and comprise of pilasters, corbel brackets, cornice, fascia, clerestory, a shop window divided with mullions and a stallriser.*
- 10.26 Paragraph 18.23 of the Conservation Area Design Guidelines advises that *the Council will not usually permit the removal of part or all of an original shopfront as listed in Schedule 18.3.* Whilst it is noted that the host building is not within Schedule 18.3 it also advises it would not allow any alteration to a shopfront which is detrimental to the character of the area.
- 10.27 Paragraph 18.24 of the CADG considers that shopfronts in the area provide a visual focus and interest and are an important factor in creating the character of the area. It provides detailed advice in relation to new shopfronts including the use of traditional materials, including painted timber, as well as reinforcing the UDG recommendations.
- 10.28 In this instance, the alterations to the existing shopfront are retrospective, and the application seeks to regularise these changes. Whilst the proposal has resulted in the loss of the pre-existing shopfront (shown below), this was not a historic shopfront and its loss is considered acceptable.



**Images 5 and 6:** Photo from May 2017 showing pre-existing shopfront (left) and existing shopfront (right)

10.29 In terms of the existing shopfront subject to this application, the proposal is considered to be broadly compliant with the shopfront guidance and would be an improvement on the design of the previous shopfront, in keeping with the visual appearance of the host building and wider streetscene. The existing shopfront proposed to be retained includes signage, as such an informative has been included to remind the applicant for the submission of an advertisement consent application.

*Rear extension*

10.30 Whilst it is noted that the UDG paragraphs 5.134 to 5.138 relates to rear extensions to residential properties, the advice is considered to be relevant which recommends that rear extensions must be subordinate to the original building; extensions should be no higher than one full storey below eaves to ensure they are sufficiently subordinate to the main building.

10.31 Paragraph 18.20 of the CADG advises that in order to preserve the scale and integrity of the existing buildings it is important that rear extensions are subordinate to the mass and height of the main building. Rear extensions will be permitted on their merits and only where the scale, design and materials to be used are in keeping with the existing property and where all other planning standards are met.

10.32 The alterations to the existing single storey rear extension have already taken place. The application seeks to regularise the enlargement of the pre-existing full width single storey extension, which has been extended by a further 2.7m in depth, resulting in a total projection from the rear elevation of the main part of the host building by 7.6m.

10.33 It is acknowledged that the increase in depth of the rear extension would result in a large addition to the rear elevation of the host building. However, the assessment of this increase in depth should take into consideration the scale of the host building, and the existing rear additions within the terrace to which the host building relates. Whereas the proposal subject to this application would result in a separation distance between the rear elevation and the rear boundary wall, of 6.47m, the adjacent buildings to the north cover the full width and depth of their respective sites. In this context the enlargement of the pre-existing rear addition is considered acceptable in design terms.

10.34 The fenestration details associated with the rear addition include rooflights above the flat roof and glazed windows and doors to the rear elevation. The proposed rooflights would be positioned above the flat roof of the rear addition. Whilst the rooflights would protrude from the flat roof, they would not be readily visible from the public realm and are similar in design to those found on other rear additions found along this terrace. The rear elevation would have a set of glazed doors, with windows to the upper half of the elevation and wooden panelling to the lower half. Given the limited views from the public realm, the alterations are considered to be in keeping with the host building and wider area.

#### *Plant equipment*

10.35 Paragraphs 5.182 to 5.185 of the UDG provides advice in relation to building services and equipment, advising that *commercial extraction equipment should be located to the rear of commercial properties and should not be visible from public views.*

10.36 The Conservation Area Design Guidelines (para 18.14) provides advice that *the Council is opposed to the erection of plant rooms, air conditioning units and other services including water tanks and radio or satellite equipment at roof level where this can be seen from street level or public space, including long views from side streets.*

10.37 The proposal includes proposed plant equipment to the rear of the host building, being to the bottom of the rear garden at ground floor level, as well as at first floor, above the existing single storey rear addition. Whilst the equipment would project above the first floor roof and ground floor rear garden, the design is restricted in height, and cover only a small section of the roof and rear garden, and would not be visible from the public realm. It is therefore considered that the proposal would be broadly compliant and acceptable in design terms.

10.38 Given the above, the proposal is considered to preserve the visual appearance and historic character of the locally listed host building and wider conservation area, and compliant with the design advice found within Islington Urban Design Guide 2017 and Upper Street (North) Conservation Area Design Guidelines, and policies CS8 and CS9 of Islington Core Strategy (2011) and DM2.1 and DM2.3 of Development Management Policies (2013).

#### **Neighbouring Amenity**

10.39 The Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing.

10.40 Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.

10.41 This section of Upper Street is characterised by a mixture of commercial units on the ground floor, with both residential units and ancillary accommodation on the upper floors. The adjoining buildings include a public house to the south, and a retail shop to the north.

10.42 The application seeks to change the use of the host premises from a retail unit, being a sandwich shop, to a restaurant. As noted in the land use section, since the changes to the Use Class Order on 1 September 2020, the existing and proposed use fall within Class E. In addition to these two uses, Class E includes a number of other uses. It is therefore important to assess the appropriateness of these uses including the potential impact on the amenity of the occupiers of neighbouring properties, including those on the upper floors of the host building.

### *Daylight/Sunlight and Outlook*

- 10.43 The proposal is not consider to result in any significant loss of daylight/sunlight or outlook to neighbouring properties over and above the existing situation. The alterations to the shopfront would largely replicate the existing situation, and would result in any further projection in comparison with the previous situation.
- 10.44 In terms of the alterations to the rear, it is acknowledged that the proposal allows for the extension of the rear addition by a further 2.7m, the adjacent property to the north, no. 237 Upper Street, has a rear addition which extends the full width and depth of the plot and this would therefore not be impacted. The adjacent property to the south, no. 235 Upper Street, has a rear addition of a similar depth, and there is a staircase positioned adjacent to the shared boundary, ensuring there would be no detrimental impact on this property.
- 10.45 The proposed plant equipment would be restricted in height and set away from the existing windows, and is not considered to result in any significant loss of daylight/sunlight or outlook to neighbouring properties.

### *Noise*

- 10.46 A noise assessment has been submitted titled 'Planning Compliance Report ref. 21163.PCR.01 Rev.C by KP Acoustics' for the proposed plant equipment. This report has been reviewed by the Council's Environmental Health (Acoustic) Officer, who has confirmed that subject to conditions relating to noise levels, the submission of an associated verification report and the installation of a timer to control the hours of use, no objections are raised.
- 10.47 In addition to the above recommended conditions, a further condition is recommended to restrict and prevent the use of the rear garden apart for maintenance purposes or in the event of an evacuation, and to ensure the windows and doors of the rear elevation remain shut. Whilst it is acknowledged that the proposal has an external area to the front elevation, given that it is adjacent to a busy street it is not considered to result in any significant increase in disturbance to residential occupiers
- 10.48 The application seeks permission to allow for the opening hours of between 07:00 and 23:00 hours Monday to Sundays. Whilst the proposed hours would have a similar closing time to other restaurants along Upper Street, the start would be earlier. However, this start would be similar to the existing situation at the host premises and is considered acceptable.
- 10.49 As noted in land use section, the amended Use Class regulations omit the former Use Class A1 and introduces a new Use Class E, which encompasses several town centre uses including the proposed restaurant. In addition to the existing and proposed uses, there are other Class E uses which are considered to be appropriate for this location being for financial and professional services (former A2) and business floorspace (former B1) given the day-to-day operation is similar to both the retail and restaurant function. However, as noted above the use of the building as clinic, health centre or nursery (former D1) or a gym or other form of indoor recreation (former D2) are considered not appropriate. Given no information to demonstrate otherwise, these uses would be expected to cause a strain upon the local highway and traffic which is considered as part of neighbouring amenity and would expect longer operating hours and are generally of an intensive day-to day operation which would not complement the residential nature of its immediate location. A condition has been recommended to restricting the use of the development in line with the above, and as such would require a subsequent application to demonstrate that these uses would be acceptable, with appropriate documentation.

### *Odour*

- 10.50 The proposed restaurant has the potential to increase odours to the surrounding area. As such a proposed extraction flue would be located to the roof of the existing rear addition. The Council's Environmental Health Pollution (Odour) Officer has recommended that prior to its first use, details of the filters and Electrostatic Filters (ESPs) are submitted and approved. A condition to this effect is recommended.

### *Light Pollution*

- 10.51 Representations have been received raising concern in relation to light pollution as a result of the additional openings. However, the limited scale of the openings and their numbers are such that it is unlikely that the proposal would result in a significant increase over and above the existing situation to warrant refusal of the application.

### *Conclusion*

- 10.52 Overall, due to the mitigation measures identified above, the proposal is considered to be compliant with Development Management Policies DM2.1.

### **Highways and Transport**

- 10.53 The site has excellent access to public transport and the Public Transport Accessibility (PTAL) rating is 6b (where 6 is the best and 0 the worst). There are several bus routes in the surrounding area, close proximity to the Highbury and Islington Underground, Overground and Rail Stations. The site also is positioned on the west side of Upper Street, which is part of the TLRN (Transport for London Road Network).
- 10.54 Policy DM8.2 seeks to ensure developments meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. Transport for London have raised no objections to the proposal. However, they have requested that the Council ensures that the development, including during its construction, would not obstruct the footway or carriageway, as well as providing sufficient cycle storage. They also recommended that any vehicles adhere to the existing restrictions within the CPZ (controlled parking zone) being Monday to Friday 08:30 to 18:00 hours, Saturdays 08:30 to 13:30 hours and on match days, Monday to Friday 08:30 to 20:30 hours, Saturdays 08:30 to 16:30 hours and Sundays 12:00 hours to 16:30 hours. Given that the majority of the works have already been completed, an informative has been recommended, reminding the applicant of these requests.
- 10.55 The existing external seating to the front of the site is not proposed to be enlarged and would be contained within the existing forecourt. A condition is recommended restricting the hours of use of the front seating area.
- 10.56 Policy DM8.4 seeks to ensure minor developments creating new commercial units of 100sqm or greater, are required to provide cycle parking in accordance with the minimum standards set out in Appendix 6. It confirms that 1 cycle storage space is required per 60sqm of floor area for restaurants. The application form confirms that the site area is 115 sqm, therefore a minimum of 1 cycle storage space is required. Whilst no cycle storage has been detailed, a condition has been recommended to secure a minimum of 1 cycle parking space within 3 months of the date of the decision notice.
- 10.57 Policy DM8.6 sets out that provision for delivery and servicing for new developments. Whilst limited information has been provided in this regard, the proposal would continue to use the existing arrangements, and is therefore considered acceptable in this regard.

## **Accessibility**

- 10.58 Policy DM2.2 seeks to ensure developments demonstrate that they provide for ease of and versatility in use. Whilst it is acknowledged that the proposal would not provide accessible accommodation, it is not considered to warrant the refusal of the application given it relates to an existing building.
- 10.59 Concerns have been raised in relation to the existing tables and chairs restricting access to the upper floor flats. A condition has been recommended to ensure that the tables and chairs are restricted to the existing forecourt and do not obstruct this access.

## **Refuse and Recycling**

- 10.60 The existing site has on-street collections for refuse and recycling on Monday to Saturdays between 18:00 and 19:00 hours and 00:00 and 01:00 hours. Given the existing arrangements the proposal is not considered to detrimentally impact this situation and is therefore considered acceptable in this regard.

## **Other Matters**

- 10.61 Representations have been received raising concerns regarding the works subject to this application having been carried out without planning permission. However, following an investigation by Council's Planning Enforcement Team the applicant has submitted this application to seek to regularise relevant works.
- 10.62 Representations received also raise concern regarding a lack of information in relation to changes required to sewage systems, water supply and electricity, as well as the potential risk of rodent infection, as a result of the development. These are not material to the consideration of the application.

## **11. SUMMARY AND CONCLUSION**

- 11.1 The application does not include any evidence to demonstrate the loss of the existing retail unit would comply with Policy DM4.6, impact to the Local Shopping Area including the required 2 years marketing information. The lack of compliance with Policy DM4.6 is considered to result in harm to the Local Shopping Area, which counts against the scheme. However, given the Town and Country Planning (Use Classes) Regulations were updated on 1<sup>st</sup> September 2020, with the existing retail unit (former A1) and proposed restaurant (former A3) uses becoming Class E, alongside other town centre uses. This enables buildings to have a number of flexible uses and changes to a use within the same class do not require planning permission. Therefore, in general, the change of use from retail to restaurant would not be considered development as they are both now within the same use class.
- 11.2 The proposed external alterations are considered to preserve the visual appearance and historic character of the locally listed building and wider Upper Street (North) Conservation Area, and acceptable in design terms.
- 11.3 The proposal is considered not to result in any significant loss of amenity to occupiers of neighbouring properties, given the conditions recommended by the Council's Environmental Health Pollution Officers, as well as restrictions preventing the use of the rear garden.
- 11.4 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**

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

## APPENDIX 2 – RECOMMENDATIONS

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

### List of Conditions:

<b>1</b>	<p><b>Commencement</b></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>
<b>2</b>	<p><b>Approved Plans List</b></p> <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Design and Access Statement, Planning Compliance Report ref. 21163.PCR.01 Rev.C by KP Acoustics dated 27/11/2020, Structural Calculation Report dated February 2020, Plant Equipment Manufacturing details, Photos, NP-18-164/Rev.1.5 – Block Plan, NP-18-163/Rev.1.5 – Pre-Existing, Existing and Proposed Basement Floor Plans, NP-18-162/Rev.1.5 - Pre-Existing, Existing and Proposed Ground Floor Plans, NP-18-164/Rev.1.5 - Pre-Existing, Existing and Proposed Roof Plan ( Rear ), NP-18-171/Rev.1.5 - Existing Section, NP-18-170/Rev.1.5 - Pre-Existing Section, NP-18-171/Rev.1.5 - Proposed Section, NP-18-174/Rev.1.5 - Pre-Existing, Existing and Proposed Rear Elevations, NP-2020-02-01-0001/Rev.1.0 - Pre-Existing Front Elevation, NP-2020-02-03-0002/Rev.1.0 - Existing / Proposed Front Elevation,</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>
<b>3</b>	<p><b>Materials (Compliance)</b></p> <p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the approved plans and within the application form. 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>
<b>4</b>	<p><b>Operational Hours (Compliance)</b></p> <p>CONDITION: The hereby approved restaurant use (and any other use within Class E) shall only operate between the hours of:</p> <ul style="list-style-type: none"> <li>• Mondays to Sundays 07:00 to 23:00 hours only.</li> </ul> <p>REASON: To protect the amenities of surrounding residents.</p>
<b>5</b>	<p><b>Front Seating Area (Compliance)</b></p> <p>CONDITION: The outdoor seating area fronting Upper Street and shown on drawing no. NP-18-164/Rev.1.4 shall not be used/occupied by customers other than within the following hours:</p> <ul style="list-style-type: none"> <li>• Monday to Sundays 7:00 to 22:00 hours.</li> </ul>

	<p>The outdoor area shall be contained within the existing front forecourt, shall not obstruct access to the residential entrance to the upper floor flats or the footway of Upper Street. There shall be no fixed seating installed within the outside area and all temporary seating shall be removed from the outside area outside of the above hours.</p> <p>REASON: To mitigate against noisy activities that may lead to noise transfer and ensure that the proposed use does not have an adverse impact on neighbouring residential amenity.</p>
<b>6</b>	<b>Rear External Area (Compliance)</b>
	<p>CONDITION: The outdoor area to the rear of the site marked as 'Garden Area' on drawing no. NP-18-164 shall not be used by customers or staff for the hereby approved or any other use within Class E, other than for maintenance purposes or in the event of an evacuation. The windows and doors on the hereby approved rear extension shall remain shut during its occupation by customers. These measures shall be retained thereafter into perpetuity.</p> <p>REASON: To protect the amenities of surrounding residents.</p>
<b>7</b>	<b>Noise Levels (Compliance)</b>
	<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: In order to protect the amenities of surrounding occupiers.</p>
<b>8</b>	<b>Verification Report (Details)</b>
	<p>CONDITION A report is to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with Condition 7. The report shall include on site measurement of the plant insitu. The report shall be submitted to and approved in writing by the Local Planning Authority within two months of the decision notice date and any noise mitigation measures shall be permanently retained thereafter.</p> <p>REASON: In order to protect the amenities of surrounding occupiers.</p>
<b>9</b>	<b>Timer (Compliance)</b>
	<p>CONDITION: Prior to the hereby approved plant equipment first being used, a timer shall be installed limiting the operation of the kitchen extraction system and the condenser unit to between the hours of 08:00 to 23:00 each day only. The plant shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p> <p>REASON: In order to protect the amenities of surrounding occupiers.</p>
<b>10</b>	<b>Filters (Details)</b>
	<p>CONDITION: Prior to the first use of the hereby approved plant equipment details of the filters and ESPs to control odour shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter into perpetuity, and shall regularly be maintained and cleaned throughout its use.</p> <p>REASON: In order to protect the amenities of surrounding occupiers.</p>
<b>11</b>	<b>Cycle Storage (Compliance)</b>
	<p>CONDITION: Within 3 months the hereby approved development storage for a minimum of 1 no. cycle shall be provided and retained thereafter into perpetuity.</p> <p>REASON: To promote sustainable forms of transport.</p>

<b>12</b>	<b>Class E (Compliance)</b>
	<p>CONDITION: The restaurant use hereby approved shall not be used for a Gym or Creche/Nursery or any other use falling within Class E parts (d) and (f) within of the Town and Country Planning (Use Classes) Regulations 2020, without first obtaining planning consent from the Local Planning Authority.</p> <p>REASON: In order to protect the amenities of surrounding residential occupiers.</p>
<b>13</b>	<b>Delivering and Servicing (Compliance)</b>
	<p>CONDITION: For the hereby approved development, delivery and servicing vehicles shall ensure that they do not obstruct the footway or carriageway of Upper Street and comply with the requirements of the existing Controlled Parking Zone (CPZ).</p> <p>REASON: To ensure there is no conflict with the existing users of the footways and carriageways of a TLRN road</p>

**List of Informatives:**

<b>1</b>	<b>Community Infrastructure Levy (CIL)</b>
	<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 <a href="http://www.planningportal.gov.uk/cil">www.planningportal.gov.uk/cil</a>, and the Islington Council website at <a href="http://www.islington.gov.uk/cil">www.islington.gov.uk/cil</a>. CIL guidance is available on the GOV.UK website at <a href="http://www.gov.uk/guidance/community-infrastructure-levy">www.gov.uk/guidance/community-infrastructure-levy</a>.</p>
<b>2</b>	<b>Advertisement Consent</b>
	It is advised that a separate application is submitted for advertisement consent for the alterations to the signage.
<b>3</b>	<b>Transport for London Licence</b>
	Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required with TfL, please see, <a href="https://www.tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences">https://www.tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences</a> .
<b>4</b>	<b>Footway and carriageway of Upper Street</b>
	It is advised that the footway and carriageway on Upper Street should not be blocked during the construction works, including skips or materials and temporary obstructions during the works must be kept to a minimum, and vehicles should comply with the existing parking controls.

## **APPENDIX 3: 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.

- National Planning Policy Framework 2019

### **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 4.1 Developing London's Economy
- Policy 7.4 Local character

#### **B) Islington Core Strategy 2011**

- Policy CS4 Highbury Corner and Holloway Road
- Policy CS8 Enhancing Islington's character
- Policy CS9 Protecting and enhancing Islington's built and historic environment
- Policy CS13 Employment spaces

#### **C) Islington Development Management Policies 2013**

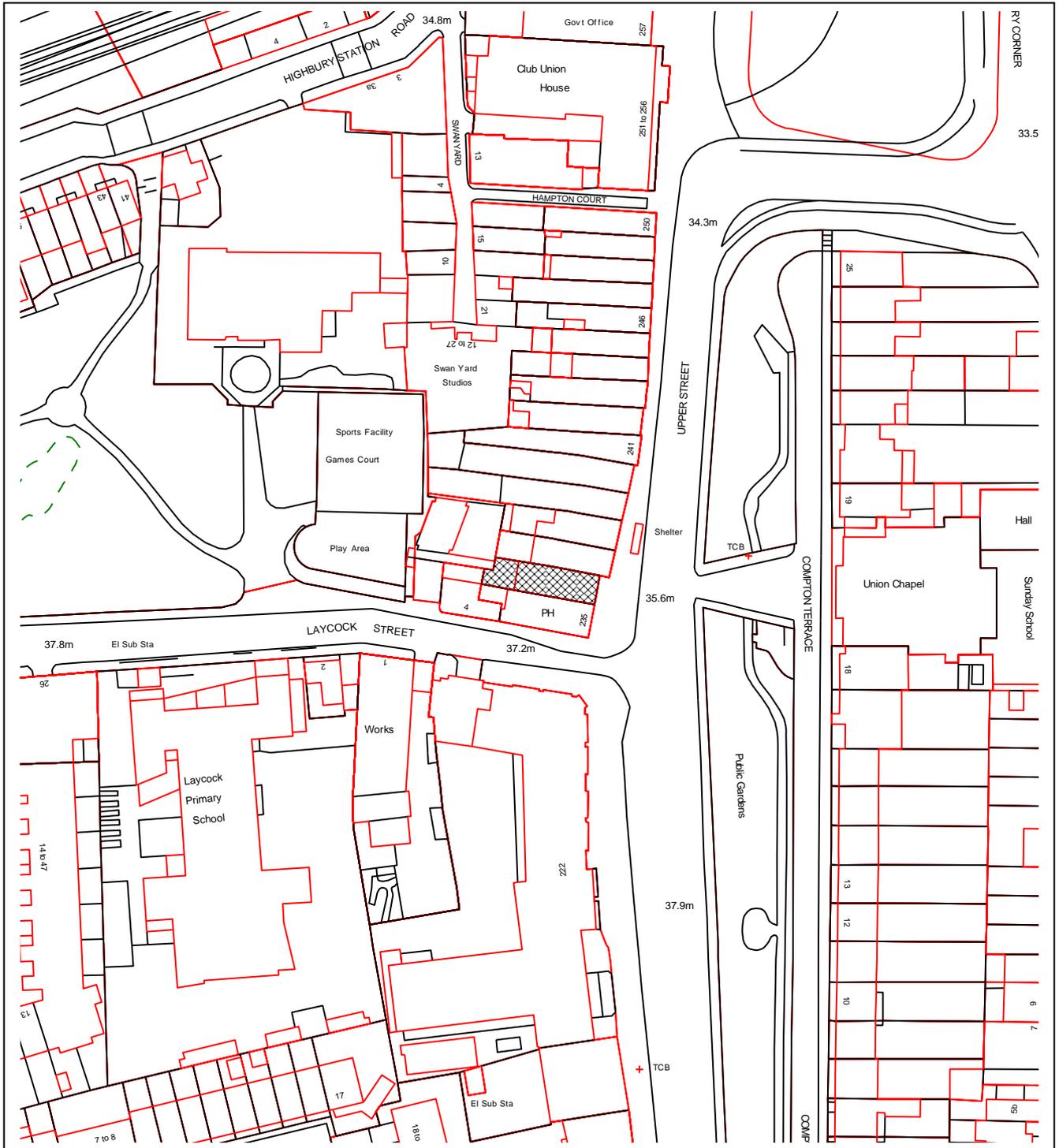
- Policy DM2.1 – Protection of Amenity
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage
- Policy DM4.2 – Entertainment and Night Time Economy
- Policy DM4.3 – Location and Concentration of Uses
- Policy DM4.6 – Local Shopping Area
- Policy DM4.8 – Shopfronts
- Policy DM8.2 – Transport Impacts
- Policy DM8.4 – Walking and cycling
- Policy DM8.6 – Delivery and servicing

### **3. Designations**

- Upper Street (North) Conservation Area
- Highbury Corner Core Strategy Key Area
- Upper Street Local Shopping Area and Article 4 Direction (A1-A2)
- Locally Listed Building
- Within 100m of TLRN (Transport for London Road Network)
- Rail Safeguarding (Transport for London Tunnels)
- Article 4 Direction A1-A2 (Rest of the borough)

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### PLANNING COMMITTEE REPORT ADDENDUM

<b>PLANNING SUB-COMMITTEE A</b>		
<b>Date:</b>	22 March 2021	<b>NON-EXEMPT</b>

Application number	P2020/1700/FUL
Application type	Full Planning Application
Ward	Canonbury
Listed building	No
Conservation area	East Canonbury Conservation Area
Development Plan Context	Article 4 Direction A1-A2 (Rest of the borough)
Licensing Implications	None
Site Address	85-87 Southgate Road, London, N1 3JS
Proposal	Change of use of building from A1 use (retail with ancillary residential) [876sqm] to Class E (office with production rooms), external minor alterations to include replacement entrance door, cycle parking, window replacements; replacement of existing winter garden at first floor level, installation of 2x mechanical plant and associated screened plant enclosure at roof level, courtyard alterations and associated works.

Case Officer	Samir Benmbarek
Applicant	Young Turks HQ Ltd.
Agent	DP9

#### 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1 of this addendum report.

## **2. REASON FOR REFERRAL**

2.1 This application was deferred at Planning Sub-Committee A on 19<sup>th</sup> January 2021. The application was deferred for the following reason(s) taken from the draft minutes of this meeting:

1. To enable more consideration to be given to neighbouring amenity and how this could be protected more with amended/additional conditions.
2. Facilitate greater consultation with neighbours in regards to the general and out of hours operation of the office and production studio unit.

## **3. BRIEF SUMMARY OF APPLICATION**

3.1 The application proposes the change of use of the existing building from an antique furniture shop to an office/production studios along with external alterations to include the installation of a new entrance door, replacement winter garden and glazing, the installation of two air conditioning units along with an associated plant enclosure.

## **4. UPDATES FOLLOWING DEFERRAL OF APPLICATION**

### *Policy Updates*

4.1 The London Plan 2021 was formally adopted on 02 March 2021. Therefore, the local development plan comprises of the London Plan 2021, the Islington Core Strategy 2011 and the Islington Development Management Policies 2013.

4.2 The relevant policies from the recently adopted London Plan 2021 in respect to this application are listed below:

- Policy GC5- Growing a good economy
- Policy D1- London's form, character and capacity for growth
- Policy D4- Delivering good design
- Policy D5- Inclusive design
- Policy D12- Fire safety
- Policy D13- Agent of change
- Policy D14- Noise
- Policy E1- Offices
- Policy E2- Providing suitable business space
- Policy HC1- Heritage conservation and growth
- Policy SI 2- Minimising greenhouse gas emissions

4.3 To confirm, the relevant policies from the Core Strategy 2011 and the Development Management Policies 2013 remain the same (as listed at the end of the Planning Committee Report). Some weight is still attached to the Draft Islington Local Plan.

4.4 Reconsultation

4.5 Following the submission of the OMP by the applicant, the application was reconsulted; however, there was an error in the consultation letters being sent. Letters were sent on 05/03/2021 as a fourteen day reconsultation and therefore the reconsultation period ends on 19/03/2021. Updates on further consultation responses will be provided prior to the Planning Sub-Committee A on 22/03/2021.

### *Neighbouring Amenity*

- 4.6 Since the deferral of the item, officers advised the applicant to produce a draft operational management plan (OMP) to address the reason for deferral. The draft OMP should outline how the proposed office and production space would be operated without harming the amenity of neighbouring occupiers, in particular outside of the typical daytime operating hours. This should address noise and general disturbance from the use of the building.
- 4.7 The draft OMP was received from the applicant in February 2021 and the application was subsequently re-consulted on. The applicant had communicated that the OMP was discussed with neighbouring residents to the site which was confirmed by neighbouring occupiers in separate communications.
- 4.8 The application proposes the change of use of the existing building from an antique furniture shop to an office/production studios along with external alterations to include the installation of a new entrance door, replacement winter garden and glazing, the installation of two air conditioning units along with an associated plant enclosure.
- 4.9 One further objection was received from neighbouring residents (outside of the formal re-consultation as discussed previously). The objection noted progress and are largely supportive following the discussions over the OMP with the applicant, with some concerns on the proposed developed as listed below:
- Any changes to the OMP should be subject to consultation with neighbouring residents;
  - Plan to include a commitment to offer a consultation meeting with local residents every six months to discuss issues, complaints and updates
  - Soundproofing of the internal area adjacent to south entrance
  - Service hours between to 08:00-20:00 hours Monday- Friday
  - No consumption of alcohol on the premises after 10pm on any given day.
- 4.10 It is agreed by officers that any changes to the draft OMP should be in consultation with neighbouring residents and is reflected within the revised condition pertaining to the OMP whilst the servicing hours of the new use is still recommended. Given the site manager details would be provided to local residents as part of the OMP secured by condition, the commitment to provide a meeting every six months would be the decision of the applicant to invite such, given it would be unreasonable for officers to imply this via the OMP or separate condition. It is also considered unreasonable to imply restrictions on the consumption of alcohol on the premises given it would be mainly used for business operations and the site manager can be contacted should neighbouring amenity be impacted.
- 4.11 After consideration of the new material as well as further comments from neighbours on the application, officers recommend a more detailed and specific conditions to address neighbouring amenity arising from the operation of the unit outside of the typical daytime hours stated within the planning statement and draft OMP (09:00-19:00 Monday to Fridays). These are as below:

**Revised Condition 6:** The office and production studio unit hereby approved shall operate without any restrictions during:

Monday to Friday (08:00-19:00) and as set out in the Operational Management Plan to be submitted for approval under Condition 8.

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

**Revised Condition 8:** Details of a final Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the hereby approved use.

In the event of changes to the operations of the office and production studio unit hereby approved, details of an updated Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with neighbouring properties prior to such changes in operations.

The Operational Management Plan shall include (but not be limited to) details of security, lighting, capacity of the use, control of noise and disturbance, guest and patrons, staff, recording operations, other external parties.

The development shall be carried out in accordance with the details so approved, and shall be maintained as such thereafter unless otherwise agreed in writing by the local planning authority into perpetuity.

REASON: To protect the amenity and safety of staff, guest and surrounding residents and the local community; and to ensure the safe and acceptable operation of the development.

**Recommended Condition 11:** Details of measures to adequately mitigate light pollution from any areas of glazing within the office and production unit hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

These measures could include (but are not limited to):

- Lighting strategies that reduce the output of luminaires closer to the facades;
- Light fittings controlled through the use of sensors.

The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter into perpetuity.

REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.

**Recommended Condition 12:** Drawings and details of mechanisms for a soft opening/closing door shall be submitted to and approved in writing by the Local Planning Authority in respect to the main (northern) entrance of the unit hereby approved prior to any superstructure works commencing on site.

REASON: In the interest of securing sustainable development and to ensure that the resulting appearance is of a high standard and to ensure neighbouring amenity is maintained in regards to noise and disturbance from entry and exit to the unit.

## 5. CONSIDERATIONS FOLLOWING DEFERRAL OF APPLICATION

### *Neighbouring Amenity*

- 5.1 The Islington Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings.
- 5.2 Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook. As explained within the Planning Committee Report found within Appendix 2, the proposed development was considered to not adversely harm the amenity of neighbouring occupiers.
- 5.3 Policy DM2.1 also identifies that satisfactory consideration shall be given to impacts of noise, vibration and disturbance that may arise from proposed developments. The Planning Committee Report also detailed that the proposed mechanical plant and the proposed sound proofing is acceptable following the submission of an acoustic report and subject to conditions.
- 5.4 Objections were raised in regards to impacts of noise and disturbance from the operation and use of the building. This included the use of a small outdoor amenity space at ground floor level, the entrance and exits of staff, visitors and patrons and the use of the site to be able to operate 24 hours each day. Whilst the 24 hour use would not be the usual hours of use required daily by the applicant, the unrestricted hours of operation would relate to particular circumstances by the applicant.
- 5.5 The applicant sought to address the above concerns by submitting a draft Operational Management Plan (OMP). The submitted OMP details: operating hours; travel to and from the site; entrance and exit from the site; use of the courtyard; design features; refuse strategy; and deliveries. The OMP also comments on a site manager/coordinator, enforceability, and revisions.
- 5.6 Of particular note, the OMP comments that the general business activities of the building would be concentrated between the hours of 09:00 and 19:00 Monday to Fridays. During these hours, the expected occupation of the building would be generally between 40-50 persons at any given time (maximum 67 persons). Outside the hours of 07:00 to 21:00 Monday to Fridays, and 09:00 to 18:00 Saturdays, Sundays and Bank Holidays, the maximum occupation would be 10 persons at any given time. Most of the out of hours use would be within the production rooms which are subject to sound proofing. It is considered that the considerable reduction in persons in the building during the typical out of hours period would contribute in reducing general noise and disturbance towards neighbouring occupiers given the amount of activity would be reduced and less intense.
- 5.7 The draft OMP comments that all persons would be required to enter and exit the site via the main entrance only. The southern entrance would only be used for refuse and recycling collection during normal collection hours and as a fire escape. To use of the northern entrance as the only main entrance continues the same arrangement as that of the existing antique furniture store. Whilst the number of entrances and exits by persons within the one designated entrance would increase, this would mainly take place during the typical working hours of the business between 09:00-19:00 Monday to Friday. The reduction of a maximum of 10 persons outside the general business hours would be considered to result in an acceptable level of movement at the entrance within the circumstances where the out of hours use would be needed. Notwithstanding the above it is considered appropriate for the new main entrance door to be designed to ensure that there is no adverse noise or vibration impact to the front frame upon closing or the boundary wall when opened to ensure this does not result in disturbance to neighbouring occupiers. As such, a suitable condition for details of the front door ensuring this is recommended.

- 5.8 It would be expected that the site manager as detailed within the OMP would ensure that there is no congregation of persons outside the main entrance (or the adjoining highway in general) of the building along Southgate Road outside of the general business hours. This would be to ensure there that is no noise and disturbance to neighbouring residential occupiers along Southgate Road and to deter potential anti-social behaviour.
- 5.9 It was previously noted within the Planning Committee Report that the proposed amenity courtyard is considered to not adversely impact upon neighbouring residents given its scale and that it is obscured by the high level boundary wall.

## **6. CONCLUSION**

- 6.1 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 of this Addendum Report- RECOMMENDATIONS.

## APPENDIX 1- RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<p><b>Commencement</b></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>
<b>2</b>	<p><b>Approved Plans List</b></p> <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>2009: GA.01; GA.02; GA.03; GA.03; GA.04; GA.05; GA.06; GA.07; GA.08; GA.09. GA.10; GA.11; GA.12; GA.13; GA.14; GA.15; GA.16; GA.17; GA.102; GA.103; GA.104; GA.105; GA.106; GA.107; GA.108; GA.112; GA.202; GA.203; GA.204; GA.205; GA.206; GA.207; GA.208; GA.209; GA.210; GA.211; GA.212; GA.213; GA.214; GA.215; GA.216; GA.217.</p> <p>Planning Statement by DP9 dated June 2020; Design &amp; Access Statement by John Pawson dated June 2020; 85-87 Southgate Road Marketing Report dated June 2020; Energy and Sustainability Statement Rev B by Max Fordham LLP dated 25/06/2020; Young Turks History Pamphlet; Draft Operational Management Plan (85-85 Southgate Road) by Young Turks.</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>
<b>3</b>	<p><b>Sound Insulation (Details)</b></p> <p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed office/recording studio use and neighbouring receptors 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 neighbouring amenity in respect to noise and vibration.</p>
<b>4</b>	<p><b>Noise from Proposed Mechanical Plant (Compliance)</b></p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq Tr}</math> 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 <math>L_{AF90 Tbg}</math>. 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 neighbouring amenity is maintained in respect to noise from the proposed mechanical plant.</p>

<b>5</b>	<p><b>Post Installation Noise Report (Details)</b></p> <p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 4. The report shall include site measurements of the plant insitu. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: To ensure neighbouring amenity is maintained in respect to noise.</p>
<b>6</b>	<p><b>Hours of Operation (Compliance)</b></p> <p>CONDITION: The office and production studio unit hereby approved shall operate without any restrictions during:</p> <p>Monday to Friday (08:00-19:00) and as set out in the Operational Management Plan to be submitted for approval under Condition 8.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>7</b>	<p><b>Hours of Servicing (Compliance)</b></p> <p>CONDITION: Deliveries, collections, unloading, loading shall only be between the following hours:</p> <p>Monday to Fridays - 08:00 - 20:00 Saturdays, Sundays and Bank Holidays - not at all</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>8</b>	<p><b>Operational Management Plan (Details)</b></p> <p>CONDITION: Details of a final Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the hereby approved use.</p> <p>In the event of changes to the operations of the office and production studio unit hereby approved, details of an updated Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with neighbouring properties prior to such changes in operations.</p> <p>The Operational Management Plan shall include (but not be limited to) details of security, lighting, capacity of the use, control of noise and disturbance, guest and patrons, staff, recording operations, other external parties.</p> <p>The development shall be carried out in accordance with the details so approved, and shall be maintained as such thereafter unless otherwise agreed in writing by the local planning authority into perpetuity.</p> <p>REASON: To protect the amenity and safety of staff, guest and surrounding residents and the local community; and to ensure the safe and acceptable operation of the development.</p>
<b>9</b>	<p><b>Cycle Parking (Compliance)</b></p> <p>CONDITION: The bicycle storage area(s) hereby approved, which shall be covered, secure and provide for no less than 16 bicycle spaces ( 4 external uncovered Sheffield stands &amp; 12 covered spaces) shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p>

	REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.
<b>10</b>	<b>Sustainable Design and Construction (Compliance)</b>
	CONDITION: The hereby approved development shall be carried out strictly in accordance with the approved Sustainability and Energy Statement by Max Fordham dated June 2020.  REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.
<b>11</b>	<b>Light Spill/Pollution (Details)</b>
	CONDITION: Details of measures to adequately mitigate light pollution from any areas of glazing within the office and production unit hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.  These measures could include (but are not limited to):  - Lighting strategies that reduce the output of luminaires closer to the facades; - Light fittings controlled through the use of sensors.  The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter into perpetuity.  REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.
<b>12</b>	<b>Main Entrance Door (Details)</b>
	CONDITION: Drawings and details of mechanisms for a soft opening/closing door shall be submitted to an approved in writing by the Local Planning Authority in respect to the main (northern) entrance of the unit hereby approved prior to any superstructure works commencing on site.  REASON: In the interest of securing sustainable development and to ensure that the resulting appearance is of a high standard and to ensure neighbouring amenity is maintained in regards to noise and disturbance from entry and exit to the unit.

**List of Informatives:**

<b>1</b>	<b>Construction Works</b>
	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 <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a> ) 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.
<b>2</b>	<b>Highway Requirements</b>
	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 <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . 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

<b>PLANNING SUB-COMMITTEE A</b>		
<b>Date:</b>	18 January 2020	<b>NON-EXEMPT</b>

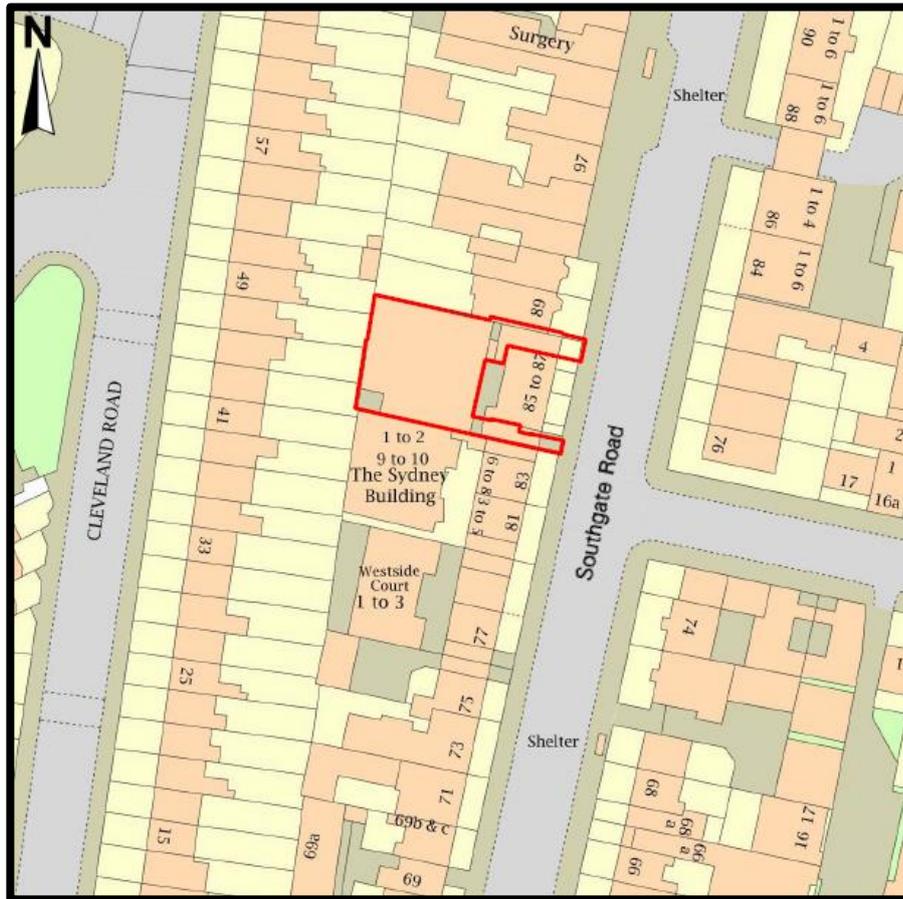
Application number	P2020/1700/FUL
Application type	Full Planning Application
Ward	Canonbury
Listed building	No
Conservation area	East Canonbury Conservation Area
Development Plan Context	Article 4 Direction A1-A2 (Rest of the borough)
Licensing Implications	None
Site Address	85-87 Southgate Road, London, N1 3JS
Proposal	Change of use of building from A1 use (retail with ancillary residential) [876sqm] to Class E (office with production rooms), external minor alterations to include replacement entrance door, cycle parking, window replacements; replacement of existing winter garden at first floor level, installation of 2x mechanical plant and associated screened plant enclosure at roof level, courtyard alterations and associated works.

Case Officer	Samir Benmbarek
Applicant	Young Turks HQ Ltd.
Agent	DP9

**7. RECOMMENDATION**

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1.

8. SITE PLAN (site outlined in red)



9. PHOTOS OF SITE/STREET

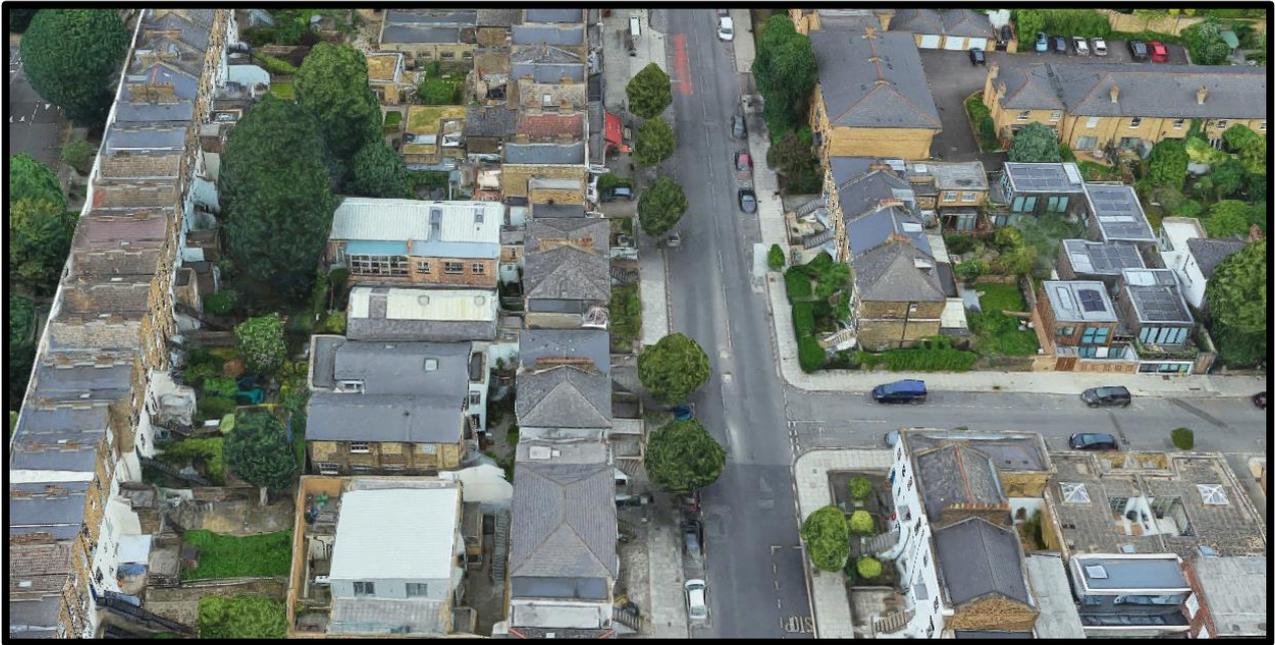


Image 1: Aerial view with context of site and surroundings.



Image 2: Site entrances (building core located behind semi-detached buildings).



**Image 3:** Antique store with pitched roof above.



**Image 4:** Existing antique store.



**Image 5:** Ancillary residential unit.



**Image 6:** Ancillary residential unit.

## **10. SUMMARY**

- 10.1 The application proposes the change of use of the existing building from an antique furniture shop to an office/production studios along with external alterations to include the installation of a new entrance door, replacement winter garden and glazing, the installation of two air conditioning units along with an associated plant enclosure.
- 10.2 The existing building comprises retail floorspace (formerly Use Class A1 but now Use Class E), with a gross internal area (GIA) of 876 square metres. At first floor and mezzanine level there is an ancillary residential unit. This unit is dependent upon access from within the retail unit, with a corridor leading from a shared entrance that operates as part of the retail function, with goods displayed.
- 10.3 The converted floorspace would be 876sqm of Class E floorspace to be used for the applicant's (Young Turks) main commercial premises. This would comprise general office space at ground floor level, meeting rooms at first floor level and production studios located at basement level.
- 10.4 The proposed change of use from retail to office/recording studio is acceptable in land use terms following a review of the applicant's marketing material, which demonstrates that there is no reasonable prospect of the unit to continue operating in retail use.
- 10.5 The proposed external alterations of the proposed development are considered to be acceptable in design terms and would preserve the character and appearance of the East Canonbury Conservation Area.
- 10.6 The proposed development is considered to not unduly impact the residential amenity of neighbouring properties in terms of loss of daylight and sunlight, overshadowing, reduction in outlook and increased sense of enclosure, loss of privacy and overlooking. The proposed development is also considered to not cause undue impact in respect to noise and disturbance subject to conditions. The proposal therefore accords with policy DM2.1 of the Islington Development Management Policies 2013.
- 10.7 The proposal is considered to accord with the Development Plan.
- 10.8 The application is referred to committee given the number of objections received (8).

## **11. SITE AND SURROUNDINGS**

- 11.1 The application site is located on the western side of Southgate Road, in between Northchurch Road and Downham Road. The application site is predominantly located behind a pair of semi-detached buildings that front Southgate Street.
- 11.2 The building is not statutorily or locally listed; however, the site is located within the East Canonbury Conservation Area. The site is not located in an employment or retail designations under the Islington Core Strategy and Development Management Policies.
- 11.3 The existing building is a mid-Victorian construction and has been altered in a piecemeal fashion, evident by the different tone brickwork, winter garden, glazing and corrugated roof. The original design of the building consisted of a glazed pitched rooflight over the centre of the roof. The main core of the building is located to the rear of a pair of semi-detached houses (built c.1860) with two projecting side returns located on each side of the pair of houses providing access to the site. The northern side return provides the principal entrance to the site.

- 11.4 The building is in use as an antique furniture shop with ancillary residential accommodation located at first floor level. The GIA of the building is 876 sqm.

- 11.5 This part of Southgate Road is characterised by semi-detached pairs of houses with linked gaps comprising lower built form and buildings located at the rear in the same manner as the application site. Whilst these rear buildings were originally built as factories or light industrial units, these have been converted over time to be predominantly housing. As is the case at the application site, many of the rear buildings within this row have had later alterations, whilst others have been demolished and rebuilt.
- 11.6 To the west (rear) of the site are three-storey over basement residential buildings that front onto Cleveland Road which were also built during the mid-Victorian period. To the immediate north of the site, fronting Southgate Road, are three-storey mid-Victorian buildings with commercial uses at ground floor level. The row of buildings to the north are located within the Southgate Road Local Shopping Area.
- 11.7 The area is predominantly residential in its use with some commercial and light industrial uses present. Victorian architecture is prevalent and fundamental to the character and appearance of the East Canonbury Conservation Area.
- 11.8 Southgate Road forms the borough boundary with the London Borough of Islington on the western side and London Borough of Hackney on the eastern side.

## 12. PROPOSAL (IN DETAIL)

- 12.1 The application seeks planning permission for the change of use of the existing building from an antique furniture shop use (including an ancillary residential unit) to office/recording studio. The floorspace concerned measures 876sqm.
- 12.2 Proposed external alterations include the installation of a replacement winter garden, installation of two air conditioning units and associated enclosure on the flat roof. At the front of the site, a new entrance door is proposed within the northern entrance/exit. The winter garden would be constructed of glazing and aluminium framing, the enclosure constructed from brickwork and the new entrance door from timber.
- 12.3 Internally, the recording studios would be located at basement level with general office space located at ground and first floor level. Meeting rooms would be located at first floor level.
- 12.4 No extensions are proposed and there is no increase or decrease of the existing floorspace.

## 13. RELEVANT HISTORY:

### No. 85-87 Southgate Road:

- 13.1 831984- Alterations and refurbishment of existing factory and change of use of front building (excluding ground floor of No.87 which remains in use with the factory) to form 5 one bedroom flats with associated external alterations including two first floor side extensions (as revised by Plan Nos. SR 5&6). **Approved with conditions 09/03/1984.**
- 13.2 941173- Demolition in connection with change of use of part basement and ground floors to A1 (antique gallery) and first floor to residential -forming one 2-bedroom flat. **Approved with conditions 09/11/1994.**
- 13.3 941174- Change of use from Business (B1) to provide an Antique Gallery (A1) at ground floor and part of basement and to form one x 2 bedroom flat at first floor entailing alterations. **Approved with conditions 16/01/1995.**
- 13.4 950773- Amendment to planning permission granted on 03/02/1995 Ref. No.94/1174. **Approved with conditions 23/05/1995**

## *Pre-application*

- 13.5 Q2019/3693/MIN- Change of use of existing unit (including associated living quarters) from retail (A1 use) to recording studio (B1 use). **Completed 11/02/2020.**

## **14. CONSULTATION**

### **Public Consultation**

- 14.1 Letters were sent to occupants of 148 adjoining and nearby properties at Southgate Road and Cleveland Road on 17/07/2020 and site and press notices were displayed on 18/07/2020.
- 14.2 Following the submission of the acoustic report in relation to the proposed mechanical plant, the application was re-consulted on. Letters were sent again to the same properties on 23/11/2020 and site and press notices were displayed on the 26/11/2020. The public consultation therefore expired on 20/12/2020; however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 14.3 At the time of the writing of this report a total of **8** responses had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

### ***Land Use***

The proposed use does not conform to the character of the local area (**Paragraphs 10.2-10.35**)

### ***General Operation and Amenity***

- Concerns of day-to-day operation of the site including general noise, transport, staff, patrons, delivery of instruments and associated management of the building;
- The knock-on impacts of the recording studio (fans, etc.) would cause disruption to the amenity of the locality;
- Concern regarding waste and refuse arrangements ;
- Entrance points to the building and concerns of loitering.  
**(Paragraphs 10.48-10.71 and paragraphs 10.72-10.74)**

### ***Noise, Vibration and Amenity***

- Concern regarding noise and vibration levels given the nature of the proposed use and assurance of the use of soundproofing
- Disruption from the use of the rear terrace  
**(Paragraphs 10.53-10.68)**

### ***Design and Character***

- Clarity required regarding the proposals for the southern entrance  
**(Paragraphs 10.36-10.47)**

### ***Construction Works***

- Disruption and inconvenience from building works and its duration  
**(Paragraphs 10.66-10.71)**

## **Internal Consultees**

- 14.4 **Planning Policy:** No objection to the change of use given the site's location and following a review of the submitted marketing material.
- 14.5 **Conservation and Design Officer:** No objection to the proposed external alterations including mechanical plant and enclosure.
- 14.6 **Inclusive Design Officer:** If the development is to provide wheelchair accessible units, 2x lifts are a requirement.
- 14.7 **Environmental Health:** No objection to the proposed development subject to conditions in respect to sound insulation of the building and the proposed mechanical plant.

## 15. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

### National Guidance

- 15.1 Islington Council (Planning Sub-Committee A), in determining the planning application has the main following 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.)
- 15.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 15.3 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.
- 15.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 15.5 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.
- 15.6 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.

- 15.7 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.
- 15.8 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.
- 15.9 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**

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

### **Designations**

- 15.12 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- East Canonbury Conservation Area

### **Supplementary Planning Guidance (SPG) / Document (SPD)**

- 15.13 The SPGs and/or SPDs which are considered relevant are listed in Appendix

## Draft London Plan (Intend to Publish Version), December 2019

15.14 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State appointed a Panel to conduct an examination in public (“EIP”) this opened on 15 January 2019 and continued until May 2019. The Panel of Inspectors made several recommendations to the Mayor on the 8 October 2019 and the Mayor responded on the 9 December 2019 with an ‘Intend to Publish’ version of the plan. The Secretary of State considered the ‘Intend to Publish’ version and the proposed changes and made several Directions in March and December 2020 setting out changes to some policies. On 21 December 2020 the Mayor formally approved a new ‘Publication London Plan’, prepared to address the Secretary of State’s Directions which has been sent to the Secretary of State for his consideration. The Secretary of State has up to 6 weeks to decide if he is content for the Mayor to formally publish the London Plan. Given the advanced stage at which the draft London Plan is at the policies in the plan which are not subject to Directions can be afforded significant weight. Given what is proposed in the application, the Directions are not considered to effect the assessment of this case. The emerging London Plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:

- Policy GC5- Growing a good economy
- Policy D1- London’s form, character and capacity for growth
- Policy D4- Delivering good design
- Policy D5- Inclusive design
- Policy D12- Fire safety
- Policy D13- Agent of change
- Policy D14- Noise
- Policy E1- Offices
- Policy E2- Providing suitable business space
- Policy HC1- Heritage conservation and growth
- Policy SI 2- Minimising greenhouse gas emissions

## 15.15 Draft Islington Local Plan 2019

15.16 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress.

In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

15.17 Emerging policies relevant to this application are set out below:

- Policy B1- Delivering a range of affordable business floorspace
- Policy B2- New business floorspace
- Policy R5- Dispersed retail and leisure uses
- Policy T2- Sustainable transport choices
- Policy T3- Car-free development
- Policy T5- Delivery, servicing and construction
- Policy DH1- Fostering innovation while protecting heritage
- Policy DH2- Heritage assets

- Policy DH5- Agent-of-change, noise and vibration

## 16. ASSESSMENT

16.1 The main issues arising from this proposal relate to:

- Land Use
- Design, Conservation and Heritage
- Neighbouring Amenity
- Inclusive Design
- Highways and Transport
- Refuse and Recycling
- Energy and Sustainable Design and Construction
- Community Infrastructure Levy (CIL)
- Other Matters

### LAND USE

16.2 The site is not located within a designated Town Centre, Local Shopping Area or within an Employment Growth Area or Employment designated area. The site is also not located within the Central Activities Zone (CAZ). In terms of land use, the proposed development would involve the change of use of the existing retail floorspace to office and recording studio.

16.3 To confirm, in reference to the Land Use Gazetteer, the former use of a recording studio was B1(c), and as such is now Class E.

#### Loss of Retail

16.4 The Town and Country Planning (Use Classes) Regulations were updated on 1<sup>st</sup> September 2020, with former use classes A1 (Retail), A2 (Financial and Professional Services), A3 (Café/Restaurant), B1 (Office, Research and Development and Light Industrial) and parts of D1 (Medical Centre, Crèche, Day Nursery) and D2 (Gymnasium) becoming Class E. This enables buildings to have a number of flexible uses and changes to a use within the same class do not require planning permission. Therefore, in general, the change of use from retail to office would not be considered development as they are both now within the same use class.

16.5 The Town and Country Planning (Use Classes) Regulations 2020 detail that where an application is submitted prior to the updated regulations coming into force, as is the case here, it must be determined by reference to the uses or use classes under the Use Classes Order in force on 31<sup>st</sup> August 2020. Notwithstanding this, the updated Use Class Order is a material planning consideration in the assessment of the application.

16.6 Additionally, condition 3 of planning permission ref: 941174 dated 03/02/1995 reads "*The space allocated for antiques gallery and ancillary uses shall only be used for the display and sale of antiques and for no other purpose, including any other use falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987.*" This would be to assess the impact of the loss of the antique furniture store should any later development be proposed changing the land use. Furthermore, given that the wording of the condition restricted even any change within its own Use Class of former A1, (which would not be considered development), it is considered that this condition would continue to apply with regard to the new Class E.

16.7 Therefore, in this instance, the acceptability of the change of use would be subject to an assessment against relevant planning policy.

16.8 Policy CS14 of the Islington Core Strategy aims to provide a range of goods and services for people who live, work and study in the borough. This includes seeking to limit to excessive loss of shops,

regardless of whether it is located in a designated Town Centre, Local Shopping Area, or a non-designated area. The site is not located within a Town Centre or a Local Shopping Area and as such is considered a dispersed shop.

- 16.9 Part A of Policy DM4.7 of the Islington Development Management Policies states that the Council will support and protect shops located outside designated Town Centres and Local Shopping Area. Proposals for the change of use for such shops would not be permitted unless two criteria are satisfied. The first criteria is that the premises has been vacant for a continuous period of at least 2 years with continuous marketing evidence of this 2 year vacancy to demonstrate there is no realistic prospect of the unit being used in its current use or provide an essential service to residents in the foreseeable future. The second is that there is accessible provision of essential daily goods within a short walking distance (300m).
- 16.10 Any marketing evidence submitted to support a loss of retail floorspace should comply with the requirements of Appendix 11 of the Development Management Policies. This includes evidence of active marketing (including advertisements, particulars and brochures, registration with at least one commercial property agent, and marketing of the site at a reasonable rate), response and details of response (such as prospective occupants, further viewings, asking rate, and reasons for declining the site) and a market demand analysis.
- 16.11 The applicant has submitted comprehensive marketing evidence which is considered to comply with the requirements of Appendix 11. The site has been marketed since August 2018 to no interest from any retail occupier and no interest overall from any viewings apart from the applicant (Young Turks) to use as their offices and recording studio. The reasons for this lack of interest in the site following viewings within the two-year marketing period were detailed to be: the existing form of the building, a lack of street presence or frontage, not enough development potential and the extent of basement floor space which would be taken on. It is noted that out of the interest recorded, only one was from a retailer who declined to proceed due to no street presence or frontage.
- 16.12 Whilst the marketing evidence clearly demonstrates a lack of interest from potential retailers, it is considered that the site does not lend itself well to a retail use. The site is located behind a pair of semi-detached residential buildings with little street presence along Southgate Road and the limited scale of the two entrances would not enable a suitably sized shop frontage. The internal layout and shape of the building are also not conducive to a shop or the general requirements of a more traditional retailer.
- 16.13 Based solely on its GIA at 876sqm, it is likely that a reasonable potential interest would be a supermarket (or similar larger retailer); however, given the constraints of the site, such a use is not considered to be likely to be attractive to such potential site users. This includes lack of entrance, its location within a largely residential area, location immediately behind residential buildings and limited areas for suitable offloading from large delivery vehicles associated with such uses. The day-to-day operation including deliveries to a large retail unit may result in adverse amenity impacts to neighbouring residents.
- 16.14 On the officer site visit, it was noted the operation of the unit was more akin to a small warehouse than a general retail unit. Whilst there has been no interest from similar antique furniture retailers, it would be considered unreasonable for the site to be marketed purely as such, given it is a specific and niche form of retail.
- 16.15 The submitted marketing evidence provided is considered to sufficiently address the requirements of policy DM4.7 Part A and the loss of the existing antique furniture shop is considered acceptable. Whilst the unit has technically not been vacant within this two-year period, it would be unreasonable to not support the loss of the shop on this matter given the considerations of the form of the building in conjunction with the marketing response.
- 16.16 The Southgate Road Local Shopping Area is located within a short walking distance to the north of the site, with essential daily goods available

16.17 Emerging policy R5 of the draft Islington Local Plan requires the loss of dispersed retail units to demonstrate 1 year of marketing evidence. Given the above considerations, it is considered the proposed development satisfies policy R5.

#### Loss of ancillary residential

16.18 Policy DM3.2 of the Development Management Policies 2013 states that the loss of existing self-contained housing will be resisted unless the housing is replaced with at least equivalent floorspace.

16.19 The existing residential floorspace is accessed via the antique furniture store internally with no separate external access from the street. The residential floorspace is used in conjunction with the retail unit and is occupied by the owners of the antique furniture business. Therefore, the unit is considered to not present itself as a self-contained residential units and appears to be ancillary to the retail use. Therefore, the loss of the ancillary residential accommodation is acceptable.

#### Proposed office/production studio

16.20 Policy CS13 (A) of the Islington Core Strategy specifies that new employment space development should be encouraged to be located within the CAZ or town centres; be flexible and meet changing business needs and to require a different types and sizes including those that can accommodate SMEs.

16.21 Part C of policy DM5.1 of the Islington Development Management Policies, business floorspace may be provided outside of Employment Growth Area and Town Centres within mixed use developments where this would enhance the character and vitality of the local area, would not detrimentally impact on residential amenity, and would not compromise residential growth.

16.22 Whilst the site is not within an identified employment area, given the site and building's constraints, it is considered an employment use would be the most efficient use of the site. The submitted marketing evidence has demonstrated no realistic prospect of continued retail uses and the scale and position of the building would be considered inappropriate to introduce residential taking into account neighbouring and future occupier amenity concerns/restraints.

16.23 Furthermore, the introduction of an employment floorspace would provide some enhancement to the character and vitality of the area given it would be converted to a use more akin to its historical use and whilst the number of employees proposed on the site is not of a significant scale, the associated employment would further contribute to the vitality and vitality of the neighbouring Southgate Road Local Shopping Area. Whilst not a material planning consideration, the use of the site prior to the implementation of planning permission ref: 941174 was historically B1.

16.24 Part F of policy DM5.1 require that new business floorspace must be designed to allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses.

16.25 Due to the configuration of the site and historic layout, the flexibility of the site is limited; however, the proposal does propose a multifunctional employment space to the building which would be occupied by a small creative business and therefore, would be likely to become more attractive to future occupiers than the existing antique furniture shop. In addition, the plans do demonstrate a division and flexibility of the operations, with production and music recording proposed at basement level, general office space at ground and first floor level and a staff area at first floor level.

16.26 Furthermore, the proposed configuration makes maximum use of the somewhat constrained amenity the building possesses. This is by locating the sound and production uses at basement level where outlook or natural light would not be required and would contribute to the reduction of

sound emission (in conjunction with the proposed internal sound proofing), whilst the everyday office and creative uses would make use of the ground and first floor levels with the existing windows and large pitched rooflight.

- 16.27 Consideration has also been given to emerging policy B2 of the draft Islington Local Plan. This aims of this policy do not significantly diverge from that of policy CS13 of the Core Strategy and policy DM5.1 of the Development Management Policies in terms of principle, location and proposed internal design.
- 16.28 Therefore, in respect to land use, the proposed development is considered to be acceptable on balance. It has been demonstrated that there is no reasonable prospect of the site being able to continue as a retail unit and the proposed employment space would be the most efficient use of the site, whilst also enhancing the character and vitality of both the site and surrounding area. The overall acceptability is subject to an assessment of all other relevant policy and material planning considerations.

### **Class E restrictions**

- 16.29 As noted above, the Town and Country Planning (Use Classes) Regulations were amended on 1st September 2020. The amended Use Class regulations omit the former Use Class B1 and introduces a new Use Class E, which encompasses office use, together with many other town centre uses. The application proposes the change of use to office/recording studio, with no other uses proposed. The assessment of the proposal is based on the applicant's submission for office/recording studio use within Class E, both in terms of the applicant's submission and the Local Planning Authority's assessment.
- 16.30 It is considered that the other uses that are encompassed by Class E would not be an appropriate use for the site or within the surrounding local context without the submission of further details and mitigation measures. The proposed site would be likely to be inappropriate for retail use (former A1) for the reasons discussed in paragraphs 10.11 and 10.12 and a retail unit with a considerably large floorspace should be located within a Town Centre and not a mainly residential area.
- 16.31 The use of the site as a café/restaurant (former A3) would be considered harmful to neighbouring residential properties by reason its inappropriate location, delivery and servicing and general noise and disturbance from patronage. Furthermore, it is anticipated that a significant amount and mechanical plant would be required for a restaurant use with a GIA of 876sqm.
- 16.32 The use of the building as clinic, health centre or nursery (former D1) is considered not appropriate given no information to demonstrate otherwise, these uses would be expected to cause a strain upon the local highway and traffic which is considered as part of neighbouring amenity. The building is also considered not to be conducive or suitable for such uses given its layout and constraints.
- 16.33 The use of the site as a gym or other form of indoor recreation (former D2) is considered inappropriate as such uses would expect longer operating hours and are generally of an intensive day-to day operation which would not complement the residential nature of its immediate location.
- 16.34 It is considered that financial and professional services (former A2) would be appropriate given the day-to day operation is similar to that of business floorspace.
- 16.35 As such, a condition is recommended restricting the use of the development to only office/recording studio (as proposed), or financial and professional services use and no other use within Class E of the Use Class Order 2020. Should any other use be proposed, this would require the submission of an application and appropriate supporting documentation.

- 16.36 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.
- 16.37 Paragraph 131 of the NPPF (2019) states that in determining planning applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 16.38 Policy CS8 of the Islington Core Strategy sets out the general principles to be followed by new development in the borough. Policy CS9 of the Core Strategy and policy DM2.1 of the Islington 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
- 16.39 Policy DM2.3 of the Development Management Policies will ensure that the borough's heritage assets are conserved and enhanced in an appropriate manner whilst development that makes a positive contribution to Islington's local character and distinctiveness will be encouraged. The site is located within the East Canonbury Conservation Area.
- 16.40 As the site is located within a conservation area, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal, special regard must be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.
- 16.41 Facing Southgate Road, the main entrance door on the northern side infill would be replaced by timber doors with side glazed panels which is considered acceptable and an improvement to the existing which does not appear as welcoming along the street scene. The new entrance would also contribute to some presence on the street from the future occupiers. The doors to the southern entrance would be repaired providing further minor improvement.
- 16.42 Elsewhere, at ground floor level, external alterations include part demolition of the rear elevation facing the courtyard to be replaced with a floor to ceiling height Crittall glazing and the installation of a rooflight on the courtyard to provide light to the basement level below. These alterations are considered acceptable in design and would not be visible in public views and very limited private views given its location behind a high boundary wall. On the northern elevation, the glazing within the windows would be replaced with the framing retained.
- 16.43 At first floor level, the glazing for the winter garden on the southern elevation would be replaced with Crittall glazing which is an enhancement to the building from the existing uPVC with the windows on the western elevation bricked up. The doors leading to the rear external staircase would also be replaced in Crittall-style. These alterations would also provide more a reference to the original use of the building as a factory. The extent of the winter garden would not be increased as a result of the proposal.
- 16.44 At roof level, a plant enclosure would be constructed inbetween the two pitched roofs with two air conditioning units proposed. The Islington Urban Design Guide advises that any plant or machinery should be located within the building if possible and at low level. Paragraph 23.8 of the East Canonbury Conservation Area Design Guide reads "*The Council is opposed to the erection of plant rooms, air conditioning unit and other services...at roof level where this can be seen from street level or public space, including long views from side streets*".
- 16.45 Whilst the plant and enclosure would be located upon the roof of the building, it would not be visible from any public views, including gaps seen from side streets. It would be visible in limited private

views given its position within two pitched roofs, the proposed enclosure, and to a degree the nearby trees. The design, extent and position of the mechanical plant and enclosure is considered acceptable in respect to the subject building given the building's overall appearance.

- 16.46 In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the East Canonbury Conservation Area. Given the above, the proposal is not considered to cause harm to the character or appearance of the host building, or the wider conservation area. The proposed development is considered to be of a high quality design that is sensitive to its context. It would enhance and not detract from the character and appearance of the East Canonbury Conservation Area as seen within public and private views. Therefore, the proposed development complies with the National Planning Policy Framework 2019, policies 7.4, 7.6 and 7.8 of the London Plan 2016, policies CS8 and CS9 of the Islington Core Strategy 2011 and policies DM2.1 and DM2.3 of the Development Management Policies 2013. The development also adheres to the guidance in the Islington Urban Design Guide 2017 and the East Canonbury Conservation Area Design Guidelines 2002.
- 16.47 Consideration has also been taken into policies DH1 (Fostering innovation and conserving and enhancing the historic environment) and DH2 (Heritage assets) of the Draft Islington Local Plan. The proposed alterations are considered acceptable and would not detract from this part of East Canonbury Conservation Area. It is noted that the aims of policy DH2 of the Draft Local Plan does not diverge significantly from that of policy DM2.3 of the Development Management Policies in respect to heritage assets.

#### **NEIGHBOURING AMENITY**

- 16.48 The Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing. Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.

#### Daylight, sunlight and overshadowing

- 16.49 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 16.50 Given that the existing form and scale of the building is maintained as result of the proposed development, with the plant enclosure not adding significant bulk, it is considered that the amenity of neighbouring occupiers is not impacted in regards to daylight and sunlight.

#### Outlook

- 16.51 The proposal would introduce a plant enclosure on the flat part of the roof of the building which given its distance from nearby windows due to plot depths, is considered to not harmfully impact the outlook of neighbouring occupiers along Southgate Road or Cleveland Road.

16.52 The replacement winter garden would be in the same location as the existing and as such the levels of neighbouring privacy would not be decreased. Furthermore, given the winter garden would serve an office use, the perception of overlooking by neighbours may be decreased in comparison to the existing ancillary residential.

#### Mechanical Plant

16.53 Policy DM2.1 also states development should not have an adverse impact on amenity in respect to noise and disturbance.

16.54 A noise assessment has been submitted by the applicant to demonstrate the potential impacts of the development in terms of noise. The report concludes that the noise emitted from the proposed plant would not result in an adverse impact to nearby residential properties. The noise assessment has been reviewed by the Council's Public Protection Officer who has noted that the report details that the plant would operate at 70% capacity at all times.

16.55 The Council's Public Protection Team raises no objection to the proposed mechanical plant subject to a condition to limit the noise emitted from the plant to at least 5bD(A) below the background noise.

16.56 The submitted noise report assumes 12dBA attenuation for the screen of the plant enclosure, that the plant operates at 70% capacity and that the pumps have no acoustic character such as intermittency, tonality, impulsivity as examples. Therefore, another condition would be secured upon approval for the submission of a post installation report to assess the noise from the proposed plant will demonstrate with the 5Bd(A) level as required by the previous condition.

#### Sound emission

16.57 The submitted Design and Access Statement details that the basement rooms where the music production operations would take place would be designed as 'box in a box' structures. This proposed form of internal soundproofing would ensure there would be no sound emission from the recordings which would contribute to maintaining neighbouring amenity as well for the quality of the recordings.

16.58 The proposed form of soundproofing has been reviewed by the Council's Public Protection Officer who does not raise concern on the principle of such; subject to a condition of the full details and particulars of the soundproofing prior to any superstructure works on the site. This condition is to ensure the music recordings would not cause adverse impacts to nearby residential receptors in respect to noise.

#### General operation

16.59 The proposed submission details that the maximum working persons within the building at any one time would be 67 persons; although this would not be the case for the majority of the time. Whilst the general business operating times are from 9am-6pm Monday Friday, there is the likelihood that operations may take place outside of those days/hours given the nature of the proposed use and occupiers.

16.60 Whilst it is acknowledged that the nature of the operations would sometimes be outside the typical business hours, given the introduction of such a use within a mainly residential context (including close proximity to residential units), it is considered that a condition to limit the operating times of the proposed use would be reasonable as to not address this could potentially result in operations within the late-night/early morning period which would cause harm to the amenity of neighbouring residents.

16.61 The recommended times of operation are 07:00-21:00 Monday to Saturdays, 09:00am-18:00 Sundays and Bank Holidays.

- 16.62 A further condition is recommended requiring details of servicing and delivery hours of the proposed operations. This would include general deliveries and servicing as well as transporting equipment and instruments to and from the site. The proposed servicing hours are 08:00-20:00 Monday to Saturdays and not at all during Sundays and Bank Holidays
- 16.63 In addition, it is considered that an Operational Management Plan would also be appropriate. This would outline the day-to-day operation of the proposed use, potential impacts and ways to mitigate any potential issues in order to not adversely impact upon surrounding residential occupiers. Such aspects of the day-to-day operations include (but are not limited to) staff, patrons, guests, security, lighting, recording operations and other aspects of the proposed operations that are considered relevant.
- 16.64 Representations received have highlighted concerns about noise from the proposed courtyard at ground floor level. Given the scale of the courtyard, its ground floor location and that it would be obscured by the boundary wall, it is considered on balance that the use of the proposed courtyard would not give rise to any significant amenity impacts.
- 16.65 Overall, the proposed development is considered to be acceptable on balance subject to the imposition of the suggested conditions in respect to neighbouring amenity. As such, the proposed development therefore complies with policy 7.6 of the London Plan, and policy DM2.1 of the Islington Development Management Policies 2013.

## **HIGHWAYS AND TRANSPORT**

- 16.66 The site has average access to public transport and the Public Transport Accessibility (PTAL) rating is 3. Bus routes which serve the site are 21, 76 and 141. The site is a ten-minute walk from Dalston Junction Overground Station which provides regular weekday and weekend services across East London and towards South London as far as Croydon. Canonbury Station is a fifteen minute walk from the site with Overground services from Stratford to Willesden Junction with some services continuing on to Clapham Junction or Richmond.
- 16.67 Islington policy identifies that all new development shall be car free. Policy DM8.5 stipulates that no provision for vehicle parking or waiting will be allowed for development, except for essential drop-off and wheelchair accessible parking. The proposal does not include the provision of off-street car parking. Car free development means no parking provision will be allowed on site and office and staff will have no ability to obtain car parking permits.
- 16.68 Upon approval, a condition would be attached to secure the development as car-free. 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).
- 16.69 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines' and Policy DM8.4 and Appendix 6 of the Development Management Policies 2013. In accordance with Appendix 6 of the Islington Development Management Policies 2013, 11x bicycle spaces should be provided for the office floorspace. The allocation proposed (16 spaces) would surpass minimum requirements. Four spaces would be proposed outside the northern entrance and 12 spaces would be proposed within the building core which is considered acceptable on balance given the existing site constraints.

- 16.70 The arrangements are acceptable in principle and a compliance condition would be attached upon approval to ensure its installation. The proposal is considered to accord with policy DM8.4 and Appendix 6 of the Development Management Policies 2013 and the Cycle Parking Standards – TfL Proposed Guidance.
- 16.71 Given there would not be substantial construction works as part of the development, it is considered that a construction method statement would not be necessary in this instance to monitor impacts on the highways or neighbouring amenity.

### **REFUSE AND RECYCLING**

- 16.72 The Islington Street Environment Services 'Recycling and Refuse Storage Requirements' provides details on the requirements for refuse and recycling storage within commercial developments.
- 16.73 The submission details that the refuse and recycling bins would be stored internally with the bins wheeled out for refuse collection. This would reduce the impact of external waste storage and facilities which would contribute to the visual impact of the surrounding area and neighbouring amenity given it would no longer be located alongside the front neighbouring boundaries.
- 16.74 The proposed details in regards to refuse and recycling meet the requirements from Street Environment Services and as such this aspect of the development is considered acceptable.

### **ENERGY AND SUSTAINABLE DESIGN AND CONSTRUCTION**

- 16.75 Policy DM7.1 of the Islington Development Management Policies state that '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'. Policy DM7.2 seeks to ensure Energy efficiency and carbon reduction in minor schemes.
- 16.76 The proposal seeks to impose sustainable design methods and an Energy and Sustainability Statement was submitted detailing that the proposed development
- 16.77 The proposal seeks to impose sustainable design methods and an Energy and Sustainability was submitted detailing that the development would meet the requirements of Building Regulations Approved Document Part L2B (Conservation of Fuel and Power in Existing Builds other than Dwellings).
- 16.78 To achieve such compliance, the following measures are proposed:
- New or modified thermal elements will be in accordance with Part L2B;
  - Where economically feasible, existing thermal elements would be upgraded;
  - Installation of new or modified control fittings (windows, doors, rooflights);
  - New building services are to be in accordance with the Non-Domestic Building Services Compliance Guide;
  - Energy metering provisions with separate renewable energy systems separately metered with provisions designed to facilitate energy benchmarking.

- 16.79 The proposed measures are considered acceptable for the scale of the development and are welcomed to help address sustainable design, construction and operation. A condition would be attached upon approval to ensure the sustainable methods are proposed in accordance with the submitted Energy and Sustainability Statement.

- 16.80 Therefore, it is considered that it would be acceptable in terms of sustainable design and construction 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.

## **17. SUMMARY AND CONCLUSION**

### **Summary**

- 17.1 The principle of the proposed development is considered acceptable and would provide a high quality employment floorspace into a building with considerable constraints. The loss of the existing antique furniture store has been considered as acceptable on balance following review of the submitted marketing materials and the considerations of the existing site.
- 17.2 The proposed office and production studios use are considered acceptable subject to the imposition of conditions in regards to operation, servicing, soundproofing details and noise levels to ensure the proposed use would not cause harm to the amenity of surrounding neighbouring occupiers.
- 17.3 The minor design alterations are considered acceptable with the scale of the building remaining the same and would not appear out of character within the streetscene, nor would the development harm the East Canonbury Conservation Area and is considered conducive to the surrounding character and use.
- 17.4 The proposal accords with policies CS8 and CS9 of the Islington Core Strategy 2011, policies DM2.1 and DM2.3 of the Islington Development Management Policies 2013, the Urban Design Guide 2017 and the Conservation Area Design Guidelines 2002.
- 17.5 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**

- 17.6 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 3 – RECOMMENDATIONS

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

### List of Conditions:

<b>1</b>	<p><b>Commencement</b></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>
<b>2</b>	<p><b>Approved Plans List</b></p> <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>2009: GA.01; GA.02; GA.03; GA.03; GA.04; GA.05; GA.06; GA.07; GA.08; GA.09. GA.10; GA.11; GA.12; GA.13; GA.14; GA.15; GA.16; GA.17; GA.102; GA.103; GA.104; GA.105; GA.106; GA.107; GA.108; GA.112; GA.202; GA.203; GA.204; GA.205; GA.206; GA.207; GA.208; GA.209; GA.210; GA.211; GA.212; GA.213; GA.214; GA.215; GA.216; GA.217.</p> <p>Planning Statement by DP9 dated June 2020; Design &amp; Access Statement by John Pawson dated June 2020; 85-87 Southgate Road Marketing Report dated June 2020; Energy and Sustainability Statement Rev B by Max Fordham LLP dated 25/06/2020; Young Turks History Pamphlet.</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>
<b>3</b>	<p><b>Sound Insulation (Details)</b></p> <p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed office/recording studio use and neighbouring receptors 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 neighbouring amenity in respect to noise and vibration.</p>
<b>4</b>	<p><b>Noise from Proposed Mechanical Plant (Compliance)</b></p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq Tr}</math> 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 <math>L_{AF90 Tbg}</math>. 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 neighbouring amenity is maintained in respect to noise from the proposed mechanical plant.</p>

<p><b>5</b></p>	<p><b>Post Installation Noise Report (Details)</b></p> <p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 4. The report shall include site measurements of the plant insitu. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: To ensure neighbouring amenity is maintained in respect to noise.</p>
<p><b>6</b></p>	<p><b>Hours of Operation (Compliance)</b></p> <p>CONDITION: The office and recording studio unit hereby approved shall not operate outside the hours of:</p> <p>Monday to Saturday- 07:00- 21:00 Sundays and Bank Holidays- 09:00- 18:00</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<p><b>7</b></p>	<p><b>Hours of Servicing (Compliance)</b></p> <p>CONDITION: Deliveries, collections, unloading, loading shall only be between the following hours:</p> <p>Monday to Saturday - 08:00 - 20:00 Sundays and Bank Holidays - not at all</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<p><b>8</b></p>	<p><b>Operational Management Plan (Details)</b></p> <p>CONDITON: Details of an Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the hereby approved use.</p> <p>The Operational Management Plan shall include (but not be limited to) details of security, lighting, capacity of the use, control of noise and disturbance, guest and patrons, staff, recording operations, other external parties</p> <p>The development shall be carried out in accordance with the details so approved, and shall be maintained as such thereafter unless otherwise agreed in writing by the local planning authority.</p> <p>REASON: To protect the amenity and safety of staff, guest and surrounding residents and the local community; and to ensure the safe and acceptable operation of the development.</p>
<p><b>9</b></p>	<p><b>Cycle Parking (Compliance)</b></p> <p>CONDITION: The bicycle storage area(s) hereby approved, which shall be covered, secure and provide for no less than 16 bicycle spaces ( 4 external uncovered Sheffield stands &amp; 12 covered spaces) shall be provided prior to the first occupation of the development hereby approved 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>

<b>10</b>	<b>Sustainable Design and Construction (Compliance)</b>
	<p>CONDITION: The hereby approved development shall be carried out strictly in accordance with the approved Sustainability and Energy Statement by Max Fordham dated June 2020.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>

**List of Informatives:**

<b>1</b>	<b>Construction Works</b>
	<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 <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a>) 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>
<b>2</b>	<b>Highway Requirements</b>
	<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 <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. 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 <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. 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 <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. 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 <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. 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 <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a>.</p> <p>The Parking Bay outside 89 Southgate Road should be suspended during construction A SEC106 should be applied to the planning application to cover any cost caused by damage to the footway/carriageway during construction.</p> <p>No construction vehicles/delivery vehicles are to double park on Southgate Road.</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.

- National Planning Policy Framework 2019

### **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 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking
- 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 CS8 Enhancing Islington's character
- Policy CS9 Protecting and enhancing Islington's built and historic environment
- Policy CS10 Sustainable design
- Policy CS11 Waste
- Policy CS13 Employment Spaces
- Policy CS14 Retail and services
- Policy CS18 Delivery and infrastructure

## C) Islington Development Management Policies 2013

### Design and Heritage

- Policy DM2.1- Design
- Policy DM2.2- Inclusive Design
- Policy DM2.3- Heritage

### Housing

- Policy DM3.7- Noise and vibration (residential uses)

### Shops, Culture and Services

- Policy DM4.7- Dispersed shops

### Employment

- Policy DM5.1- New business floorspace
- Policy DM5.4- Size and affordability of workspace

### Energy and Environmental standards

- Policy DM7.1- Sustainable design and construction
- Policy DM7.2- Energy efficiency and carbon reduction in minor schemes

### Transport

- Policy DM8.4- Walking and cycling
- Policy DM8.5- Vehicle parking

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

The following SPGs and/or SPDs are relevant:

### London Plan

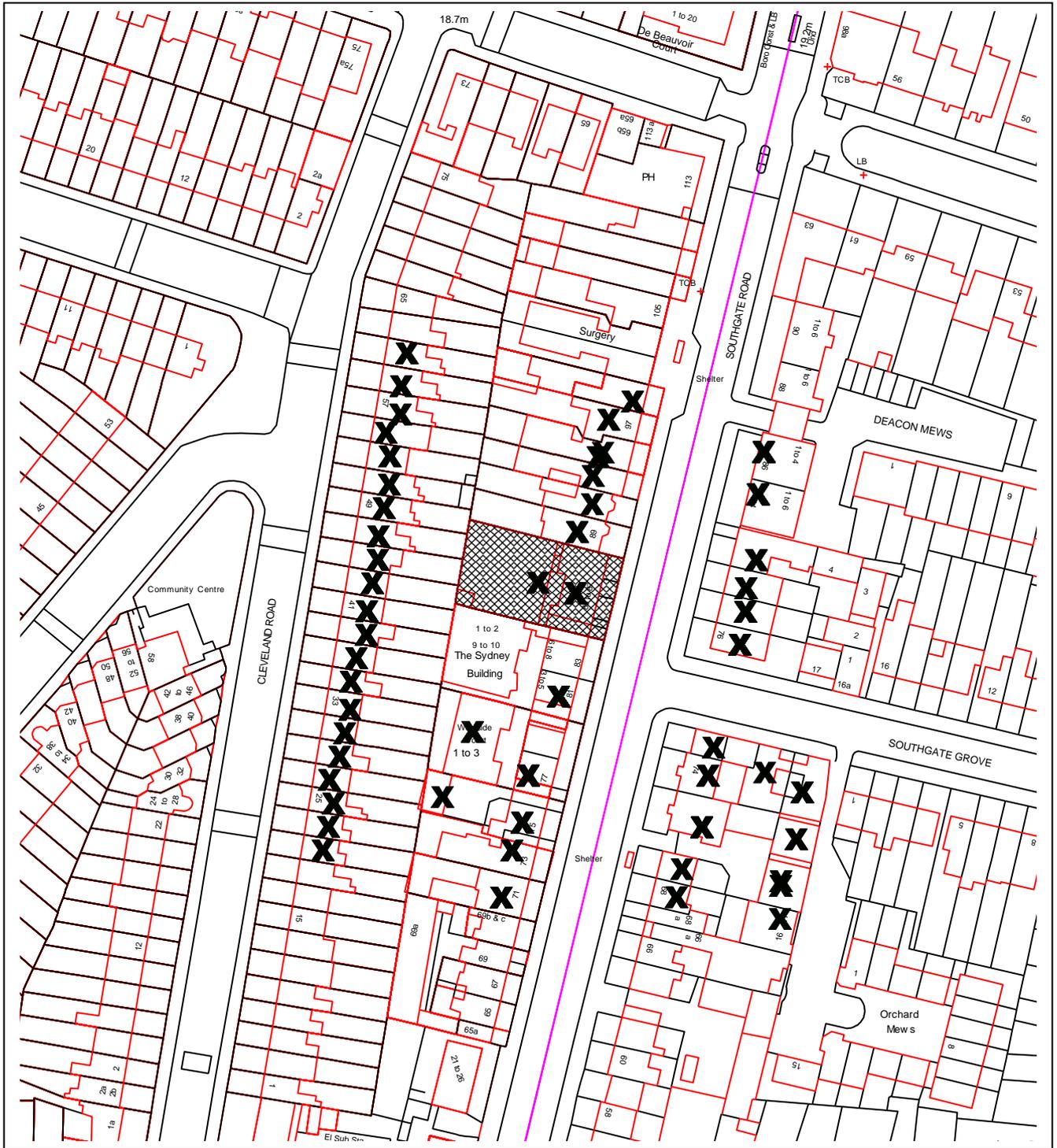
- Accessible London 2016
- Character and Context 2014
- Housing 2016
- Sustainable Design and Construction 2014

### Islington SPG/SPD

- Urban Design Guide 2019
- Conservation Area Design Guidelines 2002
- Environmental Design 2012
- Inclusive Design SPD
- Affordable Housing Small Site Contributions

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# Islington SE GIS Print Template



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P2020/1700/FUL

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### PLANNING COMMITTEE REPORT

<b>PLANNING SUB-COMMITTEE A</b>		
<b>Date:</b>	22 March 2021	<b>NON-EXEMPT</b>

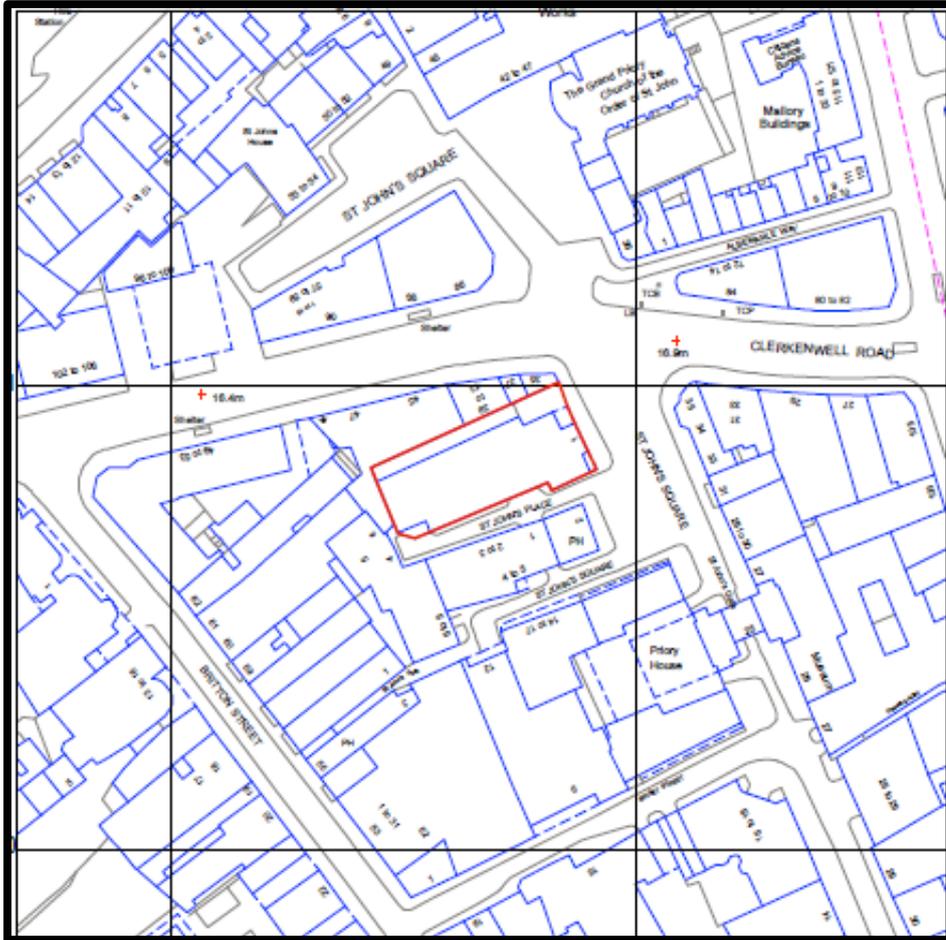
Application number	P2020/3454/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	No
Conservation area	Clerkenwell Green
Development Plan Context	Central Activities Zone (CAZ) Bunhill & Clerkenwell Core Strategy Key Area Finsbury Local Plan Area Employment Priority Area (General) Article 4 Direction A1-A2 (Rest of the borough) Article 4 Direction B1c to C3
Licensing Implications	None
Site Address	Gate House, 1 St John's Square, London, EC1M 4DH
Proposal	Erection of roof extensions at fifth and sixth floor levels; erection of roof top plant room to include mechanical plant; formation of terrace at sixth floor level; installation of mechanical plant at second floor level; erection of infill front extensions at ground floor level; and associated external alterations including façade repair, landscaping at ground floor and erection of cycle store.

Case Officer	Samir Benmbarek
Applicant	M&G Real Estate
Agent	CBRE

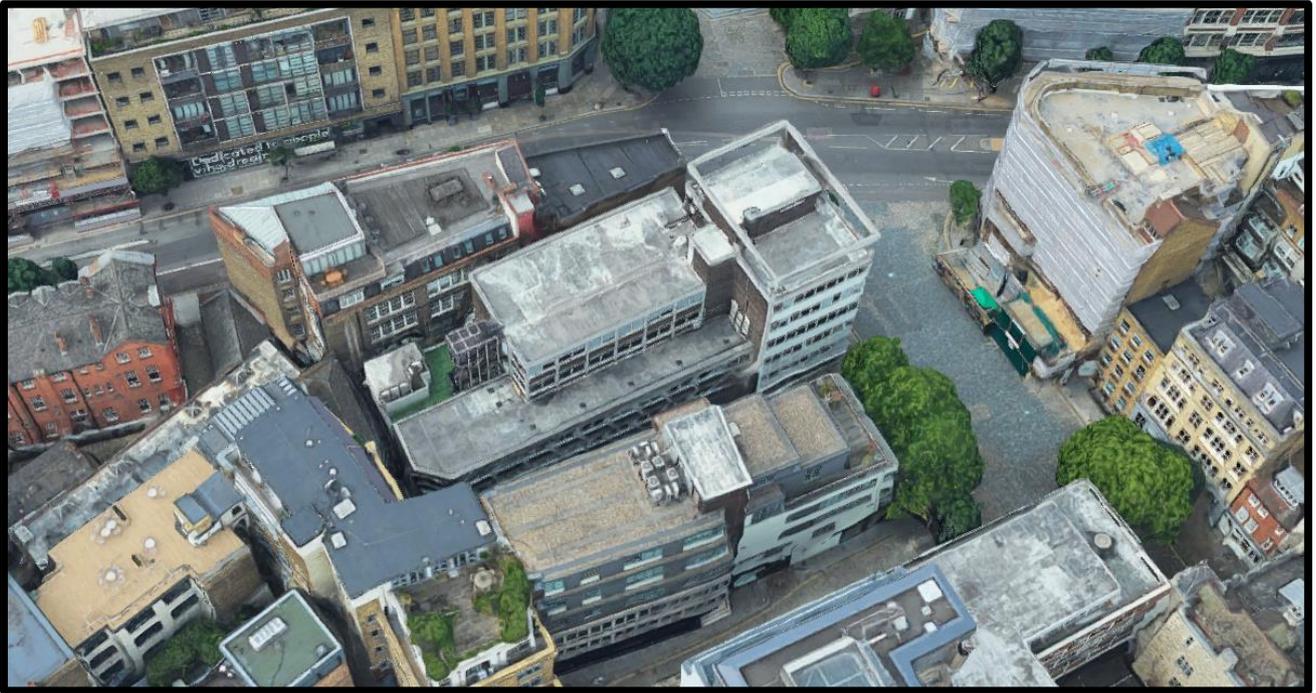
#### 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1

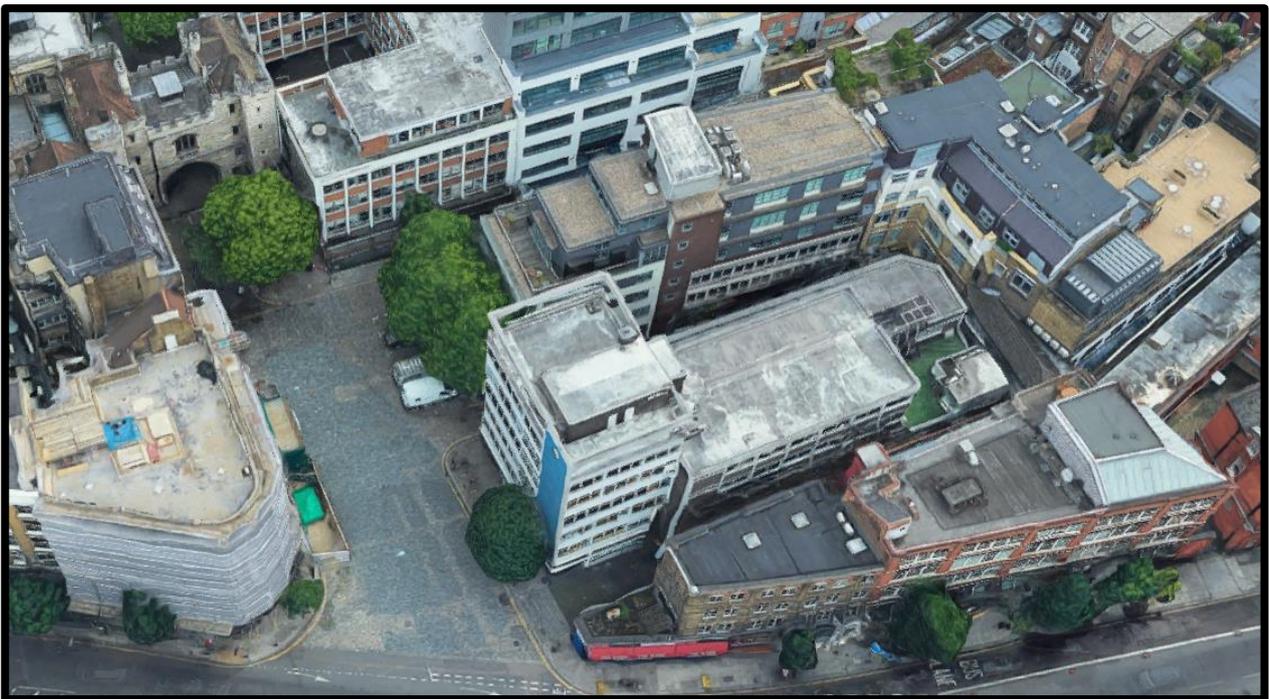
2. SITE PLAN (site outlined in red)



**3. PHOTOS OF SITE/STREET**



**Image 1:** Aerial view of site (looking north).



**Image 2:** Aerial view of site (looking south).



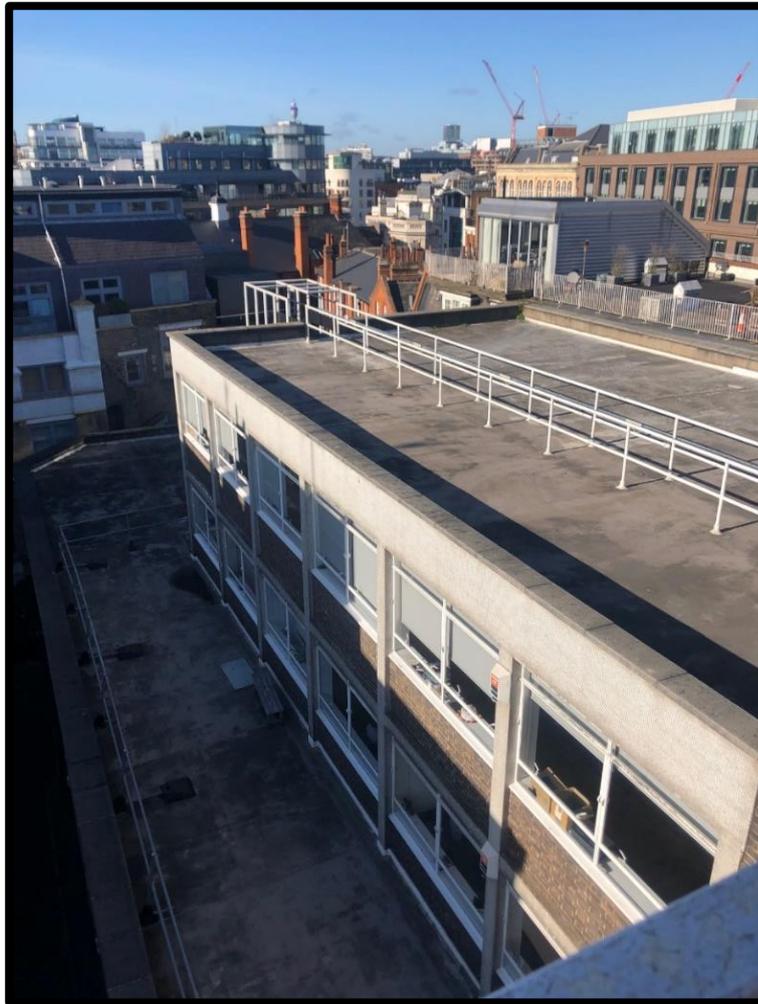
**Image 3:** Front elevation of building as viewed from Clerkenwell Road.



**Image 4:** Side alley (area of proposed ground floor landscaping).



**Image 5:** Front core of building from fifth floor roof area.



**Image 6:** Existing fifth floor roof area.



**Image 7:** Street context including Grade I listed St John's Gate in background.

## 4. SUMMARY

- 4.1 The application proposes the erection of extensions at fifth floor level, sixth floor level and minor infill extensions at ground floor level to provide an additional 436sqm of office space to the existing building. An amenity terrace is also proposed which would surround the sixth floor extension to the north, east and south. Above the fifth floor extension, a plant enclosure is proposed with a floorspace of 85sqm and a height of 2m. A smaller plant enclosure with a floorspace of 23sqm is proposed on the flat rear roof space at second floor level at a height of 2.45m.
- 4.2 Other external alterations proposed are the erection of an external rear staircase between second and fifth floor levels; façade maintenance and repair works (including the repair of the blue and white mosaic tiles), re-positioning of ground floor entrance with a new elevation design and a new side security gate with landscaping improvement works and cycle parking facilities.
- 4.3 Internal alterations are proposed including general refurbishment of existing office building and the provision of shower facilities at ground floor level with new WCs on every floor. The improvement works would also make use of the existing open floorplates and simplifying the ground floor reception area as part of overall accessibility improvements across the site.
- 4.4 The proposed development of this application is largely similar to that of recently expired planning permission ref: P2017/3131/FUL granted on 02/02/2018. These were namely the proposed extensions at fifth and sixth floor levels and the proposed terrace at sixth floor level. Given difficulties of starting these works due to Covid-19 and the unlikeliness of it commencing before February 2021, these aspects have been resubmitted as part of this application alongside the ground floor works.
- 4.5 The differences between the proposed development and the recently expired development are:
- Larger area roof plant enclosure above the fifth floor extension;
  - Minor fenestration alterations to the sixth floor extension;
  - Simplified refuse store entrance at ground floor level;
  - Erection of front infill extensions at ground floor level;
  - Ground floor landscaping improvements;
  - Internal accessibility improvements.
- 4.6 The application is brought to committee because of the number of objections received **(4)**.
- 4.7 The issues arising from the application are the principle of additional office floorspace, the impact on the character and appearance of the host building, surrounding conservation area including nearby listed building and structures, and the impact on the neighbouring amenity of the adjoining and surrounding residential and commercial properties.
- 4.8 The principle of the creation of additional floor of office floor space is considered to be acceptable.
- 4.9 The design of the proposal is considered to be acceptable and would not detract from the character and appearance of the host building and surrounding conservation area and as such complies with policies DM2.1 and DM2.3 of the Islington Development Management Policies 2013. The proposal would not detrimentally impact on the amenity of the neighbouring properties.
- 4.10 The proposed building including the sixth floor amenity terrace are considered to be of an appropriate scale, and the proposal is considered to not unduly impact the residential amenity of neighbouring properties in terms of loss of daylight and sunlight, overshadowing, reduction in outlook and increased sense of enclosure, loss of privacy and overlooking, as well as noise from the proposed mechanical plant. The proposal therefore accords with policy DM2.1 of the Islington Development Management Policies 2013.

- 4.11 The proposal is therefore considered to be acceptable and it is recommended that the application be approved subject to conditions.

## **5. SITE AND SURROUNDINGS**

- 5.1 The application site is located on the western side of St. John's Square which is mainly accessed from the north from adjoining Clerkenwell Road.
- 5.2 The site is not statutorily or locally listed; however it is located within the Clerkenwell Green Conservation Area. The site is also located nearby St John's Gate and No. 27 John's Square which are Grade I and II Listed Buildings respectively. The site is also located within: the Central Activities Zone (CAZ); the Bunhill and Clerkenwell Core Strategy Key Area; the Finsbury Local Plan area; and is an Employment Priority Area (General).
- 5.3 The existing site comprises a part-six, part-five storey office building with a basement level. The existing building has a main entrance on its front elevation, with two side entrances to access the basement level, all at street level. The building is a post-war 1960s construction with concrete panelling and framing, spandrel panels, metal framed glazing with white mosaic tiles. On the façade above the marble-appearing entrance, the building features a wide strip of blue hexagonal mosaic tiles which stretches from the parapet line at sixth floor level.
- 5.4 At roof level, there is a seventh storey in the form of a lift overrun which is enclosed by a parapet beams around the perimeter of the main core of the building.
- 5.5 The existing building is one of the tallest within the immediate street scene with Pennybank Chambers on the opposite side of St John's Square matching its height. The predominant height of buildings around the square are five or six storeys with four or five storey buildings along Clerkenwell Road. The building styles are varied with Victorian-era, post-war area and late 20<sup>th</sup>/early 21<sup>st</sup> century developments seen in the vicinity. St John's Gate is from the Tudor period, constructed in 1504.
- 5.6 St John's Square is mixed in its use although the predominant use within that mix is commercial, more specifically office. Residential properties are present on the upper floors at No. 2-5 St John's Square and at the upper floors of nearby buildings along Albemarle Way.
- 5.7 The wider locality features a mix of commercial (retail office, light industry, eating and drinking as some observed examples) as well as residential, typically within the upper floors of buildings. The site is located near main roads within the area such as Clerkenwell Road and St John Street and is located close to Farringdon and Barbican stations.

## **6. PROPOSAL (IN DETAIL)**

- 6.1 The application proposes the erection of a single storey extension at fifth and sixth floor levels to create additional office floorspace. A plant enclosure is also proposed above the fifth floor extension with a footprint of 85sqm and a height of 2m. The proposed extensions would be of a matching design and materials to the existing building below (white finish with metal framed glazing). The proposed sixth floor extension would be within the existing envelope-type parapet structure at roof level and as a result of the proposal, the terminating height of the building would not increase. An amenity terrace is also proposed around the sixth floor extension.
- 6.2 At ground floor level, two front infill extensions are proposed, constructed from metal framed glazing and in association this elevation treatment would carry over the part of the façade which is the existing front entrance. The new entrance would be relocated to the northern elevation through the new courtyard. Further along the northern perimeter of the site, landscape enhancements are proposed to include bench seating and cycle parking facilities (for 21x cycles). A new side security gate is also proposed along the boundary with the highway.

- 6.3 Other external alterations to the building proposed are: repair and maintenance work to the building's exterior including the mosaic tiles; erection of a new external rear staircase at second, third, fourth, and fifth floor levels and a plant enclosure at second floor level (2m in height and a footprint of 23sqm).
- 6.4 Whilst not subject to planning permission, internal alterations to the building include the provision of shower facilities at ground floor level with new WCs on every floor. This is as part of a strategy to improve the accessibility of the building.
- 6.5 This application follows pre-application advice ref: Q2016/0162/MIN provided in June 2016.

## 7. RELEVANT HISTORY:

### Application Site

- 7.1 P2016/0139/FUL- Erection of roof extensions at third, fifth, sixth floor levels to create 6 residential units, and provision of an uplift in B1 office floorspace including reconfiguration at fourth and fifth floor and basement levels, erection of a seven storey lift shaft to north elevation, and associated external alterations and alterations to fire escape on western elevation. Relocation of existing air conditioning units. **Approved with conditions and legal agreement 17/05/2017.**
- 7.2 P2017/0809/FUL- Internal alterations at basement level to create B1 office floorspace in place of ancillary car park. Associated external alterations including installation of a high level AluK windows to allow light to enter lower ground floor offices and installation of aluminium slim basement office entrance doors. Louvred enclosure to house new condenser units. New louvred steel doors to service area. New doors for cycle storage. **Approved with conditions 01/02/2018.**
- 7.3 P2017/4301/FUL- Removal of 17no. existing air conditioning units and installation of 3no. condenser units on second floor flat roof with installation of associated acoustic plant enclosure. **Approved with conditions 03/01/2018.**

## 8. CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants of 208 adjoining and nearby properties at St John's Square, St John's Place, Clerkenwell Road, Albemarle Way and Britton Street on 18/01/2021.
- 8.2 A site notice and press advert were displayed on 21/01/2021. The public consultation of the application therefore expired on 14/02/2021; however, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.3 At the time of the writing of this report a total of **4** responses had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

### ***Design and Character***

- Height and massing of the proposed development;

**(Paragraphs 10.17-10.48)**

### ***Neighbouring Amenity***

- Loss of daylight and sunlight
- Overshadowing from the proposed development
- Loss of privacy
- Noise impacts from mechanical plant

- Noise and disturbance from construction works
- Light pollution from internal lighting during the night time period
- **(Paragraphs 10.53-10.88)**

### **External Consultees**

8.4 **London Fire Brigade:** No response received to date.

### **Internal Consultees**

8.5 **Design & Conservation:** No objection to the proposed development subject to conditions on details of materials. The proposed extensions have been approved previously under the same relevant policies and guidance of the local development plan and as such would be unreasonable to refuse. The proposed rooftop plant enclosure is considered acceptable given its low profile and would not be visible within views of the neighbouring listed buildings. The ground floor infill extension at the front elevation are minor and the proposed works bring some improvement such as façade work to the building and the use of the northern alley for cycle parking/outdoor space.

8.6 **Inclusive Design Officer:** A mostly well considered redevelopment of the existing building with very minor concerns such as the scale of the accessible WCs on first and second floor levels and the accessibility of the showers and cycle parking. The entrance to the building and associated side landscaping is an improvement from the existing.

8.7 **Highways:** No objection in principle to the redevelopment of the site. Condition upon approval to secure a construction management plan (CMP).

8.8 **Environmental Health:** No objection in regards to noise subject to conditions on noise levels and hours of operation of the mechanical plant.

## **9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES**

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents

### **National Guidance**

9.1 Islington Council (Planning Sub-Committee A), in determining the planning application has the main following 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 A 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.
- 9.10 In line with Section 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 adjoining listed buildings, its setting and any of its features of special architectural or historic interest.

## **Development Plan**

- 9.11 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011 and the Islington 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.

## **Designations**

- 9.12 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Central Activities Zone (CAZ)
  - Bunhill & Clerkenwell Core Strategy Key Area
  - Finsbury Local Plan Area
  - Employment Priority Area (General)
  - Article 4 Direction A1-A2 (Rest of the borough)
  - Article 4 Direction B1c to C3

## **Supplementary Planning Guidance (SPG) / Document (SPD)**

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

### **Draft Islington Local Plan 2019**

- 9.14 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process in progress.
- 9.15 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 9.16 Emerging policies relevant to this application are set out below:

- Policy SP1- Bunhill & Clerkenwell
- Policy B2- New business floorspace
- Policy S1- Delivering sustainable design
- Policy S2- Sustainable design and construction
- Policy S4- Minimising greenhouse gas emissions
- Policy T2- Sustainable transport choices
- Policy T5- Delivery, servicing and construction
- Policy DH1- Fostering innovation and conserving and enhancing the historic environment
- Policy DH2- Heritage assets

## 10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design, Conservation and Heritage
- Neighbouring Amenity
- Inclusive Design
- Highways and Transport
- Refuse and Recycling
- Energy and Sustainable Design and Construction
- Other Matters

### LAND USE

- 10.2 The site is located within the CAZ, the Bunhill and Clerkenwell Core Strategy Key Area and is located within an Employment Priority Area (general). The proposed development would involve an uplift of 413.5sqm of office floorspace to the building at fifth and sixth floor level with minor extensions at ground floor level at 22.5sqm.
- 10.3 Policy CS13 (A) of the Islington Core Strategy specifies that new employment space development should be encouraged to be located within the CAZ or town centres; be flexible and meet changing business needs and to require a different types and sizes including those that can accommodate SMEs. In conjunction, policy CS7 of the Core Strategy requires “Employment development within Bunhill and Clerkenwell will contribute to a diverse local economy which supports and complements the central London economy. Employment-led development will be largely concentrated south of Old Street and Clerkenwell Road...”
- 10.4 Part F of policy DM5.1 of the Islington Development Management Policies requires that new business floorspace must be designed to allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses.
- 10.5 Policy BC8 of the Finsbury Local Plan 2013 prevents any loss of business floorspace within the area and the maximisation of such floorspace.
- 10.6 In land use terms, the proposed uplift of office floorspace is considered acceptable in principle given that it is located within designated areas where the development, growth and maximisation of business floorspace is encouraged.
- 10.7 The proposed development (namely the internal alterations and the extensions) will ensure enhanced provision of flexible office floorspace with specifications and facilities to meet the needs of a variety of modern businesses, particularly micro, small and medium sized enterprises. The internal alterations will allow for cellular units on the upper floors to cater for SMEs, high ceilinged units all of at least 2.7 metres, and a double lift core to cater for a wider range of needs. The proposed new and reconfigured office floorspace across the site has level access at each level. The proposals will ensure enhanced provision of flexible business floorspace with specifications and facilities to meet the needs of a variety of modern businesses, particularly micro, small and medium sized enterprises.

10.8 As a result, the provision of additional office floorspace and its design is considered to meet the requirements of policy CS13 of the Core Strategy, policy DM5.1 of the Development Management Policies, and the needs of micro and small enterprises as required by policy BC8 of the Finsbury Local Plan, and is acceptable in this regard.

### **Class E restrictions**

10.9 The Town and Country Planning (Use Classes) Regulations were amended on 1<sup>st</sup> September 2020. The amended Use Class regulations omit the former Use Class B1 and introduces a new Use Class E, which encompasses office use, together with many other town centre uses. The application proposes the introduction of additional office floorspace, with no other uses proposed. The assessment of the proposal is based on the applicant's submission for office use and an assessment of other uses within Class E, both in terms of the applicant's submission and the Local Planning Authority's assessment is based solely on office use.

10.10 It is considered that the other uses that are encompassed by Class E would not be an appropriate use of the development within its surrounding local context without the submission of further details and mitigation measures. The proposed extensions at fifth and sixth floor levels would be likely to be inappropriate for retail use given its location on the upper floors of a building and as such would not have a street presence by way of a ground floor frontage.

10.11 The use of the site as a café/restaurant (former A3) would be considered harmful to neighbouring residential properties by reason its inappropriate location at fifth and sixth floor level of the building, delivery and servicing and general noise and disturbance from patronage. Furthermore, it is anticipated that a significant amount and mechanical plant would be required for a restaurant use with a GIA of 413.5sqm.

10.12 The use of the extensions as clinic, health centre or nursery (former D1) is considered not appropriate given no information to demonstrate otherwise, these uses would be expected to cause a strain upon the local highway and traffic which is considered as part of neighbouring amenity.

10.13 The use of the fifth and sixth floor extensions as a gym or other form of indoor recreation (former D2) is considered inappropriate as such uses would expect longer operating hours and are generally of an intensive day-to day operation which would not complement the nearby residential uses.

10.14 It is considered that financial and professional services (former A2) would be appropriate given the day-to day operation is similar to that of office floorspace. Furthermore, it is then considered on balance such operations would not hinder the policy aims of directing business and employment floorspace within this part of the borough given the akin nature of both the former B1 and A2 uses.

10.15 As such, a condition is recommended restricting the use of the fifth and sixth floor extensions to be only of office/business floorspace or financial and professional services and no other use within Class E of the Use Classes Order 2020. Should any other use be proposed at fifth and sixth floor level, this would require the submission of an application and appropriate supporting documentation.

10.16 There are no conditions on previous planning applications on the building which would restrict the building becoming another use within Class E. Restrictions cannot be placed on the existing floorspace of the building through this application as the scheme does not propose any changes of use to the existing floorspace of the building. Furthermore, it would be considered unreasonable to place restrictions of use on the minor ground floor extensions given its minimal floorspace and due to its location, which is directly associated with the existing floorspace which is not subject to restrictions and could become fragmented.

## DESIGN, CONSERVATION AND HERITAGE

- 10.17 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.
- 10.18 Paragraph 131 of the NPPF (2019) states that in determining planning applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 10.19 Policy CS8 of the Islington Core Strategy sets out the general principles to be followed by new development in the borough. Policy CS9 of the Core Strategy and policy DM2.1 of the Islington 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
- 10.20 Policy DM2.3 of the Development Management Policies will ensure that the borough's heritage assets are conserved and enhanced in an appropriate manner whilst development that makes a positive contribution to Islington's local character and distinctiveness will be encouraged. The site is located within the Clerkenwell Green Conservation Area.
- 10.21 As the site is located within a conservation area, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal, special regard must be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.
- 10.22 Paragraph 190 of the NPPF states that the Local Planning Authority should identify and assess the particular significance of any heritage asset that may be affected by a proposal. Paragraphs 193-194 state that great weight should be given to an asset's conservation (and the more important the asset, the greater the weight should be).
- 10.23 Paragraph 196 of the NPPF sets out 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 securing its optimum viable use.

### Fifth and sixth floor extensions

- 10.24 A key objective of the Islington Urban Design Guide (IUDG) is that development should contribute to the vitality and mix of uses on commercial streets and main roads. Guidance is provided towards new development in regards to rooflines within paragraphs 5.84 and 5.88. To summarise, there is more scope for change in roofline (by new development or extension) where there are a variety of frontages and building heights within the area. Paragraph 5.86 details even where there may be scope, an alteration to the existing roofline may not be acceptable where (relevant to the proposal):
- It adversely impacts on views and landmarks;
  - It causes a canyon effect and/or unduly overshadows the street;
  - It impacts adversely on the character of an open space of the public realm;
  - The alteration to a façade or roofline impacts adversely upon the architectural integrity and quality of the existing or neighbouring buildings.

- 10.25 Whilst the IUDG provides specific advice on roof extensions, this does generally apply to residential extensions; however, some of the background basis and advice can be applied to this application. The IUDG advises that the roofline is an important factor contributing to the rhythm of a street and when considering the scope for a roof extension it is important to consider where the host building is located within and its local context. Applications for roof extensions would be assessed on merit giving due consideration to the quality of design, materials and construction proposed, and the cumulative effect on visual amenity.
- 10.26 Paragraph 5.150 reads “*Within conservation areas, the roofline is often an important feature contributing to the character of an area and therefore proposals for roof extensions anywhere along an unaltered roofline within a conservation area will not generally be acceptable. Where the roofline is broken, the scope for roof extensions will normally be dependent on the following criteria.*” These criteria are the number of existing roof extensions and the length of the terrace within the context of this application.
- 10.27 Whilst the building can generally be considered as part of a varied group of buildings that surround St John’s Square, it is noted that it is a standalone detached building. Therefore, whilst it has an existing contextual relationship with its neighbours, in reference of design guidance, it is considered to not be part of a terrace.
- 10.28 Paragraph 1.20 of the Clerkenwell Green Area Design Guidelines (CADG) reads “***New buildings and roof extensions to existing buildings should conform to the height of existing development in the immediate area.***” The guidelines go on further to explain that most buildings in the area are between three and five storeys high with few buildings over that height. As such, no new building or extension will be permitted above five storeys (about 18m above ground level) and all plant rooms and lift overruns should be located so as to be invisible from the street including long views from adjacent streets. Paragraph 1.22 states “***Roof extensions visible from the street or a public open space will not be granted where this is harmful to the character and appearance of the building.***”
- 10.29 Given the above policy and site context, the proposed roof extensions are considered acceptable. The roof extension at fifth floor level would be constructed at the rear of the building and as such would not increase the overall terminating height of the building or alter the front elevation of the building as viewed from St John’s Square. The fifth floor extension would be largely hidden from public views except from limited and obstructed longer views from the adjoining side street. It would be visible in direct private views from the residential uses from the upper floors of No. 2-5 St John’s Square. The proposed extension would be of a same materiality and appearance as the existing building with the white mosaic tiling and metal framed glazing.
- 10.30 At sixth floor level, the proposed extension would be constructed within the existing framework at roof level and not extend from the actual roofline of the building. Therefore, the existing terminating height would not increase as a result of this part of the development. The detailed design of the proposed sixth floor extension also matches that of the existing building. The extension would be visible in public views across the square and across Clerkenwell Road; however, the proposed extension would be an improvement in comparison to the existing overrun. It is also considered the proposal would cause some visual interest given its position framed within the envelope of the building.



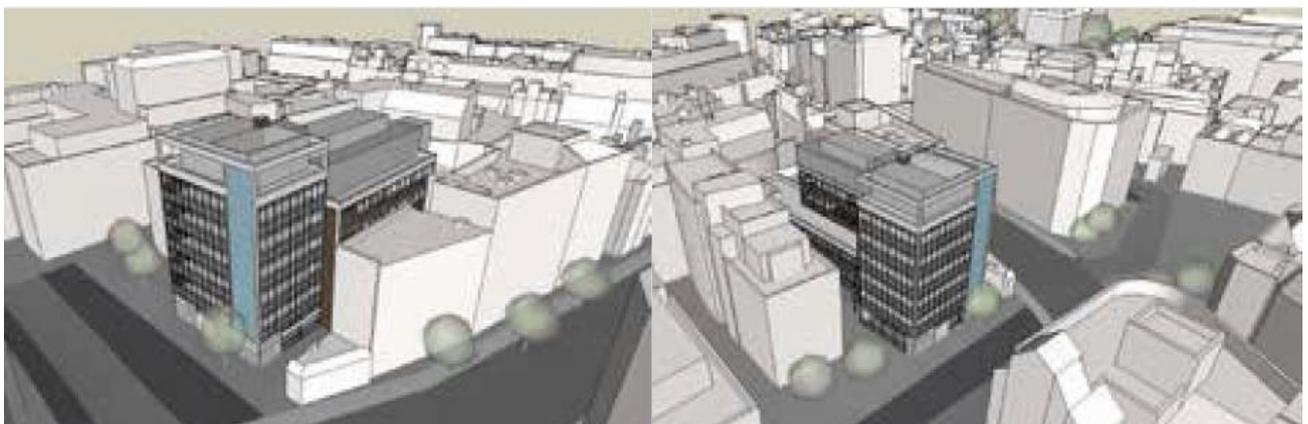
**Image 8:** Proposed photomontages of P2017/3131/FUL and P2020/3454/FUL.

10.31 It is also noted the proposed roof extensions does not diverge significantly from the proposed design of the extensions approved under ref: P2017/3131/FUL. As such, it would be considered unreasonable to not support the fifth and sixth floor extensions given its similarities in design and this application is also subject to the same relevant planning policies and guidance.

Proposed plant enclosures

10.32 Paragraph 5.183 of the IUDG reads “If it is necessary to install plant on the outside of the building, it should be located at a low level (preferably within a courtyard or rear garden area) and either obscured from view by existing structures such as parapet walls or housed within a suitably designed enclosure.

10.33 Within this scheme, the proposed mechanical plant would be installed on the exterior of the building at second floor level (rear) and at sixth floor level (above the fifth floor extension); however it would be installed within proposed enclosures which would appear as low height upon the roof of the building. Furthermore given its location at the rear of the building or either behind the front core and the short separation distances with the neighbouring buildings, the enclosures would not be visible within public views. The enclosures would be seen in some limited private views from nearby residential units that are located at upper levels but it is considered the enclosures would not have a harmful impact upon the character of the area within these views. The enclosures would eliminate clutter upon the building and is considered acceptable. Overall acceptability of the plant is subject to the review of the acoustic report as discussed further in this report.



**Image 9:** Proposed visuals showing rooftop developments.

## Developments at ground floor

- 10.34 The IDUG advises that development (either new buildings or extensions) should maintain an appropriate height to width ratio along the street and/or space they flank (paragraph 5.67). Paragraph 5.71 is considered to be of most relevance to the ground floor works which states “Where building frontages face onto public open spaces and squares, they should normally provide sufficient sense of enclosure and suitable backdrop to define and overlook the space while not over powering it.
- 10.35 The proposed ground floor infill extensions to the front of building is considered to maintain the height to width ratio of the building given it would be developed within the voids within the envelope of the building. The extensions would simply internalise these ground floor spaces and not extend outwards or upwards. Notwithstanding this, the scale of the extensions are considered minor. The design of the extensions as well as the alterations to the existing entrance of the building would be majority glazing and is considered to provide a backdrop to the square without over powering (in reference to the IUDG). The works to the front of the building at ground floor level is considered to improve the relationship between the inside and the public realm.
- 10.36 The relocation of the entrance doors to the northern elevation of the building is not objected to given the front elevation of the building and the proposed new front ‘courtyard’ would indicate where the entrance area to the building is.



**Image 10:** Proposed courtyard concept visual.

- 10.37 The design of the proposed front courtyard and improvements to the side alley are welcomed given it would be a visual enhancement and provides a better integrated relationship between the site and the public realm in terms of appearance and wayfinding. The front courtyard is also considered to not detract from the character and appearance of St John’s Square given it would be within the site boundary and therefore would appear ‘tucked away’ between the host building and the four storey neighbouring building that fronts onto Clerkenwell Road. It would also eliminate a dead space and in turn reduce opportunities of crime and anti-social behaviour. The suggested condition for material details would also cover landscaping materials to ensure the finish of the improved external spaces are also of high quality.

10.38 There is no objection to the replacement security gate given it would be in the same location, extent and appearance as the existing.

#### Other development

10.39 The repair and restoration of the mosaic tiles is supported as it would contribute to the overall longevity of the original architecture which is considered to be of merit. This applies to both the white mosaic tiles on all elevations and the blue tile detailing on the front elevation.

10.40 There is no objection to the installation of the black finish metal fire escape stairs given its minimal appearance on the building, its location, and its acceptability as confirmed by the recently expired planning permission.

10.41 There is also no objection to the installation of the door on the southern elevation of the building at ground floor level.

10.42 Overall, it is considered that the proposed works would be an improvement to the existing building and would preserve and enhance the character and appearance of this part of the Clerkenwell Green Conservation Area. In addition, the restored façade to the building is considered a public benefit as well as an increase in office floorspace in the area.

10.43 The proposed development will provide a suitably high standard of design within the Clerkenwell Green Conservation Area using suitable materials in a contemporary design. The proposal is considered to add to the character of this part of conservation area is therefore supported. It is also noted that some of the above considerations have been confirmed prior, given the recently expired planning permission P2017/3131/FUL in which the roof extensions and sixth floor terrace are largely of a similar design.

10.44 The proposed development would be within the setting of a Grade I listed building but would not be harmful to its setting. In accordance with Section 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 adjoining listed buildings, its setting and any of its features of special architectural or historic interest.

10.45 In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Clerkenwell Green Conservation Area. Given the above, the proposal is not considered to cause harm to the character or appearance of the host building, or the wider conservation area. The proposed development is considered to be of a high quality design that is sensitive to its context. It would enhance and not detract from the character and appearance of the Clerkenwell Green Conservation Area as seen within public and private views.

10.46 Therefore, the proposed development complies with the National Planning Policy Framework 2019, policies 7.4, 7.6 and 7.8 of the London Plan 2016, policies CS8 and CS9 of the Islington Core Strategy 2011 and policies DM2.1 and DM2.3 of the Development Management Policies 2013. The development also adheres to the guidance in the Islington Urban Design Guide 2017 and the Hat & Feathers Conservation Area Design Guidelines 2014.

10.47 Consideration has also been taken into policies DH1 (Fostering innovation and conserving and enhancing the historic environment) and DH2 (Heritage assets) of the Draft Islington Local Plan. The proposed development is considered a high quality which would contribute to the character of this part of the Hat & Feathers Conservation Area. It is noted that the aims of policy DH2 of the Draft Local Plan does not diverge significantly from that of policy DM2.3 of the Development Management Policies in respect to heritage assets.

10.48 Whilst the proposed materials have been considered to be appropriate, to ensure that it is of a high quality appearance and finish, a condition will be attached upon approval for details of all facing materials within the proposed development, including the mosaic repair work.

### **INCLUSIVE DESIGN**

10.49 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in policy DM2.2 of the Islington Development Management Policies 2013, which requires developments to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone.

10.50 The proposals would result in step-free access to all floors of the building including the provision of the replacement ramp, and level access to the main entrance which results in improvement to all users of the building.

10.51 Whilst internal works to the building are not covered by planning permission, the changes to the layout including the reconfiguration of ground, upper ground and lower ground floors to allow for level access and a more efficient plan layout is welcomed.

10.52 Given the constraints of the site and the approaches taken to improve accessibility for all users, the proposed development is considered to comply with policy DM2.2 of the Islington Development Management Policies 2013. Furthermore, the proposed development would be considered to overall comply with Part B of policy H4 of the Draft Local Plan which has the same aims as current policy DM2.2.

### **NEIGHBOURING AMENITY**

10.53 The Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing.

10.54 Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.

10.55 Given the location of the building and the extent of the development, it is considered that the identified neighbouring properties with the potential to be impacted by the development are:

- No. 4 St John's Place (west of site)
- Nos. 6-8 St John's Square (southwest of site)
- Nos. 45-47 Clerkenwell Road (north of site)
- Nos. 49-53 Clerkenwell Road (north of site)

10.56 Nos. 2-5 St John's Square appear to be residential units within its upper floors from its exterior; however, there is a deleted Council Tax record for the property. Given the applicant has considered the upper floors of this property as residential within their studies to demonstrate amenity, this property shall be considered as residential for the purposes of this assessment.

10.57 Given the distance from the site including being on the opposite side of Clerkenwell Road, it is considered the neighbouring properties along Albemarle Way would not be impacted by the proposed works in regards to neighbouring amenity.

10.58 The below detailed considerations concerns the development at fifth and sixth floor levels including, the extensions, plant enclosure and amenity terrace. Considerations of noise also refer to the mechanical plant installation at second floor level as well as sixth. It is considered the ground floor works including the infill extensions and the building treatment works would not have a non-to-negligible impact upon neighbouring amenity. The proposed rear external staircase is also considered to not impact upon such amenity.

#### Daylight, Sunlight and Overshadowing

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

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

10.61 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.

10.62 The applicant has submitted a Daylight and Sunlight Report and Addendum by Point 2 Surveyors Ltd. dated June 2017 which assesses the impact of the proposed development on the properties at:

- Nos. 2-5 St John's Square
- Nos. 1-3 St John's Place
- No. 4 St John's Place
- Nos. 45-47 Clerkenwell Road

#### *Daylight*

10.63 In respect to 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 or 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) (NSL).

10.64 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 lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.*"

- 10.65 **Nos. 2-5 St John's Square:** The assessment concludes that all windows which face the property would receive reductions in VSC in accordance with the BRE guidelines, apart from one window where the reduction would be 23.5%; however, this room is served by other windows and the transgression is considered to be limited. While these windows all have reductions in NSL values, these are within the tolerances detailed in the BRE guidelines as acceptable.
- 10.66 **Nos. 1-3 St John's Place:** The assessment shows that 12 windows would be impacted by the proposed roof extensions in which 10 would have acceptable reductions in VSC. The 2 windows (which serve bedrooms) that surpass the 20% reduction threshold experience a loss of 21.48% and 21.55%. It is noted that these reductions are not significantly past the 20% threshold and these windows do not serve principal rooms. In respect to NSL, the same 2 windows experience a loss of 41.4% and 23.2% whilst the other windows experience a loss of under 20%. On balance, the loss of light to the 2 windows are considered acceptable given the VSC loss is not overall significant and are not principal rooms.
- 10.67 **No. 4 St. John's Place:** The assessment demonstrates that all windows that face onto the development would receive acceptable losses of both VSC and NSL at under 20%. For this property only windows that face onto the development were tested.
- 10.68 **Nos. 45-47 Clerkenwell Road:** The assessment concludes that all 18 windows which face the development would receive acceptable reductions in VSC (under 20%). 2 of the windows would receive reductions in NSL of 26.2% which exceeds the guidance. The windows are identified as residential but it is not known what rooms they serve. On balance the loss is acceptable given the VSL reductions are compliant with BRE guidance.

#### *Sunlight*

- 10.69 The BRE Guidelines state at paragraph 3.16 in relation to orientation: *"A south-facing window will, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit."*
- 10.70 As such, habitable 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:
- *Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and*
  - *Receives less than 0.8 times its former sunlight hours during either period and*
  - *Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours."*
- 10.71 **Nos. 2-5 St John's Square:** The assessment concludes there would be no adverse reductions in APSH.
- 10.72 **Nos. 1-3 St John's Place:** Levels of sunlight would not be impacted as the development facing rooms do not have a window which faces 90 degrees due south and therefore these do not require testing.
- 10.73 **No. 4 St John's Place:** Levels of sunlight would not be impacted as the development facing rooms do not have a window which faces 90 degrees due south and therefore these do not require testing.

- 10.74 **Nos. 43-47 Clerkenwell Road:** The assessment concludes that all development facing rooms with a window within 90 degrees due south experience acceptable changes in APSH.
- 10.75 The submitted daylight and sunlight assessment demonstrates that the proposed development would not adversely impact upon the levels of daylight and sunlight experienced by adjoining residential occupiers. Furthermore, it would be unreasonable to refuse the application on amenity towards daylight and sunlight given the recently expired permission involved extensions in the same location at the same massing and scale as the proposed development.

### Outlook

- 10.76 Consideration has been given to the increase in depth, scale, bulk and massing of the proposed fifth and sixth floor extension which does not increase past the original terminating height of the building and is recessed in from the building line at all elevations. Given the existing relationship between the subject building and its neighbours, the proposed extensions are not considered to harmfully impact upon the outlook of adjoining occupiers, nor would it be an overbearing development nor lead to a sense of enclosure to neighbouring residents.
- 10.77 Overall, the proposed development is considered acceptable in regards to neighbouring outlook.

### Privacy

- 10.78 It is considered the proposed windows of the roof extensions would not result in increased or new opportunities of direct overlooking into neighbouring windows. The existing relationship of the subject and neighbouring buildings involves a considerable separation distance and the extensions would be set in from the flank and rear elevations.
- 10.79 A sixth floor amenity terrace is proposed in the same location as the development under the recently expired permission P2017/3131/FUL. Given the terrace's location away from the nearby residential windows and at a higher level so that direct overlooking into window cannot be achieved, the proposed terrace is considered acceptable.



**Image 11:** Sixth floor extension and terrace visual.

10.80 Overall, the proposed development is considered acceptable in regards to privacy.

#### General Noise and Disturbance

10.81 In addition to overlooking, it is considered the scale and form of the sixth floor terrace would not give way to intense use which would generate substantial noise and disturbance that would impact upon neighbouring residents. A condition would be attached for hours of use to ensure no disturbance is caused to neighbouring residents during the night-time period.

10.82 The proposed development would result in flat roof space at third and fifth floor levels which have not been proposed as amenity terraces and are to only be accessed for maintenance uses. Given these flat roof areas would be on the site boundary and the short separation distance (in regards to sound), it would be considered harmful to neighbouring amenity should they be developed as terraces. To ensure these areas are would not be used as amenity spaces (either formally or informally), a condition would be attached to ensure such and only to be used for maintenance purposes.

10.83 Subject to the compliance conditions, the proposed development is considered acceptable in regards to noise and disturbance.

#### Light Pollution

10.84 The proposed roof extensions may cause opportunities of light spill which would impact upon the amenity of neighbouring residential occupiers during the winter period and general night-time period. This is given the close relationship of the buildings and the typical dense mixed use nature of an inner-city location.

10.85 As such, to ensure there are no issues of light spill arising from the development, it is considered that a suitably condition is attached upon approval in respect to an internal lighting strategy for the fifth and sixth floor extensions. It should be noted that the condition cannot be applied the entire building alter the lighting conditions of the existing building.

#### Mechanical Plant (Noise)

10.86 Policy DM2.1 also states development should not have an adverse impact on amenity in respect to noise and disturbance. The closest residential uses are located to the immediate north, south and west of the site.

10.87 An Acoustic Report has been submitted by the applicant to demonstrate the potential effects of the development in terms of noise. The report concludes that the noise emitted from the proposed plant would not result in an adverse impact to nearby residential properties. The noise assessment has been reviewed by the Council's Public Protection Officer and considered to be acceptable subject to conditions to limit the noise emitted from the plant to at least 5dB(A) below the background noise levels, to restrict the hours of operation of the plant with timers, and for the submission of a post-installation report.

10.88 Overall, the proposed development is considered to be acceptable on balance in respect to neighbouring amenity and therefore complies with policy 7.6 of the London Plan and policy DM2.1 of the Islington Development Management Policies 2013

### **HIGHWAYS AND TRANSPORT**

10.89 The site has excellent access to public transport and the Public Transport Accessibility Level is 6a.

10.90 Bus routes which serve the site are 55, 153, and 243. The site is also a five minute walk from Farringdon Station which is served by the Circle, Hammersmith & City and Metropolitan lines as well as Thameslink services; and an eight-minute walk from Barbican Station which is also served by the same Underground routes.

- 10.91 Policy DM8.6 sets out that provision for delivery and servicing should be provided off-street, particularly for commercial developments over 200 square metres of gross floor area, in order to ensure proposed delivery and servicing arrangements are acceptable.
- 10.92 Whilst no Transport Assessment and Delivery and Servicing Plan has been submitted, in line with the existing arrangements, servicing and deliveries will continue to be undertaken via St John's Square. The uplift in floorspace is proportionally small in relation to the host building and is unlikely to materially impact on the existing arrangement. The Council's Highways Officer has raised no objection to this arrangement. This is considered to be acceptable subject to a condition requiring a Construction Method Statement to control the construction works phase.
- 10.93 In accordance with Appendix 6 of the Islington Development Management Policies 2013, 1x per 80sqm of office floorspace should be provided. The scheme proposes 21x cycle parking spaces which surpasses the requirement of 5x spaces and the amount proposed in the previous permission. The total provision of cycle parking accords with the requirements of policy DM8.4 of the Development Management Policies and would be sheltered, secure and accessible. A condition would be attached for further details of the design of the cycle storage facility.

### **REFUSE AND RECYCLING**

- 10.94 The development would propose a dedicated refuse store at ground floor level accessed from St John's Place which is considered to be acceptable and mirrors similar office refuse collection methods in the surrounding area within this section of the CAZ. It also provide ease of access for waste collection.

### **ENERGY AND SUSTAINABLE DESIGN AND CONSTRUCTION**

- 10.95 Policy DM7.1 of the Islington Development Management Policies state that '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'. Policy DM7.2 seeks to ensure Energy efficiency and carbon reduction in minor schemes.
- 10.96 A sustainable design and construction was submitted which explored different measures to address carbon reduction and sustainability. In summary to achieve such sustainable measures in both the construction and use of the development, the following will be applied: fabric efficiency measures; low carbon and renewable technologies; water efficiency measures; sustainable transport measures (as discussed in Highways and Transportation section earlier); use of efficient materials and responsible sourcing and reference to the waste hierarchy and life cycle environmental impact.
- 10.97 Specific measures are listed building
- Removal of redundant systems;
  - Provision of natural ventilation strategy and ductwork;
  - New control system for heating and cooling;
  - Provision of lighting solutions;
  - Upgrades to lift system;
  - Prioritisation of locally sourced materials
  - Prioritisation of materials with recycled content;
  - Preference of materials that are rated A/A+ on the BRE Green Guide;
  - New materials used are accredited to a recognised environmental standard;

- As a minimum requirement, all timber and timber-based products used will be legally harvested and traded;
- Materials are procured which have robust datasets available;
- Material efficiency strategies;
- Monitoring of waste generated on-site;
- Setting targets for waste minimisation in line with BREEAM criteria;
- Licenced external contractor for sorting, reuse and recycling of construction waste;
- Use of water efficient sanitary ware such as WCs (dual-flush), taps and showers;
- Undertaking air quality testing, noise impact, and undertaking noise impact assessment.

10.98 Such measures are welcomed to ensuring the proposed development and its continued use would not contribute further towards carbon emissions and climate change and therefore is considered to comply with policies DM7.1 and DM7.2 of the Islington Development Management Policies 2013..

### **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

10.99 The proposed development would be liable for both the Mayoral and Islington CIL. The charge is £50 per sqm and £80 per sqm respectively.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

11.1 The principle of the proposed development is considered acceptable and would provide an additional 436.5sqm of office floorspace at ground, fifth and sixth floor levels. The scale and design of the development would not appear out of character within the streetscene, nor would the development harm the Clerkenwell Green Conservation Area.

11.2 Overall, subject to conditions, the proposal would significantly improve the appearance of the site and would not harm the surrounding area. The proposal accords with policies CS8 and CS9 of the Islington Core Strategy 2011, policies DM2.1 and DM2.3 of the Islington Development Management Policies 2013, the Urban Design Guide 2017 and the Conservation Area Design Guidelines 2002.

11.3 It is also considered that the development would not result in unacceptable loss of daylight or sunlight to the occupiers of adjoining residential properties. The proposal would not cause an unacceptable increase in enclosure levels, loss of outlook nor direct overlooking and would not have a detrimental impact upon nearby amenity levels taken as a whole and accords with Policy DM2.1.

11.4 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, and the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

### **Conclusion**

11.5 It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms as set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<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>
<b>2</b>	<b>Approved Plans List</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Unnumbered Location Plan (OS Extract).</p> <p>655-EX: 099-A; 100-A; 101-A; 102-A; 103-A; 104-A; 105-A; 106-A; 201-A; 301-A; 302-A; 303-A; 304-A.</p> <p>655-PL: 099-A; 100-A; 101-A; 102-A; 103-A; 104-A; 105-A; 106-A; 201-A; 301-A; 302-A; 303-A; 304-A.</p> <p>Planning Statement by CBRE dated 12/2020; Heritage and Townscape Assessment by Steven Levrant Heritage Architecture Ltd. dated 11/2020; Design &amp; Access Statement by GPAD dated 11/2020; Daylight and Sunlight Report (Gate House, 1 St. John's Square, London Borough of Islington) by Point 2 Surveyors Ltd. dated 11/2020; Sustainable Design and Construction Statement by Greengage dated 11/2020; Arboricultural Development Report (Rev B) by tree: fabrik dated November 2020</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>
<b>3</b>	<b>Materials (Details)</b>
	<p>CONDITION: Notwithstanding the approved drawings, 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) Details of how the mosaic work will be affixed and sample tile;</p> <p>b) render (including colour, texture and method of application);</p> <p>c) treatment of window openings (including sections and reveals), details of windows;</p> <p>d) roofing materials;</p> <p>e) balustrading treatment (including sections);</p> <p>f) spandrel panels including fixings</p> <p>g) 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>
<b>4</b>	<p><b>Construction Method Statement</b></p> <p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust and dirt during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
<b>5</b>	<p><b>Cycle Parking (Details)</b></p> <p>CONDITION: Details of the 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 the 21x cycle spaces proposed.</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>
<b>6</b>	<p><b>Flat Roof Not To Be Used As Terrace (Compliance)</b></p> <p>CONDITION: The flat roof area at third and fifth floor levels as shown on plan nos. 655-PL-103-A and 655-PL-103-A shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
<b>7</b>	<p><b>Class E- Office Use Only</b></p> <p>CONDITION: The fifth and sixth floors of the development hereby approved shall only be used as an office and for no other use within Use Class E of the Town and Country Planning (Use Classes) Regulations 2020, as amended for duration that this is in force.</p> <p>REASON: To ensure that office floorspace within the Central Activities Zone is not reduced in the future.</p>

8	<p><b>Sustainable Design and Construction (Compliance)</b></p> <p>CONDITION: The hereby approved development shall be carried out strictly in accordance with the approved Sustainability and Energy Statement by Max Fordham dated June 2020.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
9	<p><b>INTERNAL LIGHTING (DETAILS)</b></p> <p>CONDITION: Details of measures to adequately mitigate light pollution from any areas of glazing within the 5th floor roof extension hereby approved the approved roof extension shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.</p> <p>These measures could include (but are not limited to):</p> <ul style="list-style-type: none"> <li>- Lighting strategies that reduce the output of luminaires closer to the facades;</li> <li>- Light fittings controlled through the use of sensors.</li> </ul> <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter into perpetuity.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</p>
10	<p><b>NOISE LEVELS (COMPLINCE)</b></p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq, Tr}</math> 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 <math>L_{AF90, Tbg}</math>. 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: For the protection of neighbouring amenity.</p>
11	<p><b>POST-INSTALLATION REPORT (DETAILS)</b></p> <p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 10. The report shall include site measurements of the plant insitu. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: For the protection of neighbouring amenity.</p>
12	<p><b>TIMERS (COMPLIANCE)</b></p> <p>CONDITION: Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the all approved building services plant to between the hours of 07:00 to 20:00 Monday to Friday and 08:00 to 18:00 Saturday. The plant shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p> <p>REASON: For the protection of neighbouring amenity.</p>

<b>13</b>	<b>ROOF TERRACE</b>
	<p>HOURS OF OPERATION (COMPLIANCE): The roof terrace hereby approved shall not operate outside the hours of:</p> <p>09:00- 19:00 (Monday to Friday)</p> <p>And it shall not be used at weekends or Public Holidays.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>

**List of Informatives:**

<b>1</b>	<b>Construction Works</b>
	<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 <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a>) 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>
<b>2</b>	<b>Highway Requirements</b>
	<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 <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. 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 <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. 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 <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. 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 <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. 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 <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a>.</p>
<b>3</b>	<b>Community Infrastructure Levy (CIL)</b>
	<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 <a href="http://www.planningportal.gov.uk/cil">www.planningportal.gov.uk/cil</a>, and the Islington Council website at <a href="http://www.islington.gov.uk/cil">www.islington.gov.uk/cil</a>. CIL guidance is available on the GOV.UK website at <a href="http://www.gov.uk/guidance/community-infrastructure-levy">www.gov.uk/guidance/community-infrastructure-levy</a>.</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.

- National Planning Policy Framework 2019

### **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 2021 – The Spatial Development Strategy for Greater London**

- Policy GC2- Making the best use of land
- Policy SD4- The Central Activities Zone (CAZ)
- Policy D1- London's form, character and capacity for growth
- Policy D4- Delivering good design
- Policy D5- Inclusive design
- Policy D14- Noise
- Policy E1- Offices
- Policy E2- Providing suitable business space
- Policy HC1- Heritage conservation and growth
- Policy SI 2- Minimising greenhouse gas emission

#### **B) Islington Core Strategy 2011**

- Policy CS8 Enhancing Islington's character
- Policy CS9 Protecting and enhancing Islington's built and historic environment
- Policy CS10 Sustainable design
- Policy CS11 Waste
- Policy CS13 Employment spaces
- Policy CS18 Delivery and infrastructure

## C) Islington Development Management Policies 2013

### Design and Heritage

- Policy DM2.1- Design
- Policy DM2.2- Inclusive Design
- Policy DM2.3- Heritage

### Employment

- Policy DM5.1- New business floorspace
- Policy DM5.4- Size and affordability of floorspace

### Energy and Environmental standards

- Policy DM7.1- Sustainable design and construction
- Policy DM7.2- Energy efficiency and carbon reduction in minor schemes

### Transport

- Policy DM8.4- Walking and cycling
- Policy DM8.5- Vehicle parking

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

The following SPGs and/or SPDs are relevant:

### London Plan

- Accessible London 2016
- Character and Context 2014
- Sustainable Design and Construction 2014

### Islington SPG/SPD

- Urban Design Guide 2019
- Conservation Area Design Guidelines 2002
- Environmental Design 2012
- Inclusive Design SPD



**PLANNING DECISION NOTICE**

Gpad London LTD  
2nd Floor  
130 Old Street  
London  
EC1V 9BD

Development Management Service  
Planning and Development Division  
Environment & Regeneration Department

**Case Officer:** Thomas Broomhall  
**T:** 0207 527 5978  
**E:** [planning@islington.gov.uk](mailto:planning@islington.gov.uk)

**Issue Date:** 02 February 2018  
**Application No:** P2017/3131/FUL

*(Please quote in all correspondence)*

Dear Sir or Madam

**TOWN AND COUNTRY PLANNING ACTS**

**BOROUGH COUNCIL'S DECISION: Approve with conditions**

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, subject to the condition(s) listed and in accordance with the plans submitted, save insofar as may be otherwise required by the condition(s).

<b>Location:</b>	<b>Gate House, 1 St John's Square, London, EC1M 4DH</b>		
<b>Application Type:</b>	<b>Full Planning Application</b>		
<b>Date of Application:</b>	09 August 2017	<b>Application Received:</b>	09 August 2017
<b>Application Valid:</b>	15 September 2017	<b>Application Target:</b>	10 November 2017

**DEVELOPMENT:** Erection of roof extensions at third, fifth and sixth floor levels to create an uplift in B1 office floorspace, reconfiguration at fourth and fifth floor, creation of a sixth floor roof terrace, associated external alterations including creation of cycle storage, alterations to rear fire escape on western elevation including cladding in mesh and the relocation of existing air conditioning units to sixth floor level.

**PLAN NOS:** 547.PA.01, 547.PA.02, 547.PA.03, 547.PA.04, 547.PA.05, 547.PA.06, 547.PA.07, 547.PA.08, 547.PA.09, 547.PA.10, 547.PA.11, 547.PA.12, 547.PA.13, 547.PA.14, 547.PA.15, 547.PA.16, 547.PA.17 Rev B, 547.PA.18 Rev A, 547.PA.19, 547.PA.20, 547.PA.21, 547.PA.22, 547.PA.23, 547.PA.24, 547.PA.25, 547.PA.26, 547.PA.27, 547.PA.28 Rev A, 547.PA.29 Rev A, 547.PA.30, 547.PA.35, 547.PA.36, 547.PA.37, 547.PA.38, 547.PA.39, 547.PA.40, 547.PA.41, 547.PA.42, 547.PA.43, 547.PA.44, 547.PA.45, 547.PA.46, 547.PA.47, 547.PA.48, 547.PA.49, 547.PA.50, 547.PA.51, Planning Heritage Design and Access Statement - Rev A Dated August 2017; Daylight & Sunlight Report Dated 23rd November 2017 by Mes Building Solutions; Noise and Vibration Assessment Report Ref: 14271-002 Dated October 2015 by Philip Acoustics Ltd, Sustainability and Energy Statement ref: 5365.1 dated 09/08/2017 by Metropolis & Area Schedule - Commercial (B1 Office) dated 06/09/17.

**CONDITIONS:**

P-DEC-AP1

- 1 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 DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:

547.PA.01, 547.PA.02, 547.PA.03, 547.PA.04, 547.PA.05, 547.PA.06, 547.PA.07, 547.PA.08, 547.PA.09, 547.PA.10, 547.PA.11, 547.PA.12, 547.PA.13, 547.PA.14, 547.PA.15, 547.PA.16, 547.PA.17 Rev B, 547.PA.18 Rev A, 547.PA.19, 547.PA.20, 547.PA.21, 547.PA.22, 547.PA.23, 547.PA.24, 547.PA.25, 547.PA.26, 547.PA.27, 547.PA.28 Rev A, 547.PA.29 Rev A, 547.PA.30, 547.PA.35, 547.PA.36, 547.PA.37, 547.PA.38, 547.PA.39, 547.PA.40, 547.PA.41, 547.PA.42, 547.PA.43, 547.PA.44, 547.PA.45, 547.PA.46, 547.PA.47, 547.PA.48, 547.PA.49, 547.PA.50, 547.PA.51, Planning Heritage Design and Access Statement - Rev A Dated August 2017; Daylight & Sunlight Report Dated 23rd November 2017 by Mes Building Solutions; Noise and Vibration Assessment Report Ref: 14271-002 Dated October 2015 by Philip Acoustics Ltd, Sustainability and Energy Statement ref: 5365.1 dated 09/08/2017 by Metropolis & Area Schedule - Commercial (B1 Office) dated 06/09/17.

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 CONDITION: Notwithstanding the approved drawings, 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:
  - a) Details of how the mosaic work will be affixed and sample tile;
  - b) render (including colour, texture and method of application);
  - c) treatment of window openings (including sections and reveals), details of windows;
  - d) roofing materials;
  - e) balustrading treatment (including sections);
  - f) spandrel panels including fixings
  - g) any other materials to be used

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

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.

- 4 CONDITION: Prior to the first occupation of the office accommodation hereby permitted, at least four secure bicycle storage spaces shall be provided within the site. These spaces shall be used solely for the benefit of the occupants of the development and their visitors and for no other purpose and shall be permanently retained as such thereafter.

REASON: To ensure adequate cycle parking is available and easily accessible on site and promote sustainable modes of transport.

- 5 CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v. wheel washing facilities
  - vi. measures to control the emission of dust and dirt during construction
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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.

REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.

- 6 CONDITION: Notwithstanding the approved drawings, details of the design of secondary staircase enclosure shall be submitted and approved in writing by the LPA prior to construction.

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.

- 7 CONDITION: Notwithstanding the approved drawings, existing window profiles and manufacturers details of proposed windows shall be submitted and approved in writing by the LPA prior to construction.

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.

- 8 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."

REASON: For the protection of neighbouring residential amenity.

- 9 CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the mechanical plant hereby approved to demonstrate compliance with condition 8. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed within 3 months of the use hereby permitted and permanently retained thereafter.

REASON: For the protection of neighbouring residential amenity.

- 10 CONDITION: The biodiversity green roof shall be:
- a) biodiversity based with extensive substrate base (depth 80-150mm);
  - b) laid out in accordance with plan 547-PA.24 hereby approved; and
  - c) planted/seeded with a 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).

The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity

- 11 CONDITION: Notwithstanding the plans hereby approved including approved plan numbers 547-PA.28 Rev A & 547-PA.22, no permission is granted for the use of the 4th floor flat roof area to be used as any form of terrace area or sitting out area other than for essential maintenance or repair, or escape in case of emergency into perpetuity.

REASON: To ensure adequate and fair protection of neighbouring properties residential amenity.

Your attention is drawn to any **INFORMATIVES** that may be listed below

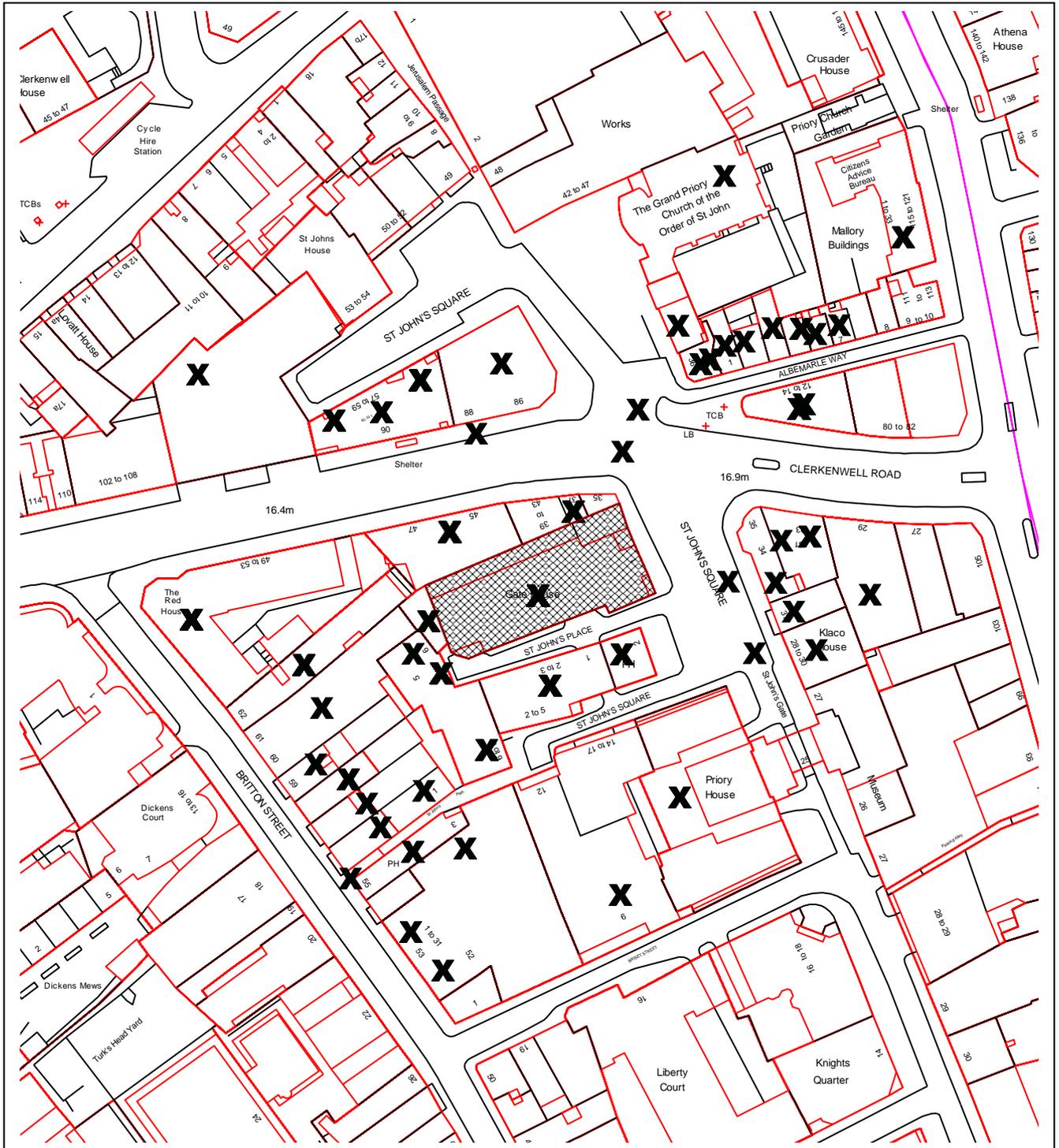
- 1 To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.

The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.

The LPA delivered the decision in accordance with the requirements of the NPPF.

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# Islington SE GIS Print Template



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P2020/3454/FUL

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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration  
 Department

<b>PLANNING SUB-COMMITTEE A</b>		
<b>Date:</b>	22 <sup>nd</sup> March 2021	<b>NON-EXEMPT</b>

Application number	P2019/2774/FUL
Application type	Full Planning Application
Ward	Caledonian
Listed building	No
Conservation area	No - Within 50m of the Barnsbury Conservation Area
Development Plan Context	Employment Growth Area
Licensing Implications	No
Site Address	Unit 4, Roman Way Industrial Estate , 149 Roman Way, London, N7 8XH
Proposal	Change of use from Light Industrial (B1(c)) to Commercial Kitchen and Delivery Centre (Sui Generis) (Departure from Development Plan).

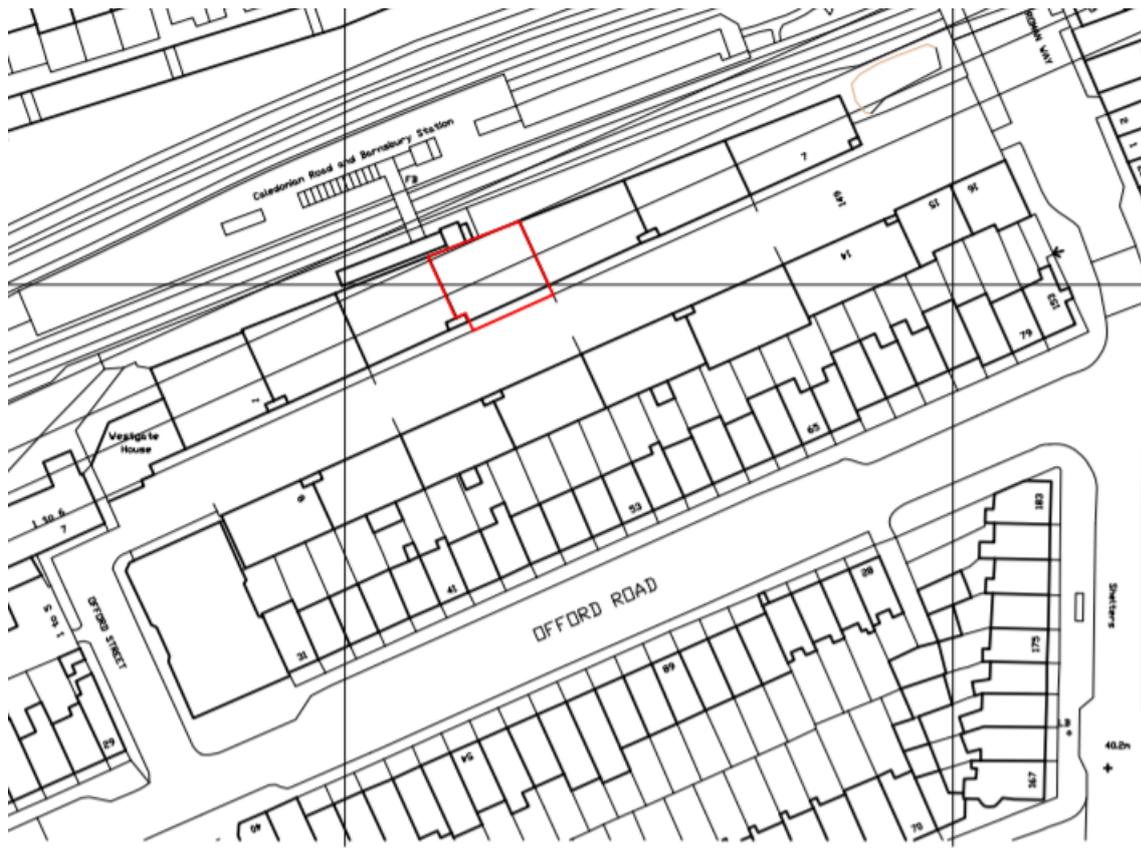
Case Officer	Mr Owen Griffiths
Applicant	Roofoods Ltd
Agent	Firstplan - Mr Michael Mills

### 1. RECCOMENDATION

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

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

**2. SITE PLAN (Outlined in red)**



**Image 1: Location Plan**

### 3. PHOTOS OF SITE



**Image 2: Aerial view of site**



**Image 3: External View of Unit 4**



**Image 4:** External View of Unit 4



**Image 5:** Internal View of Unit 4.



**Image 6:** Internal View of Dispatch Area.

#### **4. SUMMARY**

- 4.1 The proposal seeks retrospective planning permission for the change of use from B1(c) floorspace (Light Industrial) to a Commercial Kitchen and Delivery Centre (Sui Generis). The use has been in operation since October 2017 and the site is currently the subject of an Enforcement Notice which has been appealed by the applicant. The appeal is currently being held in abeyance by the Planning Inspectorate pending the decision of this application.
- 4.2 The proposed use is considered to be acceptable, subject to deliveries from the site being conducted on electric vehicles and bicycles. This is to address noise concerns due to insufficient information submitted to adequately demonstrate that no harm is being caused by the continued use of petrol powered vehicles related to the use. The use of petrol powered vehicles to satisfy orders from the site does not accord with the Council's Transport Strategy and Air Quality Strategy.
- 4.3 As the development constitutes the loss of affordable workspace by the nature of its use and scale, it is considered that the proposal is a departure from the development plan. Obligations relating to community working groups, community outreach and education programmes and a contribution to affordable workspace provision are recommended to be secured via a legal agreement .
- 4.4 The proposal is considered to accord with Policy DM2.1 in relation to amenity impacts, subject to the use of non-petrol powered vehicles for deliveries from the site. The proposal is also in accordance with DM5.1 in relation to new business floorspace as the Sui Generis use is akin to a business use. Furthermore, the development is in compliance with Policies DM8.2 and DM8.6 in relation to Transport and Highways. Overall, the proposals accord with the relevant sections of the Development Management Policies 2013 and Policies CS8 and CS9 of the Core Strategy 2011.

4.5 The application is referred to the planning committee for determination due to the number of objections received.

## 5. SITE AND SURROUNDING

5.1 The application site has an area of 218sqm and the entire plot is occupied by a single storey (plus mezzanine level) building. The site is located in an industrial estate that contains 14 other industrial units that have a similar size and appearance.

5.2 The building contains five commercial kitchens plus ancillary storage rooms, WCs, dispatch room and a waiting area for delivery drivers. The building has a rectangular footprint with a mono-pitched roof. The building was constructed in the 1980's and has a utilitarian character with no special architectural qualities.

5.3 There are two means of accessing the site: via the entrance from Roman Way or via Offord Road. There is a shared surface running through the middle of the industrial estate which provides access to each industrial unit.

5.4 The site does not contain any formal car parking spaces but there are 10 marked moped spaces at the front of the property with a cycle rack also provided.

5.5 The site is bounded by a railway line to the north, and other units within the industrial estate on all other boundaries. Whilst the subject site is within an industrial estate, the neighbouring roads and wider surrounding area are residential in character.

5.6 The application site is not in a conservation area, but the edges of the industrial estate adjoin the perimeter of the Barnsbury Conservation Area. The site is currently within an Employment Growth Area and as part of the Islington's Draft Local Plan it is proposed for the site to be designated as a Locally Significant Industrial Site (LSIS) with some minor changes to the boundary of this designation.

## 6. PROPOSAL (IN DETAIL)

6.1 The application seeks a change of use of Unit 4 from a Light Industrial Use (B1(c)) to a Commercial Kitchen and Delivery Centre (Sui Generis) for use by Deliveroo.

6.2 The Commercial Kitchen and Delivery Centre (referred to by the applicant as 'Deliveroo Editions') has been in operation at the site since October 2017 and the site has been the subject of a refused Certificate of Lawfulness application that sought to demonstrate that the proposed use was B1c, as well as an enforcement notice relating to the unauthorised change of use of the site. Both the refused certificate and the enforcement notice have been appealed by Deliveroo with the appeal procedure being held in abeyance until the current application is determined.

## 7. RELEVANT HISTORY:

7.1 **P2017/4994/COL:** Certificate of lawfulness (existing) for the operation of a "Deliveroo Editions" commercial kitchen and delivery centre (under a B1(c) use class. **Refused and Enforcement Action Taken 15/02/2018**

- 7.2 **P2018/0209/FUL:** Installation of external plant and external alterations, including 4 no. extract ducts, 6 no. intake louvres, 5 no. flues and 2 no. air conditioning units. **Pending consideration.**
- 7.3 **81/670:** Redevelopment of vacant sites on land either side of Offord Street with a single storey light industrial development including the extinguishment of public rights of way of the existing road, and allocation of land for pedestrian access to Barnsbury British Rail Station. **Approved 08/09/1981.**

### **Enforcement**

7.4 **E/2017/313 & 18/2018 (08/05/2018)**

**Alleged Breach:** without planning permission making a material change in the use of the land to a Takeaway Food Preparation, Collection and Delivery (Sui Generis), the erection of 6 x extract flues to the upper southern elevation and short chimney to roof.

#### **Actions Required to Remedy Breach:**

1. Cease the use of the site as a Takeaway Food Preparation, Collection and Delivery Hub.
2. Cease the use of the 6 x extract flues to the southern elevation.
3. Cease the use of the short chimney to the roof.
4. Remove all cooking facilities, cooking equipment and associated partitioning from the land.
5. Remove the 6 x extract flues to the southern elevation.
6. Remove the short chimney to the roof.
7. Remove all materials and debris from the land and repair any resulting damage to the building

### **Appeals**

- 7.5 An initial linked appeal was lodged against the enforcement notice (PINS Ref: APP/V5570/C/18/3201989) and the refused certificate (PINS Ref: APP/V5570/X/18/3197575). The appeal against the certificate has since been withdrawn from the linked appeal.
- 7.6 The appeal against the enforcement notice is currently being held in abeyance by the Planning Inspectorate until the current application is determined.

### **Public Consultation**

- 7.7 Letters were sent to occupants of 110 adjoining and nearby properties at Offord Road, Offord Street, Roman Way and to the other units within the industrial estate on the 22<sup>nd</sup> October 2019 and a site notice and press advert were also displayed.
- 7.8 The application was re-consulted on the 14<sup>th</sup> December 2020 due to the receipt of additional information from the applicant.
- 7.9 At the time of writing this report 42 responses had been received from the public raising objection to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):
- Concerns raised regarding noise, air and environmental pollution as a result of scooter/moped use. Rise in traffic will impact health. (*Paragraph 9.16 and paragraph 9.73*)

- The use is inappropriate in a residential area and the dramatic rise in traffic will impact health. *(Paragraph 9.16 and paragraph 9.73)*
- Neighbour amenity impacts relating to noise due to frequency and number of moped movements late into the evening. *(Paragraph 9.44)*
- Concerns raised regarding road safety, particularly speeding of delivery drivers, mounting of pavements. Delivery drivers park between parked cars blocking residential bays or on the pavement and damage other vehicles, often leave their engines running and can be heard arguing. Waste is often left on kerbside and bikes are locked to residential railings. *(Paragraph 9.25-9.27 and 9.70)*
- Applicant cannot control delivery drivers when offsite as they are classed as self-employed. Anti-social behaviour has been experienced by residents associated with delivery drivers. *(Paragraph 9.70)*
- Use is detrimental to the area and significantly degrades the tranquillity and safety of the neighbourhood. *(Paragraph 9.65-9.67)*
- Moped movements along Offord Road have increased dramatically since the Highbury Corner reconfiguration. *(Paragraph 9.27)*
- Constant background noise during majority of the day is having an impact on overall health, increasing levels of stress, frustration/rage which is totally unacceptable. *(Paragraph 9.65-9.67)*
- AC units and fans are left on 24/7 when the unit is closed and causes issues with noise levels on the estate. *(There is a separate planning application under consideration relating to mechanical plant Ref: P2018/0209/FUL)*
- Applicant undertook consultation but did not address issues raised. *(A Community Working Group is included in the draft Head of Terms)*
- Use has caused significant increase in traffic in the area. Marked increase in mopeds cutting through residential area. *(Paragraph 9.27-9.32)*
- Strong food smells emanate from unit particularly during summer months. *(There is a separate plant application that covers this issues Ref: P2018/0209/FUL)*
- The estate is not designed for so many drivers who drive at excessive speed with no regard for other residents. Already too many vans and lorries struggling to turn into/out of the estate and the constant flow of mopeds makes this worse. *(Paragraph 9.26-9.27)*
- The hours of operation are too long, do not accord with the Industrial Estate and will set an undesirable precedent. *(Paragraph 9.68-9.69)*
- The operator should be restricted by imposing a condition to use non-motorised electric-assisted or manual bicycles for deliveries for its operation. Camden site is using bicycles only and this should be applied at Roman Way. *(Condition 4 addresses this)*
- Safety risk from mopeds crossing footpath towards Caledonian Road & Barnsbury Station. Only a matter of time before there is a serious accident resulting from careless drivers. Drivers are motivated by speed and cut corners. *(Paragraph 9.25-9.26)*

- Mopeds have distinct noise which makes them stand out and are louder than cars. Noise reverberates along Offord Road. Noise report uses misleading data. (Paragraph 9.59-9.67)
- Noise and pollution modelling was carried out prior to the Covid 19 pandemic making existing modelling insufficient. (Paragraph 9.65-9.67 and 9.83)
- Expensive to install double glazing to alleviate noise to Offord Road properties as they are in a Conservation Area. (Paragraph 9.67)
- Use is contrary to people friendly streets initiative. (Paragraph 9.30-9.32)
- Negative impacts on independent takeaway restaurant businesses in Islington. (Paragraph 9.13-9.15)
- Business uses a high volume of self-employed drivers with no employment security. (Officer Response: employment security cannot be assessed as part of this application)

### **Internal Consultees**

7.10 **Planning Policy:** The Sui Generis use proposed is akin to an industrial use and emerging policy B2 supports and acknowledges this use in LSISs. Adopted policy requires Business floorspace but given the emerging policy Sui Generis uses can be considered business/industrial floorspace in certain instances such as this application. Adopted policy DM6.1 part G refers to noise sensitive developments. In the latest proposed modifications of the SDM it is proposed to include specific reference to sustainability (S7) and transport policies (T2 and T5) in policy B2 which will require proposals to provide robust measures to mitigate potential air quality impacts from increased vehicle movements. In addition, emerging policy T5 part B (vi) requires the applicant to submit assessment and robust mitigation measures for potential noise vehicle impacts. Part (viii) requires applicants to investigate potential for delivery and servicing by non-motorised sustainable modes, such as cargo cycles and 'clean' vehicles.

7.11 **Public Protection (Noise):** There are a number of measures that could be taken to minimise the noise impacts, ranging from driver training, management controls on driver behaviour, bans on non-standard exhausts and no audible alarms, to site bans on petrol powered scooters. Clearly the use of electric bike & scooters/bicycles instead of petrol engined scooters would resolve any noise impacts from the delivery and collection operation and the nearest Deliveroo Editions site at Swiss Cottage has implemented this to resolve noise issues.

There are currently no specific noise controls proposed within the operational management plan. Further issues should be covered in the Operational Management Plan such as a robust anti-idling policy, along with training for Deliveroo riders on the sensitivity of the area, avoiding excessive revving of engines/beeping of horns or alarms, enforcement of speed limit within the industrial estate, riders not congregating outside residents' properties, using toilets/not urinating on street, road safety/driver behaviour etc.

A condition is recommended that limits the hours for deliveries, collections and loading from the site.

7.12 **Public Protection (Air Quality):** In terms of air quality, the applicant has provided a report from Arup on the potential air quality impacts of the scooters which concludes that the air quality impacts of the development will be negligible. Scooters haven't typically been considered as a major source of air pollution and there hasn't been that much work into their impacts or emphasis on tackling emissions. The research conducted to date on emissions from scooters points towards the air quality impacts not being significant for nearby receptors in terms of NO<sub>2</sub>. These vehicles are also high emitters of CO and HC, albeit these compounds are perhaps of less concern as pollutants in comparison now.

7.13 **Commercial Environmental Health:** No comments relating to this application.

7.14 **Highways:** Highways have no comments regarding this planning application.

7.15 **Inclusive Economy:** Supported the provision of an off-site contribution towards provision of affordable workspace.

## 8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

8.1 The National Planning Islington Council (Planning Committee), in determining the planning application 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 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 The Development Plan is comprised of the London Plan 2021, 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.
- 8.10 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

### **Emerging Policies**

#### **Draft Islington Local Plan 2019**

- 8.11 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress
- 8.12 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 8.14 Emerging policies relevant to this application are set out below.
- Policy H1 Thriving Communities
  - Policy B2 New Business Floorspace
  - Policy B3 Existing Business Floorspace
  - Policy B4 Affordable Workspace
  - Policy T1 Enhancing the Public Realm and Sustainable Transport
  - Policy T2 Sustainable Transport Choices
  - Policy T3 Car Free Development Parking
  - Policy T5 Delivery, Servicing and Construction

Policy S1 Delivering Sustainable Design  
Policy S2 Sustainable Design and Construction  
Policy S3 Sustainable Design Standards  
Policy S7 Improving Air Quality

## 9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use
- Highways and Transportation
- Neighbouring Amenity
- Air Quality

### Land Use

9.2 The original planning permission for the industrial estate at Roman Way (81/670) was granted prior to the Town and Country Planning (use Classes) Order 1987. The description of development refers to 'light industrial' and this is considered to place the authorised use of the site into Class B1(c). This is supported by the wording of conditions 3 of this permission which states that "*no process shall be carried on nor any machinery installed which is not such as could have carried on or installed within any residential area by reason of noise, vibration, smell, fumes smoke, soot, ash, grit or similar nuisance*". Furthermore, the Council considered that the use of existing units at Roman Way Industrial Estate to fall within Class B1(c) due to a previous certificate of lawfulness application in respect of Unit 9 (ref: P2013/2653/COL).

9.3 The Town and Country Planning (Use Classes) Regulations were updated on 1<sup>st</sup> September 2020, with former use classes A1, A2, A3, B1 and parts of D1 and D2 becoming Class E, and A5 uses becomes Sui Generis. This enables buildings to have a number of flexible uses and changes to a use within the same class do not require planning permission. It is therefore now possible to change B1(c) floorspace to any of the other uses that now fall within Class E without first having to apply for planning permission from the Local Planning Authority. When considering planning applications submitted prior to the adoption of the updated Use Classes the Town and Country Planning (Use Classes) Regulations 2020 detail such applications must be determined by reference to the uses or use classes under the Use Classes Order in force on 31st August 2020. However, the updated Use Class Order is a material planning consideration in the assessment of the application.

9.4 Policy DM5.1 relates to New Business Floorspace and part A refers to Employment Growth Areas. It is stated that:

*the council will encourage the intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units. Within these locations proposals for the redevelopment or Change of Use of existing business floorspace are required to incorporate:*

- i) the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations, and*
- ii) a mix of complementary uses, including active frontages where appropriate.*

9.5 Policy DM5.2 (Loss of Existing Business Floorspace) part A reiterates CS Policy 13 and states that proposals that would result in a loss or reduction of business floorspace will be refused unless the applicant can demonstrate exceptional circumstances through the submission of clear and robust evidence that shows there is no demand for the floorspace. Acceptable evidence constitutes proof of marketing for a continuous period of two years or robust market demand analysis if the marketing period is less than two years. The site is within an Employment Growth Area and therefore Part B of DM5.2 is also relevant. Part B states that the loss or reduction of business floorspace will be resisted where the proposal would have a detrimental individual or cumulative impact on the area's primary economic function (including by constraining future growth of the primary economic function).

9.6 Islington's Core Strategy (2011) and Development Management Policies (2013) Documents provide an identical definition of Business Floorspace:

*'Business Floorspace/buildings/development/uses: Activities or uses that fall within the **B-use class** (i.e. offices, industry, or warehousing).'*

9.7 Part C of Islington's draft Local Plan Policy B2 (New Business Floorspace) relates to LSIS land and the Islington Local Plan: Proposed Submission (Regulation 19) Policies Map proposes for the land at the site to be designated as an LSIS. It is stated that 'In LSISs the overriding priority land uses are industrial uses (B1(c), B2, B8 and Sui Generis uses which are akin to industrial uses). The retention and intensification of industrial uses and existing clusters of industrial activity in LSISs will be required as part of any proposal within a LSIS.'

9.8 There are clear policy requirements within Islington's Development Plan that protect existing business floorspace in the borough and proposals that result in a loss or reduction of business floorspace will be refused. Policy DM5.2 outlines further reluctance to the loss or reduction of business floorspace if there is an impact on the areas primary economic function.

9.9 While the change of use from B1(c) to a Sui Generis use at the site would constitute a loss of business floorspace in the strictest possible terms, the currently unauthorised use of the site results in up to six independent or chain restaurant partners using the site and supports 34 full-time direct jobs (73 in total including non-direct jobs). Despite the commercial kitchen and delivery centre use not being within the B-Use Classes, the Sui Generis use being undertaken is considered to represent business floorspace and that this maximises the business use of the site. Part C of emerging Policy B2 also provides concessions for Sui Generis uses that are akin to industrial uses and this is considered to be the case in this instance. The site has also been fully modernised with fitted commercial kitchens and modern extraction equipment and overall the use of the site is in compliance with the principles of DM5.1 Part A, DM5.2 Part A as well as emerging Policy B2 Part C.

9.10 In relation to DM5.2 Part B, it is noted that a loss of business floorspace will be resisted if '*the proposal would have a detrimental individual or cumulative impact on the area's primary economic function (including by constraining future growth of the primary economic function).*' As the use is similar to a business use, it is considered that subject to an assessment of the impact of the delivery function of the unit, the use does not have a detrimental impact on the areas primary economic function. It is also noted that the site has been operating in this use since October 2017 and there is nothing to suggest that their operations have had a detrimental impact on the primary economic function of the industrial estate nor that it has constrained future growth.

9.11 Policy DM5.4 Part B relates to size and affordability of workspace in Employment Growth Areas. It is stated that:

*'proposals for the redevelopment of existing low value work space must incorporate an equivalent amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises, unless it can be demonstrated to the council's satisfaction that the site is no longer suitable for the provision of similar uses.'*

9.12 Part F of DM5.4 details that where the proportion of workspace does not meet the council's expectation and where the provision of such workspace is inappropriate a financial contribution will be sought.

9.13 B1(c) floorspace is considered to be low value work space that can be occupied by small or micro enterprises due to the low rents associated with such industrial floorspace in a residential area. The 5/6 kitchens that are provided at the site can be considered suitable for small start-up restaurants (micro enterprises), however, the loss of the wider B1c use of the site constrains the type of business that could operate from the site. To mitigate this a contribution to off-site affordable workspace is recommended to be secured through a legal agreement.

9.14 The applicant has also proposed a Community Outreach and Education programme that would be secured through a legal agreement. For each year of the development the applicant will commit to make available 5 x two week long, work experience placements, at its Global HQ in London for pupils currently studying at schools within the borough. The programme also commits the applicant to offer 2 x open day sessions at two different schools within the borough, allowing pupils to hear about opportunities in the tech, food delivery and hospitality sector.

9.15 It is concluded that the use of the site by Deliveroo as a commercial kitchen and delivery centre for a temporary period of 3 years is acceptable in land use terms, subject to appropriate conditions and a legal agreement. The temporary period of 3 years would also enable the proposal to be reviewed following the consultation of a proposed low traffic neighbourhood within this area, its potential implementation and any changes to highway use as a result of the Mayors Ultra Low Emission Zone. At the expiration of the permission, the applicant will be required to apply for planning permission should they wish to continue the use.

### **Highways and Transportation**

9.16 Development Management Policy DM8.2 requires developments to fully mitigate any adverse impacts upon the capacity of transport infrastructure and have no negative impacts on the safe and efficient operation of transport infrastructure. In order to mitigate any adverse impacts, Development Management Policy DM8.6 requires that worst case scenarios have been assessed and their impacts mitigated

9.17 Policy DM8.2, Part A in relation to 'Managing transport impacts' states that:

*Development proposals are required to meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. Where the council considers that a development is likely to have a significant negative impact on the operation of transport infrastructure, this impact must be satisfactorily mitigated. In order for developments to be considered acceptable they are required to:*

- i) fully mitigate any adverse impacts upon the capacity of transport infrastructure, including pavements and other walking routes, cycle routes, public transport and roads;*
- ii) have no negative impacts on the safe and efficient operation of transport infrastructure;*
- iii) maximise safe, convenient and inclusive accessibility to, from and within developments for pedestrians, cyclists and public transport users;*

- iv) provide equal access for all people, including inclusive access for disabled people;*
- v) adequately address delivery, servicing and drop-off requirements, and*
- vi) have no significant negative impacts from transport arrangements on the local and wider environment.*

9.18 Policy DM8.6, in relation to Delivery and servicing for new developments states at Part A:

*Provision for delivery and servicing should be provided off-street, particularly for commercial developments over 200m<sup>2</sup> gross floor area. In order to ensure proposed delivery and servicing arrangements are acceptable:*

- i) It must be demonstrated that servicing and delivery vehicles can enter and exit the site in forward gear*
- ii) Details shall be submitted to establish the delivery and servicing needs of developments*
- iii) Delivery and servicing bays are required to be strictly controlled, clearly signed and only used for the specific agreed purpose.*

9.19 Policy DM5.1 part D outlines that proposals for industrial and warehousing uses will be supported where off-street loading is provided, satisfactory access and servicing can be achieved to the site, and the use would not be detrimental to amenity, due to noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Amenity considerations are addressed in the following section.

9.20 Emerging Policy T1 (Enhancing the Public Realm and Sustainable Transport) part B highlights that 'The design of developments, including building design and internal layout, site layout, public realm and the provision of transport infrastructure, must prioritise practical, safe and convenient access and use by sustainable transport modes, namely walking, cycling and public transport. Private vehicle use will be restricted in Islington as far as possible, as it is not sustainable and is a key cause of emissions and congestion.' Policy T5 relates to Delivery and Servicing, and Part B (iv & viii) states that delivery and servicing arrangements must:

*(iv) - 'submit sufficient information detailing the delivery and servicing needs of developments, including demonstration that all likely adverse impacts have been thoroughly assessed and mitigated/prevented. This includes impact on the amenity of local residents and businesses, for example, vehicle noise impacts from idling and reversing warning mechanisms and impacts due to the size of delivery vehicles;*

*(viii) - Investigate potential for delivery and servicing by non-motorised sustainable modes, such as cargo cycles and 'clean' vehicles*

9.21 The application has been submitted with a Transport Statement in support of the proposals. The report has provided motorcycle flow data from a Friday and Saturday in October 2018. The survey data indicates that during the peak hour on Friday (7pm to 8pm) there were 139 moped movements and during the Saturday peak (8pm to 9pm) there were 163 moped movements. This equates to roughly 70 vehicles entering the site and 70 vehicles exiting the site in the peak Friday hour and 80 vehicles entering the site and 80 vehicles exiting the site during the peak Saturday hour. The survey data also indicates that over the whole day there were 566 vehicle movements on Friday and 829 on Saturday.

- 9.22 Survey data was collected again in September 2019. The outcome of this survey show that the peak hour on Friday was again 7pm-8pm with 128 vehicle movements and on Saturday the peak hour was 8pm to 9pm with 116 vehicle movements. The totals for each day were 740 and 733 on Friday and Saturday respectively. The Transport Statement states that the reduction of vehicle movements during the peak hours could be as a result of an improved algorithm used by Deliveroo to utilise riders more efficiently by grouping orders together for a single rider to deliver multiple orders in a similar area.
- 9.23 The main access to the site is via the entrance on Roman Way which has a vehicle crossover to the public highway. There is secondary entrance to the estate to Offord Street that leads onto Offord Road. This secondary entrance is closed by the estates manager at 7pm every day and so during the evening peaks all the Deliveroo drivers use the main entrance to Roman Way.
- 9.24 Safety concerns have been raised by objectors to the scheme in relation to drivers who access the site that often speed over the cross-over to Roman Way as well as contravening other highway safety measures such as mounting the pavement or not adhering to speed limits. The Transport Statement provided has indicated that up to the date of the report, no accidents have been recorded that can be attributed to the Deliveroo operations. One moped incident occurred on a Sunday when the site is not in operation.
- 9.25 Representations have also highlighted that there has been increased levels of moped movements along Offord Road, particularly during the Covid-19 pandemic, with periods of lockdown and restrictions on outdoor activities. While it is acknowledged that there has been increased moped movements along Offord Road, not all of the additional moped movements can be attributed to the Deliveroo operations at the Roman Way Industrial Estate. The Transport Statement has outlined that there were between 566 and 829 vehicle movements as a result of the operations of Deliveroo from the site (on the days surveyed) and averaged out over a 10 hour day this would equate to around 60 to 80 movements an hour. While it is acknowledged that this is a marked increase over the level of vehicle movements associated with the existing Industrial Estate, the site has been in operation for over three years and the submitted Transport Statement has identified that there have been no reported traffic accidents associated with the operation of the site. As is noted in the Transport Statement, both entrances to the site (from Roman Way and Offord Street) have good pedestrian visibility splays which meet current highway standards.
- 9.26 Deliveroo have also committed to an Operation Management Plan as part of any planning consent that includes a Complaints Procedure, a code of conduct for drivers, as well as measures to address drivers who break the code of conduct. Furthermore, a Community Working Group is proposed to be set up, which is to include a representative from the Council, with the intention of giving community members an opportunity to make representations to Deliveroo and will allow Deliveroo to act responsibly by responding to representations raised by the Community Working Group. This is recommended to be secured through a legal agreement.
- 9.27 The overall effect of the use at the site is considered to not have a harmful impact on the local highway network. It is acknowledged that the use is associated with a high volume of moped/scooter movements in and out of the site but it has been concluded that the industrial estate and surrounding area can accommodate this level of use. No traffic incidents have been reported as a result of the use over the last three years and it is considered that any impacts from the associated transport arrangements are minimal and can be suitably addressed through the recommended conditions.

- 9.28 Emerging Policy T5 Part B (iv) states that, in relation to delivery and servicing, all likely adverse impacts should be thoroughly assessed and mitigated/prevented. This includes impacts on the amenity of local residents and businesses'. Affects from noise and in relation to air quality are addressed in the forthcoming sections.
- 9.29 It is concluded that the application is in compliance with adopted Policies DM8.2 and DM8.6 and overall, the application is deemed to be acceptable in relation to Highways and Transportation.

#### Low Traffic Neighbourhoods

- 9.30 Over the last 12 months a number of Low Traffic Neighbourhoods (LTN's) have been introduced across the borough. LTN's restrict traffic cutting through residential areas and are intended to increase safety for both cyclists and pedestrians and also to address associated benefits in relation to air quality in residential areas.
- 9.31 The site around the Roman Way Industrial Estate is not currently affected by a LTN but there are plans for LTN's to be introduced in this area in the future. The result of any future LTN(s) in this area will be to limit the ability of motorised vehicles (both electric and petrol/diesel vehicles, including e-scooters) to cut through the surrounding residential streets, including Offord Road. While it cannot yet be confirmed which roads will be affected and what exact areas will be the subject of an LTN, the likely outcome of a LTN(s) in this area is that it will not be possible to travel along Offord Road as a means of going between Caledonian Road and Liverpool Road/Upper Street. It will be possible however, to use a bicycle or an electric powered bicycle as these will not be restricted by LTN's and are encouraged as a means of transport around the borough.
- 9.32 Given the above, it is highly likely that once an LTN is introduced in this area, a modal shift will occur as riders will be incentivised by the benefits of using a bicycle as opposed to a motorised vehicle. At present, this issue can only be given limited weight in the planning balance but it should be noted that the Council's intentions are to restrict and control motorised vehicles in the borough to accord with Islington's declaration of a climate crisis and with Islington's Transport Strategy and Air Quality Strategy.

#### Islington Transport Strategy 2020 - 2041

- 9.33 Islington's Transport Strategy sets out Islington Council's vision, strategic objectives and policies for Islington's transport environment for the period up to 2041. It describes the commitments that the Council has made to deliver its transport vision, strategic objectives and policies. It also indicates how the Council will deliver these commitments. The Strategy commits the Council to meeting ambitious and challenging transport and environmental targets, and to measuring its progress towards meeting these targets in 2030 and 2041.
- 9.34 Policy 1D of the Transport Strategy states that 'The Council will reduce the number, size and impact of vans, lorries and other goods vehicles, particularly in areas that are more sensitive and during peak times, whilst maintaining servicing and delivery access to residents and businesses.' The supporting text to this policy is applicable to the Deliveroo's use at the site (sometimes referred to as a 'dark kitchen'): 'Recent years have seen a rapid increase in home deliveries by moped and motorbikes. The congregation of large numbers of moped and motorcycle couriers around busy restaurants, takeaways and dark kitchens has led to increasing concerns from residents about noise and air pollution. The popularity of home delivery services is likely to increase still further in the coming years. Through the planning system the Council will work with home delivery companies, couriers and restaurants and takeaways to put measures in place to protect the quality of life of local residents.'

- 9.35 Under the commitments section of Policy 1D, it is stated that the Council will '*Work with local businesses to ensure that whenever possible courier and home deliveries are made by bicycle and on foot rather than by car, moped and van. This will be achieved through discussions with the main delivery companies and through planning consents. The Council will also work to improve employment conditions and reduce road danger for couriers and other transport workers in the gig – economy.*'
- 9.36 Policy 3H goes on to address the associated environmental impacts of transport: 'The Council will reduce transport-related pollution including noise, light and vibration, thereby reducing the associated negative health and environmental impacts particularly in sensitive locations.' It is noted that the Council are committed to:
- Reduce traffic volumes on local and main roads and;
  - Support a switch to electric vehicles.
- 9.37 Policy 6C relates to Town Centres, Shopping Streets and Street Markets and while the Roman Way Industrial Estate site is not in one of these areas the supporting text to this Policy outlines that the Council's commitments is relevant. The Council will:
- Work with local shops and businesses to encourage home deliveries to be made on foot and by bicycle including cargo bikes.
  - Work with on-line delivery companies and drivers to secure safe working practices and reduce collisions.
- 9.38 It is clear from the Transport Strategy Policies that the Council is committed to reducing traffic throughout the borough and transitioning towards electric vehicles, bicycles and journeys made by foot. This includes trips that are required for delivery purposes and it is acknowledged that such trips are increasing due to increasing demand for online orders and the rise of tech delivery companies such as Deliveroo and Uber. This modal shift away from motorised vehicles is supported as it will both reduce congestion around the borough as well as reduce the associated impacts from noise and air pollution that come from petrol/diesel powered vehicles.
- 9.39 The use of electric mopeds and bicycles solely being used for the delivery of orders from the site has been discussed at length with the applicant. This would have resultant benefits on noise and air quality and these issues are discussed in the forthcoming sections. The applicant has advised that it would not be possible to commit to non-petrol powered vehicles at the Roman Way Industrial Estate due to the viability of their operations from the site. The location of the site, in a primarily residential area and not in close proximity to an area with a high proportion of take away food outlets, means there are less cyclists who can satisfy orders from the site or multiple orders from alternative outlets. The applicant has also noted that there are limited options for e-vehicles within the UK.
- 9.40 Representations received have noted that a similar Deliveroo Editions site in the London Borough of Camden has made a commitment to use non-petrol powered vehicles for deliveries only and that such a commitment should also be made for the Deliveroo Editions site at the Roman Way Industrial Estate. Deliveroo have stated that there are significant differences between the site in Camden and the site in Islington and that it would not be possible for the same commitments to be made at the Islington site. This primarily relates to the location of the site in Camden, surrounded by a high volume of take away food outlets that generate high volumes of orders. This enables delivery drivers using cycles to base themselves in and around this area to collect orders both from the Deliveroo Editions kitchens and the surrounding existing takeaway food outlets. The applicant has also outlined that the radius for order deliveries will have to be reduced if petrol powered vehicles are not permitted at the Islington site to satisfy

orders and that this will both reduce orders and increase costs resulting in the site being unviable.

- 9.41 To address the concerns detailed in this report that relate to the use of petrol-powered mopeds/scooters, the applicant has proposed an 'E-Vehicle Subsidy Scheme' to be secured through a legal agreement. This would be intended to target the top 25 delivery drivers at the site, who account for approximately 30% of orders and would provide a discount on the purchase price on an E-Vehicle.
- 9.42 With only 30% of deliveries targeted, a reliance upon take-up by drivers and the applicant being unable to commit to 'all reasonable endeavours' to ensure the success of a subsidy scheme, this element of the proposal is not considered to be sufficient nor extensive enough to address the concerns raised relating to noise and disturbance from the use of petrol-powered scooters/mopeds. For these reasons, officers have not sought to secure the subsidy scheme as part of the recommendation.
- 9.43 While the applicant's concerns are noted, it is considered necessary to secure all delivery vehicles associated with the site as non-petrol based for the reasons addressed below. As such, a condition is recommended (Condition 4) requiring all deliveries from the site to be made by non-petrol powered vehicles.

### **Neighbouring Amenity**

- 9.44 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 D14 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.
- 9.45 NPPF paragraph 180 provides guidance for planning decisions in relation to pollution, health, living conditions and the natural environment

*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

*a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.*

- 9.46 London Plan Policy D14 relates to Noise and sections 1 and 7 are particularly relevant to the current application:

*In order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by:*

- 1) avoiding significant adverse noise impacts on health and quality of life;*

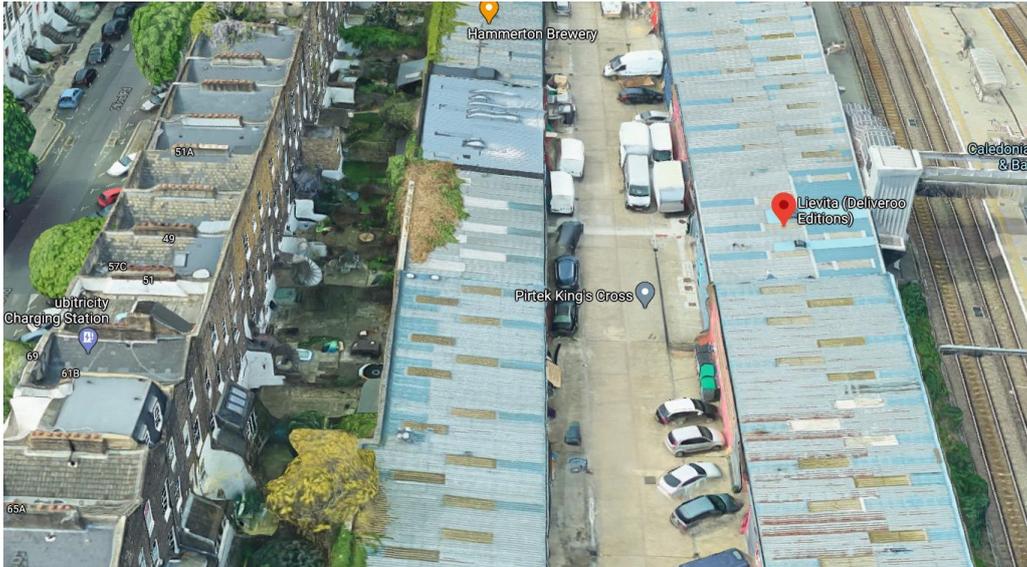
7) *promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.*

- 9.47 Islington's Transport Strategy commits the Council, to work with home delivery companies, couriers and restaurants/takeaways to put measures in place to protect the quality of life of local residents.
- 9.48 The applicant has provided a Noise Assessment (dated 17<sup>th</sup> July 2019) produced by Sharps Redmore (SR) that assesses the potential impacts of noise from scooters (and other powered two wheeled vehicles) driven by the delivery drivers and the effect this may have on the amenity of the surrounding area.
- 9.49 There is no currently agreed methodology for assessing the noise from scooters. As is noted at page 11 of the Noise Assessment *'Scooter noise is recognised to have a character (which is sometimes referred to by acousticians as "roughness") which means that it is more annoying than general road traffic noise'* and that there is *'a noticeable difference in character which means that scooter noise will often stand out from the majority of other road traffic noise. For this reason, when comparing scooter noise to other road traffic noise, it is necessary to introduce a penalty to account for this more noticeable character'*.
- 9.50 The findings of the applicant's noise report have been reviewed by the Council's Environmental Protection Officer and discussions have been ongoing during the course of the application over how the assessment of scooter noise should be conducted. The Council has also commissioned an independent acoustic company (RBA Acoustics) to review the findings of the applicant's Noise Assessment. While further information and testing of methodology has been undertaken by all parties, no agreed methodology and penalty has been agreed for the assessment of noise from petrol powered scooter.
- 9.51 The applicant's acoustic consultants has identified through research into the 'roughness' of scooter sound, that a 5dB penalty provides a 'reasonably' reliable proxy for the annoying sound associated with scooter engines. The Council's independent acoustic technical note finds that an additional 3dB correction, on top of the 5dB suggested by the applicant's acoustic consultants, could be applied but the applicant's technical note from December 2020 dismisses this additional penalty as it *'is not appropriate, since the sound features have been identified as intermittent and a penalty has already been applied for this. The advice in BS4142 states that the penalty could only be applied where this is not so.'* The Council's Environmental Protection Officer has identified other criteria where further penalties could be justified and noted that up to 21dB of corrective penalties could be added for tonality, impulsivity, other sound characteristics and intermittency using the BS4142 methodology, the same standard suggested by the applicant as being appropriate to assess noise from scooters. The applicant has provided a further technical note (dated 01/03/2021) that rebuts the level of penalty suggested by the Council's Environmental Protection Officer.
- 9.52 The applicant's Noise Assessment used data from four locations that were surveyed on the 10<sup>th</sup> May 2019 and the 16<sup>th</sup> May 2019. The locations of the noise surveys are all facing onto the public highway and the assessment states that the measurements were taken by a sound level meter at 1.5m above ground level and 1m from the façade of the building. It is noted in the applicant's Noise Assessment that, on the two evenings where survey data was collected, noise was dominated by road traffic *'with Deliveroo scooters being, subjectively, an insignificant component of this'*. The findings of the survey data concludes that the scooter trips associated with the Deliveroo Editions site have a negligible effect on the noise climate in the area.

- 9.53 The Council has undertaken its own noise survey from a residential property on Offord Road where the rear elevation faces towards Roman Way Industrial Estate. The Environment Protection Officer visited the property on 3<sup>rd</sup> October 2019 in order to carry out noise readings of the scooter collections and deliveries. It was the night of the Arsenal vs Standard Liege Europa League football match fixture (with a full crowd) and traffic levels were noticeably higher than on a comparable non fixture night. Readings were taken from a second floor bedroom with the window facing onto the Roman Way Industrial Estate. Measurements were taken outside the window sill and inside the room with the window closed. The Officer noted during the peak evening period noise measured was predominantly scooter related, with noise recorded with the window open and closed. Scooters entering the site were quieter (decelerating) than those leaving the site (accelerating). It was also noted that delivery drivers were waiting outside of Unit 4 rather than inside with voices, scooter alarms and movement of scooters onto stands audible.
- 9.54 The primary difference between the location of the measurements undertaken by the Council and the four locations surveyed by the applicant's noise consultant is that the council location was directly facing towards the industrial estate and was not as impacted by existing road noise as the locations used by the applicant. The only comparable location used by the applicant was location 1 that is in close proximity to the entrance to the Industrial Estate on Roman Way. However, this location also faces the public highway and will be subject to background noise from existing motor vehicles on Roman Way. The location used by the Councils Environmental Protection Officer gives a clear indication of the soundscape of the industrial estate. It should also be noted that number 33 to 77 (odd), 153 Roman Way and properties at Offord Road (at the western end of the estate) all have direct lines of site towards Unit 4 and will be less impacted by existing road noise. The properties that directly face Unit 4, to the rear, are numbers 47-51 (odd) Offord Road with approximately 32m of separation between the primary rear facades of these buildings and the entrance to Unit 4 (26m separation to the middle of the road through the Industrial Estate). See images 7 and 8 below.



**Image 7:** Residential Properties to Offord Road with Industrial Estate Behind



**Image 8:** Separation Distance between Residential and Industrial Estate

9.55 The applicant’s assessment has provided data on page 15 that indicates the existing ambient noise at location 1 (the location most impacted by Deliveroo vehicles) is between 60.3dB  $L_{Aeq}$  (21:44 hours) and 67.1dB  $L_{Aeq}$  (21:19 hours). When the average  $L_{Aeq}$  figures, including scooter noise, are adjusted to account for a 5dB penalty for scooter movements, as is thought appropriate by the applicant, the  $L_{Aeq}$  at 21:19 hours goes up to 68.3dB. The  $L_{Aeq}$  figures are an average measurement over a 15 minute period. On the basis of these data, the applicant has concluded that Deliveroo vehicles have a negligible effect on the noise climate of the area.

9.56 An updated Noise Assessment, dated 30<sup>th</sup> September 2019, has been submitted and provides additional noise reading data taken from the rear of number 63 Offord Road (the same address of that used by the Council’s Environmental Protection Officer) to assess the impact of scooter movements on the industrial estate. Survey data was initially collected over three days (Thursday 30<sup>th</sup> May to Saturday 1<sup>st</sup> June 2019) and the results table is provided at page 15 of the updated Noise Assessment. The peak figure being an  $L_{Aeq}$  reading of 56.7 dB on the Saturday at 21:30 hours.  $L_{max}$  figures are not provided. Additional data was collected on the Friday 20<sup>th</sup> September 2019 between 18:30 and 19:40 at three different locations to the rear of the property:

Location	Overall level (all sources), $L_{Aeq}$ , dB	Level with scooters removed, $L_{Aeq}$ , dB	Scooter level, $L_{Aeq}$ , dB	Background level, $L_{A90}$ , dB
Between second and third storey	50.5	49.4	44.0	45.9
Third storey	53.4	52.3	46.9	48.3
Fourth storey	54.1	53.7	44.6	50.0

**Table 1:** Applicant’s Noise Assessment data (page 16 of the September 2019 Assessment)

9.57 On Friday 27th September 2019, a further survey was conducted by the applicant at a fixed location 1 metre outside the window of the third storey window at 63 Offord Road and conditions logged continuously between 19:12 and 20:48 hours:

Time	Overall level (all sources), $L_{Aeq}$ , dB	Level with scooters removed, $L_{Aeq}$ , dB	Scooter level, $L_{Aeq}$ , dB	Background level, $L_{A90}$ , dB
19:12	52.7	51.4	46.8	49.4
19:54	52.8	51.5	46.9	49.0
20:15	55.5	55.6	Unknown	48.8
20:31	52.4	50.9	47.1	48.6

**Table 2: Applicant's Noise Assessment data (page 17 of the September 2019 Assessment)**

9.58 Paragraph 5.12 of the applicant's updated Noise Assessment identifies that two freight trains passed by during the period of the survey and these contributed most to the noise levels measured during the survey. It is also noted that '*With the window open, scooter noise, train noise and other noise on the industrial estate were all clearly audible.*' The updated report concludes:

- Scooter noise is present for about 25% of the time on a busy evening and is audible and may be distinguished from background sound sources when windows are open. However, other industrial and transportation sounds are also distinctly audible.
- Scooter noise is not audible with windows closed, other than when all other internal sounds are silent, at which time some scooters are just audible;
- The level, character and intermittent nature of the scooter noise is such that, when assessed using BS4142 and considering scooter noise against background noise and taking into account the character of the area, it has a low impact at 63 Offord Road

The Council's Environmental Protection Officer's data, taken from the rear of a property to Offord Road with the window open, has indicated an  $L_{Aeq}$  range of between 61.2 dB (19:29 hours) and 65.2dB (20:00 hours) with no corrections/penalties applied for the type of sound produced by scooter movement. This data also includes the  $L_{max}$  figures (the highest sound level measured during a single noise event) and the survey data indicates that there were four instances where the  $L_{max}$  figure exceeded 70dB with the highest measurement being 79.4dB at 19:45 hours. The Environmental Protection Officer has noted next to this measurement that 2 scooter passes were made with awkward gear changes during this event.

#### Measurement with Window Open

Run number	Time of Reading	$L_{Aeq}$	$L_{max}$	Duration	Notes
1	19:29:11	61.9	64.5	00:06	
2	19:29:57	61.2	66.2	00:20	
3	19:30:53	64.5	69.5	00:15	
4	19:32:03	63.6	68.2	00:12	
5	19:35:58	62.8	68.6	00:14	
6	19:36:25	62.9	66.4	00:07	
7	19:44:40	63.5	68.2	00:29	3 consecutive scooter passes

8	19:45:28	64.3	70.8	00:12	2 passes
9	19:45:56	64.8	79.4	00:20	2 passes with awkward gear changes
10	19:46:35	61.3	62.8	00:06	inward scooter movement
11	19:48:25	63.7	69.2	00:09	
12	19:54:57	64.6	69.2	00:11	
13	19:55:34	64.8	68	00:09	
14	19:56:01	59.5	63.4	00:39	Background
15	19:56:57	65.2	71.1	00:06	
16	20:00:16	65.2	69.4	00:06	
17	20:07:22	64.7	70.4	00:09	Engine revving and idling while stationary
Arithmetic average		63	69		
Log average		64	71		

**Measurements with window closed:**

Run number	Time of Reading	L <sub>Aeq</sub>	L <sub>max</sub>	Duration	Notes
18	20:11:37	53	57.1	00:07	Scooter pass out
19	20:20:56	48.8	52.2	00:06	Scooter inward movement
20	20:22:25	49.2	51.9	00:05	
21	20:22:45	50.3	56.4	00:07	
Arithmetic average		50	54		
Log average		51	55		

**Table 2: Noise Survey Result Data Conducted by the Council's Environmental Protection Officer**

9.59 It is evident from the data collected by the Council's Environmental Protection Officer that there are instances, four over the course of the survey period, where maximum sound levels went above 70dB and in one case they nearly reached 80 dB (79.4dB L<sub>max</sub>).

9.60 It should be noted that in addition to the acoustic assessments undertaken there have been complaints received by surrounding residential occupiers regarding the noise that they experience from within their dwellings. The representations received note, on more than one occasion, that the noise from the Deliveroo scooters is high, particularly in the summer when windows are open.

- 9.61 The measurements taken by the Council's Environmental Protection Officer reinforce these higher sound levels experienced by residential occupiers. It is acknowledged that a number of representations relate to properties that do not directly face the industrial estate and the issues raised could be attributed to vehicles that are not associated with the application site.
- 9.62 NPPF paragraph 180 requires development to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. Policy D14 of the New London Plan states that new development should avoid significant adverse noise impacts on health and quality of life, should promote new technologies and improved practices to reduce noise at source. Islington Development Management Policy DM2.1 also states that new development should provide a good level of amenity including consideration of noise and the impact of disturbance.
- 9.63 Although extensive testing has been undertaken and robustly reviewed, an appropriate means of quantifying the rough, awkward and annoying sound that is produced by petrol powered scooter vehicles has not been agreed. The Council has commissioned an independent review of the applicant's noise assessment and while some of the applicant's methodology was found rational, the independent review found that the findings of the applicant's noise assessment are inconclusive, with the suggested corrective dB penalty for scooter noise not being agreed by the applicant. The Council's Environmental Protection Officer has suggested that a corrective penalty for scooter noise of up to 21dB could reasonably be applied.
- 9.64 Given the findings of the survey data undertaken by the Council's Environmental Protection Officer, it is concluded that permission could not be granted with the continued use of petrol powered vehicles as this would not comply with the development plan policies that protect residential amenity and seek to reduce impacts from noise. London Plan Policy D14 part 7 actively promotes new technologies to reduce noise at source and should only non-petrol powered vehicles be used to satisfy orders from the site, it would not only show consideration for Policy D14 but also with DM2.1 that protects residential amenity and requires development to consider impacts of noise and disturbance. Emerging Policies T1 and T5 state that developments should prioritise sustainable transport modes, investigate potential for delivery and servicing by non-motorised vehicles and mitigate/prevent adverse impacts on the amenities of local residents. Furthermore, transitioning away from petrol powered vehicles also accords with Islington's Transport Strategy, Islington Air Quality Strategy as well as Islington declaration of a climate emergency.
- 9.65 In conclusion, harm has been identified to residential amenity to those residents that directly face the Industrial Estate, primarily the properties to Offord Road that face the estate to the rear. The Transport Statement has identified an average of between 60 to 80 scooter movement per hour while the site is in operation and the Environmental Protection Officer's data, in one surveyed hour, has identified four instances of sound levels exceeding 70dB. These findings are considered to constitute 'adverse impacts' that are referenced at paragraph 180 of the NPPF and consequently such impacts should be reduced to a minimum to avoid significant adverse impacts on health and the quality of life.
- 9.66 The above assessment has identified harm to surrounding residential amenity and consequently, for the development to be considered acceptable, appropriate mitigation measures are reasonably required to address the harm that has been identified.

- 9.67 As such, recommended Condition 4 requires all deliveries of customer orders to be made either by foot, bicycle or electric two wheeled vehicles only and not by any other mode of transport. Condition 4 will ensure that noise from petrol powered mopeds is eliminated, significantly reducing the impact of noise on the existing surrounding residential occupiers around the site. There are further benefits to Condition 4 that are outlined in the following Air Quality section.
- 9.68 The hours of operation for Unit 4 are 08:30 to 00:00 Monday to Saturday. Food deliveries and cooking times are limited to 17:30 to 22:00 Monday to Wednesday and 12:00 to 22:00 Thursday to Saturday. The unit is closed on Sundays. The Operational Management Plan notes that these are the earliest/latest times that food can be delivered and that all orders will be handed over by 22:00 and that there will be no collections after this time. Condition 3 has been recommended and reflects the times for when food can be cooked and delivered. The Operational Management Plan also notes that all industrial processes, plant equipment and noise generating operations will cease at 23:00. A separate application has been submitted relating to the associated plant that is yet to be determined (Ref: P2018/0209/FUL).
- 9.69 Condition 3 limits the times when deliveries and collections can be made for orders made via the Deliveroo app. Delivery and servicing of the unit can still occur outside of these times as deliveries to the site are likely to be required outside of the times when the food orders are being made. The Operational Management Plan notes that deliveries to the site will take place between 08:00 and 17:00 Monday to Saturday. Servicing of the unit at such hours is considered to be acceptable as this would accord with the servicing arrangements of the other units in the industrial estate and will not be of such a volume or frequency that would harm surrounding residential amenity (around 10 deliveries a day via transit van type vehicles).
- 9.70 Further issues of noise disturbance from the conduct of Deliveroo drivers has been noted via representations received to the Council. These issues are addressed in the Operational Management Plan (included in the Draft Head of Terms) that includes a section on 'Code of Conduct' which requires all occupiers and visitors to comply with laws, rules and regulations applicable to the site, to behave in a professional manner, treat staff and neighbours with respect and not to create unnecessary noise. Further sections are outlined including a 'Deliveroo Rider Deliveries' section and a 'On-Site Restrictions' sections. These sections provide protocols for dealing with complaints and disciplining drivers with the potential for contracts being terminated if rules are continually broken. The on-site rules also clarify that riders should not congregate in front of the unit or create excessive noise and include further rules in relation to parking and smoking in designated areas only, littering and the use of foul language etc.
- 9.71 The various sections of the Operational Management Plan, dated 19 August 2019, are considered to be acceptable and will ensure that noise from the unit, not associated with petrol mopeds, will be sufficiently mitigated. The Operational Management Plan has been included in the Draft Head of Terms for the legal agreement. The document is a draft with a detailed operational management required prior to the legal agreement being signed.
- 9.72 Subject to the above noted conditions and legal obligations it is considered that the proposal would not result in unacceptable harm to the amenity of neighbouring occupiers through noise or disturbance.

## Air Quality

9.73 The new London Plan (2021) was adopted on the 2<sup>nd</sup> March 2021 and now forms part of the development plan for Islington.

9.74 Policy SI 1 relates to Improving Air Quality and outlines requirements for development proposals to tackle poor air quality, protect health and meet legal obligations:

1) *Development proposals should not:*

a) *lead to further deterioration of existing poor air quality*

b) *create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits*

c) *create unacceptable risk of high levels of exposure to poor air quality.*

2) *In order to meet the requirements in Part 1, as a minimum:*

a) *development proposals must be at least Air Quality Neutral*

b) *development proposals should use design solutions to prevent or minimise increased exposure to existing air pollution and make provision to address local problems of air quality in preference to post-design or retro-fitted mitigation measures*

c) *major development proposals must be submitted with an Air Quality Assessment. Air quality assessments should show how the development will meet the requirements of B1*

d) *development proposals in Air Quality Focus Areas or that are likely to be used by large numbers of people particularly vulnerable to poor air quality, such as children or older people should demonstrate that design measures have been used to minimise exposure.*

9.75 DM6.1 of Islington's Development Management Policies relates to Healthy Development and Parts E and F are relevant to air quality:

*E. Developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits. Where adequate mitigation is not provided and/or is not practical planning permission may be refused.*

*F. Developments should not cause significant harm to air quality, cumulatively or individually. Where modelling indicates significant harm would be caused this shall be fully addressed through appropriate mitigation.*

9.76 Emerging Policy S7 relates to Air Quality and Part A states:

*All development proposals must mitigate or prevent adverse impacts on air quality, and investigate and implement all reasonable opportunities to improve air quality. Development proposals will be refused where they would:*

*(i) cause significant harm to air quality, cumulatively or individually;*

*(ii) lead to further deterioration of existing poor air quality, create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits;*

*(iii) reduce any air quality benefits that result from active measures/activities which seek to improve air quality; or*

*(iv) create unacceptable risk of high levels of exposure to poor air quality*

- 9.77 Islington Air Quality Strategy 2019 - 2023 incorporates an action plan outlining the measures the Council will take to protect the most vulnerable residents, reduce pollution from transport and improve air quality in Islington by lowering exposure to the main pollutants from 2019 to 2023. As is outlined at page 8 of the strategy, an Air Quality Management Area (AQMA) was declared in 2001 and in 2003 it was expanded to cover the whole borough. Despite significant improvements, Islington has consistently exceeded EU limits for NO<sub>2</sub> in parts of the borough for many years. The main areas of concern are the A1 Holloway Road from Highbury to Archway, Angel Town Centre, Seven Sisters Road at Finsbury Park, Old Street and surrounding areas in the south of the borough and King's Cross/Caledonian Road area. Islington is not breaching current EU PM limits, however World Health Organisation (WHO) levels are lower and there is no safe limit in regards to health.
- 9.78 The current application is not defined as a major application as the change of use proposed is less than 1,000sqm. However, due to the intensity of petrol powered scooters fundamental to the operation of the use officers requested the submission of an Air Quality Assessment.
- 9.79 The submitted Air Quality Assessment, produced by Arup, outlines the potential air quality impacts from scooters and has provided an operational assessment of various different air pollutants; NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>. The report has predicted the effects upon nearby sensitive receptors, the ground and first floor windows to Offord Street and Roman Way, using dispersion modelling, meteorological data, LBI air quality monitoring data and Annual Status Reports. The assessment concludes with predictions that the magnitude of change for annual mean NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations is negligible and therefore, mitigation is not required.
- 9.80 The Air Quality Assessment has been reviewed by the Environmental Protection Officer who has noted that typically scooters haven't been considered a major source of air pollution or extensively tested. However, it is noted that scooters and motorbikes have been included within the Ultra Low Emission Zone (ULEZ) controls from 25<sup>th</sup> October 2021 and studies suggest that such vehicle uses may result in hotspots of air pollution. The Environmental Protection Officer concludes that the air quality impacts of scooter movements are not likely to be significant for nearby receptors in terms of NO<sub>2</sub>, and while such vehicles are high emitters of CO and HC, these are of less concern as pollutants in comparison.
- 9.81 The findings of the Air Quality Assessment are noted, however, the Environmental Protection Officer's comments note wider issues with the standards of assessment for scooters and the resultant impacts they have on air quality, particularly in dense urban environments. There is a growing trend of motorcycle and diesel vehicle growth that is impacting other measures to reduce Nitros Dioxide (NO<sub>2</sub>) and Particulate Matter (PM) concentrations. Certain measures are being introduced in London, such as the ULEZ that restricts certain older high polluting vehicles from entering central London and from October 2021 this area will be extended to include the application site. However, for the Deliveroo operation at the site to be conducive with Islington's Air Quality Strategy that seeks to lower resident's exposure to air quality impacts, mitigation measures should be applied to reduce emissions. The continued use of petrol powered vehicles in an air quality management area would not meet the requirements of Policy SI 1 of the London Plan nor DM6.1 of the DMP.

- 9.82 Policy SI 1 requires developments not to lead to further deterioration of existing poor air quality and for developments to be air quality neutral. Policy DM6.1 requires developments in locations of poor air quality to mitigate impacts of poor air quality to within acceptable limits and where adequate mitigation is not provided planning permission may be refused and this is reiterated in emerging Policy S7. Furthermore, NPPF paragraph 181 states:

*'Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'*

- 9.83 The site is located within an Air Quality Management Area (AQMA), and while there have been pollutant reductions in the area, as noted in the Air Quality Assessment, the site remains in an AQMA and further reductions are necessary before a manageable level of pollution would be deemed acceptable for the area. The reliance of the site on petrol powered vehicles would not be in accordance with Islington's Air Quality Strategy, London Plan Policy SI 1, DM6.1, emerging Policy S7 or the NPPF. The continued use of petrol powered vehicles will not result in an Air Quality Neutral Development and will instead lead to further deterioration of air quality in an existing area of poor air quality. To mitigate both the noise impacts previously identified and the above noted impact to air quality a condition is recommended requiring delivery drivers to exclusively use non-petrol powered vehicles.

## **10. SUMMARY AND CONCLUSION**

### **Summary**

- 10.1 The proposal is considered to be acceptable, subject to conditions and the draft heads of terms listed at Appendix 1, and would not result in harm to neighbour amenity, adversely impact the public highway nor detract from the character of the the local area. The proposal accords with policies DM2.1, DM5.1, DM5.2, DM5.4 DM8.2 and DM8.6 of the Development Management Policies 2013 and policy CS9 of the Core Strategy 2011.
- 10.2 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, and the Islington Development Management Policies and should be approved accordingly.

### **Conclusion**

- 10.3 For the reasons outlined above, it is recommended that planning permission be granted subject to conditions and a S106 legal agreement with the heads of terms as set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

- Implementation of a Community Working Group.
- Implementation of an Operation Management Plan.
- An Affordable Workspace Contribution of £20,000.
- Community Outreach and Education Undertaking Programme.

### RECOMMENDATION B

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

#### List of Conditions:

<b>1</b>	<b>THREE YEAR TEMPORARY PERMISSION (Compliance)</b>  CONDITION: The hereby approved development is granted only for a temporary period, being 36 months from the formal decision notice. Following this date the use shall revert back to its last lawful use notably B1 c.  Reason: The temporary consent is such that the Local Planning Authority has a period to monitor the impact on the residents that adjoin the site and the effectiveness of the Community Working Group do deal with any adverse amenity impacts.
<b>2</b>	<b>APPROVED PLANS LIST</b>  CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:  2019-056-07, 2019-056-06, 2019-056-05, 2019-056-04, 2019-056-03, 2019-056-02, 2019-056-01, Transport Statement July 2019, Transport Statement October 2019, Planning Statement September 2019, Noise Assessment 17/07/2019 Ref: 1817853, Noise Assessment 30/09/2019 Ref: 1817853, Sharps Redmore Technical Note dated 11/12/2020, Sharps Redmore Technical Note dated March 2021, Air Quality Assessment 15/12/20 Ref: 71756-04-218, Note on Air Quality Assessment 11/12/2020, Operational Management Plan August 2019.  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.

<b>3</b>	<b>HOURS (COMPLIANCE)</b>
	<p>CONDITION: Collections and deliveries from the premises to customers shall only be carried out between the following hours:</p> <p>Monday to Wednesday - 17:00-22:00 hours Thursday to Saturday – 12:00-22:00 hours.</p> <p>Deliveries and servicing of the site shall only be carried out to the site between the following hours:</p> <p>Monday to Saturday - 08:00 – 17:00 and not on bank holidays.</p> <p>Reason: In order to protect the amenities of surrounding occupiers.</p>
<b>4</b>	<b>Use of Non-Petrol Powered Vehicles Only</b>
	<p>CONDITION: Collections and deliveries from the premises to customers shall be carried out by foot, bicycle or electric two wheeled vehicles only and not by any other mode of transport. No collection of orders from the premises shall take place by customers at any time</p> <p>Reason: In order to protect the amenities of surrounding occupiers and to comply with Islington’s Transport Strategy and Air Quality Strategy.</p>

## **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)

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2021, 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 2021 - Spatial Development Strategy for Greater London**

##### **Chapter 3**

Policy D4 Delivering good design  
Policy D14 Noise

##### **Chapter 9**

Policy SI 1 Improving Air Quality

##### **Chapter 10**

Policy T1 Strategic Approach to Transport  
Policy T2 Healthy Streets  
Policy T3 Transport capacity, connectivity and safeguarding  
Policy T4 Assessing and Mitigating Transport Impacts  
Policy T5 Cycling  
Policy T7 Deliveries, Servicing and Construction

#### **B) Islington Core Strategy 2011**

Policy CS8 Enhancing Islington's character  
Policy CS9

#### **C) Development Management Policies June 2013**

DM2.1 Design and Amenity  
DM5.1 New Business Floorspace  
DM5.2 Loss of Existing Business Floorspace  
DM5.4 Size and Affordability of Workspace  
DM8.2 Managing transport impacts  
DM8.4 Walking and Cycling  
DM8.5 Vehicle Parking

DM8.6 Delivery and servicing for new developments

### **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:

- Article 4 Direction A1-A2 (Rest of Borough)

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

The following SPGs and/or SPDs are relevant:

London Plan - Character and Context (2014)

### **5. Emerging Policies**

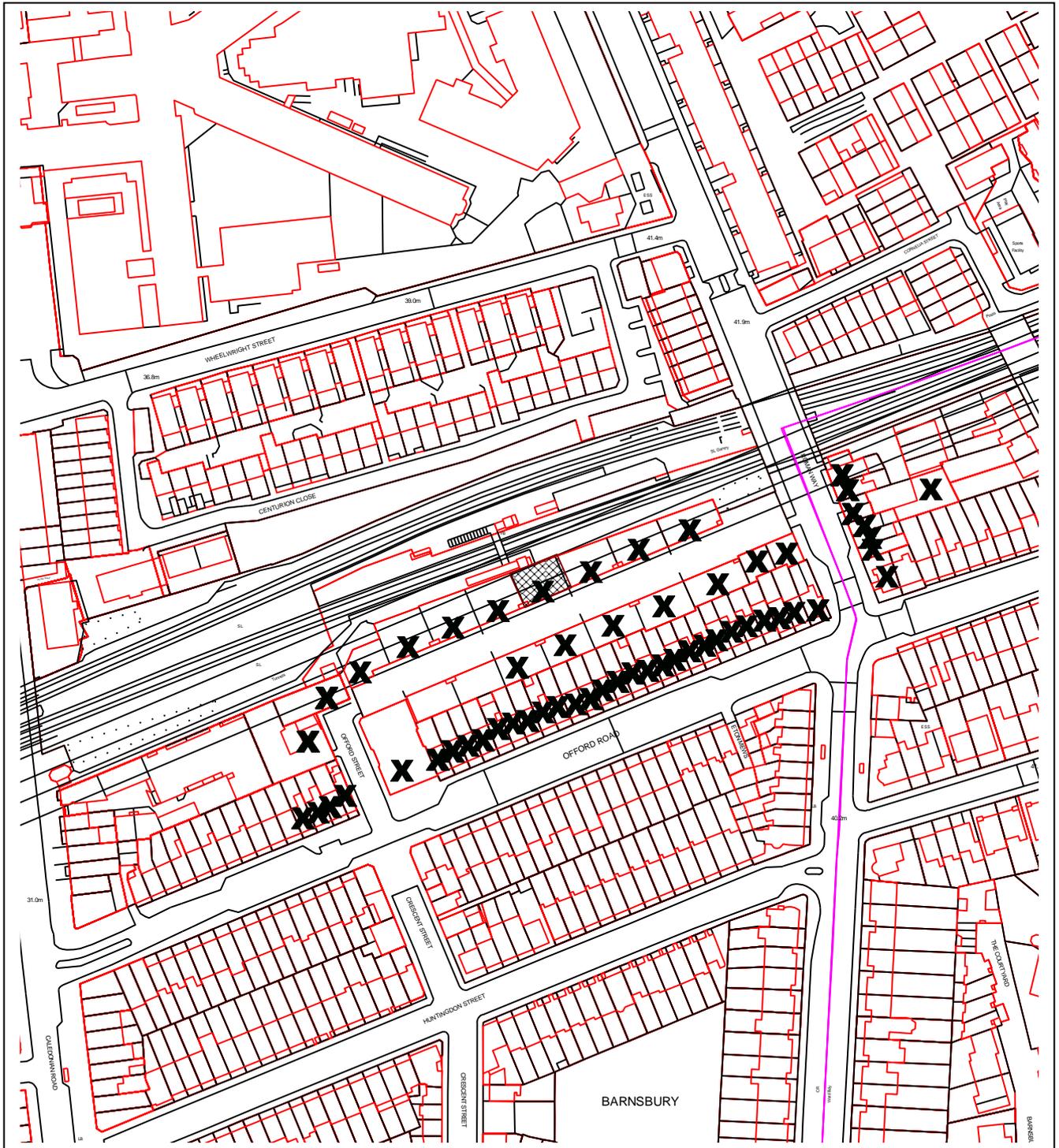
Draft Islington Local Plan (2019)

Emerging policies relevant to this application are set out below:

Policy H1 Thriving Communities  
Policy B2 New Business Floorspace  
Policy B3 Existing Business Floorspace  
Policy B4 Affordable Workspace  
Policy T1 Enhancing the Public Realm and Sustainable Transport  
Policy T2 Sustainable Transport Choices  
Policy T3 Car Free Development Parking  
Policy T5 Delivery, Servicing and Construction  
Policy S1 Delivering Sustainable Design  
Policy S2 Sustainable Design and Construction  
Policy S3 Sustainable Design Standards  
Policy S7 Improving Air Quality

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