



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

AGENDA FOR THE PLANNING COMMITTEE

Members of Planning Committee are summoned to a virtual meeting on Thursday 1 October 2020 at **7.30 pm**.

The link to the Zoom meeting is below. If you prefer to join the meeting by phone please dial 0203 481 5240. Enter meeting ID 995 8724 9515 when prompted.

Link to the meeting: <https://weareislington.zoom.us/j/99587249515>

Enquiries to : Ola Adeoye
Tel : 020 7527 3044
E-mail : democracy@islington.gov.uk
Despatched : 23 September 2020

Welcome:

Members of the public are welcome to attend this meeting.

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

Committee Membership

To be appointed at Annual Council on 24
September



A.	Formal Matters	Page
1.	Introductions	
2.	Apologies for Absence	
3.	Declarations of Substitute Members	
4.	Declarations of Interest	

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

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

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

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

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

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

5.	Order of Business	1 - 2
6.	Membership, Terms of Reference and Dates of Meetings	3 - 10
7.	Minutes of Previous Meeting	11 - 30

B. Consideration of Planning Applications **Page**

1. 196-228 York Way, London, N7 9AX 31 -
130

C. Consideration of other planning matters **Page**

D. Urgent non-exempt items (if any)

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

E. Exclusion of press and public

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

F. Confidential/exempt items **Page**

G. Urgent exempt items (if any)

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

Date of Next Meeting: Planning Committee, 5 November 2020

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

PROCEDURES FOR PLANNING COMMITTEE

Planning Committee Membership

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

Order of Agenda

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

Consideration of the Application

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

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

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

What Are Relevant Planning Objections?

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

For further information on how the Planning Committee operates and how to put your views to the Planning Committee please call Ola Adeoye on 020 7527 3044. 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.

Schedule of Planning Applications

PLANNING COMMITTEE - Thursday 1 October, 2020

COMMITTEE AGENDA

1 196-228 York Way
London
N7 9AX

1 196-228 York Way
London
N7 9AX

Application Number: P2019/3410/FUL

Ward: Caledonian

Proposed Development: Demolition of the existing buildings and the erection of a part 3 to part 5 storey building plus double basement to provide for a total of 8,268sqm (GIA) of self-storage floorspace (Use Class B8) and 687sqm (GIA) of flexible office floorspace (Use Class B1a) along with associated access arrangements, car and cycle parking, servicing and plant area, refuse storage and ancillary works.

[PLEASE NOTE: You are being reconsulted on a revised description of proposal and submission of revised drawings and supporting documents.]

Application Type: Full Planning Application

Case Officer: Simon Roberts

Name of Applicant: Mr David Potter

Recommendation:

This page is intentionally left blank



Report of: Acting Director of Law & Governance

Meeting of	Date	Ward(s)
Planning Committee	1 October 2020	All

Delete as appropriate		Non-exempt
-----------------------	--	------------

SUBJECT: APPOINTMENT OF PLANNING SUB-COMMITTEES

1. Synopsis

1.1 The purpose of this report is to appoint the Planning Sub-Committees and note its terms of reference.

2. Recommendations

2.1. To confirm the size of the sub-committees and note their terms of reference in Appendix B.

2.2. To determine the allocation of seats on the sub-committees in accordance with the advice set out in this report.

2.3. To appoint members and substitute members of the Planning Committee to serve on each of the Planning Sub-Committees until their successors are appointed.

2.4. To appoint members and substitute members of the Planning Committee as substitute members of the Planning Sub-Committees to which they have not been appointed.

2.5. To appoint members of the Planning Committee as chairs of the Planning Sub-Committees until their successors are appointed.

2.6. To appoint members of the Planning Committee as vice chairs of the Planning Sub-Committees until their successors are appointed.

3. Background

3.1 The Council is required to allocate committee places to political groups according to the “political balance rules” under the Local Government and Housing Act 1989. These are designed to ensure that that the political composition of the Council’s decision making and deliberative committees as far as possible replicates the political composition of the full Council.

- 3.2 The current membership of the authority is 47 Labour Group members and 1 independent Green member and the Council therefore only comprises of one political group, so the “political balance rules” do not apply.
- 3.3 The Planning Committee is required to make arrangements for the determination of planning applications under the terms of the constitution of the London Borough of Islington and is asked to appoint two Planning Sub-Committees. It is recommended that the Planning Committee appoints remaining members and substitute members of the Planning Committee as substitute members on the Planning Sub-Committees. The quorum of the Planning Sub-Committees is three Councillors.
- 3.4 The terms of reference for the Sub-Committee are set out in Appendix B. The terms of reference of this Committee are set out in Appendix A.

4 Implications

4.1 Financial implications

The Corporate Director of Finance and Resources confirms that costs associated with the Planning Sub-Committees have been budgeted for in the 2018/19 budget.

4.2 Legal Implications

These are set out in the body of the report.

4.3. Resident Impact Assessment

Meetings are held at the Town Hall which is fully accessible. Other access needs are addressed as they arise. Meetings are held in public and members of the public are able to speak on application which enables participation across all the equality strands.

5 Conclusion and reasons for recommendations

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

Background papers:

The council’s constitution

Final Report Clearance

Signed by



19 September 2020

.....

.....
Acting Director of Law and Governance

Date

Received
by

.....
Head of Democratic Services

.....
Date

Report author: Ola Adeoye

Tel: 020 7527 3044

E-mail: olayiwola.adeoye@islington.gov.uk

PLANNING COMMITTEE

Quorum

The quorum shall be three members.

Terms of Reference

1. To determine any application for planning permission, consent or approval recommended for approval in respect of all major* developments other than an application under section 73 of the Town and Country Planning Act 1990 covered by paragraph 6.
2. To determine any other applications for planning permission, consent or approval falling within the terms of reference of the Planning Sub-Committees which the Planning Committee has specifically indicated it wishes to consider itself.
3. To determine any other application for planning permission, consent or approval referred to it by a planning sub-committee or the Service Director, Development and Planning/Head of Service, Development Management.
4. To determine any other application for planning permission, consent or approval recommended for approval (including any falling within the terms of reference of the Planning Sub-Committees), which the Chair or at least two members of the Council have requested by notice to the Service Director, Development and Planning/Head of Service, Development Management (setting out reasonable planning grounds for the request) be considered by a Planning Committee.
5. To make traffic management and stopping-up orders which are consequent upon the grant of planning permission by the committee.
6. A Section 73 application need not be referred to the committee where the Service Director Development and Planning/Head of Service Development Management, following consultation with the Chair (or in the Chair's absence, the Vice-Chair) considers:
 - i) a condition can be imposed, varied or removed in respect of the permission as a result of which it would not be fundamentally different from or a substantial alteration to the permission which has been previously approved by the Council in relation to the same site;
 - ii) the application relates to minor material amendment(s) and the amended permission will not be substantially different from the

permission which has been previously approved by the Council in relation to the same site.

*As defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 namely development involving any one or more of the following—

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwelling houses where:
 - (i) the number of dwelling houses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more

PLANNING SUB-COMMITTEES

Quorum

The quorum shall be three members.

Terms of Reference

To determine the following matters, unless they are made under section 73 of the Town and Country Planning Act 1990 (and paragraph 14 applies) or are in respect of major developments as defined in the terms of reference of the Planning Committee and are not covered by paragraph 12:

1. Applications recommended for approval which involve the creation of 5 - 9 residential units or 250 - 999sq.m of new office floor space, where relevant planning objections have been received by the proper officer;
2. Applications which are recommended for approval but which do not conform to the Local Development Framework;
3. Applications which involve a legal agreement unless:
 - (i) The heads of terms relate only to securing affordable housing and/or affordable workspace and/or CO2 off-setting in line with planning policy and/or securing highway works in relation to the application site; or
 - (ii) The terms of the agreement are not materially different from any previous agreement approved by the sub-committee in relation to the same site;
4. Alterations: to Grade I or Grade II* listed buildings, (except matters which in the opinion of the Service Director, Development and Planning/Head of Service, Development Management are minor); which involve substantial demolition of a Grade II listed building; where the Council has a difference of opinion with English Heritage;
5. Applications where the Council has an interest (except for matters which in the opinion of the Service Director, Development and Planning/Head of Service, Development Management are minor);
6. Applications submitted by or on behalf of a Member of the Council (or their spouse or partner), or any Council employee (or their spouse or

partner);

7. Decisions which are likely to result in a claim for compensation or the service of a purchase notice;
8. Applications which, in the opinion of the Service Director, Development and Planning /Head of Service, Development Management, should be considered by the appropriate sub-committee;
9. Applications which are recommended for approval where an objection to the current proposal has been received which is based on planning grounds (other than those applications where, in the opinion of the Service Director, Development and Planning/Head of Service, Development Management (in consultation with the Chair of the Planning Committee), the objection can be overcome by imposition of an appropriate condition, or where the application clearly complies with the relevant planning policies in which case the decision may be taken by officers) unless the objection relates to an application made under the procedure for prior approval under part 24 of the General Permitted Development Order;
10. The designation or alteration of conservation areas and making of directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995;
11. Traffic management and stopping-up orders which are consequent upon the grant of planning permission by the sub-committee;
12. To determine any applications for planning permission, consent or approval falling within the terms of reference of the Planning Committee which the Planning Committee has specifically indicated it wishes a sub-committee to consider;
13. To determine any other application for planning permission, consent or approval, other than in respect of a major development, which the Chair or at least two members of the Council have requested by notice to the Service Director, Development and Planning/Head of Service, Development Management (setting out reasonable planning grounds for the request) be considered by a Planning Sub-Committee;
14. A Section 73 application need not be referred to the committee where:
 - (a) the Service Director Development and Planning/Head of Service Development Management would not recommend it for approval; or
 - (b) the Service Director Development and Planning/Head of Service Development Management, following consultation with the Chair (or in the Chair's absence, the vice-Chair) considers:
 - i) a condition can be imposed, varied or removed in respect of the permission as a result of which it would not be fundamentally different from or a substantial alteration to the permission which has been previously approved by the Council in relation to the same site;
 - ii) the application relates to minor material amendment(s) and the amended permission will not be substantially different from the permission which has been previously approved by the Council in relation to the same site.

Note to Committee in relation to Agenda Item A7 – Appointment of Planning Sub-Committees

1. PROPOSAL

The Chair of the Planning Committee, Councillor Klute, has proposed the following memberships of the Planning Sub-Committees and proposed that all members and substitute members of the Planning Committee be appointed as substitute members of the Planning Sub-Committees to which they have not been appointed.

Proposed Memberships

Planning Sub-Committee A

Councillor Angela Picknell (Chair)
Councillor David Poyser (Vice Chair)
Councillor Paul Convery
Councillor Tricia Clarke
Councillor Rakhia Ismail

Planning Sub-Committee B

Councillor Jenny Kay (Chair)
Councillor Roulin Khondoker (Vice Chair)
Councillor Jilani Chowdhury
Councillor Martin Klute
Councillor John Woolf

RESOLUTIONS

If the above proposal is seconded and carried, the resolutions will be:

- 1) That the Sub-Committees be confirmed as five member Sub-Committees and that the terms of reference be noted.
- 2) That the allocation of seats was determined in accordance with the advice in the report.
- 3) That councillors Picknell, Poyser, Convery, Clarke, and Ismail be appointed as members of Planning Sub-Committee A for the current municipal year or until their successors are appointed.
- 4) That Councillors Kay, Khondoker, Chowdhury, Klute and Woolf be appointed as members of Planning Sub-Committee B for the current municipal year or until their successors are appointed.
- 5) That it be noted that Councillor Picknell had been appointed Chair of Planning Sub-Committee A and Councillor Kay had been appointed Chair of Planning Sub-Committee B for the municipal year or until their successors are appointed.
- 6) That it be noted that any member who was a member or substitute member of the Planning Committee could substitute at any meetings of either Sub-Committee if they had not been appointed as a member of the Sub-Committee.

2. REMAINING ITEM FOR CONSIDERATION

The Committee should appoint Vice-Chairs of the Planning Sub-Committees for the current municipal year or until their successors are appointed.

This page is intentionally left blank

London Borough of Islington

Planning Committee - 21 July 2020

Minutes of the virtual meeting of the Planning Committee held on 21 July 2020 at 7.30 pm.

Present: **Councillors:** Klute (Chair), Kay (Vice-Chair), Picknell (Vice-Chair), Mackmurdie, Clarke, Convery, Poyser and Woolf

Councillor Martin Klute in the Chair

185 **INTRODUCTIONS (Item A1)**

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

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

Apologies were received from Councillors Graham and Spall.

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

There were no declarations of substitute members.

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

There were no declarations of interest.

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

The order of business would be as per the agenda.

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

Meeting was informed that the sentence on page 8 of the Minutes which reads - "The Council's legal officer highlighted that a risk in any further appeal would be that setting aside the Inspectors views relating to the acceptability of sunlight daylight impacts could be construed as unreasonable behaviour." – be deleted from the minutes due to an error by the clerk.

RESOLVED:

That subject to the deletion of the paragraph noted above, the minutes of the meeting held on 23 June be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

191 **10-18 REGENTS WHARF, ALL SAINTS STREET, LONDON N1 9RL (Item B1)**

Redevelopment of the site at 10 - 18 All Saints Street including the refurbishment and extension of 10-12 All Saints Street (including part roof extension and installation of rooftop plant and enclosure) to provide additional Class B1 business

floor space with ancillary flexible Class A1/A3 (retail/restaurant) and flexible Class A1/B1/D1 (retail/office/non-residential institutions); demolition of 14, 16 and 18 All Saints Street and erection of a part 5 (ground plus 4) and part 6 (ground plus 5) storey building with basement and rooftop plant and enclosures providing Class B1 office floor space and flexible Class A1/A3/B1/D1/D2 (retail/restaurant & cafe/business/non-residential institutions/assembly & leisure) floor space at ground floor; and associated hard and soft landscaping.

(Planning application number: P2019/3481/FUL)

Councillor Mackmurdie left the meeting during consideration of this item and therefore did not take part in the discussion or vote on this item

In the discussion the following points were made:

- The Planning Officer reminded the meeting that the item was deferred for the applicant to address a number of concerns as set out at the conclusion of discussions at the previous meeting:
 - There was a general concern about scale and massing and in particular that the visual impact of plant proposed on the roof should be further mitigated.
 - There was a concern about the visual "balance" between the locally listed building 10a, and new elements of the development at 14 All Saints Street. The dark colouration of material on the central element of the new building on All Saints Street was considered to relate poorly to building 10a.
 - Members sought a better explanation as to why a hybrid energy solution involving the canal wouldn't be workable.
 - Members were concerned that noise and disturbance from the operation of plant and some of the commercial uses (café's restaurants etc) would adversely impact on the amenity of nearby residents.
 - Light pollution plan associated with the proposal would adversely impact on biodiversity and residential amenity.
- Meeting was also informed that applicant was requested to explore the possible use of hybrid energy solution involving the canal, address the noise and disturbance from the operation of plant and some of the commercial uses (café's restaurants etc) as it will impact the amenity of nearby residents and for the applicant to consider its light pollution plan.
- The Planning Officer informed Members that a second despatch was published which captured the various submissions raised by the objectors since the agenda was published one of which was the failure to re consult on the revised plan and a letter from Emily Thornbury MP. Members were reminded that due to the nature of revisions, all of which resulted in a reduction of the impact of the development, there was no requirement for there to be a further consultation.

Planning Committee - 21 July 2020

- Meeting was advised that 8 further objections had been received reiterating concerns originally raised and addressed in the report. The Planning Officer reassured Members that amenity concerns had not been ignored, but had been taken into consideration during deliberations at the meeting of 23 June.
- On the issue about the proliferation of plant enclosures with differing heights across the scheme, the Planning Officer advised Members that the revised plans show that the enclosures have been consolidated and their height and bulk have been reduced. In addition, the Planning Officer indicated that with regards to scale and massing and visual impact of roof top plant, a number of reductions to the bulk and mass of building have been made since the 23 of June meeting, specifically removal of lift over-runs, made possible by reducing the performance of the passenger lifts.
- Members were advised that the roof plant now falls behind the parapet of the retained canal side building which is considered to meaningfully reduce the visual impact in key views of the site.
- Meeting was advised that the design and materiality of the roof top enclosures had been revised under the newly submitted drawings, that the roof enclosures will now be cladded in a simplified light grey standing seam metal material which has the benefit of being slightly more visually recessive, allowing the historic buildings to remain the features of interest in views of the development.
- The Planning Officer reiterated that Officers consider the current changes to be a further enhancement over the scheme considered on 23 June 2020 and a significant enhancement over the appeal scheme.
- With regards to concerns about the visual "balance" between the locally listed building 10a, and new elements of the development at 14 All Saints Street, the Planning Officer advised that revisions have been made to the scheme to better integrate the new building and building 10a when viewed from all Saints Street, that the colour of the anodised aluminium panels has now been reconsidered and revised to a mid-grey that echoes the tones of the roof extension of the building at 6 – 8 All Saints Street and has a softer relationship with the locally listed building at 10a. Members were advised that the lighter colour is less visually dominating, and prevents the locally listed building at 10a from being visually overwhelmed, reducing the impact to the locally listed building and conservation area and that Officers consider the current changes to be an enhancement over the scheme considered on 23 June 2020 and a significant enhancement over the appeal scheme.
- On the suggestion for possible use of a hybrid energy solution involving the canal in addition to air source heat pumps, the meeting was informed that the Canal and River Trust (CRT) as the Trust has concerns that it may impact the canal's ecology, and that some kind of pumping system would be required in addition to increase the water flow in this section of the canal.

Also Members were informed that no guarantee was received from CRT that the canal would always be filled with water, a difficulty for the applicant as a separate energy backup system would be required in the event the canal water is not useable due to its maintenance and dredging activities. In addition, Members were advised that there is no policy requirement to use the canal and that the proposed solution of using air source heat pumps is policy compliant.

- With regards to noise and disturbance from the use of the gate and plant/equipment, the Planning Officer advised that this would be controlled via recommended planning conditions 9, 12, 17 and 43 and in the case of operation of uses such as the café and outdoor area, this would be controlled via recommended planning conditions 11, 32, 33, 34. The officer confirmed that it is customary for the Council to deal with issues of this sort via the mechanism of planning conditions.
- The Planning Officer informed the meeting of recent information received from the applicant of their proposal to remove from the scheme the restaurant use and replace it with B1 office space, had been noted and that this change is acceptable in principle. Meeting was informed that officers had no objection to a change in use as the loss of a restaurant will have a positive impact on neighbouring amenity. This proposal was unanimously welcomed by the committee.
- Members were reminded that if the committee was minded to agree the proposed change, this would require a change in the description, and hence a re-consultation on this one point, prior to any permission being granted. Following consultation the decision would be delegated to planning officers, in conjunction with the legal officer and the Chair.
- On the issue of light pollution, conditions 29 and 30 have been recommended to secure a lighting mitigation plan outlining a curfew time for all internal and external lights on automatic turn off, external lights on motion sensor, screening on windows to prevent light spill.
- With regard to sunlight and daylight impact, the Planning Officer reminded members that although not a reason for deferral, it is important to note that sunlight/daylight impacts were considered by the Planning Inspector at appeal as "harmful" but "not unacceptable". It was highlighted that notwithstanding the Inspector's view, the current scheme delivers significant improvements in terms of sunlight and daylight impact over the appeal scheme. The applicant also asserted that the amendments to the scheme since deferral had delivered further minor improvements to sunlight and daylight impact, bringing a further 7 windows into compliance with BRE recommendations, although these improvements were not formally quantified and presented to the committee as the applicant indicated that since it was not a reason for the scheme's deferral, it was not viewed as a requirement, however the latest improvement in mitigating transgressions

could be forwarded to planning officers.

- The Planning Officer reiterated a number of planning benefits from the scheme for example, new office spaces, the use of the canal during construction activities thereby removing some heavy construction vehicles and associated traffic from the roads, affordable workspace, financial contributions towards offsetting projected residual CO2 emissions from the development.
- A condition to safeguard the proposed office space and preventing the applicant subsequently introducing a café or restaurant into the space in the future was proposed and seconded.
- Objections raised centred on issues such as lack of consultation with the revised scheme, the failure of the applicant to address the alternative heating options, disregarding design officers views about the scheme and amenity concerns . Resident welcomed the latest suggestion to remove the restaurant, however was concerned that noise from users of the 12 balconies had not been addressed . There was also concerns about the scale and massing of the scheme as it not been sufficiently addressed. Concern was also raised with the speed of the revised scheme being brought back to committee.
- A resident was concerned that the present scheme was being compared with the appeal scheme which in itself lacks merit and also that concerns regarding the plant on the roof had not been addressed especially with it's visual impact on the conservation areas.
- In response, the agent informed the meeting that the revised application had taken on board comments from residents, businesses and members. The agent highlighted the amendments made to the scheme for example the reduction of some of the height level of the plants of those left on the roof and efforts had been made to secure a design that will mitigate some of the visual impact .
- The agent acknowledged Planning Officers comments about replacing the restaurant use with office space as it also addresses objectors' concerns about noise levels.
- Finally the agent reiterated the benefits from the scheme, noting its impact in boosting the local economy by providing jobs, the affordable workspace, reducing the carbon emissions, use of the canal during construction therefore removing 1,000 constructions from plying on the road.
- In response to concerns of visible plants on the roof, the agent reminded members that some plants and equipment had been relocated to the basement, the need to comply with BSO standards, indicating that nothing

more could be done on this issue as the building needs to be efficient.

- During deliberation, the Chair reminded members to address the reasons for deferral and representations received, noting the work carried out with regards to the scale and massing of the scheme and the Planning Inspectors report regarding the sunlight and daylight loss. On the issue of materiality, meeting was advised that the suggested material is less oppressive and the change of use from restaurant to office space subject to some technical changes will address amenity concerns.
- A member acknowledged efforts to mitigate the scale and massing of the scheme, the constraints of the Planning Inspectors report, the objectors constructive involvement throughout the process, noting that their contribution has resulted in improvements to the scheme and welcomed the removal of the restaurant.
- A member acknowledged the reduction in the roof line, a recognition that this is an old industrial building by the canal and the appropriateness of the plant on the roof.
- On the issue of further consultation, the Chair reiterated that this consultation would be specific to the change in description and would not relate to the rest of the application.
- Members agreed that the exact wording of the revised recommendation be delegated to the Planning Officer and the Chair.

Councillor Clarke proposed a motion to grant planning permission subject to including a condition which safeguards the office space. This was seconded by Councillor Klute and carried.

RESOLVED:

1. That planning permission should be granted with the revised description of development removing reference to the purely A1/A3 space and replacing it with: Redevelopment of the site at 10 - 18 All Saints Street including the refurbishment and extension of 10-12 All Saints Street (including part roof extension and installation of rooftop plant and enclosure) to provide additional Class B1 business floor space and flexible Class A1/B1/D1 (retail/office/non-residential institutions) ground floor of 10a, All Saints Street elevation; demolition of 14, 16 and 18 All Saints Street and erection of a part 5 (ground plus 4) and part 6 (ground plus 5) storey building with basement and rooftop plant and enclosures providing Class B1 office floor space and flexible Class A1/A3/B1/D1/D2 (retail/restaurant & cafe/business/non-residential institutions/assembly & leisure) floor space at ground floor, All Saints Street elevation; and associated hard and soft landscaping.

Subject to:

- (i) the conditions set out in Appendix 1 [as amended by the second dispatches and to remove any conditions made redundant through the change to office space and to include a condition to prevent the introduction of ancillary restaurants/bars into the newly created office space]; and
- (ii) 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 [as amended]

Subject only to consideration of (i) and (ii) below

2. That the final decision (including any additional conditions or S106 obligations that are needed) to be delegated to the Director of Planning and Development (in conjunction with the Chair of the Planning Committee, and subject to consideration of:

- (i) updates to all the relevant planning application documents in respect of the amended description of development; and
- (ii) the outcome of consultation with all relevant stakeholders and residents in respect of the amended description of development.

192 EDWARD RUDOLF HOUSE, 69-85 MARGERY STREET, ISLINGTON LONDON, WC1X 0JL (Item B2)

Demolition of the existing building and construction of a 5 storey building (plus roof top plant enclosure and further basement excavation to the existing basement/lower ground level), to provide for a total of 5,660sqm (GIA) of office floorspace (Use Class B1a), along with a new substation, cycle parking and changing facilities, refuse and recycling storage, hard and soft landscaping, and associated works.

(Planning application number: P2019/3464/FUL)

In the discussion the following points were made:

- The Planning Officer reminded the meeting that the application was presented at the Planning Committee meeting on 18 May 2020 where the item was deferred in order for the applicant to address issues relating to daylight/sunlight, the grey brick, the height, scale and massing of the development and the request for a better consultation to be carried out particularly with resident groups to address their concerns.
- Members were advised that the Applicant had submitted additional supporting documents, however it should be noted that the scheme has not been amended in regards to the built form such as bulk, massing and height.
- On the issue of daylight and sunlight concerns, the meeting was advised that the applicant had submitted a document which included visualisations of the existing and proposed buildings, the mirror imaging exercise undertaken and a BRE compliant cutback scheme, and providing an overall summary of the

daylight, sunlight and overshadowing impacts to neighbouring properties.

- An addendum report has been published and a further 4 objections have been received raising similar issues as noted in the report.
- The Planning Officer reiterated that these further representations include similar concerns that were raised when the item was considered at the last meeting, that the proposed development would cause harm to the amenity of neighbouring residential properties, specifically to sunlight/daylight.
- Members were advised that on balance the harm to neighbouring amenity weighs against the scheme, however it is important to recognise the urban context in which the site is set and that some amount of impact is almost unavoidable in situations where buildings are close together.
- Members were also reminded to note that the existing building is much lower than existing buildings on the opposite side of Margery Street as evident in the mirror massing exercise which was undertaken by the applicant using alternate targets (a methodology allowed by the BRE guidance) and acknowledging this would be within or very close to the BRE guidance. Members were informed that the units currently receive very high levels of light (more than would be usual in such a dense urban area), this is evident with all windows which face the site (except for Sherston Court) achieving a retained value of at least 18% in regards to Vertical Sky Component.
- The Planning Officer acknowledged that in many cases, dwellings with rooms or windows impacted, these units also have other rooms and windows which will not be impacted. Some units are dual aspect and the main living areas face away from the application site, and this means the impacts will cause less of an issue for those units. Officers consider that there are circumstances in this case which mean that the weight afforded to this impact is moderated.
- Meeting was informed that in terms of the materiality concerns, the applicant has proposed an alternative brick colour of yellow brick instead of the warm grey.
- A Bagnigge House resident was concerned about the lack of sunlight to his and other residents dwellings, queried the information and figures reported in the tables as erroneous, especially as makes reference to nonexisting bedrooms on the ground floor. The resident also queried why consultation was not carried out, the impact of the height of the building as it limits light into residents living room and that that the building is not compatible with neighbouring buildings, requesting that the plant room on the roof should be in the basement. Objector enquired why the amended plan did not show any fire escape and was concerned with dust from the railway ventilation shaft especially on the health of neighbouring residents.

- Another objector representing Margery Street Tenants and Resident Associated was concerned that applicant had not addressed the issues for which the item was deferred, except provide drawings that shows what needs to be done to address the loss of daylight and sunlight. The objector insisted that some residents would experience a loss of over 20% in daylight and sunlight and was particularly concerned with vulnerable residents. The resident queried whether permission had been granted from British Railway as it was their land.
- Another objector was concerned about being provided with the wrong date to respond to the revised plans. Issues raised included noise as a result of construction activities, the length of demolition activities and that worrying for most neighbouring residents was that residents would have resort to the use of artificial lighting as the scheme would result in loss of daylight. Objector was concerned with the height of the development, describing it as oppressive to residents and that the area has no demand for office spaces especially as there are lots of empty office spaces.
- In response, the agent reminded members that the proposal is considered to have responded to the comments raised by the DRP on issues such as scale, height and massing, detailed design and that it has been designed and revised to mitigate the impact upon neighbouring amenity and nearby heritage assets.
- The agent informed members that since the last meeting, the application has proposed a yellow colour instead of the warm grey colour, however acknowledging that nothing has been done with regards to the height of the scheme, explaining the mirror massing of assessing the loss of daylight and sunlight, and reminding members that in understanding BRE transgression it is important that the scheme be viewed as a site within a built up area.
- On the issue of consultation, the agent informed members that consultation was undertaken, an exhibition was held, leafletting occurred to neighbouring homes and ward councillors were written to.
- The agent reiterated the planning benefits from the scheme as stated in the report, the increase in work office space; affordable work space; financial contribution towards employment and training for local residents; and improvement in the public realm.
- During deliberation, the Chair acknowledged his disappointment that the BRE mirroring massing presentation provided by the applicant demonstrated the extent to which the building would have to be cut back in order to make all existing windows BRE compliant, whereas the essence of the reason for the item being deferred was not to achieve full BRE compliance, but to make some improvements over the proposal previously presented.

- A member was concerned that the only difference from when the item was deferred, was the revised colour change to the scheme and did not think a deferral would help as issues of loss of daylight and sense of enclosure had not been addressed, suggesting a refusal.
- The Chair suggested that the scheme was not acceptable due not only to concerns about daylight and sunlight loss but also other factors such as the design and appearance, impact on neighbouring heritage assets, and amenity impacts.
- Committee agreed to delegate the exact reasons for refusal to planning officers and the Chair.

Councillor Poyser proposed a motion to refuse planning permission. This was seconded by Councillor Mackmurdie and carried.

RESOLVED:

That planning permission be refused for the reasons set below , the wording of which was delegated to officers in conjunction with the chair.

REASONS:

1. DESIGN:

The proposed development, by virtue of its design and in particular the horizontal emphasis of the street facing elevation, and including the materiality, cube entrance, height, bulk and scale result in a building which fails to respond to the local context, appears overly dominant in the street scene and would be an incongruous and visually intrusive form of development. The proposed development is considered to be detrimental to the character and appearance of the street scene and harmful to the visual amenity of adjoining sites and the public realm and contrary to London Plan (2016) policies 7.4 and 7.6, Islington's Core Strategy (2011) policy CS9, Islington's Development Management Policies (2013) policy DM2.1. The benefits of the scheme are not considered to outweigh this harm.

2. HERITAGE IMPACTS

The proposed development by reason of its bulk, scale, design and proximity to Grade II listed buildings on Yardley Street and to the New River Conservation Area would result in an overly dominant feature that is harmful to the setting of the Grade II listed buildings and the character and appearance of the Conservation Area, failing to be sympathetic in form and scale to the local identity. The harm is not outweighed by public benefits and as such the development is contrary to London Plan (2016) policy 7.8, Islington's Core

Strategy (2011) policy CS9, Islington's Development Management Policies (2013) policy DM2.3.

3. AMENITY IMPACTS

The proposed development, by reason of its inappropriate layout, height, massing and proximity to facing residential properties would result in unacceptable harm to the amenity of nearby residential buildings through loss of daylight receipt experienced by those properties, loss of outlook and sense of enclosure. This harm makes the proposal contrary to policy 7.6 of the London Plan (2016), policy DM2.1 of the Development Management Policies (2013) as well as BRE 'Site layout planning for daylight and sunlight: a guide to good practice'. The benefits of the scheme are not considered to outweigh this harm.

4. S106

The applicant has failed to provide measures to mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed development (in respect of affordable housing, affordable workspace, public realm improvements, Compliance with the Code of Employment and Training and Code for Construction Practice, contributions to mitigate employment, training and accessible transport impacts, provision of a Travel Plan, removal of redundant drop curbs, a bond to cover the cost of repairs to the footway and highway, a charge for offsetting CO2 emissions, a Green Performance Plan, connection to a local energy network is viable). The proposal therefore conflicts with London Plan (2016) policies 2.9, 2.10, 2.11, 3.8, 4.1, 4.3, 4.12, 5.1, 5.2, 5.3, 5.6, 5.18, 6.3, 6.4, 6.5, 6.13, 7.1, 7.2 and 8.2, Islington's Core Strategy (2011) policies CS7, CS8, CS10, CS12, CS13, CS14 and CS18, and Islington's Development Management Policies (2013) policies DM2.1, DM4.1, DM5.1, DM5.4, DM7.1, DM7.2, DM7.3, DM7.4, DM8.2, DM8.3, DM8.5 and DM9.2.

193

**FORMER TERRITORIAL ARMY CENTRE, 65-69 PARKHURST ROAD,
LONDON N7 0LR (Item B3)**

Redevelopment of site to provide 118 residential units in buildings ranging from 3 to 6 storeys in height, accessible car parking, cycle parking, landscaping and other associated development

(Planning application number: P2020/0648/FUL)

In the discussion the following points were made:

Planning Committee - 21 July 2020

- The Planning Officer informed the meeting that site comprises a three storey former Territorial Army (TA) Centre facing Parkhurst Road, has a number of one and two storey ancillary buildings with extensive areas of hardstanding.
- Site has remained vacant since 2013, identified in the site allocations document as residential, not within a Conservation Area, but abuts Mercers Road/Tavistock Conservation Area and the Hillmarton Conservation Area borders the site to the north and west.
- In terms of updates, Planning Officer advised that officers would no longer seek to include a preventing wasted housing supply clause in the S106 agreement.
- The presenting Officer informed the meeting that applicant had submitted a revised plan with correct numbers in condition 2 for approval if planning permission is granted.
- An objection was received from a Moriarty Close resident raising concerns about construction impact, loss of light, issues which are addressed in the officers report.
- The Planning Officer reminded members of the long and complex history to the site, that a first application was submitted in 2013 which proposed 112 units but only offered 14% as affordable housing. The application was refused planning permission by committee as members had concerns about height and massing, construction impacts and the amenity concerns on neighbouring occupiers. Applicant appeal was subsequently dismissed by the Planning Inspector.
- The Planning Officer advised that another application was submitted in 2016 to address Inspectors concerns about design and amenity. This resulted in the overall height of the scheme being reduced, however the number of homes provided was reduced to 96, and the applicant argued that the reduced number of units would not make the scheme viable to provide affordable housing. Members were reminded that although the applicant had addressed the inspector's concerns in all other respects, it refused the proposal on grounds that it had not provided affordable housing in line with Council policy. This decision was subsequently challenged by the applicant at the High court. However, the appeal was lost as the judge found that the scheme was expected to comply with the Council's development policy.
- With regards the present scheme, members were advised that the current application is similar to the 2016 scheme in terms of height, location and footprint but where the previous scheme only provided 96 units looking over the site, the present application now offers 118 within a similar

envelope.

- In addition, Members were informed that half of the proposed units (59) would be affordable, and that the affordable offer would be split approximately 70/30 between social rent and shared ownership, with 41 being available for social rent which complies with housing policy.
- In terms of design, the Planning Officer advised that it has changed slightly with additional windows incorporated, and some of the upper floor setbacks being removed to accommodate the additional units.
- The Planning Officer reiterated that the key issue with the scheme over the years is the long standing issue of not providing affordable housing and the impact of the scheme on the amenity of adjoining occupiers.
- Meeting was informed that local residents have objected to the impact of the scheme on their amenity but officers consider that the scheme would have limited impact in terms of overlooking, loss of privacy and loss of daylight and sunlight as appropriate screening will be provided on balconies to address these issues and a condition has been recommended for screening details to be submitted for approval before occupation. It was also clarified to the meeting that the decision on the acceptability of the screening details, once submitted for the discharge of condition, rests with officers
- The meeting was informed that the applicant submitted a daylight sunlight report which assessed daylight to windows and rooms to surrounding properties were assessed for the impact of the proposal on daylight. The report suggests that the proposal would have a minimal impact on neighbouring residents in terms of daylight as the losses are relatively small and that this had to be balanced against the benefits of the proposal and the planning history.
- Meeting was informed that parent of children attending the Willows Children Centre have raised concerns about loss of daylight into some of the rooms and loss of privacy.
- In response, the Officer advised that results show that the larger windows under canopies would be affected in terms of VSC, but all rooms would continue to benefit from good daylight distribution. In addition, the Planning Officer advised that both Rooms 1 and 2 have multiple windows and would continue to receive good daylight from high level windows to the north and south elevations above the canopies
- Members were reminded that the impact of development on the children's centre was considered in the two previous applications, that with the 2013

proposal existing VSC levels were higher and despite the proposal being taller, impacts were limited. Similarly the daylight sunlight report for the second scheme in 2016, similar in terms of height and massing to the current proposal, recorded much lower existing VSC levels and greater reductions, similar to the current proposal.

- The Planning Officer informed that the 2016 scheme was not refused on amenity grounds and the Inspector did not consider the amenity impacts of the proposal as being a matter of concern in his decision.
- Members were reminded that the daylight sunlight report shows that without the obstructions, VSC levels for the worst affected windows would be broadly compliant.
- A resident from Moriarty Close, speaking on behalf of residents congratulated the Council for being able to obtain the affordable housing requirement, however had concerns that the Inspectors comment about the difficulty of addressing overlooking impact to 61 and 62 Moriarty Close had not been addressed. The resident questioned description of the skylight in the report and had doubts about the results of the sunlight daylight assessment.
- In response to safeguarding concerns raised by users of the Centre, the Planning Officer advised that south facing windows of the nursery were more than 18 away from the closest windows of the new development and that the closest windows on the west facing elevation are less, 13m away but would not face the development directly. Furthermore, the combination of the canopies and the increasing height of the proposed development mean there would not be any direct overlooking to the children's centre's rooms.
- Members were advised that to alleviate concerns of the users of the Centre, the applicant convened a public meeting where the privacy of the nursery was raised and the submitted application included screening to balconies at 1st – 4th floor levels on the north west elevation to prevent overlooking of the outdoor space of the nursery. Following representation from users of the nursery the applicant has included screening to the balconies on the north east corner as well.
- With regards to overlooking concerns, meeting was advised that it is not considered that the windows to the north west elevation would overlook the amenity space as majority of windows are to bedrooms and located in the corners of the rooms, and the elevation is angled away from the children's centre so there would be no view of the outdoor space from the centre of the rooms and views from the windows would look across the south west corner of the play space. Members were advised that a condition to require details of privacy measures to be installed on the new building to prevent undue overlooking is recommended and details should

be discussed with the children's centre.

- In terms of construction impacts, the Planning Officer informed the meeting that in the event that planning permission is granted, this would be subject to a condition requiring a Construction and Environmental Management Plan which covers noise and dust to be submitted and approved in writing to the local planning authority before works commence and would require liaison with the Children Centre.
- The Planning Officer highlighted the benefits of the scheme as it would provide an additional 118 new housing, 59 of which would be affordable and 12 of which would be wheel chair accessible. Members noted the concerns raised by residents and were also mindful of the planning history of the site, measures to mitigate the impact and the benefits of the proposal.
- In response, the agent reiterated the history of the scheme and the whole process of producing a development which proposes a mix of high quality residential accommodation, including family-sized homes, by making optimum use of previously developed land.
- In summary the agent indicated that the proposal would provide good quality accommodation for future residents with all units exceeding the national floorspace requirements and having good access to natural daylight and sunlight. The scheme would ensure that majority of units would also have private amenity space in the form of gardens, terraces or balconies, along with of communal amenity space, and of public realm, including dedicated children's play space.
- In response to a suggestion to amend condition 23 in the planning permission to ensure that the playspaces is made available to all users, meeting was advised that this will be discussed with legal officers on whether this could be incorporated and tightened in the S106 agreement.
- The proposal's housing density and dwelling mix is considered acceptable and in line with the London Plan and the Council's own policies. The proposed housing is considered to be of a high quality in terms of unit sizes, amenity space, natural lighting, floor-to-ceiling heights, storage provision and access to refuse, recycling and bicycle storage facilities.
- Councillor Klute proposed a motion to grant planning permission. This was seconded by Councillor Clarke and carried.

RESOLVED:

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

Appendix 1 of the officer report and subject to 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 of the officer report.

194 GALLERY SUITE BUSINESS DESIGN CENTRE, 52 UPPER STREET, ISLINGTON LONDON N1 0LR (Item B4)

Change of use of the Gallery suite from Class B1 (offices) to Class D2 (Gymnasium) with minor external alterations including replacement of existing entrance doors.

(Planning application number: P2019/2821/FUL)

In the discussion the following points were made:

- The Planning Officer informed the meeting of a number of updates since the agenda was published. Members were advised that although the report indicated 4 objectors, officers have been informed that one of the objectors represents a number of people in an household, so the total is now 20 objectors. In addition complaint received from a resident about a generator left outside the Business Design Centre (BDC), although not relevant to the application, has now been addressed by BDC.
- Meeting was informed that the site lies outside identified primary frontage but within the Angel Town Centre and that the proposed D2 use is a use which is identified as being generally appropriate to the Town Centre and complementary to the function of the Town Centre as a primary focus for retail.
- The Planning Officer informed the meeting that the application site is predominately located on the first floor level and the building itself is of limited architectural merit, but is located within The Angel Conservation Area and adjacent to the Barnsbury Conservation Area.
- Members were informed that the building itself covers the majority of the 1,116m² site with little external space and to the east of the site there is a four storey building currently occupied by the Hilton Hotel with the Upper Street car park directly underneath. To the south of the site, is the former Royal Agricultural Hall building, now operating as the Business Design Centre (BDC) which is Grade II Listed. The application site contains linking bridges to the main BDC buildings, as well as the Hilton hotel building to the east of the site on levels 2 and 3 respectively.
- Members were advised that the application site is limited to the first floor area (level 2) and a small section of the ground floor area (level 1) as entrance and that the floorspace involved in this change of use proposal is 1,116m². The Planning Officer reiterated that the proposal only seeks permission for change of use of the existing building and no new floorspace would be created, that access to the site will be via Berners Road, noting

that there will be will be no access from Barford Street and that servicing and delivery will remain on Liverpool Road.

- Meeting was informed that the proposal also includes minor external works comprising of a replacement door at the ground floor level.
- With regards to the loss of office accommodation and the request to change its use, members were advised that the site has remained vacant since June 2016 and is considered acceptable following the assessment of the submitted marketing information. Meeting was advised that the report states that there is no realistic prospect of bringing the site back into office use due to the lack of demand for the space shown and that council's policies allow consideration of alternative uses which are suitable for the site and the wider Town Centre.
- On the impact of the proposal on the amenity of neighbouring residents, meeting was informed that the proposed gym would have an acceptable impact towards neighbouring amenity, subject to its operation and management being controlled by appropriate conditions, particularly towards the residential properties on Barford Street, as well as the neighbours nearby on Liverpool Road.
- In addition to a change of use, Members were advised that the proposal would also provide an opportunity for improvement of the energy efficiency of the building.
- Members were advised that the applicant had originally proposed to operate the gym from 0530 (5:30am) to 2300 (11:00pm), seven days a week, however considering its close proximity to neighbouring residential properties located on the opposite side of Barford Street, officers have recommended condition 10 to protect the neighbouring amenity by recommending opening hours of 0630 – 2200 (6:30am – 10pm).
- Neighbouring residents had concerns, that the area has sufficient provision of gyms, the noise levels from the users of the gym and impact of parking as a result of the additional users of BDC. It was suggested that if members are minded to grant planning permission, opening hours on Saturday and Sunday should revert to shorter hours and restrictions should be placed on the music levels
- On the neighbours request to have a responsible officer in place to report noise levels, meeting was advised that the contact details will be available on Pure Gym's website.
- The applicant in response reminded members that the site was originally developed as a health club back in the 1990s, before its conversion into office and has remained vacant since June 2016, that it will complement the services available for users of the nearby Hilton hotel, provide employment

opportunities, appeal to young people and help improve both the physical and mental well being of gym users.

- Members were advised that the proposal would not increase the level of overlooking as the Barford Street elevation (north) would remain unchanged, including the retention of the obscure glazing on the first floor level. In addition, the meeting was informed that given that the windows already exist and the fact that the application site and the neighbouring properties on Barford Street are separated by the public highway, the proposed change of use of the building would not result in any additional level of overlooking compared to the existing lawful use as office. The Planning Officer stated that the applicant has agreed to keep the windows fixed shut and obscurely glazed, which will be secured by condition (**Condition 4**).
- The proposed development would not extend the host building and therefore, it is considered that the proposal would not cause harm to the outlook of the neighbours who front onto the site, and the proposal would also not result in any increase in sense of enclosure.
- With regards to noise concerns raised by neighbours, the meeting was informed that the Acoustic Officer has raised no objection to the proposal and has recommended that a sound limiter be set up to control sound levels which will restrict the noise level of the unit and within three months of installation a certificate of the completion and verification of the calibration and set up, including details of the sound system, shall be submitted and approved by the Council. (**Condition 5**).
- In response to a question, the Council's Acoustic Officer informed the meeting that although it cannot be assumed that the proposed gym would cause the same level of noise and disturbance to the neighbours as the previous health club, the measures proposed by the applicant, the closing of the windows during hours of operation, the obscuring and boarding over of windows and the noise limit is sufficient to address those concerns.
- Councillor Klute proposed a motion to grant planning permission. This was seconded by Councillor Poyser and carried

RESOLVED:

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

The meeting ended at 11.45 pm

CHAIR

This page is intentionally left blank

PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE		AGENDA ITEM NO: 1
Date: 1 October 2020		
Application number	P2019/3410/FUL	
Application type	Full Planning Application	
Site Address	196-228 York Way, London, N7 9AX	
Ward	Caledonian	
Listed building	n/a	
Conservation area	n/a	
Strategic	Kings Cross and Pentonville Road Core Strategy Key Area Vale Royal/Brewery Road Local Industrial Industrial Site (LSIS) Article 4 Direction B1a to C3 (LSIS) Article 4 Direction A1-A2 (Rest of Borough) Local Viw from Dartmouth Park Hill	
Licensing Implications	n/a	
Pzproposal	Demolition of the existing buildings and the erection of a part 3 to part 5 storey building plus double basement to provide for a total of 8,268sqm (GIA) of self-storage floorspace (Use Class B8) and 687sqm (GIA) of flexible office floorspace (Use Class B1a) along with associated access arrangements, car and cycle parking, servicing and plant area, refuse storage and ancillary works.	
Case Officer	Simon Roberts	
Applicant	Mr David Potter	
Agent	DWD Property and Planning	

1. RECOMMENDATION

1.1. The Committee is asked to resolve to GRANT planning permission:

- Subject to the conditions set out in **Appendix 1**; and
- 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 LOCATION AND PHOTOS

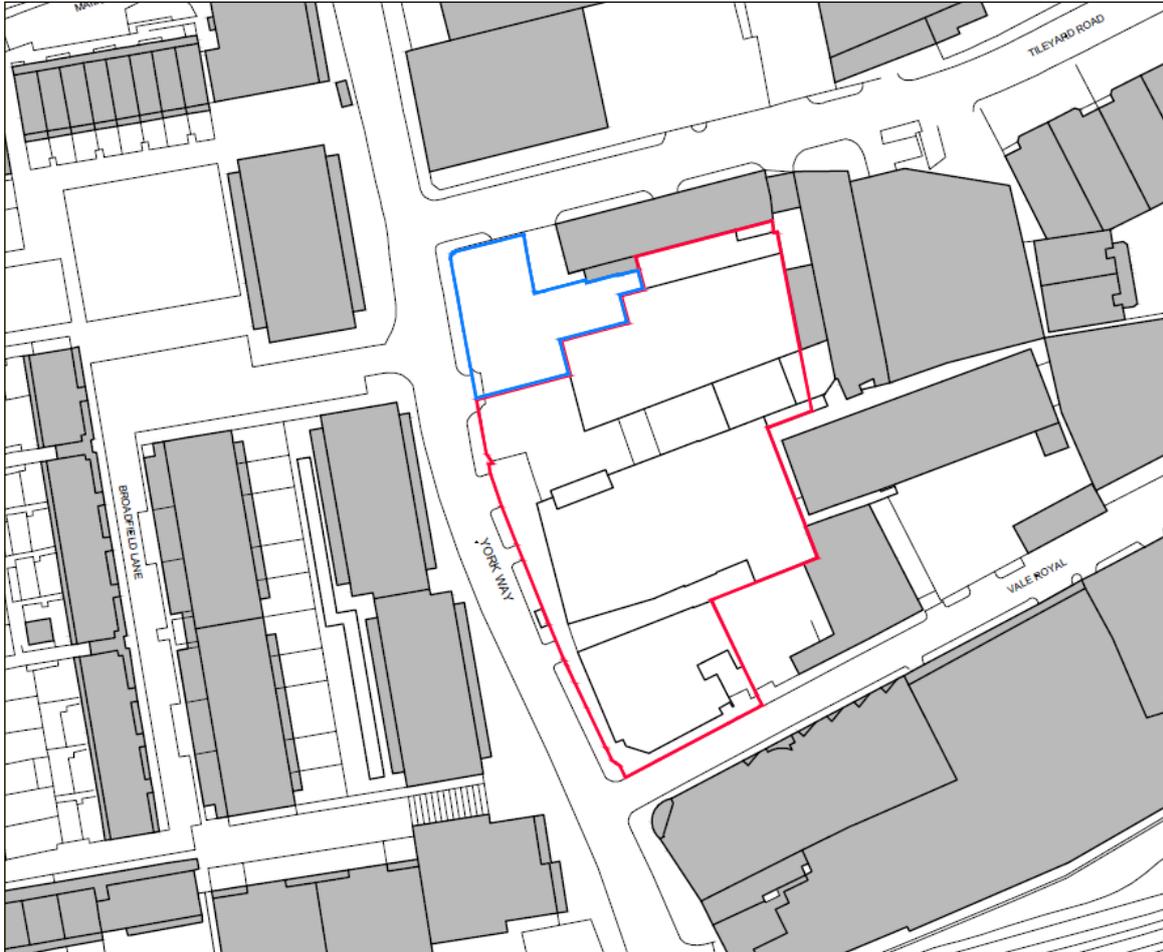


Figure 1: Site Location Plan (outlined in red)



Figure 2: Aerial view from the south



Figure 3: Aerial view from the north



Figure 4: Existing view of the corner of York Way and Vale Royal to the south-west of the site

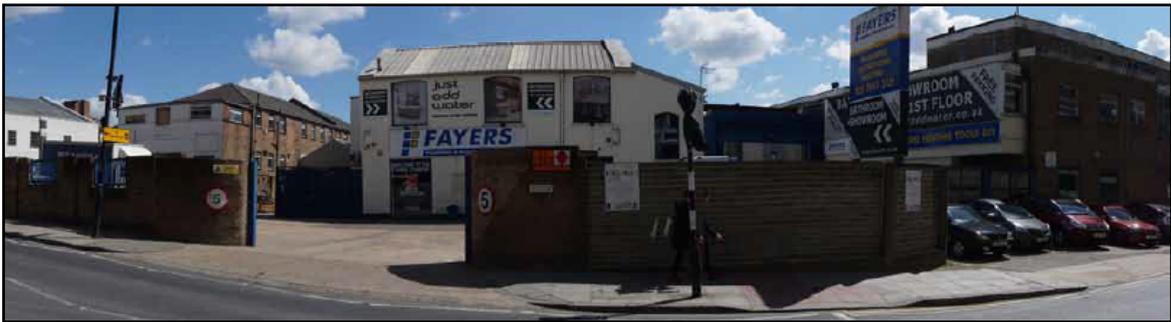


Figure 5: Photograph of York Way elevation



Figure 6: Photograph of Vale Royal

3. SUMMARY

- 3.1. The application seeks to redevelop the site following demolition of the existing buildings, to be replaced with a three to five storey building. The development would provide 8,268sqm (GIA) for self-storage facility (B8 Use Class) and 687sqm (GIA) for office floorspace for small-to-medium enterprises (B1(a) Use Class).
- 3.2. The proposal has been amended during the course of the application, with revisions significantly reducing the scale, massing, height and overall design and appearance of the building.
- 3.3. The main planning considerations are land use, height, bulk, scale, design and appearance, impact upon neighbouring residential amenity, transport and highways implications, energy and sustainability credentials.
- 3.4. In land use terms, the proposed industrial led B8 (self-storage) development is supported given the site's location within the Vale Royal/Brewery Road Locally Significant Industrial Site ('LSIS'). The proposed B1(a) (office) floorspace would total 7.7% of the development's GIA, ensuring that the site is predominantly in industrial use, in accordance with all the pertinent land use policies with the London Plan and Islington Development Plan and therefore, the proposal is considered to be acceptable in land use terms.
- 3.5. The scale, height, design and appearance of the proposal is considered acceptable within its setting and would not cause detriment to the nearby heritage assets. Further, the proposed development is considered to be well-designed, responding successfully to its context alongside the adjoining planning permission at 22-23 Tileyard Road to the north.
- 3.6. The proposed development would lead to the reduction of daylight to neighbouring residential properties to the western side of York Way. It is noted that the most affected residential units are located at first floor level and there would be less impact to the units above at higher levels.
- 3.7. Impact to the level of daylight and sunlight has been fully considered following the submission of a daylight and sunlight report, which highlights transgressions. It should be noted that while the transgressions weigh against the scheme, they are at the lower end of the spectrum and the benefits far outweigh the impact in the planning balance. Overall, neighbouring amenity is not considered to be unduly harmed by the development.
- 3.8. No significant transport and parking impacts are posed by the scheme having regard to access, servicing, parking, trip generation, potential public transport impact, promotion of sustainable transport behaviour (through the green travel plan), and potential impacts during the construction period. It has been shown that servicing and deliveries can safely take place off-street within a dedicated service yard, whilst there would be sufficient cycle parking facilities located at ground level.
- 3.9. The scheme comprehensively considers environmental sustainability and proposes a range of energy efficient and renewable measures to tackle climate change.
- 3.10. The application is supported by a comprehensive s106 legal agreement and contributions related to and mitigating impacts of the scheme.
- 3.11. The proposal is considered to be a sustainable form of development on brownfield land and in accordance with the land use thrust for the LSIS. All other matters relevant to planning are also considered to be acceptable. As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions and a legal agreement.

4. SITE AND SURROUNDINGS

- 4.1. The application site is a corner plot located to the east side of York Way and the north side of Vale Royal. The site has a variety of buildings with different occupiers. The site is bordered on three sides by industrial buildings and York Way to the west forming the borough's boundary with Camden.
- 4.2. The central part of the site (the Fayers site) was formerly in use as a plumber's / builder's merchant, with an ancillary retail showroom and extensive warehousing. There is vehicular-access from York Way and Tileyard Road. The buildings on this part of the site are a Victorian two storey building with a metal saw tooth roof (226-228 York Way), and a part two/part three storey modern brick warehouse/office building 204-224 York Way). There is a brick boundary wall with metal railings along the street facing boundaries, with an element of paved forecourt accessed by three crossovers onto York Way.
- 4.3. To the west of the site, across York Way and in the London Borough of Camden, is the Maiden Lane Estate. The eastern half of the estate faces the development site and comprises blocks of 20 storeys (Block A), 7 storeys (Blocks D & E) and 6 storeys (Block H). To the south, a 7 to 9 storey commercial building (the Fitzpatrick Building) is currently under construction.
- 4.4. The site is not located within a conservation area nor are any of the buildings on site listed. Further, the site is not adjacent to any conservation areas or listed building curtilages. There is a local view from Dartmouth Park Hill which passes over the site (although the proposal is not tall enough to encroach into that view).
- 4.5. The site has a Public Transport Accessibility Level (PTAL) rating of 2. York Way is served by the 390 bus (Archway Station to Notting Hill Gate via Kings Cross). The nearest stations are Caledonian Road (Underground), Camden Road (Overground), Caledonian Road & Barnsbury (Overground), Kings Cross (Underground & National Rail) and St Pancras (Underground, National Rail and Eurostar) which are within 1.3km/15-minute walk. York Way is the northern end of a signposted north-south cycle route to Copenhagen Street.
- 4.6. The site is within the Thornhill CPZ with restricted parking on weekdays from 08.30-18.30, and Saturdays 08.30-13.30. York Way (A5200) is a principal borough road but does not form part of the Transport for London Road Network.

5. PROPOSAL (IN DETAIL)

- 5.1. The proposal seeks the redevelopment of the site following the demolition of the existing buildings and the construction of a part 3 part 5 storey mixed-use building for 'flexible' office space (Use Class B1(a)) and a self-storage facility (Use Class B8).
- 5.2. The 3 storey element of the building fronting York Way would accommodate 687sqm (GIA) of office floorspace (Use Class B1(a)) alongside self-storage floorspace (Use Class B8) at both ground and second floor level, whilst the 5 storey element would accommodate 8,268sqm (GIA) for a self-storage facility (Use Class B8).



Figure 7: The proposed heights of the building when viewed from York Way.

- 5.3. As shown in Figure 7 above, the proposed elevation to York Way would range between 13.25m and 15.00m in height, considered as 3 commercial storeys. The 5 storey element to the rear would have a height of between 20.00m and 21.00m.
- 5.4. Internally only 3 permanent solid floor plates (lower basement, ground, second and fourth floors) would be installed with the other floors described as “demountable mezzanines” which can be installed at a later date. If the mezzanines were to be installed there would be 15,769sqm in the building. The scheme has been assessed on both the maximum and minimum floor space scenarios.
- 5.5. The building would be accessed from entrances onto York Way. Both the self-storage facility and office uses would have separate entrances and receptions. A ‘service yard’ is also proposed to the rear of the building, with vehicular access onto Vale Royal, allowing for servicing and deliveries to the uses on site and for operational parking spaces for the self-storage facility. An electrical sub-station is also proposed at ground floor, with access from Vale Royal. Cycle parking spaces are proposed to the public realm area to the front of the office element of the proposal and also to the rear within the service yard, close to the reception area and entrance of the self-storage facility.
- 5.6. There are multiple cores to the building, ensuring that the two separate uses are individually served, to include both staircases and lifts for level access. The proposed double basement would be used solely by the self-storage facility, as shown in Figure 8 below.

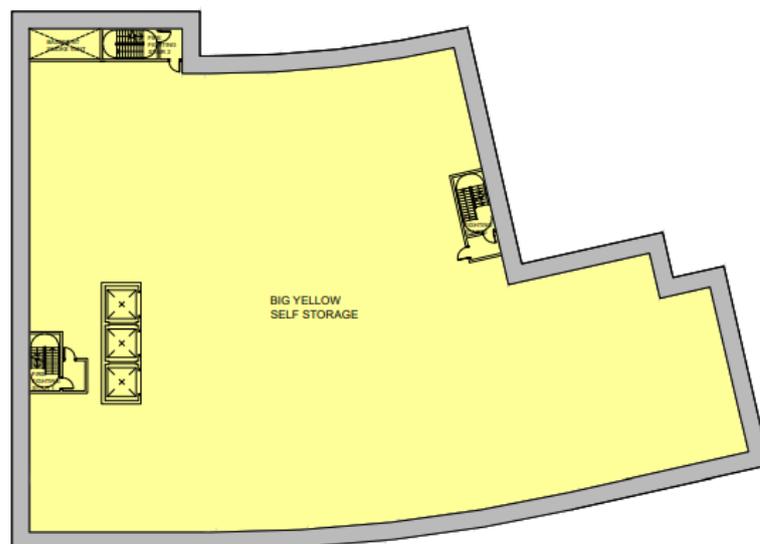


Figure 8: Proposed ‘double’ Basement level

Revisions to the scheme

- 5.7. It should be noted that the application has been subject to revisions and receipt of additional supporting information since the application submission date in November 2019. In this respect, it should be noted that discussions were held between the applicant and Officers following the expiry of the first round of public consultation, in particular with a view of addressing outstanding concerns relating to scale, height, bulk, design, appearance and impact of the proposed development on neighbouring amenity.

6. RELEVANT PLANNING HISTORY:

PLANNING APPLICATIONS:

- 6.1 The Site has been subject to a number of applications given there are numerous parcels of land within the Site curtilage.

22 – 23 Tileyard Road & 196 – 228 York Way

- 6.2 P2018/2355/FUL: Demolition of the existing buildings and the construction of a new part 6, part 7, part 8-storey building plus double basement (overall height of 29 metres) to provide for 1,628 square metres(GIA) of light industry floorspace (Use Class B1(c)) at basement and ground floor level along with ancillary café at ground floor level, and 9,111 square metres (GIA) of business use floorspace (Use Class B1(a)/(b)/(c)), and the construction of a part 6, part 9-storey building plus double basement (overall height of 27.3 metres) consisting of 7,400 square metres (GIA) of self-storage floorspace (Use Class B8) and 870 square metres (GIA) of office floorspace (Use Class B1(a)) along with associated access arrangements, plant area, car and cycle parking, refuse storage and ancillary works.

The Applicants submitted an appeal on the ground of non-determination. The Council resolved that it would have been minded to refuse the application had an appeal not been submitted. The Council would have refused the application on five grounds, as follows:

“Reason 1: The significant increase in floorspace of open B1 use, designed and suitable for B1a offices, is inconsistent with the primary economic function of the LSIS, as identified in Policy DM5.3, and compromises the scope for future intensification of industrial uses (B1c,B2,B8). The proposed open B1 floorspace does not complement or support the economic and employment role of the LSIS.

The application is therefore contrary to the objectives of Policy DM 5.3, and para 5.22 of the Council’s Development Management Policies and Policy 4.4 of the London Plan.

Further, implementation guidance point of SPG3 of the Mayor of London’s Supplementary Planning Guidance “Land for Industry and Transport” emphasises the importance of timely reviews to inform the retention of industrial land. Islington’s Employment Land Study (ELS) (2016) highlights the large losses of industrial land in recent years. Similarly, the recent GLA Industrial Land baseline data demonstrates that the borough’s stock of industrial land fell from 60ha in 2010 to just 35ha in 2015.

The need to ensure that the land within the LSIS remains predominantly in industrial use is therefore an important material consideration. This position is reflected in a) the draft new London Plan, Policy E6 of which requires the LSIS to be focused on “industrial and related uses” and b) Policies SP3, B1 (including para 4.13 of the supporting text), and B2 of the Council’s emerging Local Plan which permit the development of office use as part of a hybrid workspace but only where this constitutes a small proportion of the overall gross space proposed. The application is contrary to the Mayor’s SPG, London Plan Policy E6, and policies SP3, B1 and B2 in Islington’s draft Local Plan”.

“Reason 2: The proposed development, by reason of its height, scale and design, would be overbearing and fail to respect and respond positively to existing buildings, the streetscape and the wider context. The proposal is therefore contrary to the National Planning Policy Framework Chapter 12 (Achieving well-designed places), London Plan 2016 policies 7.4 (Local character) and 7.6 (Architecture), Islington Core Strategy 2011 policy CS8 (Enhancing Islington’s character) and policy CS9 (Protecting and enhancing Islington’s built and historic environment) and Islington Development Management Policies 2013 DM2.1 (Design).”

Reason 3: The proposed development would have a significant, major adverse impact on daylight to the neighbouring residential properties on Maiden Lane Estate contrary to London Plan 2016 policy 7.6 (Architecture), Islington Core Strategy 2011 policy CS8 (Enhancing Islington’s character) and policy CS9 (Protecting and enhancing Islington’s built and historic environment) and Islington Development Management Policies 2013 DM2.1 (Design).

“Reason 4: The proposed development would fail to meet the target carbon emissions reductions in regulated and unregulated emissions and has failed to provide thermal modelling to demonstrate that areas are at risk of overheating without active cooling, contrary to policies 5.2 (Minimising Carbon Dioxide Emissions) set targets for CO2 reductions and 5.3 (Sustainable Design and Construction) of the London Plan 2016, CS10 (Sustainable design) of the Islington Core Strategy (2011), policy DM7.5 (Heating and cooling) of the Islington Development Management Policies (2013), and the Islington Environmental Design SPD (2012)”.

“Reason 5: In the absence of an appropriate Section 106 legal agreement, the application fails to provide measures to mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed development (in respect of affordable workspace, highway and footway works, employment and training, off site accessible parking bays, carbon emissions, future connection to a local energy network, Green Performance Plan and Travel Plan), and as such the proposal fails to accord with policies CS10, CS13, CS18 and CS19 of Islington’s Core Strategy 2011, policies DM7.1, DM7.2, DM7.4, DM8.2, and DM9.2 of Islington’s Development Management Policies (2013), and Islington’s Planning Obligations SPD (2014) and the Environmental Design SPD (2012)”.

- 6.3 The appeal was dismissed by the Planning Inspectorate on 21/08/2019 following a Public Inquiry. The Appeal decision is appended to this report (**Appendix 3**).
- 6.4 During the Appeal, additional material from the Applicant confirmed to the Council’s satisfaction that the scheme had achieved the maximum reduction in possible carbon dioxide emissions on the appeal site in accordance with Core Strategy policy CS10(A), and that all remaining carbon dioxide emissions could be offset through a financial contribution. On that basis, the fourth reason for refusal was not pursued by the Council.
- 6.5 The Inspector considered the main issues to be:
- Character/Appearance and Townscape;
 - Daylight/Privacy;
 - Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS);
 - Benefits of the scheme; and
 - Overall Planning Balance and Conclusions;

Officer (brief summary) of the appeal decision

Character/Appearance and Townscape

- 6.6 The Inspector within the Appeal decision acknowledged that the proposal had two components, which were designed by two separate architects and would read as separate but complementary buildings. No issue was taken with the relationship of the proposed buildings to each other although, if the appeal succeeded and one came forward before the other, there was the potential for a large blank wall along the contiguous boundary within the site to be exposed. The Inspector however acknowledged that there would be scope to deal with the phasing of development and materials etc by condition, which could minimise any adverse visual impact in this regard.
- 6.7 Taking into account the surrounding local context, the Inspector considered at paragraph 25 that the Appeal scheme was over-dominant, overwhelming the local built environment here and would not provide a successful transition in terms of scale between the York Way frontage and the adjacent LSIS buildings.
- 6.8 With regard to detailing and appearance, the Inspector considered at paragraph 27, that *“Not only would the largely glazed elevations of the Tileyard building be seen in stark contrast to the solidity of the surrounding buildings, but I agree with the Council that the combination of materials, scale and design give the overall impression of an office building, which would materially undermine the industrial ‘language’ and character of the LSIS. In relation to views when approaching along York Way from the higher land to the north, the incongruity of its scale and massing, extending back into the LSIS in the same form as that presented to the main York Way frontage is very apparent, as illustrated on the photo view on page 30 of the DAS Addendum. When seen behind the solid ‘grounded’ brick buildings in the foreground, the uncharacteristic nature of the glazing is also highlighted.”*
- 6.9 In relation to the Big Yellow element of the proposal and its relationship with the Vale Royal, the Inspector stated, at paragraph 28, that *“...the brooding boxy mass of the rear of the nine storey core would loom more than six storeys above the adjacent Gormley Studio and the two storey brick pitched roof building at the back of the footway on this frontage, as well the approved but not yet constructed Egg nightclub building. The effect is well illustrated in View 3 of the TVIA (as amended on page 24 of the DAS Addendum) and on the ‘south elevation context as proposed’ plan in the proof of Mr Scanlon. I recognise that efforts have been made to enliven the rear of the building to some degree with blind windows, but that does not assist in reducing its overall scale and mass. Again, notwithstanding its more industrial genre, I consider that the core in particular would be bulky and overbearing, with a confrontational rather than respectful relationship with the generally modest adjacent buildings within this part of the LSIS”.*
- 6.10 Further, the Inspector went on to state in paragraph 29, that *“the use of lower five/six storey element on the corner of the Big Yellow building, including setting back the upper floor is appropriate, assists in terms of legibility, in that it distinguishes between the linked but separate uses within the building as a whole and, at up to 18.3 metres in height, is materially lower than the Fitzpatrick building, reflecting an appropriate step down in scale. However, that effect is materially undermined by the presence of the larger nine storey core rising up behind”.*
- 6.11 The Council took issue with the Appeal scheme in regards to *“...the way that the architect has attempted to break up the massing of the proposed building, suggesting that it has resulted in an ‘insufficiently coherent organisation of the volume,’ with particular concern expressed about the relationship of the offices component on the Vale Royal corner of the site with the main part of the building, which comes into view the closer one gets”.*

- 6.12 The Inspector commented on this, stating in paragraph 31, that in their view “...*the principle of angling this element of the building, so that it is set parallel to both road frontages and the Fitzpatrick building, is appropriate. Although the recess at the junction of the two elements on York Way looks uncomfortable on plan, it is sufficiently wide in my view that it would not appear awkward when viewed in the street scene and would properly articulate the junction I do agree with the Council however, that its junction with the main part of the building at the upper levels, which is very apparent on this approach, is not well considered, resulting in an unsettled and disjointed relationship between the two elements.*”
- 6.13 In relation to the neighbouring context of Maiden Lane, the Inspector stated that the appeal scheme would be “...*of a significantly greater scale and massing than the opposite blocks, which themselves are not characteristic of the area generally, particularly the character of the LSIS*”.
- 6.14 The Inspector welcomed the improved public realm area fronting York Way and disagreed with the Council which considered there to be ‘dead elements’ that would occur (including fire stairwells and sub-station). The Inspector stated that the scheme would create a much more animated street frontage than is currently the case, or indeed is the case with the Maiden Lane development opposite, with the added benefit of a material widening of the currently narrow footway, and on balance would be acceptable in this regard.
- 6.15 The Inspector appreciated that “...*in longer views perhaps, the proposal may be seen against the backdrop of taller buildings to the south of the railway and those under construction in the vicinity but, at closer quarters, the contrast would be stark and, in my judgement, unacceptable within the context of the much smaller adjacent buildings, particularly within the LSIS.*”
- 6.16 In summary on the issue of character/appearance and townscape, the Inspector considered that the Appeal scheme failed to take the opportunities available for improving the character of the area, including its function as the only LSIS in the Borough, located on one of the main routes into the city centre. In the Inspector’s view, at paragraph 37, “...*the combined height, mass and scale of the proposed buildings relative to their context, together with aspects of their design and appearance would cause material harm to the character and appearance of the area. There would be conflict in this regard with Core Strategy polices CS8 and CS9 and Development Management policy DM2.1, which together and among other things require development to be of a high quality, reflecting the character of the surrounding area, with high quality architecture and urban design being key to enhancing and protecting the Borough’s built environment in order to improve the quality, clarity and sense of space around or between buildings, to reinforce and complement local distinctiveness and to create a positive sense of place. It would also be contrary to section 12 of the Framework, which requires good design*”.

Daylight/Privacy

- 6.17 It was common ground (at the appeal) that the Appeal proposal would reduce daylight to a number of neighbouring residential units. It was accepted that the mirror massing approach and consideration of windows below balconies, were also relevant. The Appellant acknowledged that daylight would be reduced in a significant number of flats resulting in low levels of natural daylight within the rooms concerned.
- 6.18 At paragraph 44, the Inspector stated in relation to applying BRE guidance to be applied to sensitively to higher density developments, especially in opportunity areas and taking into account of local circumstances, that “*There appears to be a growing recognition in heavily built up areas of London that a VSC of 20% is now regarded as reasonably good, with a VSC of 15% being considered acceptable in most instances*”. The Inspector therefore acknowledged the site’s location with tin the Kings Cross key area (as designated within Islington’s Core Strategy 2011) to accommodate an estimated growth in jobs of some 3,200

from B-use floorspace, indicating high scope for its form and character to change over the short and longer term.

- 6.19 The Inspector reviewed the impacts of the Appeal scheme on the neighbouring Maiden Lane development, and specifically to Blocks D, E and H. The Inspector was in “no doubt” that the Appeal scheme raised material harm or prejudice to the occupiers with regard to reduction of daylight.
- 6.20 Moving on to whether the deterioration of daylight to neighbouring units was acceptable in the local context, wider considerations outlined by the Appellant were investigated by the Inspector. These included alternative targets such as mirror massing and without balconies exercises. In relation to ‘without balconies’, the Inspector stated that although “...residents would have VSCs in the mid-teens with the new development in place, the balconies clearly cannot be removed, with residents being forced to accept much lower VSCs than is currently the case...”
- 6.21 Further, the Inspector was not persuaded by the Appellants attempt to justify the reduction in daylight by comparing the resultant Average Daylight Factor (‘ADF’) to new build development, and not on a new scheme imposing itself on existing neighbouring accommodation. The Inspector commented at paragraph 53 that “...there is a danger that such an approach has the potential to create a dangerous ‘race to the bottom’ if subsequent decisions were to whittle away at desirable standards.”
- 6.22 Turning to mirror massing, the Inspector outlines that the proposed scheme would be similar and not materially greater, and that for the worst affected flat (the central first floor flat in block E) there would be no more than a 3% absolute change. The Inspector stated that the Appeal scheme had a higher quantum of transgressions, “would be worse”, than other schemes highlighted by the Appellant. Summarising her views on mirror massing, the Inspector stated that “All in all, I am not persuaded that the mirror imaging exercise necessarily provides a reasonable justification for a similar reduction in daylight levels in the surrounding buildings as a result of this proposal, not least because the assessment of impact undertaken is already weighted with the 15% VSC figure being taken as acceptable.”
- 6.23 The Appellants attempts at assessing a hypothetical scheme of uniform 20 metres in height along York Way, which was referenced in Islington’s Height Study for the LSIS (December 2016), did not persuade the Inspector and considered the Appeal proposal on its own particular merits in its current surroundings.
- 6.24 The Appellant also provided other methods of assessing daylight which were not specifically outlined or supported within BRE guidelines, including Radiance based studies, ADF studies and Human Visual Response Studies. The Inspector was not convinced that the evidence in this regard demonstrates that the effect of the Appeal proposed would necessarily be acceptable in terms of daylighting for existing occupiers.
- 6.25 The Inspector also considered the impact of the development upon neighbouring non-residential uses, specifically the Gormley Studios to the east and south-east of the site. The Inspector was satisfied that be no harm in relation to any material loss of daylight for the adjacent Studio.
- 6.26 The Inspector concluded at paragraph 72 that “whilst there would be no material harm in terms of daylight to the adjacent Studio, I have found that that there would be material harm to the living conditions of occupiers of a substantial number of the flats in blocks D, E and H of the Maiden Lane estate. I recognise that the location of those blocks means that they take substantially more than their fair share of light and, as such, the strict application of the BRE guidelines unfairly prejudices development of the appeal site. However, even when allowances are made for its urban context, including a lower ‘London VSC’ of 15%, plus

allowances for the deep balconies, there would still be a significant material impact for existing occupiers of the single aspect flats on the Maiden Lane estate facing the appeal site. In my view, that impact would be unacceptable even taking account of the local context.”

Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS)

- 6.27 The Inspector acknowledged the Council’s concerns in relation to increasing pressure on the LSIS from general office use, a use that had apparently not been perceived as a threat when policy DM5.3 was drafted. The Inspector stated that the proposal would far from harm the primary economic function of the LSIS due to the provision of additional B1c and B8 floorspace. The Inspector considered that the appeal scheme maximised the provision of industrial use on the site and thus there would be no harm to the economic function of the LSIS in this regard, whilst the nature of the open/flexible B1 space proposed would not, for the most part, be well suited for general B1a office space and would not be similar for instance, to the B1a office buildings in the nearby Kings Cross area.
- 6.28 The Inspector concluded, that whilst recognising that *“the flexible B1 space proposed within the Tileyard building could, in theory, all be occupied by Class B1a office users, it seems to me that in providing flexible design features and future adaptability for a range of Class B1 uses, in close proximity to the existing Tileyard cluster (the intended occupiers) the specific nature of the space proposed responds appropriately to changing economic conditions as reflected in the various policies and guidance. In my view, when the development proposed is considered in its entirety - development which would, among other things, result in an uplift of some 4,384 square metres in B1c and B8 space on the site - and having regard to the intended users for the Tileyard building combined with its close physical relationship with the existing Tileyard cluster, within the LSIS, it would not jeopardise the long term sustainability, employment role, economic function or future economic growth of the LSIS as an industrial area and it would not be at fundamental odds with the objectives of the relevant policies”*.

Overall Planning Balance and Conclusions

- 6.29 In terms of the overall planning balance, the Inspector concluded that *“there would be no harm to the economic and employment role of the LSIS or its primary function”* and as such no objection to the proposed land use was raised.
- 6.30 The inspector did however conclude that the Appeal scheme would result in material harm in terms of the character/appearance of the area and the townscape and to the interests of residents of the Maiden Lane flats that face the appeal site, with particular regard to its effect on daylight, and that the harm to neighbouring amenity to be unacceptable to the local context. These weighed against the scheme in the planning balance.
- 6.31 The Inspector considered that the benefits did not outweigh the significant harm identified and therefore concluded that the appeal should not succeed. It should be noted that the Inspector clarified that concerns in relation to the character and appearance of the area were such that the outcome of the planning balance would have been the same even had the Inspector found the harm in terms of daylight to be acceptable in this urban context, or that the overall amenity for local residents, taking into account the public realm improvements, would be good.
- 6.32 The Appeal was therefore dismissed by the Inspector.
- 6.33 202 – 228 York Way
991059: for “Construction of a 2-storey building for warehouse, offices and bathroom display use”. Granted 30/11/1999.

6.34 196 – 200 York Way

P080410: for “Use of the first floor for purposes within Class B1 of the Town & Country Planning (Use Classes) Order 1987”. Granted 02/05/2008.

P070765: for “Change of use from use as premises for chauffeur-driven car hire service to use as a club bar and restaurant with a licensed outside courtyard area. Installation of ventilation flue”. Granted 20/11/2007.

RELEVANT NEIGHBOURING SITES:

6.35 22 – 23 Tileyard Road

P2019/3300/FUL for “Demolition of existing buildings and structures and erection of a part 3 and part 5 storey (plus basement) building to create Class B1(c) (light-industrial), Class B1 (flexible workspace) and A3 (ancillary cafe) floorspace; service yard; cycle parking; plant refuse / recycling facilities; and associated works”. **The application was heard at the 23 April 2020 Planning Committee where a recommendation to grant permission was made.**

P2015/1204/FUL: “Re-configuration and refurbishment of existing two storey office building, a three-storey roof extension and five storey side extension to create a total of 2,072sqm (GIA) of Class B1 space (net increase of 1,159 sqm (GIA) of accommodation)”. Granted 14/03/2016 (not implemented).

P2015/2933/COLP: “Application for a Lawful Development Certificate for the proposed use of this building as office floorspace (B1(a) use class)”. Granted 01/09/2015.

6.36 20 Tileyard Road

P2018/2640/FUL: “Proposed 2 no. two storey extensions to rear elevation and within existing void space to provide additional floorspace (192.7 sqm) for existing use for food preparation (No change of use to building) and external alterations to front elevation including new roller shutters and new doors”. Granted 28/02/2018.

P2013/5015/FUL: “Erection of a first floor infill extension and two storey extension to create new second and third floors to an existing commercial building to be constructed on top of existing two floor property that houses a catering firm. (No change in use to existing floor). Extension of first floor to fill in existing courtyard, with retention of delivery access on ground floor beneath”. Granted 18/02/2014.

6.37 Fitzpatrick Building 188 – 194 York Way

P2016/1999/FUL: “Demolition of the existing office building and redevelopment to provide a part 7/part 8/part 9 storey building to provide office (use class B1a) and flexible (Use class B1) floorspace, including basement, ancillary ground floor cafe, cycle parking, plant/storage, landscaping and all other necessary works associated with the development”. Granted 30/06/2017 (Currently under construction).

6.38 230 – 238 York Way

P2017/1834/COLP: “[Application for a Lawful Development Certificate for a proposed] Change of use of up to 500 square metres of existing Storage and Distribution Floorspace (B8) floorspace to Office B1(a)”. Granted 07/07/2017.

6.39 13 Vale Royal

P2016/2706/FUL: “Refurbishment of existing nightclub 'Egg London', comprising of excavation to create basement; erection of a new single storey extension in existing ground floor garden area and formation of part ground floor mezzanine, first and second floor balcony areas; addition of part third floor extension to replace existing raised second floor

flat roof at rear of no. 13 Vale Royal; formation of curved louvre structure and concave motif on Vale Royal elevation; reinstatement of main entrance on Vale Royal and closing of existing York Way entrance; and other associated alterations". Granted 11/07/2017.

7 CONSULTATION

Public Consultation

7.1 The application has been subject to two separate rounds of public consultation due to the Applicant submitting revised plans, elevations and supporting documentation following the first round of consultation. A total of 7 representations have been received across the lifetime of the application. The breakdown of each round is set out further as follows:

First round of consultation

7.2 A site notice was erected, an advert placed in the local press and letters were sent to occupants of 328 adjoining and nearby properties on 12 December 2019, the initial public consultation of the application therefore expired on 05 January 2020.

7.3 During this first round of consultation, a total of 6 representations were received on the application, all of which raise objection to the application.

7.4 The points raised within the representations are summarised below [with the case officer response and reference to which sections of this report address those particular concerns indicated in brackets]:

7.5 Objection:

- The area does not need a self-storage facility as the King's Cross area is developing nicely and this is simply not needed given there is another self-storage facility up the road in close proximity;

[The land use section (section 9) of this report sets out the fact that the site is in a designated LSIS the proposed use (Use Class B8) is a priority land use and is therefore acceptable in principle.]

- Missed opportunity to develop high quality housing on this site, whilst there should also be more active frontages such as retail and/or community uses;

[see paragraphs 9.2 – 9.25 for consideration on the principle of the proposed land use, which outlines that the site is in a designated LSIS and the proposed use (Use Class B8) is a priority land use and is therefore acceptable in principle.]

- Loss of privacy as a result of overlooking;

[See paragraphs 9.64 – 9.66 for consideration to loss of neighbouring privacy and overlooking.]

- Increased sense of enclosure and intrusion leading to loss of outlook;

[See paragraphs 9.67 for consideration of the proposal upon outlook.]

- Loss of daylight and sunlight to neighbouring properties;

[See paragraphs 9.73 – 9.121 which outline and consider the transgressions to neighbouring properties in relation to reductions to daylight and sunlight.]

- The scheme is practically unchanged in regards to bulk, massing and height from the appeal scheme, except for the Tileyard element to the north being removed. The

height of the building should be further reduced and should find a subtle way of breaking up the swathes of wall by deploying a more human approach to the design.

[The scheme has since been amended, and has significantly reduced the height, scale, bulk and massing of the proposed building. See paragraphs 9.26 – 9.58 which assess the design and appearance of the proposal.]

Second round of consultation

7.6 Following submission of revised drawings, re-consultation was undertaken on 23 July 2020, providing the opportunity for further representations to be made by 16 August 2020. As per the first round of consultation undertaken, a site notice was erected, an advert placed in the local press and letters were sent to occupants of 328 adjoining and nearby properties. It is the Council's practice to continue to consider representations made up until the date of decision.

7.7 To date, a further **2** public representations have been received.

7.8 The points raised within the representations are summarised below [with the case officer response and reference to which sections of this report address those particular concerns indicated in brackets]:

7.9 Objection:

- It is difficult to understand why the building needs to be demolished when the site remains industrial.

[See paragraphs 9.2 – 9.25 which considers the acceptability of the principle of the land use proposed.]

- There are no photographs of the buildings considered for demolition nor existing plans and elevations;

[Existing plans and elevations were submitted as part of the original submission, whilst photographs of the existing site have been included within the submitted Design and Access Statement, all of which were viewable on the Council's website.]

- Impact of construction works upon neighbouring residents, including dust, noise, smell and odour, vibration from digging, lorry movements and deliveries;

[See paragraphs 9.122 for consideration of mitigation during demolition and construction of the development.]

- We still feel that the building is an imposing presence on our boundary but recognise that efforts have been made to break up the eastern elevation. We do think that more could be done but understand from Big Yellow that the economics of the project will not allow them to further articulate that side of the building by using windows, additional stepping or exterior staircases to render more the feel of a building than a cliff face. Such, we suppose with regret, is the way of viable commercial architecture just now.

External Consultees

7.10 **Historic England** – On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation advisers, as relevant.

- 7.11 **London Fire & Emergency Planning Authority** – No objection, however standard informatives shall be applied relating to the use of sprinklers.
- 7.12 **London Borough of Camden** – *First round of consultation:* The Council, as a neighbouring planning authority, has considered your request for observations on the application referred to above and hereby raises objection for the following reason(s):
- We note that the scheme has been dropped by one storey at the front, compared with the previous refused scheme. In the previous application, the argument was made that the balconies on the flats on the Maiden Lane estate were partly to blame for the poor daylight results, however no analysis was undertaken to show what the results would be if the balconies were removed. This analysis has now been undertaken for the current application.
- Objections are still raised with regards to the amenity impact on residents within the Maiden Lane Estate (Blocks A and E), in terms of loss of light, which is considered unacceptable in accordance with Camden Local Plan Policy A1 (Managing the impact of development). The impact of the proposed development goes significantly above the BRE guidelines for numerous windows. It is noted that a number of these rooms are bedrooms. Whilst the BRE guidelines state that bedrooms are less important, it also states they should be analysed. Officers note that 47 windows would fail the BRE guidelines and that a number of these windows serve living/kitchen/dining rooms. All three windows tested for the L/K/D of flat 4 (Block E) would be significantly affected (losses of 27.3%, 39.9% and 37.2%). There are a number of other windows where the loss of VSC would be over 30%. Officers do not consider that the impact with regards the No Sky Line or Annual Probable Sunlight Hours demonstrates that the breaches would be acceptable. No justification is provided for a significant loss of daylight to numerous windows serving numerous properties. Officers consider that the proposed development would have a significant detrimental impact on the amenity of Camden residents and it is requested that the application is refused.
- No objections are raised with regards any impact on Camden in terms of conservation or design.
- No objections are raised with regards transport, although Camden would encourage a car-free scheme. Camden consider that if permission is granted, a Construction Management Plan should be secured via section 106, taking account of the cumulative impact of vehicle movements from the Argent site, especially given that a double basement is proposed.
- [Officer Response: It should be noted that the scale, height and massing of the proposal has been reduced significantly since the initial submission of this application. This has subsequently reduced the number of BRE transgressions to neighbouring residential properties, which are now considered to be at the lower end of the spectrum, as outlined in the assessment below at paras. 9.90 – 9.121. A construction management plan would be secured through Condition 19.]*
- 7.13 **Natural England** – The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.
- 7.14 **Transport for London (CrossRail 2 Safeguarding)** – No comment to make, the application relates to land outside the limits of land subject to consultation by the Crossrail 2 Safeguarding Direction.
- 7.15 **Thames Water** – No objection subject to conditions and informatives.

7.16 **Transport for London (Spatial Planning) – First round of consultation:** The proposal fails to provide sufficient details regarding cycle parking provision to assess its merits against the LCDS. TfL require additional information including dimensions, type of stands proposed, and clarity on levels of security for the parking. Both long and short-stay provision for the B1a and B8 uses should be increased.

No trip generation analysis has been provided for public transport network impact. Due to this, the impact on London's public transport network hasn't been assessed in the application despite the planning application form stating that the site will have 685 full time equivalent employees. This fails to comply with draft London Plan policy T4 (Assessing and mitigating transport impacts).

14 car parking spaces are proposed which is too high for the self-storage unit. As per draft London Plan policy T6.2, car parking for B8 uses should have regard to office parking standards outlined in Table 10.4 which for inner London sites is car free. No car parking would be supported by London plan policy T6.2 for a self-storage and office development of this scale. Whilst we appreciate there is some operational need, we still seek a car parking reduction for the B8 use. TfL considers that it would be more appropriate to provide 3 spaces instead of 5 next to the vehicular access from Vale Royal and 6 spaces instead of 9 at the back of the service yard. In our view the justification for operational need for 14 spaces provided lacks detail.

The two trees located on the York Way frontage along should not be removed or damaged during the construction phase of development.

TfL note proposals for a new vehicular access off Vale Royal. Swept path analysis for a 10m Rigid HGV accessing and egressing the site from Vale Royal has been provided which is welcomed. However, it is proposed that this access will be shared by servicing and operational vehicles and cyclists. In addition, both vehicle and cycle parking is located within close proximity to the sole site access. This conflict of use raises safety concerns and TfL suggests that a Stage 1 Road Safety Audit is undertaken for the new junction and revised servicing yard arrangement and a Designer's Response provided to TfL and the Council prior to determination.

TfL understands that the demolition and construction works are due to last for a total of approximately 24 months. The Construction Management Plan submitted does not provide any indication of the number of trips associated with the different phases of development. This is a fundamental detail required within outline documents needed to assess the construction logistics and ensure that the scale of impact is acceptable. There is a lack of detail within the submitted CMP 'Site Logistics Plan' in terms of proposed measures to ensure that bus infrastructure and operations will be protected. Compensation will have to be paid to TfL for bus disruption if the Vale Royal bus stop P has to be suspended or temporarily moved.

Insufficient detail has been provided regarding the number of delivery and servicing trips expected at the proposed development. Stating within the Delivery and Servicing Plan (DSP) that service vehicle trips associated with the self-storage use will be 'limited' is not an acceptable assessment of impact. Servicing trips associated with the B1a have not been assessed at all.

The Travel Plan measures and targets for staff and office workers are unambitious and should be updated to take into account the 2018 Mayor's Transport Strategy and reflect the Inner London target for 90% of trips to be made by foot, cycle or public transport. The final Travel Plan should be secured and monitored via S106 agreement.

Second round of consultation:

Once built, the mezzanine could be occupied by a different tenant in future once planning permission has been granted.

[Officer Response: The main use of the proposal (92.3% of the floorspace) is for self-storage facility. There would be no office floorspace at “mezzanine level” as the “demountable mezzanines” are located within the self-storage B8 floorspace. Office floorspace is located at ground floor and first floor level and is restricted to 687sqm of floorspace. Conditions 24 and 25 restrict the uses of the development to those proposed, ensuring the uses are not changed or amalgamated without prior consent of the Local Authority.]

It is noted and welcomed that the pedestrian footway along York Way will be widened and re-surfaced in line with ItP London Plan policies T2 and D8.

TfL continues to object to the application on cycle parking grounds due to it failing to comply with emerging new London Plan policy T5.

TfL continues to object to your proposal for 13 marked car parking bays and two loading bays able to accommodate up to 15 vehicles within the service yard. We request that the development proposal is amended to provide capacity for a maximum of 11 vehicles in the servicing yard, for both car parking and loading.

It is noted and welcomed that the trees adjacent to the site along York Way will be protected during construction.

A Stage 1 Road Safety Audit (RSA) should be completed at the planning stage for any highway works proposed, TfL request to be consulted on a RSA condition secured by the Council prior to its discharge, and for the condition to be a pre-commencement condition.

A Travel Plan with revised targets to be secured by condition or s106 is accepted.

[Case Officer Response: Paragraphs 9.126 – 9.147 Assess the overall impact of the development on transport and highways. The acceptability of cycle parking is assessed at paragraphs 9.131 – 9.138, whilst vehicular parking is assessed as paragraphs 9.139 – 9.143. The submission of further details relating to a finalised Construction Management, Tree Protection, Delivery and Servicing, Road Safety Audit, are secured through Conditions 19, 22, 26 and 28. A finalised Travel Plan is to be secured through s106 legal agreement.]

Internal Consultees

7.17 Access Officer –

- **Pedestrian**: Detail regarding dropped kerbs and tactile paving should be positioned to denote a safe route for visually impaired across the vehicular access/cross-over.
- **Accessible parking**: No mobility scooter charging points have been provided and should be located at ground floor level. 1 accessible car parking space is provided and as such a financial contribution towards accessible transport initiatives is required.
- **Egress and evacuation**: it is noted that core 1 and 3 provide for firefighting lifts, which is welcomed. The applicant must clarify the provision of refuges and calling points for both uses proposed, likely to involve enlarging the lobbies or cores.

[Case Officer Response: Noted, Condition 11 seeks further details in regards to tactile paving, accessible parking, and egress and evacuation.]

7.18 Design & Conservation Officer – The revised proposals have effectively addressed the multiple issues raised on the previous application and subsequent appeal dismissal. As currently designed, it now sits comfortably on this prominent site and is of an appropriate

height and mass for its context, and of a design that is both 'of our time' and contextually relevant to the LSIS of which it is an integral part.

The building is considered to positively contribute to the wider Kings Cross environs as well as to Islington's LSIS and is supported.

- 7.19 **Energy Services** – No objection, all of the initial comments raised by the Council's Energy Team have been addressed following receipt of the revised 'Sustainable Design & Construction Statement (SDCS) V3 Addendum 1' prepared by Silcock Dawson & Partners and dated 14/08/2020. The Council's Energy Team confirm that subject to conditions and s106 obligations that all outstanding issues have been resolved.

[Case Officer Response: Noted, paragraphs 9.149 – 9.172 consider energy and sustainability credentials of the proposal, whilst also reflected in Conditions 16 and 17, and the planning obligations recommended.]

- 7.20 **Environmental Health (Acoustic Officer)** – The EPPP team have no objections as per previous application, subject to compliance conditions in relation to plant noise and the submission of an Environmental Construction Management Plan.

[Case Officer Response: Noted, Condition 12 secures plant noise mitigation measures, whilst Condition 19 requires details on construction management.]

- 7.21 **Environmental Health (Air Quality)** – The submitted Air Quality report considers exposure for occupiers of the site and includes an air quality neutral assessment which calculates achieving neutral status, which is welcomed.

- 7.22 **Environmental Health (Contamination)** – The site has a history of potentially polluting uses. The proposal introduces receptors to the site but the site is to be redeveloped with hardstanding across the site and a double basement. A condition is recommended to ensure sufficient investigation and remediation is secured on site.

[Case Officer Response: Noted, Condition 20 seeks the submission and approval for remediation measures prior to commencement of the development.]

- 7.23 **Planning Policy Officer** – The revised proposal results in the intensification of industrial floorspace on site and it is consistent with policies E4 and E7, contained in the new London Plan (Intend to publish version). The proposal also meets the principle of no net loss as stated in current adopted policy DM5. In terms of the emerging Local Plan, the proposal is also in line with emerging Local Plan policies SP3 and B2 and the development has a clear primary industrial function with a minor proportion of flexible office. The emerging Local Plan recognises the specific locational requirements of different business sectors as per NPPF paragraph 82. Regional and local evidence shows there is demand for a range of industrial activities, including "servicing the services" and emerging industrial activities. The Vale Royal/Brewery Road LSIS is a cluster of predominantly industrial sites and buildings, designated for specific business sectors that cannot be accommodated elsewhere (B1c, B2, and B8). It represents only 1% area. The LSIS provides a pool of business premises for a range of occupiers, including SMEs, which are genuinely industrial. Predominantly office-based business clusters are able to locate in numerous other locations elsewhere in the borough.

[Case Officer Response: Noted, paragraphs 9.2 – 9.25 consider land use implications]

- 7.24 **Tree Protection Officer** – The two London Plane trees located on York Way are to be retained. Both trees are relatively small and young/semi-mature specimens and from the submitted drawings the basement appears to be set back a far enough distance from the trees so as to not be within the Root Protection Area of either tree. However, in the absence of an Arboricultural Impact Assessment, in accordance with BS5837:2012, specifically showing details as to the juxtaposition of the basement (and above ground

floors) and the existing trees. Consideration must also be given to the physical construction requirements of the basement so that further facilitation excavation does not affect the trees. As such, the submission of a Tree Protection Plan and an Arboricultural Method Statement (BS5837:2012) should be conditioned.

[Case Officer Response: Noted, submission of a Tree Protection Plan and Arboricultural Method Statement are secured through Condition 26.]

In addition, I do not think enough consideration has been given to landscape improvements in the public realm, there appears to be adequate room on the York Way frontage to provide further tree planting that is at ground level and not within raised planters. We should be insisting on this to improve tree canopy cover and as enhancement to the street scene, amenity and eco-system service benefits including helping to ameliorate the effects climate change in accordance with council policy DM6.2 and emerging Local Plan policies G1 & G4.

[Case Officer Response: Noted, details of a Landscaping Plan to be submitted and approved prior to commencement of the development is secured through Condition 6.]

8 RELEVANT POLICIES

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

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.) and;

8.2 National Planning Policy Framework (NPPF) 2019, Paragraph 11 states: "*at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...*"

8.3 At paragraph 8 the NPPF states: "that sustainable development has an economic, social and environmental role".

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

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

8.6 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

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

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

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

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

Development Plan

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

Emerging Policies

Draft Islington Local Plan

8.11 From 20 November 2018 to 14 January 2019, the Council consulted on a Regulation 18 draft of the new Local Plan. There have been objections to policies relevant to this application. The Regulation 19 Draft of the Local Plan is scheduled to be taken to Full Council for approval at the end of June 2019, and the Independent Examination into the draft Local Plan is expected to take place in late 2020. As such, the draft Local Plan has limited weight. However, as required by the London Plan, designation of Locally Significant Industrial Sites should be supported by robust evidence. The main body of evidence is the LB Islington Employment Land Study 2016. The following policies are considered relevant to the site and this application:

- SP3 Vale Royal/Brewery Road Locally Significant Industrial Site
- B2 New business floorspace
- B3 Existing business floorspace
- S1 Delivering sustainable design
- S2 Sustainable design and construction
- S3 Sustainable design standards
- S4 Minimising greenhouse gas emissions

- S8 Flood risk management
- S9 Integrated water management and sustainable design
- T1 Enhancing the public realm and sustainable transport
- T2 Sustainable transport choices
- T3 Car-free development
- T5 Delivery, servicing and construction
- DH1 Fostering innovation while protecting heritage
- DH4 Basement development

Draft Site Allocations

- 8.12 **Allocation VR1** - 202-228 York Way, 22-23 Tileyard Road, 196-200 York Way
- 8.13 The Site Allocations document includes the LSIS, and within this the application site referred to as the Fayers Site. It states that any development should protect the existing uses and seek to intensify industrial uses.

Draft London Plan (Intend to Publish Version) December 2019

- 8.14 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 has 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 8th October 2019 and the Mayor responded on the 9th December 2019 with a version which is intended to be published by March 2020. The Secretary of State has now considered the ‘Intend to Publish’ version and the proposed changes and has made several recommendations, which are referenced in the main body of the Inspectors’ report. Whilst the draft London Plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration.
- 8.15 It is worth noting at this point that the Secretary of State has written to the Mayor of London setting out various directions to alter aspects of the emerging London Plan. It is not known at this stage what response the Mayor will make to the directions. In this particular case, the emerging London Plan policies tend towards support for office space in the CAZ. The emerging London plan policies relating to social infrastructure echo that of the adopted plan (i.e. resisting the loss of educational facilities). Relevant policies in the emerging London Plan are set out below:

Designations

- 8.16 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013:
- Kings Cross and Pentonville Road Core Strategy Key Area
 - Vale Royal/Brewery Road Local Industrial Site (LSIS)
 - Article 4 Direction B1a to C3 (LSIS)
 - Article 4 Direction A1-A2 (Rest of Borough)
 - Local View from Dartmouth Park Hill
 - Locally Significant Industrial Area (LSIS) Vale Royal/Brewery Road

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Environmental Impact Assessment (EIA)

8.18 EIA screening is not required for this development, as the site is less than 0.5 hectares.

9 ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use;
- Design & Appearance;
- Accessibility and Inclusive Design;
- Neighbouring Amenity;
- Transport and Highways;
- Energy & Sustainability; and
- Waste Management.

Land Use

Policy Context

- 9.2 This section of the report sets out the policy context against which the proposal will be assessed in regards to existing and proposed land use.
- 9.3 The site is located in the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS) as defined within Islington Core Strategy ('ICS') 2011 policies CS6 and CS13 and Islington Development Management Policies ('DM') 2013 DM5.3.
- 9.4 The Local Plan explains that the industrial/business cluster east of York Way is the only remaining significant concentration of industrial uses in Islington. It is located centrally in the borough and provides over 100,000m² of employment uses, mostly comprising light industry (B1c), general industry (B2) and storage and distribution (B8) uses. As well as providing employment, the cluster fulfils an important supporting role for commercial, retail and leisure uses in central London.
- 9.5 To support its designation, the introduction of land uses that would erode the function of the Vale Royal/Brewery Road Locally Significant Industrial Site will not be permitted. Given its suitability for employment use, and its function as the only Locally Significant Industrial Site in the borough, active marketing of vacant floorspace should be demonstrated for a period of at least two years where loss of business floorspace is proposed.
- 9.6 It is also noted that the site is located within an Article 4 Direction which has removed Permitted Development rights for the change of use from B1(c) (light industrial uses) to C3 Use Class (residential), and requires full planning permission.
- 9.7 The NPPF 2019 states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 9.8 London Plan Policy 4.4 'Managing industrial land and premises' seeks to ensure a sufficient stock of land and premises to meet the future needs of different types of industrial and related uses. Locally significant industrial sites and other industrial sites will be planned and managed in local circumstances should be in line with strategic policy and location strategies.

- 9.9 ICS policy CS6 'Kings Cross' is a spatial strategy for Kings Cross that highlights the specific spatial policies for managing growth and change for this key area within the Borough. It states that The Vale Royal/Brewery Road area will be retained as the only locally significant concentration of industrial/warehousing/employment land in the borough.
- 9.10 ICS policy CS13 'Employment spaces' seeks to encourage and secure employment space for businesses within the Borough. Part A of policy CS13 encourages employment floorspace, in particular business floorspace, to locate in the CAZ or town centres where public transport is greatest, to be flexible to meet future needs and have a range of unit types and sizes, including those suitable for Small and Medium Enterprises (SMEs). Part B of policy CS13 states that in relation to existing employment floorspace, development which improves the quality and quantity of existing business floorspace provision will be encouraged.
- 9.11 Business floorspace is defined in the Council Core Strategy as space which accommodates activities or uses that fall within the "B" use class (including warehousing).
- 9.12 DM policy DM5.1 'New business floorspace' encourages the intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units.
- 9.13 DM policy DM5.2 'Loss of existing business floorspace' states that the 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).
- 9.14 DM policy DM5.3 'Vale Royal / Brewery Road Locally Significant Industrial Site' outlines the objectives and mechanisms in supporting the retention, vitality and viability of the LSIS. It states the following:
- A. The council supports the retention and intensification of uses appropriate to the role of the Locally Significant Industrial Site (i.e. within the B1(c), B2 and B8 Use Classes).*
 - B. Proposals that would result in a loss or reduction of floorspace in the B1(c), B2 or B8 Use Classes will be refused unless the applicant can demonstrate exceptional circumstances, including through the submission of clear and robust evidence related to the continuous marketing of vacant floorspace for a period of at least two years.*
 - C. Notwithstanding (B), 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).*
 - D. Planning permission will be refused for the introduction of non-business uses (i.e. which fall outside the B Use Classes) except for services and facilities that are clearly ancillary to, and support the economic and employment function of, the Locally Significant Industrial Site*
- 9.15 DM policy DM5.4 'Size and affordability or workspace' seeks to ensure an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises within development proposals. Part B of this policy states that within Town Centres, proposals for the redevelopment of existing low value workspace must incorporate an equivalent amount of affordable workspace and/or workspace suitable for micro and small enterprises. Part C of the policy requires applications to demonstrate that where space for micro or small enterprises are provided, the floorspace would meet their needs through design, management and/or potential lease terms.

- 9.16 Islington's emerging Local Plan policies consider the latest employment and industrial land evidence base both at local and regional levels, in line with national policy. In response to the new London Plan, Policy SP3 part A of Islington's emerging Local Plan identifies the principal objective of the Vale Royal/Brewery Road LSIS as being *"to retain industrial land and intensify B1c light industrial, B2 general industry and B8 storage and distribution uses", while part C from this policy states that "any proposal which introduces additional offices, regardless of whether there is an existing office use on site, and which does not result in the building being in predominantly industrial use, will be refused."*
- 9.17 Policy B2, from the emerging Local Plan sets out that the overriding priority land uses in LSIS designations 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. The provision of hybrid space is supported. The development of office use may be permissible as part of a hybrid workspace scheme, but it must only constitute a small proportion of the overall gross floorspace proposed.
- 9.18 Emerging local policies consider that the introduction of a large quantum of non-industrial uses would over time undermine the primary industrial economic function and compromise the future growth of LSISs and will therefore not be permitted unless they are clearly ancillary to a proposal. The provision of hybrid space in LSIS designations is also referenced in Policy SP3, part B, that encourages the provision of a range of flexible industrial uses including those suitable for SMEs, in line with policy E6 from the new London Plan.
- 9.19 The Site Allocation schedule of the emerging Local Plan identifies the site as VR1 and recommends the following: the retention and intensification for industrial uses (B1(c), B2 and B8) to contribute toward the delivery of the strategic priorities for the Spatial Strategy area; that building heights should not exceed five storeys; that the prominent corner location of site warrants a high quality, well-designed building; and that a new proposal should be designed to continue off-street servicing.
- 9.20 Further, the emerging New London Plan, through policy E4, seeks to ensure that a sufficient supply of land and premises exist in different parts of London, to meet current and future demand for industrial and related functions. It states that in overall terms across London, there is no net loss of industrial floorspace capacity within SIL and LSIS. Policy E4 of the emerging New London Plan explains that such floorspace capacity is defined as *"either the existing industrial and warehousing floorspace on site or the potential industrial and warehousing floorspace that could be accommodated on site at a 65 per cent plot ratio (whichever is the greater)"*.

Officer Assessment

Storage and Distribution

- 9.21 The proposal would bring about the intensification of priority floorspace, where 8,268 sqm (GIA) of Use Class B8 floorspace could be delivered. It is understood that there is scope to deliver an additional 6,686sqm (GIA) of B8 floorspace through the insertion of mezzanine floors. However, this does not form part of the actual proposal (and is not shown on the application form).
- 9.22 The self-storage facility provides a variety of different sized storage spaces from 10sqft to 400sqft, dependent on the requirements of the customer. The storage space provided is high quality, comprising modern, secure rooms each accessed from wide, well-lit corridors designed for easy manoeuvrability. The proposal would provide good quality storage space.

Office (B1a Use Class)

- 9.23 In addition to the self-storage facility, the proposal also includes an element of office space, aimed specifically at Small and Medium Enterprises ('SMEs'). This makes up 7.7% of the total proposed floorspace. The delivery of a small proportion of flexible office space within the Big Yellow facility is considered acceptable.

Intensification of industrial uses within the LSIS

- 9.24 The proposal significantly exceeds the existing industrial floorspace by providing an uplift and when measured against the 65% plot ratio. Therefore, the uplift of B8 storage space is in line with both adopted and emerging policy.

Test	Existing	Proposed
No Net Loss	4,644	8,268
Plot (sqm)	65% Plot Ratio	Proposed
3,500	2,275	8,268

Summary

- 9.25 Overall, the proposal is considered acceptable in land use terms. The proposed scheme intensifies uses appropriate within the LSIS and supports the area's industrial designation. Office use in this instance forms a small proportion of the overall floorspace proposed. Therefore, given the quantum and balance of uses, it is considered that this will not negatively impact the area's industrial function. Further, the proposal would be in line with requirements of the emerging Local Plan site allocation VR1. The proposal is considered to accord with NPPF chapter 6, London Plan (2016) policy 4.4, Islington Core Strategy (2011) policies CS6 and CS13, Islington Development Management Policies (2013) DM5.1, DM5.3 and DM5.4, as well as emerging Islington Local Plan policies SP3.

Design, appearance and impact upon heritage

Site and surrounding context

- 9.26 The site, which lies within the south-western corner of the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS) as defined in the Core Strategy.
- 9.27 The surrounding part of the LSIS to the north and east of the site, is characterised by generally low-rise industrial and commercial buildings of two to four storeys. Other than the adjacent Gormley Studio dating from 2001 (the studio, which lies immediately to the east of the site on the Vale Royal frontage, comprises a three storey high building designed by Sir David Chipperfield and is set back from the Vale Royal frontage behind a high wall) the existing buildings are generally simple and modest rather than architecturally distinguished.
- 9.28 A further notable exception, particularly in terms of the prevailing building height within this part of the LSIS, is the 7-9 storey 30 metres high Fitzpatrick building, located opposite the appeal site on the southern corner of the Vale Royal/York Way junction. The building is currently under construction.

Policy Context

- 9.29 Paragraph 124 of the NPPF 2019 highlights that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 9.30 Paragraph 128 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot. Paragraph 129 goes on further to state that in assessing application, local planning authorities should have regard to the outcome of tools and processes for assessing and improving the design of development, including any recommendations made by design review panels.
- 9.31 Paragraph 130 states that Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.
- 9.32 Planning policies relevant to design are set out in chapter 7 of the London Plan 2016, Policy CS9 of Islington's Core Strategy (2012) and policies in chapter 2 of Islington's Development Management Policies (2013).
- 9.33 London Plan Policy 7.4 'Local character' states that development should have regard to the scale, mass and orientation of surrounding buildings, and that buildings should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass.
- 9.34 London Plan Policy 7.6 'Architecture' states that buildings should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should not cause unacceptable harm to the amenity of surrounding land and buildings. The Mayor of London's Character and Context SPG notes at paragraph 7.26 that "*the key or essential characteristics of a place provide an important reference point against which change can be assessed*".
- 9.35 London Plan Policy 7.8 'Heritage assets and archaeology' states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architecture detail. Further, new development should make provision for the protection of archaeological resources, landscapes and significant memorials.
- 9.36 ICS policy CS9 'Protecting and enhancing Islington's built and historic environment' of Islington's Core Strategy (2011) sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity preserving the historic urban fabric.

- 9.37 Policy DM2.1 'Design' requires all forms of development to be of a high quality design, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Permission will be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.38 Islington's emerging Local Plan Policy SP3 (part G) states that "*development on York Way or Vale Royal, in proximity to the Maiden Lane tower adjacent to the western boundary of the LSIS, must be clearly sub-ordinate in height*". Furthermore, that "*given the narrow street profile of York Way and Vale Royal, proposals should avoid creating a canyon effect through appropriate set back; and by stepping down heights to avoid adverse impacts on local character and the street scene*". The supporting text of the policy refers to the urban design and character assessment that was undertaken for the LSIS and its wider context (LSIS Heights Study), which concluded that a maximum height of 5 commercial storeys would be appropriate in the LSIS. It also concluded that buildings of over 5 storeys may have a negative impact upon the scale of the streets within the LSIS and may appear overbearing, due to narrow road widths.

Context

- 9.39 The surrounding part of the LSIS is characterised by low-rise industrial buildings of predominantly two to four storeys. The buildings are generally modest and simple rather than architecturally distinguished and there is a broad homogeneity to the area through broadly consistent heights and industrial, low-rise architecture. Practical and robust elevations, commonly in brick and render, are the predominant 'language' coupled with punched fenestration including loading bays.
- 9.40 An exception to this prevailing height, form and language is the emerging redevelopment of the Fitzpatrick building to the southern side of Vale Royal. This is of a contemporary architectural language and is to comprise a relatively tall commercial building being part 7, 8 and 9 storeys. It is however located to the southernmost edge of the LSIS, on the prominent corner of York Way, a primary route, opposite the 19 storey residential tower to the western edge of York Way.
- 9.41 Opposite the site, to the western side of York Way, and within the London Borough of Camden, lie recently redeveloped buildings that form part of the Maiden Lane Estate. These buildings range in height (residential storey heights) from 5, 6 and 7 storeys, culminating at the southern end with a 19 storey tower.
- 9.42 York Way is a heavily trafficked, primary north-south route that connects this intensively urbanising Kings Cross environment to the south with multiple neighbourhoods and local centres in north London and beyond. It is experiencing a high level of transformational change including urban intensification as the effects of the commercially and culturally successful transformation of the King Cross area ripple out into adjacent localities. York Way is currently in the process of being transformed from a vehicle dominated through-route to an attractive and lively urban street. Any proposal for development along its edges must therefore respond to and help facilitate this positive transformation.
- 9.43 The area is characterised by industrial buildings, warehousing and railway infrastructure. There are some residential buildings to the north and opposite the site. The buildings are of varying age but in Vale Royal and Tileyard Road predominantly date from the 20th century. There is a variety of materials, but brick tends to predominate with some render and concrete too. Although there is an element of variety in ages and materials, there is a stronger sense of a prevailing scale with buildings mainly being 2 to 4 storeys high. The

London Borough of Camden has taller buildings with the XY building and Maiden Lane housing on York Way, although this is not representative of the area.

Assessment

Height, scale and massing

- 9.44 Pre-application advice (reference: Q2017/3029/FUL) outlined that the site can accommodate taller buildings than those currently there, however the overall height should be no more than about 20 metres (including all lift overruns and other plant and equipment). This is consistent with the emerging policy for the area which uses the Vale Royal/Brewery Road Locally Significant Industrial Site Height Study (2016) (“Height Study”) as part of its evidence base which is a material consideration.
- 9.45 The height, scale and massing are considered to be contextually appropriate and adhere, where relevant, to the key Urban Design Guide (UDG) objectives required to enhance Islington’s urban structure. These include responding to the street pattern, reducing the impact of vehicles of the built environment, creating safe streets and spaces, responding to the qualities of the traditional building hierarchy, and respecting the established order and local character of the urban form. The heights do not result in any part of the new building penetrating the protected view corridor LV7.
- 9.46 The approach to height, scale and massing across the site has been partly informed by the daylight constraints and considerations to the adjacent residential buildings, as established by the Planning Inspector in the recent appeal decision affecting the site. Further, the proposal has been designed alongside the adjoining proposed development at 22 – 23 Tileyard Road, planning application reference: P2019/3300/FUL. The revised proposal results in a significant reduction in height, scale and massing from the previously refused application.



Figure 9: View of Proposal looking north on York Way and the corner of Vale Royal

Detailed design and appearance

- 9.47 The elevation to York Way would be three storeys with a pitched roof which rises to the centre of the site. The five storey element of the building is set centrally within the site. The York Way elevation would match the height of the adjoining proposed development at 22-23 Tileyard Road, and would be set lower than the neighbouring Fitzpatrick building to the south of Vale Royal, as shown in Figure 10 below.
- 9.48 The building frontage along York Way follows the curve of the road, which Officers support. The York Way elevation includes well placed fenestration and decorative brickwork ensuring that this elevation is richly animated. There is sufficient elevational differentiation between the two entrances to the building to ensure their required prominence and ensuring this long façade is adequately broken up.



Figure 10: The proposed York Way elevation, alongside the adjoining Tileyard Road proposal in-situ

- 9.49 In regard to the Vale Royal elevation, although this elevation will be unfenestrated, the resulting visual impact is lessened by the extensive use of richly decorative brickwork, ensuring an architectural warehouse language related to the rest of the building. It is accepted that the position of the vehicular gates set back from the main elevation of the building above is necessary due to the operational requirements of the gates and vehicular movements. The inclusion of the metal gates lessens the impact of the ground and first floor opening to this elevation.
- 9.50 An electricity substation is proposed to the Vale Royal elevation at ground floor level. It was previously located on the York Way frontage and was considered to be a prominent element of dead frontage to the highly visible primary elevation of York Way. Its reposition to the Vale Royal is considered of minimal impact to this elevation, ensuring that the primary frontage of York Way is enhanced.
- 9.51 It is acknowledged by Officers that the adjacent site to the north, that formed part of an earlier comprehensive redevelopment scheme that was refused planning permission, that the application has been found to be satisfactory on a standalone basis, and without regard to the effect of a possible adjacent scheme on this exposed northern flank not coming forward. The applicant's design response to the northern elevation is welcomed with the provision of a full height brick wall to the front third of this elevation, as well as to the entire ground floor level. The remaining elevation at upper level is of a grey seamed metal finish and applied to the taller, rear element of the building only. The proposed northern elevation is considered acceptable should the adjoining site to the north (Tileyard) not come forward.
- 9.52 Overall, the contemporary take of the large warehouse form and language adopted of the proposed building is considered successful and a welcome approach by officers.

Impact upon Heritage Assets

- 9.53 The site is not within a conservation area nor is any part of the building and curtilage statutory listed. Grade II* Listed Caledonian Market Clock Tower is located to the north of the LSIS area, within the Caledonian Park, to the north side of Market Road. It is an important Landmark of material significance. Any development coming forward within the LSIS must therefore have regard to its setting and protect the views to and from it. This application will not have any adverse impact on the setting of this Landmark and is not positioned where there are views of it. Therefore, there is no harm arising on the landmark as a result of this proposal.
- 9.54 The site is located in the vicinity of the Camden Square Conservation Area which lies to the north west of the site, in neighbouring London Borough of Camden, to the junction of York Way with Maiden Lane. Whilst the development will be partially visible as viewed from the edge of this conservation area, given the architectural approach, the disposition of the height, bulk and mass across the site, and the use of good quality materials, it is considered that it will not have any adverse impact on its setting.
- 9.55 Neighbouring London Borough of Camden have not raised any objection to the proposals based on heritage impacts.
- 9.56 Further, part of the site lies within the Dartmouth Park Hill to St Paul's Cathedral Local View Corridor – designated as LV7. This corridor is highly sensitive to physical intrusions and change within and adjacent to its cone. A 'Townscape and Visual Impact Assessment' dated July 2020 confirms that the proposed development would not be visible within this view.
- 9.57 There is no objection to the proposal in regard to heritage impacts.

Summary

- 9.58 The proposed development is considered to be well-designed, responding successfully to its context and maintaining the setting of surrounding heritage assets. As such, the application is considered in accordance with the objectives of the NPPF chapter 12, the London Plan 2016 policies 7.4 and 7.6, Islington Core Strategy 2011 policies CS8 and CS9, Islington Development Management Policies DM2.1, the principles of Islington's Urban Design Guide as well as emerging Islington Local Plan policies SP3 and DH3.

Accessibility and Inclusive Design

- 9.59 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires all development to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of development from the outset and over its lifetime. To achieve this the proposal should be designed in accordance with Islington's Inclusive Design in Islington (2014) SPD.
- 9.60 The proposal includes level access to both the self-storage facility and flexi-offices. There are several lifts serving the self-storage facility alongside staircases, whilst the flexi-offices also have access to a lift.
- 9.61 Accessible cycle parking spaces has been provided at ground floor level, to both the front and rear, with at least 1500mm width route to the street level. Sufficient refuges and

mobility scooter charging points have not been identified within the proposal, and as such condition 11 seeks further details ensuring these will be secured.

- 9.62 The proposal is considered broadly acceptable in relation to accessibility and inclusive design, in accordance with the aforementioned policies, subject to further details to be secured via condition (11).

Neighbouring Amenity

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

Overlooking and Privacy

- 9.64 The supporting text to Policy DM2.1 states at paragraph 2.14 that *'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'*. In the application of this guidance, consideration has to be given also to the nature of views between windows of the development and neighbouring habitable rooms. For instance, where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no or little harm.
- 9.65 The proposed development includes no residential accommodation or habitable rooms, therefore the 18m requirement is not directly relevant. To the west, the proposed building faces Blocks A, D, E and H of the Maiden Lane Estate. The blocks are commercial at ground floor level with residential to the upper floors. The distances between the interfacing windows of these windows and the proposed development would be in excess of 18 metres over the highway of York Way. It is not considered that that neighbouring residents of the Maiden Lane Estate would suffer from an unacceptable loss to privacy.
- 9.66 Further, the proposal would face industrial and other commercial use buildings to the north, east and south, therefore no overlooking concerns are relevant.

Outlook

- 9.67 The proposal is not considered to give rise to an unduly harmful loss of outlook or unduly harmful increased sense of enclosure when viewed from neighbouring residential properties given the separation distance to the proposed development being at least 18 metres away.

Noise and Disturbance

- 9.68 A 'Noise Assessment' dated 11 November 2019 and prepared by Sharps Redmore Acoustic Consultants was submitted in support of the application. Given the distance between the proposed plant and equipment to the roof of the development and the nearest residential receptors to the west of York Way, no objection is raised by Council's Environmental Public Protection Officer, subject to a compliance condition relating to background noise. This is secured through condition 12.

- 9.69 The proposed office element of the development would be unlikely to result in an unduly harmful impact by reason of noise and disturbance affecting neighbouring occupiers given that offices do not typically generate significant noise and are compatible with residential uses.
- 9.70 The self-storage facility would be accessed both from the front of the building on York Way and to the rear from the dedicated service yard. Users of the self-storage facility would therefore most likely use the rear entrance to the facility due to moving items from their vehicles into the building.
- 9.71 Deliveries and servicing for the building would be carried out using the dedicated off-street yard accessed from Vale Royal.

Light Pollution

- 9.72 Given the proposed number and proximity of fenestration along the York Way elevation facing the Maiden Lane development opposite, the amount of light emanating from the proposed development could have the potential to harm neighbour amenity as there is a possibility of late night light pollution should office staff need to work outside normal office hours. However, it is not recommended that the hours of use of the office be restricted as this could prove onerous for potential occupants. It is considered that potential light pollution could be adequately mitigated through measures such as the use of daylight and occupancy sensors for internal lighting and automated roller blinds. Conditions 9 and 10 are recommended to address light pollution concerns.

Daylight, Sunlight and Overshadowing

- 9.73 A number of the representations received during the consultation period of the application objected to the proposal with regard to loss of daylight, sunlight and overshadowing.
- 9.74 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.
- 9.75 The starting point must be an assessment against the BRE guidelines and from there a real understanding of impacts can be gained. Knowing very clearly what the actual impacts are in the first instance is consistent with the judgement made in 'Rainbird vs Tower Hamlets [2018]'
- 9.76 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 9.77 The 'Effective Use of Land' section in the Government's Planning Practice Guidance (PPG), confirms that consideration is to be given to whether a proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, setting out that all development should maintain acceptable living standards, although what will be appropriate will depend to some extent on the context. The Guidance cites city centre locations where tall modern buildings predominate as an area where lower daylight levels at some windows may be appropriate if new development is to be in keeping with the general form of its surroundings.

Daylight Guidance

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

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

- 9.79 At paragraph 2.2.7 of the BRE Guidelines it states: “If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.”
- 9.80 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 9.81 At paragraph 2.2.8 the BRE Guidelines state: “Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the ‘no sky line’ in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside”.
- 9.82 Paragraph 2.2.11 states: “Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.” The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.
- 9.83 The BRE Guidelines at Appendix F give advice on setting alternative target values for access to skylight and sunlight. Appendix F states that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. An example given is “in a mews development within a historic city centre where a typical obstruction angle from ground floor window level might be close to 40 degrees. This would correspond to a VSC of 18% which could be used as a target value for development in that street if new development is to match the existing layout”.

Sunlight Guidance

- 9.84 The BRE Guidelines (2011) state in relation to sunlight at paragraph 3.2.11:
- “If a living room of an existing dwelling has a main window facing within 90degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:
- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and;
 - Receives less than 0.8 times its former sunlight hours during either period and;
 - Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.”

- 9.85 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.”
- 9.86 The guidelines go on to state (paragraph 3.2.3): “... it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun”.
- 9.87 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasises that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

Overshadowing Guidance

- 9.88 The BRE Guidelines state that it is good practice to check the sunlighting of open spaces where it will be required and would normally include: ‘gardens to existing buildings (usually the back garden of a house), parks and playing fields and children’s playgrounds, outdoor swimming pools and paddling pools, sitting out areas such as those between non-domestic buildings and in public squares, focal points for views such as a group of monuments or fountains’.
- 9.89 At paragraph 3.3.17 it states: “It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.”

Assessment

- 9.90 The proposed development has been revised significantly since the original submission and the Applicant has submitted a revised Daylight and Sunlight report dated 29 May 2020. The report and addendums consider the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines.
- 9.91 The report concludes that the only properties relevant for assessment are located to the west of the site, to the other side of York Way within neighbouring London Borough of Camden. This is due to the neighbouring sites to the north, east and south (within Islington) being within non-residential uses.
- 9.92 In modelling the assessment, GIA have acquired floor plans of the Maiden Lane development to the west of the Site from the Camden Planning portal, and incorporated the layouts and room uses.
- 9.93 The submitted report states that “It is our opinion (Gordon Ingram Associates) that the windows and rooms at the Maiden Lane site are acting as a burden to development on the site, due to unfairly expecting more than their fair share of light over the development site. This is exacerbated by the poor design of the buildings themselves, the position directly on the site boundary and the deep deck balconies”.

9.94 The GIA report also considers that such large impacts on daylight by using two alternative scenarios which are acknowledged by the BRE guidelines, these include an assessment without balconies and a mirror massing exercise.

Impacts to Daylight

9.95 The submitted report indicates that a total of 418 windows and 251 rooms facing the Site were assessed. The report indicates that 49 (11.7%) of the windows assessed would fail and BRE criteria relating to VSC and 13 (5.2%) of the rooms assessed would fail BRE criteria relating to NSL.

9.96 Transgressions are reported to neighbouring Maiden Lane Blocks A, D and E. These are outlined further below.

9.97 Alternative target exercises have also been investigated by the Applicant, including alternative scenarios which are acknowledged by the BRE guidelines, which are an assessment without balconies and a mirror massing exercise.

9.98 The guidelines suggest that if properties have balconies, such as those within the Maiden Lane Estate facing onto York Way, they are already effectively self-obstructed and even a small impact on daylight will be magnified by any adjacent development. The BRE recognises that existing architectural features on neighbouring properties such as balconies and overhangs inherently restrict the quantum of skylight to a window. The BRE guidelines state that *“Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even the modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight. One way to demonstrate this would be to carry out an additional calculation of the VSC and the area receiving direct skylight, for both the existing and proposed situations, without the balcony in place”*.

9.99 ‘Mirror massing’ uses a theoretical mirror massing block of the *“same height and size and equal distance away”* of the neighbouring buildings affected by the development.

Maiden Lane (Block A)

9.100 Block A is a recently completed 19 storey building with commercial use at ground floor level and residential units to the upper floors. 162 windows and 90 rooms were assessed. The transgressions to neighbouring Block A are reported for reference in the below table:

Table 1		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
Maiden Lane (Block A)								
First Floor								
Flat 7 R3 / W5	Bedroom	7.1	5.6	21.1%	10.2	6.2	6.2	0

9.101 As shown in table 1 above, only 1 of the 162 (0.6%) windows assessed would see reductions in VSC over BRE guidelines, whilst no rooms would see a reduction of daylight

distribution outside BRE guidelines. The window would see only a minor transgression of 21.1% which is considered marginally above the BRE target of 20%.

- 9.102 All of the windows and rooms to Block A would achieve full compliance within the alternative target exercises of 'without balconies' and 'mirror massing'.

Maiden Lane (Block D)

- 9.103 Block D is a recently completed 7 storey building with commercial use at ground floor level and residential units to the upper floors. 78 windows and 48 rooms were assessed. The transgressions to neighbouring Block D are reported for reference in the below table:

Table 2		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
Maiden Lane (Block D)								
First Floor								
Flat 4 R1 / W1	LKD	4	4	0	31.0	22.5	14.7	34.6%
Flat 4 R1 / W2		17.4	15	13.8%				
Flat 4 R1 / W3		11.4	7.6	33.3%				
Flat 4 R2 / W4	Bedroom	13.8	9.7	29.7%	12.3	11.6	10.6	9.3%
Flat 4 R3 / W5	Bedroom	11.3	7.9	30.1%	12.4	10.5	9.1	14%
Flat 3 R4 / W6	LKD	13	8.4	35.4%	24.0	23.7	18.8	20.8%
Flat 3 R4 / W7		14.6	9.8	32.9%				
Flat 3 R5 / W8	Bedroom	11.8	7.8	33.9%	14.3	14.0	7.6	45.7%
Flat 2 R6 / W9	Bedroom	12.8	7.8	39.1%	12.4	9.1	8.0	12.1%
Flat 2 R7 / W10	Bedroom	14.1	9.1	35.5%	12.3	10.8	9.1	15.8%
Flat 2 R8 / W11	LKD	9.6	6.4	33.3%	31.0	29.6	13.0	50.3%
Flat 2 R8 / W12		23.5	18.4	21.7%				
Flat 2 R8 / W13		16.8	15.9	5.4%				
Second Floor								
Flat 9 R1 / W1	LKD	4.4	4.4	0	31.0	22.7	22.0	3.1%
Flat 9 R1 / W2		18.4	16.9	8.2%				
Flat 9 R1 / W3		12.8	9.6	25%				
Flat 9 R2 / W4	Bedroom	15.8	12.4	21.5%	12.3	11.6	11.6	0.1%

Flat 8 R4 / W6	LKD	15	10.9	27.3%	24.0	23.7	23.7	0
Flat 8 R4 / W7		17.1	12.6	26.3%				
Flat 8 R5 / W8	Bedroom	13.3	10.1	24.1%	14.3	14	12.7	9.2%
Flat 7 R6 / W9	Bedroom	15.5	10.4	32.9%	12.4	9.6	9.6	0
Flat 7 R7 / W10	Bedroom	17.6	12.2	30.7%	12.3	11.2	11.2	0
Flat 7 R8 / W11	Bedroom	11.4	8.4	26.3%	31.0	29.6	18.7	37.1%
Flat 7 R8 / W12		27.5	21.6	21.5%				
Flat 7 R8 / W12		19.8	17.6	11.1%				
Third Floor								
Flat 12 R6 / W9	Bedroom	16.5	12.7	23%	12.4	10.2	10.2	0
Flat 12 R7 / W10	Bedroom	19.1	14.9	22%	12.3	11.7	11.7	0

- 9.104 As shown in table 2 above, 21 of the 78 (27%) windows assessed would see reductions in VSC over BRE guidelines and 5 rooms of the 48 (10.4%) rooms assessed would have a worsening of daylight distribution outside BRE guidelines to neighbouring Block D. Windows and Rooms at first floor are the most affected by reductions to VSC.
- 9.105 All of the windows to Block D would achieve full BRE compliance within the alternative target exercise of 'mirror massing', whilst only one room would fail in regards to NSL.
- 9.106 In regard to the alternative target exercise of 'without balconies', the number of rooms affected is down to 4 (8.3%), an improvement on the primary BRE testing.

Maiden Lane (Block E)

- 9.107 Block E is a recently completed 7 storey building with commercial use at round floor level and residential units to the upper floors. 78 windows and 48 rooms were assessed. The transgressions to neighbouring Block E are reported for reference in the below table:

Table 3		Vertical Sky Component			No Skyline (Daylight Distribution)			
		Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
Maiden Lane (Block E)								
First Floor								
Flat 4 R1 / W1	LKD	1.1	0.9	18.2%	31.0	24.3	11.8	51.5%
Flat 4 R1 / W2		18.5	14.5	21.6%				
Flat 4 R1 / W3		12.2	7.1	41.8%				
Flat 4	Bedroom	16.6	10.4	37.3%	12.3	11.7	8.3	28.6%

R2 / W4								
Flat 4 R3 / W5	Bedroom	13.4	8.1	39.6%	12.4	10.5	6.5	37.9%
Flat 3 R4 / W6	LKD	15.1	8.6	43%	24.0	23.7	18.1	23.9%
Flat 3 R4 / W7		17.7	10.8	39%				
Flat 3 R5 / W8	Bedroom	14.1	7.8	44.7%	14.3	14.0	5.7	59.3%
Flat 2 R6 / W9	Bedroom	15.4	9.5	38.3%	12.4	10.5	7.1	32.6%
Flat 2 R7 / W10	Bedroom	18.1	12.5	30.9%	12.3	11.6	9.5	18.7%
Flat 2 R8 / W11	LKD	12.1	7.5	38%	31.0	29.6	28.6	3.5%
Flat 2 R8 / W12		27.2	23.6	13.2%				
Flat 2 R8 / W13		26.6	26.6	0				
Second Floor								
Flat 9 R1 / W1	LKD	1.2	1.1	8.3%	31.0	24.5	16.8	31.4%
Flat 9 R1 / W2		20.2	16.3	19.3%				
Flat 9 R1 / W3		13.8	9	34.8%				
Flat 9 R2 / W4	Bedroom	18.7	13.1	29.9%	12.3	11.7	11.7	0
Flat 9 R3 / W5	Bedroom	15	10.2	32%	12.4	10.5	10.4	0.9%
Flat 8 R4 / W6	LKD	16.6	10.9	34.3%	24.0	23.7	22.9	3.5%
Flat 8 R4 / W7		19.4	13.6	29.9%				
Flat 8 R5 / W8	Bedroom	15.5	10.1	34.8%	14.3	14.0	9.4	33%
Flat 7 R6 / W9	Bedroom	16.6	11.7	29.5%	12.4	10.5	10.5	0.1%
Flat 7 R7 / W10	Bedroom	19.8	15	24.2%	12.3	11.7	11.7	0
Flat 7 R8 / W11	LKD	13.4	9.4	29.9%	31.0	29.6	28.9	2.5%
Flat 7 R8 / W12		28.6	25.4	11.2%				
Flat 7 R8 / W13		28.7	28.7	0				
Third Floor								
Flat 14 R1 / W1	LKD	1.4	1.3	7.1%	31.0	25.0	23.4	6.3%
Flat 14 R1 / W2		21.4	18	15.9%				
Flat 14 R1 / W3		14.7	10.8	26.5%				
Flat 14 R2 / W4	Bedroom	20	15.6	22%	12.3	11.7	11.7	0
Flat 14 R3 / W5	Bedroom	16	12.2	23.8%	12.4	10.5	10.5	0
Flat 13 R4 / W6	LKD	17.5	13.1	25.1%	24.0	23.7	23.7	0

Flat 13 R4 / W7		20.5	16.1	21.5%				
Flat 13 R5 / W8	Bedroom	16.4	12.3	25%	14.3	14.0	13.6	2.9%
Flat 12 R6 / W9	Bedroom	17.3	13.6	21.4%	12.4	10.5	10.5	0
Flat 12 R8 / W11	LKD	14	11	21.4%	31.0	29.6	29.4	1.0%
Flat 12 R8 / W12		29.2	26.7	8.6%				
Flat 12 R8 / W13		31.1	31.1	0				

- 9.108 As shown in table 3 above, 27 of the 78 (34.6%) windows assessed would see reductions in VSC over BRE guidelines and 8 rooms of the 48 (16.6%) rooms assessed would have a worsening of daylight distribution outside BRE guidelines to neighbouring Block D.
- 9.109 The windows which fail at second floor level range in reductions in VSC of 24% to 34.8%, whilst only 2 rooms at second floor level would also see reductions in NSL of between 31.4% and 33%.
- 9.110 The windows which fail at third floor level would all see reductions in VSC of no more than 26.5% whilst none of the rooms which they serve would see reductions in NSL.
- 9.111 It is noted that all of the windows and rooms to Block E would achieve full compliance within the alternative target exercise of 'mirror massing'.
- 9.112 Further, under the alternative target exercise of 'without balconies', all windows would remain BRE compliant whilst the number of rooms affected would be reduced to 11 (14.6%), an improvement on the primary testing.

15-23 Vale Royal (Gormley Studios)

- 9.113 No. 15-23 Vale Royal is the studio of the artist Anthony Gormley and is located in close proximity to the site, to the east and south-east. The building dates back from 2001 and comprises a three storey high building designed by Sir David Chipperfield and is set back from the Vale Royal frontage behind a high wall. As outlined at paragraph 70 of the Appeal decision, the Inspector outlined that *"The main area of the adjacent Studio is equivalent to a three storey building, the whole volume of which is used as a studio space relying on light from high level rooflights that are in the saw-tooth roof pitches. The western end of the building, adjacent to the appeal site, contains a painting studio (Drawing Room) at mezzanine level which was also designed to take advantage of direct natural light through windows along the ridge of the roof, and a Plaster Room. Although there is a side facing window to the Drawing Room, that faces directly onto a high brick boundary wall and is for ventilation purposes, playing little if any part in providing daylight to the space."*
- 9.114 The Inspector noted (at paragraph 69 of the Appeal decision) that *"whilst BRE guidelines are intended for use in adjoining dwellings, paragraph 2.2.2 (of the BRE guidelines) confirms that they may also be applied to existing non-domestic buildings where occupants have a reasonable expectation of daylight. Clearly the adjacent Studio would have such an expectation."*
- 9.115 Further, the Inspector noted in paragraph 71 of the Appeal decision that *"the main studio space would continue to be well daylight, with any changes in light conditions unlikely to be perceptible."* The inspector went on further to conclude that they were *"...satisfied that there would be no harm in relation to any material loss of daylight for the adjacent Studio"*, before

outlining at paragraph 72 that “...there would be no material harm in terms of daylight to the adjacent Studio...”

- 9.116 Appendix 4 of the revised Daylight and Sunlight report dated 29 May 2020 addresses this neighbouring building. It confirms that the studio at both ground and first floor levels would experience no change in the level of daylight and as such would be an improvement over the Appeal scheme.

Summary of Daylight Impacts

- 9.117 The proposed development is considered a significant improvement over the Appeal scheme. While transgressions would still occur, the reduction are at the lower end of the spectrum.
- 9.118 Testing against alternative targets shows the proposal would be all but compliant. Transgressions weigh against the scheme but the weight given to this matter should be moderated.

Impacts to Sunlight

- 9.119 The windows in the Maiden Lane Estate Blocks facing the site are orientated northeast and therefore loss of sunlight is not required to be assessed in accordance with BRE guidance. There are some small secondary windows facing south, but they do not directly face the proposed development and nonetheless loss of sunlight to these windows would be within BRE guidelines.
- 9.120 The submitted report shows that the revised proposal would be BRE compliant in relation to sunlight impacts.
- 9.121 ***Daylight and Sunlight Summary:*** A comprehensive assessment of the proposed development on surrounding windows and rooms to nearby dwellings has been undertaken in accordance with BRE guidance and practice. The BRE guidelines must be viewed flexibly and considering the wider adherence to the required standards of all other tested windows the impact on this room can be accepted. A number of neighbouring properties would see some reduction in daylight received, however this is considered at the lower end of the spectrum.

Construction Impacts

- 9.122 It is anticipated that the construction of the proposed development would cause some degree of noise and disruption affecting neighbouring residents. A Construction and Environmental Management Plan would be required to be submitted to and approved by the Council prior to the commencement of work in order to ensure that the construction impacts are adequately mitigated in the interests of neighbouring residential amenity. This would be secured by condition should the application be approved. Outside planning control there are further controls applicable to construction, including Environmental Health legislation and regulations that would further protect the amenities of neighbouring occupiers during the construction period.

Trees and Landscaping

- 9.123 There are no trees located within the site, and no arboricultural assessment has been submitted in support of the application. There are however two ‘London Plane’ trees located in the immediate surroundings, along York Way, near the corner with Vale Royal.

- 9.124 The proposal seeks increased public realm along both York Way and Vale Royal with increased pedestrian areas, which would be mainly hard landscaped. The landscaped area would include 4 additional trees along York Way, whilst the 2 existing trees would remain.
- 9.125 In the event of planning permission being granted, Condition 6 would require further details of landscaping to be provided in order to ensure that the landscaping is of an adequate quality and is maintained as such thereafter.

Highways and Transportation

- 9.126 Development Management Policy DM8.2 requires that proposals meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice.
- 9.127 The application site has a PTAL of 2, which is considered 'poor', due to being served by only one bus route, the 390 (Archway Station to Notting Hill Gate via Kings Cross). A southbound bus-stop (Stop P) is located adjacent to the site on York Road. Five stations are within 1.3km/15 minutes' walk of the site: Caledonian Road (Underground), Camden Road (Overground), Caledonian Road & Barnsbury (Overground), Kings Cross (Underground, National Rail) and St Pancras (Underground, National Rail and Eurostar).
- 9.128 York Way is the northern end of a signposted north-south cycle route to Copenhagen Street. Whilst there are options for public transport within the wider surroundings, the site does not benefit from good access to these and would not normally be considered a sustainable location for high density development.
- 9.129 The site is within the Thornhill CPZ with restricted parking on weekdays from 08.30-18.30, and Saturdays 08.30-13.30.

Trip Generation

- 9.130 The submitted Transport Statement and Framework Draft Travel Plan suggests that the self-storage facility (B8 Use) will have minimal number of employees on site (3 - 4). As such, the impact of employees of the B8 use will be imperceptible. The number of proposed employees to the flexible office floorspace (B1(a)) is also considered imperceptible due to the floorspace provided at 687sqm. The Framework Travel Plan states that the building will have a Travel Plan Coordinator to promote walking, car-sharing and cycling to reduce car use. The Travel Plan would need to be monitored for a period of five years. This would be secured as part of a section 106 agreement.

Cycles and Pedestrian Movements

- 9.131 Islington Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking, cycling and public transport use. The proposal is highly accessible for pedestrians given its entrances front onto York Way and Vale Royal.
- 9.132 The requirements for cycle parking are set out in Policy DM8.4 and Appendix 6 of the Development Management Policies applies to the creation of new office floorspace. Cycle parking is required to be provided at a rate of one space per every 80sqm of office (B1a) floorspace and one space per every 400sqm of storage and distribution (B8) use. The store needs to be secure, covered, conveniently located and step free.
- 9.133 Given the floorspace proposed to the fixed floors (and not potential demountable mezzanines), a total of 28 cycle spaces (20x spaces for the storage use and 8x spaces for the office use) are required. A total of 33 spaces would be required for the demountable mezzanines.

- 9.134 A total of 26 cycle parking spaces on-site are proposed. 8 cycle parking spaces via Sheffield stands, and 2 accessible parking spaces, are located within the service yard to the rear. These will be sheltered and covered by the building above. A further 16 spaces via Sheffield stands are proposed within the public realm to the front of the building on York Way.
- 9.135 Within the submitted Transport Statement, the applicant states: *“It is recognised that the level of cycle parking provided is below that specified within the emerging London Plan for sites within use class B8, however this standard is not considered appropriate for a self-storage unit with a low number of staff. The London Plan standards are applicable to commercial warehousing where significantly greater staff numbers would be expected. Provision of 16 cycle parking spaces is considered appropriate for the proposed use and will be adequate to cater for the forecast demand for cycle parking generated by staff. Again, it is considered unlikely that a significant number of customers would visit the site by bicycle given the need to transport items to and from the site”*.
- 9.136 Officers consider that customers of the self-storage facility would not cycle to and from the facility with the goods they wish to store due to being impractical, and would instead use the operational car parking provided. As such, officers can support the provision of cycle parking proposed.
- 9.137 Individual shower and changing facilities are provided internally to both the self-storage facility and the flexi offices, at ground and first floor level.
- 9.138 It is also noted that there is a 24 space TfL cycle hire hub located on York Way, directly opposite the site on the eastern side of York Way.

Vehicle parking

- 9.139 The site currently does include on-site formal parking arrangements and parking spaces are proposed within the site as part of the application. The subject site is located within a Controlled Parking Area (CPZ) ‘Thornhill’, with restricted parking on weekdays between 8.30-18.30 and Saturdays between 08.30-13.30.
- 9.140 On-site operational parking is considered important for the proposed use as self-storage to allow for customers to move their goods into/out of the storage facility.
- 9.141 Wheelchair accessible parking should be provided in line with Development Management Policy DM8.5 (Vehicle parking), Part C (Wheelchair accessible parking). For commercial developments, an uplift in 33 employees would require one additional accessible parking bay. The proposal would see an uplift in approximately 140 employees and therefore at least 4 accessible parking bay is required. One accessible parking space is proposed within the operational bays of the service yard, and as such a financial contribution of £6,000 is sought towards the delivery of other accessible transport initiatives to increase the accessibility of the area.
- 9.142 As per para.9.136 above, Officers consider that customers of the self-storage facility would use the operational car parking provided given the nature of expected trips with their goods to store. As such, officers support the provision of operational parking proposed on-site.
- 9.143 Footway and highway reinstatement works along both Vale Royal and York Way would be necessary following completion of the proposed development. This matter is referred to in the recommended Section 106 Heads of Terms.

Servicing, deliveries and refuse collection

- 9.144 Development Management Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200sqm, delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on street, Policy DM8.6 (Delivery and servicing for new developments), Part B, requires details to be submitted to demonstrate that onsite provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.
- 9.145 A revised Delivery and Servicing Plan (DSP) dated June 2020 has been submitted in support of the application. It considers that servicing requirements for both uses on site will be minimal. The proposed service yard provides access and egress of vehicles through the proposed crossover on Vale Royal, with swept paths showing vehicles can enter and exit in a forward gear. Access to the internal service area would be gated and therefore limit access to within opening hours of the building. Condition 22 requires submission of a finalised Delivery and Servicing Plan to be approved.

Air Quality

- 9.146 In accordance with Islington's Development Management Policies (2013) Policy DM6.1, developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits. The whole of the borough has been designated by the council as an Air Quality Management Area.
- 9.147 The submitted Air Quality report considers exposure for occupiers of the site and includes an air quality neutral assessment which calculates achieving neutral status, which is welcomed. It is recommended that, for the proposed development's construction phase, the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including in relation to air quality, dust, smoke and odour and emissions from non-road mobile machinery) be secured by condition (condition 19). This would help ensure that the proposal would not detrimentally impact upon the amenity of the neighbouring occupiers with regard to air quality.

Contaminated Land

- 9.148 The site has a history of potentially polluting uses whilst the development seeks a double basement. This would entail removing much of the made ground off-site and there are no areas of soft landscaping proposed. It is advised that the advice of the contaminated land report is followed and site waste is disposed of appropriately, a watching brief is kept and a verification report is completed to validate the assumptions of the report. As such, Condition 20 would ensure that necessary investigations and remediation are secured.

Energy & Sustainability

- 9.149 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and standards relevant to sustainability are set out throughout the NPPF. Paragraph 148, under section 14. 'Meeting the challenge of climate change, flooding and coastal change', highlights that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

- 9.150 The Council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions.
- 9.151 Islington's Core Strategy policy CS10 (part A) states that all developments should maximise on-site reduction in total (regulated and unregulated) carbon dioxide emissions. The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management.
- 9.152 Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.
- 9.153 The applicant has submitted the relevant detail within a 'Sustainable Design & Construction Statement' ('SCDS') version 2.3 prepared by Silcock Dawson & Partners dated 04 November 2019.
- 9.154 Following initial comments on the submitted energy and sustainability documents by the Council's Energy Officer, revised information was submitted Sustainable Design & Construction Statement (SDCS) V3 Addendum 1, prepared by Silcock Dawson & Partners, dated 14/08/2020.

Carbon emissions

- 9.155 The London Plan sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013.
- 9.156 The submitted SDCS indicates a **57%** reduction in regulated CO2 emissions against a Building Regulations 2013 baseline, thereby meeting the London Plan target.
- 9.157 Islington Council policy requires onsite total CO2 reduction targets (regulated and unregulated) against Building Regulations 2010 of 40% where connection to a decentralised energy network is possible, and 30% where not possible. These targets have been adjusted for Building Regulations 2013 to of 39% where connection to a decentralised energy network is possible, and 27% where not possible. The submitted SDCS shows a **42%** reduction in total emissions against a Building Regulation 2013 baseline, thereby meeting the requirements of Islington CS10.
- 9.158 With regard to Zero Carbon policy, the council's Environmental Design SPD states "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". "All" in this regards means both regulated and unregulated emissions. The Environmental Design SPD states "The calculation of the amount of CO2 to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement." In order to mitigate against the remaining carbon emissions generated by the development, the SCDS includes a correctly calculated Carbon Offset contribution of **£20,240** for the remaining 22 tonnes of total CO2 emissions. This would be secured by way of a planning obligation.

Sustainable Design Standards

- 9.159 Council policy DM 7.4 A states “*Major non-residential developments are required to achieve Excellent under the relevant BREEAM or equivalent scheme and make reasonable endeavours to achieve Outstanding*”. The council’s Environmental Design Guide states “*Schemes are required to demonstrate that they will achieve the required level of the CSH/BREEAM via a pre-assessment as part of any application and subsequently via certification*”.
- 9.160 A BREEAM Pre-Assessment has been submitted for the development which shows a score of 72.25% meeting the requirements of Islington DM 7.4A which requires a minimum of an ‘Excellent’ rating, which would/shall be secured through Condition 16.

Energy Demand Reduction (Be Lean)

- 9.161 Council policy DM 7.1 (A) states “*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.*” Council policy states “developments are required to demonstrate how the proposed design has maximised incorporation of passive design measures to control heat gain and to deliver passive cooling, following the sequential cooling hierarchy”.
- 9.162 Fabric values for external walls, roofs, floors, windows, and doors have been provided within the revised SDCS. The applicant has meet the recommendations of the Environmental SPD except for the roof of the heated area. Although the fabric values to the roof do not accord with the Council’s Environmental Design SPD, the applicant has demonstrated that such measures would provide little additional energy/carbon saving, and this is therefore accepted by Council’s Energy Officer.
- 9.163 In accordance with council policy “Applications for major developments are required to include details of internal temperature modelling under projected increased future summer temperatures to demonstrate that the risk of overheating has been addressed”. Thermal modelling has been carried out by the Applicant which shows that the risk of overheating has been considered.
- 9.164 Council policy states “Use of technologies from lower levels of the hierarchy shall not be supported unless evidence is provided to demonstrate that technologies from higher levels of the hierarchy cannot deliver sufficient heat control”. The revised Energy Strategy includes thermal modelling showing that the reception and office floorspace are at risk from overheating without active cooling, and as such the use of active cooling can be supported by Council’s Energy Officer.

Low Carbon Energy Supply (Be Clean)

- 9.165 London Plan Policy 5.6B states: “*Major development proposals should select energy systems in accordance with the following hierarchy:*
1. *Connection to existing heating or cooling networks;*
 2. *Site wide CHP network;*
 3. *Communal heating and cooling;*”
- 9.166 Heating and cooling will be provided by Air Source Heat Pumps. Further, the SDCS shows that the proposed development is not within 500m of a Decentralised Energy Network (‘DEN’) and so a feasibility assessment is not required. The Applicant has sufficiently outlined how the development can be future proofed should a connection to a DEN become available. The proposed building has large areas within the basement level which could be used for building services plant, with Appendix 6 showing an area set aside for the

necessary equipment and a route to a site boundary. Future proofing the development to ensure potential connection to a DEN should one come forward would be secured through a planning obligation within the section 106 legal agreement.

- 9.167 The applicant has provided evidence of an investigation of Shared Heat Network opportunities with neighbouring developments, indicating that none of the neighbouring buildings have suitable communal networks for the formation of a network.
- 9.168 The Energy Strategy rules out the possibility of a Carbon Heating Plant due to low heat demand from the size of the development, which is accepted by the Council's Energy Officer.

Renewable Energy Supply (Be Green)

- 9.169 The use of renewable energy should be maximised to enable the achievement of CO2 targets.
- 9.170 The applicant has reviewed the various renewable technologies and have ruled out ground source heat pumps, biomass, solar thermal and wind turbines have been ruled out for valid reasons. Air Source Heat Pumps and a 300m²/70 kWp Photovoltaic array have been specified.

Green Performance Plan (GPP)

- 9.171 Applications for major developments are required to include a Green Performance Plan (GPP) detailing measurable outputs for the occupied building, particularly for energy consumption, CO2 emissions and water use, and should set out arrangements for monitoring the progress of the plan over the first years of occupancy. The council's Environmental Design SPD provides detailed guidance and a contents check-list for a Green Performance Plan.
- 9.172 A revised Draft Green Performance Plan has been submitted which includes measurable targets for gas, electricity, CO2 emissions and water usage. This also includes how data will be collected and details of how this will be collected and monitored and arrangements for addressing any underperformance. The draft GPP has been accepted by Council's Energy Services and a finalised Green Performance Plan is to be submitted and is secured through a section 106 agreement.

Basement and SUDs

- 9.173 The Islington Basement Development SPD was adopted in January 2016 and sets out requirements for the Council's application of planning policies in relation to basements. This includes the need for planning applications to be accompanied by Structural Method Statements (SMS) signed by a chartered Civil Engineer (MICE) or Chartered Structural Engineer (MIStruct.E). It outlines that all basement development will need to be appropriate and proportionate to its site and context.
- 9.174 Structural stability is a material consideration for the Local Planning Authority insofar as the requirement to consider the potential risk and effects a proposal may have upon property, infrastructure and the public, as set out in Planning Practice Guidance. For clarity, this does not require the council to approve a technical solution for a development proposal, but rather to confirm that these issues have been sufficiently evaluated and responded to in a design and ensure that this process has been undertaken by a suitably qualified and experienced professional.

- 9.175 Furthermore, emerging Local Plan Policy DH4 - Basement development; insists basements must be designed to safeguard the structural stability of the existing building, nearby buildings, trees, and any infrastructure.
- 9.176 Areas of basement should respond to the scale, function and character of the site and its surrounds. Where large basement extensions are proposed, the resulting intensity of basement use may be out of keeping with the domestic scale, function and character of its context. Basements should be proportionate, subordinate to the above ground building element, and reflect the character of its surrounds.
- 9.177 A Structural Method Statement ('SMS') prepared by Campbell Reith dated 08 July 2020, was submitted in support of the application. In accordance with Appendix B of Islington's Basement Development SPD, the Structural Method Statement is signed by a chartered Structural Engineer and includes details regarding a desk study, site investigations, design and construction monitoring.
- 9.178 The SMS highlights that a retaining structure is required along the perimeter of the two storey basement. The basement construction is to comprise of a contiguous bored pile retaining wall around the perimeter with a reinforced concrete capping beam. The basement will be constructed in situ with reinforced concrete on bored pile foundations supporting structural steel and concrete framed superstructures above ground. This will be conditioned (18) in the event of permission being granted.

Sustainable Urban Drainage System (SUDS)

- 9.179 Policy DM6.6 is concerned with flood prevention and requires that schemes must be designed to reduce surface water run-off to a 'greenfield rate' (8 litres/second/hectare), where feasible. Where it is demonstrated that a greenfield run-off rate is not feasible, rates should be minimised as far as possible, and the maximum permitted run-off rate will be 50 litres per second per hectare ('l/s').
- 9.180 The submitted 'Flood Risk Assessment and Surface Water Management Plan' dated July 2020, indicates that the site has a very low risk of fluvial or surface water flooding, and low risk of groundwater flooding.
- 9.181 The existing building on site and surrounding hardstanding generates a current run-off of 40.73 l/s. The proposed development including surrounding hard standing would also generate a typical surface water run-off of 40.73 l/s.
- 9.182 The proposed development will use Sustainable Drainage Systems (SuDS) in the form of green roofs, permeable paving, vortex separators, cellular storage and flow control devices. The proposed SuDS attenuation methods will store the surface water within the development prior to discharge to public sewer. The proposal would restrict the discharge at the outfalls to the public sewer to a practical 5/s flow rate.
- 9.183 Further, the proposed development will incorporate extensive areas of green roof and conditions will be attached to secure further detail on green roof and on drainage of the site (Conditions 13 and 14).

Planning Balance Assessment

- 9.184 Paragraph 47 of the NPPF dictates that "*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise*".
- 9.185 The proposed land uses on site are acceptable in principle and the scheme is considered compliant with policies DM5.1 and DM5.3 which sets out requirements for new business

floor space and development in the LSIS. The scheme is also in line with Policy B2, from the emerging Local Plan which sets out that the overriding priority land uses in LSIS designations are industrial uses (B1(c), B2, B8).

- 9.186 The scheme would comply with policies relating to energy, sustainability, accessibility and highways. No objection is raised to the appearance and detailed design.
- 9.187 There is a degree of conflict with policies relating to amenity (DM2.1) and specifically in relation to sunlight/daylight impacts. This has been carefully examined and while impacts weigh against the scheme, they are at the lower end of the spectrum and would not cause undue or unacceptable harm. The overall conclusion is that the scheme accords with the development plan as a whole.
- 9.188 It should be recognised that the scheme also involves benefits which should be afforded weight. These have been discussed throughout the report where relevant, and include:
- Uplift in industrial (B8) floorspace within the LSIS;
 - Increase in employment;
 - Public realm improvements to York Way and Vale Royal;
- 9.189 In summary, Officers consider that the aforementioned public benefits outweigh the harm caused from the development to neighbouring amenity, in the overall planning balance.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 9.190 There is a requirement that planning obligations under Section 106 must meet 3 statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2019 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.
- 9.191 A Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The necessary Heads of Terms are:
- a. Contribution towards bays or other accessible transport initiatives of: **£6,000**;
 - b. Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
 - c. The removal of redundant dropped kerbs to be paid for by the applicant and carried out by LBI Highways;
 - d. A bond/deposit of £42,312 to cover costs of repairs to the footway and £43,693 for repairs to the highway (total £86,005). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/deposit exceeds the cost of the works as finally determined, the balance will be

refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council;

- e. A contribution of **£20,240** towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently £920);
- f. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- g. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (Shared Heating Network) and future proof any onsite solution so that in all case (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future
- h. Facilitation, during the construction phase of the development, of the following number of work placements: **3**. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: **£15,000**
- i. Compliance with the Code of Employment and Training.
- j. Compliance with the Code of Local Procurement.
- k. Compliance with the Code of Construction Practice, including a monitoring fee of: **£3,900** and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- l. Payment towards employment and training for local residents of a commuted sum of: **£23,430**.
- m. Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

9.192 All payments to the Council would be index-linked from the date of Committee and would be due upon implementation of the planning permission.

10 SUMMARY AND CONCLUSION

Summary

- 10.1 The provision of additional industrial use floorspace is considered acceptable in land use terms given the site's location within the Vale Royal/Brewery Road LSIS.
- 10.2 The proposed development is considered to be well-designed, responding successfully to its context and maintaining the setting of surrounding heritage assets.
- 10.3 It is recommended that conditions are attached to minimise the impact of the development upon neighbouring amenity, such as privacy and overlooking, noise and/or light disturbance to an acceptable level.
- 10.4 The proposal is considered to constitute a sustainable form of development in regards to energy efficiency, renewable energy and sustainable transport subject to the recommended

conditions. Moreover, inclusive design measures have been incorporated into the scheme as well as landscape features and biodiversity measures, in accordance with planning policy.

- 10.5 While there would be a degree of conflict with Policy DM2.1 in terms of sunlight/daylight impacts, the impacts are at the lower end of the spectrum, and are not considered unduely or unacceptably harmful. Officers consider that the proposal complies with the Development Plan when considered as a whole.

Conclusion

- 10.6 It is recommended that planning permission be granted subject to conditions and legal obligation 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:

- a. Contribution towards bays or other accessible transport initiatives of: **£6,000**;
- b. Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- c. The removal of redundant dropped kerbs to be paid for by the applicant and carried out by LBI Highways;
- d. A bond/deposit of £42,312 to cover costs of repairs to the footway and £43,693 for repairs to the highway (total £86,005). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council;
- e. A contribution of **£20,240** towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently £920);
- f. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- g. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (Shared Heating Network) and future proof any onsite solution so that in all case (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future
- h. Facilitation, during the construction phase of the development, of the following number of work placements: **3**. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: **£15,000**
- i. Compliance with the Code of Employment and Training.
- j. Compliance with the Code of Local Procurement.

- k. Compliance with the Code of Construction Practice, including a monitoring fee of: **£3,900** and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- l. Payment towards employment and training for local residents of a commuted sum of: **£23,430**.
- m. Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

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

RECOMMENDATION B

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

List of Conditions:

1	Commencement Of Development
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved Plans
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>2250-P01-C – PROPOSED SITE PLAN; 2250-P02-B – PROPOSED GROUND & FIRST FLOOR PLANS; 2250-P03 – PROPOSED 2nd 3rd & 4th FLOOR & BASEMENT 1 & 2 PLANS; 2250-P04-B – PROPOSED 5th & 6th FLOOR & ROOF PLANS; 2250-P05-B – PROPOSED WEST & SOUTH ELEVATIONS; 2250-P06-B – PROPOSED EAST & NORTH ELEVATIONS; 2250-P08-A – PROPOSED SECTIONS A & B; 2250-P09-A – PROPOSED SECTIONS C & D; 2250-P10 – TYPICAL BAY DETAIL TO YORK WAY ELEVATION;</p> <p>Air Quality Assessment Rev 5 dated 11/11/19; Air Quality Neutral Assessment Rev 4 dated 11/11/19; Land Quality Statement dated June 2020; Preliminary Ecology Appraisal version D dated July 2020; Noise Assessment of proposed development dated 25 June 2020; Structural Method Statement rev.P4 dated 08/07/2020; Transport Assessment version V3 dated June 2020; Draft Travel Plan version V3 dated June 2020; Technical Note- Response to TfL Comments dated August 2020;</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as</p>

	amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.
3	Materials (Detail And Samples)
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Facing Brickwork; b) Window details; c) Roof materials; d) Metal cladding; e) Doors and access points; f) Substation doors; g) Vehicular gates and perimeter fencing (Notwithstanding the details shown on the elevations and design and access statements); h) Any other external boundary treatments; i) Any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2016, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
4	Roof Level Structures (Details)
	<p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts, plant, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding streetscene or the character and appearance of the area in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2016, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
5	External Pipes, Cables And CCTV (Compliance And Details)
	<p>CONDITION: No cables, plumbing, down pipes, rainwater pipes, foul pipes or CCTV cameras or related equipment and installations shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional cables, pipes be considered necessary the details of these shall be</p>

	<p>submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>Notwithstanding the drawings hereby approved, no CCTV cameras or related equipment and installations are hereby approved.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard, and to ensure that the development is in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2016, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
6	Landscaping (Details and Compliance)
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the hereby approved development. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> a) a scaled plan showing vegetation to be retained and plants to be planted; b) specification to ensure successful establishment and survival of new planting. c) a schedule detailing sizes, species and numbers of all new trees/plants; d) soft plantings: including grass and turf areas, shrub and herbaceous areas; e) hard landscaping: including surface treatments, permeability of hard surfaces, kerbs, edges, ridge and flexible paving, unit paving, furniture, modular soil systems, steps and if applicable synthetic surfaces; f) a plan showing gradients and step free access suitable for wheelchair users to the entrances of the buildings; g) details as to how the landscaping design and materials would result in maximum passive on-site sustainable urban drainage (SUDS); h) any other landscaping features forming part of the scheme. <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first available planting season following the first occupation of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>The landscaping and tree planting shall have a two-year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. 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 biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
7	Cycle Parking and Storage (Compliance)
	<p>CONDITION: The bicycle storage area(s) hereby approved, which shall be covered, secure and accessible and should provide for no less than 26 bicycle spaces, two of which shall be for accessible cycles, 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>
8	Refuse and Recycling (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
9	Security And General Lighting (Details)
	<p>CONDITION: Details of general or security outdoor lighting (including full specification of all luminaries, lamps and support structures) shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The development shall be carried out strictly in accordance with the details so approved prior to the first occupation of the development hereby approved and shall be maintained as such thereafter and no change therefrom shall take place.</p> <p>REASON: In the interests of good design, security and protecting neighbouring and future residential amenity and existing and future habitats from undue lightspill in accordance with policies 7.3, 7.5, 7.13 and 7.19 of the London Plan 2016, policies CS9, CS10 and CS15 of Islington's Core Strategy 2011, policies DM2.1 and DM6.5 of Islington's Development Management Policies 2013.</p>
10	Lighting and Roller Blinds (Details and Compliance)
	<p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties and character/appearance of the conservation area shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include (but not limited to):</p> <ul style="list-style-type: none"> - Automated roller blinds; - Lighting strategies that reduce the output of luminaires closer to the façades; - Light fittings controlled through the use of sensors. <p>The blinds are to be set on an automated timer and automatically lowered daily between the hours of 20:00 to 07:00 the following day, and shall cover the full extent of the windows</p> <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</p>
11	Inclusive Design (Details and Compliance)
	<p>CONDITION: Notwithstanding the plans hereby approved, the scheme shall be constructed in accordance with the principles of Inclusive Design and Islington's Development Management Policy 4.11.</p>

	<p>Plans and details confirming that these standards have been met shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include:</p> <ul style="list-style-type: none"> a) Refuge areas to all floors of the building; b) Details of how each floor plan and layout accords with good inclusive design principles and needs. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter; c) Accessible bathroom and shower facilities; d) Cycle storage and changing facilities including provision of accessible cycle storage and mobility scooter storage (with 30 minutes of fire protection); and e) A management plan, including a PEEP. <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
12	Fixed Plant (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To ensure that an appropriate standard of accommodation is provided.</p>
13	Sustainable Urban Drainage (Compliance)
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems in accordance with the drainage hierarchy and be designed to maximise water quality, amenity and biodiversity benefits.</p> <p>The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will aim to achieve a greenfield run off rate (8L/sec/ha) and at minimum achieve a post development run off rate of 50L/ha/sec. The details shall demonstrate how the site will manage surface water in excess of the design event, and shall set out a clear management plan for the system. The drainage system shall be installed/operational prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
14	Green/Brown Biodiversity Roofs (Details)
	<p>CONDITION: Notwithstanding the plans hereby approved, green/brown roofs shall be maximised across the development. Details shall be submitted to and approved in writing to the Local Planning Authority prior to practical completion of the development hereby approved, demonstrating the following:</p>

	<p>a) how the extent of green/brown roof has been maximised;</p> <p>b) that the green/brown roofs are biodiversity based with extensive substrate base (depth 120 -150mm); and</p> <p>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).</p> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be accessed for the purpose of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure the development maximises opportunities to help boost biodiversity and minimise water run-off.</p>
15	Bird and Bat Boxes (Details and Compliance)
	<p>CONDITION: Details of the number and location of bat boxes and bird boxes (including swift boxes) shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. Once installed they shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
16	BREEAM (Compliance)
	<p>CONDITION: The commercial element of the development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
17	Energy Strategy (Compliance)
	<p>CONDITION: The energy efficiency measures/features and renewable energy technology, which shall provide for a reduction in carbon emissions of no less than 42% as detailed within the revised 'Sustainable Design & Construction Statement (SDCS) V3 Addendum 1' prepared by Silcock Dawson & Partners and dated 14/08/2020, shall be installed and operational prior to the first occupation of the development.</p> <p>Should there be any change to the energy features/ measures within the approved Energy Strategy, a revised Energy Strategy shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by energy efficient measures/features and renewable energy are met.</p>

18	Basement Excavation Inspection and Monitoring (Compliance)
	<p>CONDITION: The development shall be constructed in accordance with the approved Structural Method Statement rev.P4 dated 08/07/2020.</p> <p>The certifying professional that endorsed the Structural Method Statement (or a suitably qualified Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E) with relevant experience shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with Council's Basement Development SPD.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
19	Demolition and Construction Management Logistics Plan and Construction Logistics Plan (Details)
	<p>CONDITION: No development shall take place until a Demolition and Construction Management Logistics Plan (DCMLP) and Construction Logistics Plan (CLP) have been submitted to and approved in writing by the Local Planning Authority following consultation with Transport for London.</p> <p>The DCMLP and CLP shall set out the measures proposed to ensure demolition and construction will be undertaken in a manner which does not cause harm to the amenity of nearby occupiers, pedestrian or highway safety and shall include:</p> <ul style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance; f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works; g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.) h) Details of any proposed external illumination and/or floodlighting during construction; i) Details of measures taken to prevent noise disturbance to surrounding residents; j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;

	<p>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</p> <p>l) Details as to how safe and convenient vehicle access will be maintained for neighbouring sites at all times, including emergency service vehicles;</p> <p>m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised;</p> <p>n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure;</p> <p>o) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area;</p> <p>p) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. An inventory of all Non-Road Mobile Machinery (NRMM) must be registered on the NRMM register https://nrmm.london/usernrmm/register prior to the commencement of use of any NRMM at the application site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.</p> <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.</p> <p>The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the DCEMP.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
20	Contaminated Land (Details and Compliance)
	<p>CONDITION: Prior to any superstructure works commencing on site the details of the following works in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority:</p> <p>a) A remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved site investigation. The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and</p>

	<p>how it is to be dealt with is submitted to, and agreed in writing by, the Council. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing; and</p> <p>b) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part a). This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of any gas membrane placement.</p> <p>All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination or the current UK requirements for sampling and testing.</p> <p>REASON: In order to minimise the impacts of land contamination.</p>
21	Impact Piling Method (Details)
	<p>CONDITION: No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.</p>
22	Delivery and Servicing Plan (Details)
	<p>CONDITION: A Delivery and Servicing Plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
23	Flat Roofs
	<p>CONDITION: The flat roofs of the development hereby approved shall not be used as amenity spaces and shall not be accessed other than for maintenance.</p> <p>REASON: To ensure that the amenity of residents is not adversely affected.</p>

24	Restricted Use (Compliance)
	<p>CONDITION: At least 8,268sqm (GIA) of B8 floorspace shall be provided. The B8 use shall be strictly limited to use as a “self-storage facility” within the B8 use class and not for the purposes of Use Class B1a, B1b, B1c or B2 - of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order).</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or the provisions of any Order revoking and re-enacting that Order, no change of use of the approved B1(a) floorspace shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.</p> <p>REASON: To ensure that the uses hereby approved is not able to change to B1a via permitted rights allowed under the Town and Country Planning (Use Class) Order 1987 (As Amended) in the interest of preserving the economic function of the Locally Significant Industrial Site.</p>
25	Amalgamation and/or Subdivision of Units (Compliance)
	<p>CONDITION: The development shall be carried out strictly in accordance with the floorplans so approved, and no change therefore shall take place without the prior written consent of the Local Planning Authority.</p> <p>The commercial units on the ground floor of the building shall not be amalgamated or further subdivided unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: The amalgamation or further subdivision of the commercial units is likely to have operational, transportation, aesthetic and amenity implications which would need to be considered under a separate planning application to ensure the provision of premises suitable for small businesses.</p>
26	Tree Protection (Details and Compliance)
	<p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ul style="list-style-type: none"> a) Location and installation of services/ utilities/ drainage; b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees; c) Details of construction within the RPA or that may impact on the retained trees. d) A full specification for the installation of boundary treatment works; e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them; f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses; g) A specification for protective fencing to safeguard trees during both demolition

	<p>and construction phases and a plan indicating the alignment of the protective fencing;</p> <ul style="list-style-type: none"> h) A specification for scaffolding and ground protection within tree protection zones. i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area; j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires; k) Boundary treatments within the RPA; l) Methodology and detailed assessment of root pruning; m) Reporting of inspection and supervision; n) Methods to improve the rooting environment for retained and proposed trees and landscaping; and o) Veteran and ancient tree protection and management; <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.</p>
27	<p>Signage (Details)</p> <p>CONDITION: Details of all signage for the development hereby approved shall be submitted and approved in writing by the Local Planning Authority. The agreed details shall be installed prior to the occupation of the development and shall be maintained as such thereafter unless otherwise agreed in writing.</p> <p>REASON: In the interests of visual amenity and to ensure that the entrance approach is both welcoming and inviting.</p>
28	<p>Road Safety Audit (Details)</p> <p>CONDITION: Prior to the commencement of highway works secured to support the development, a Stage 1 Road Safety Audit (RSA) of the local highway network from the junction of York Way and Vale Royal should be undertaken.</p> <p>It shall identify any additional highway safety measures required to ensure and improve safety and it will include a timetable for implementation. Subsequent to this, Road Safety Audit/Assessment Stages 2, 3 & 4 (Detailed Design, Post Opening Audit & Post Opening Audit + 12 months) shall be carried out, unless otherwise agreed in writing by the Council in consultation with TfL. All stages shall be carried out in accordance with TfL's Road Safety Audit procedure (SQA 170). After each Stage of Road Safety Audit/Assessment, the approved measures shall be implemented as approved.</p> <p>REASON: In the interests of road safety and Vision Zero; the Mayor's aim to eliminate all deaths and serious injuries on London's roads by 2041.</p>

List of Informatives:

1	Planning Obligations Agreement
----------	---------------------------------------

	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	<p>Community Infrastructure Levy (CIL)</p> <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). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60-day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at _ and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</p>
3	<p>Superstructure</p> <p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
4	<p>Thames Water (Waste Comments)</p> <p>The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB</p> <p>Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.</p> <p>'We would expect the developer to demonstrate what measures he will undertake to</p>

	<p>minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.'</p>
4	Thames Water (Water Mains)
	<p>There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.</p>
5	Thames Water (Groundwater)
	<p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.</p>
6	Thames Water (Mains Water Pressure)
	<p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
7	Groundwater Risk Management Permit
	<p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing riskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.</p>
8	Secured by Design
	<p>You are advised that, where relevant, the development hereby approved should incorporate all of the 'Secured by Design' requirements detailed in the 'Commercial Developments 2015' Guide.</p>
9	CIL Informative
	<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). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an</p>

	<p>Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60-day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</p>
11	Highways Requirements (1)
	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. All agreements relating to the above need to be in place prior to works commencing.</p> <p>Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing.</p> <p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk.</p> <p>Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk.</p>
12	Highways Requirements (2)
	<p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>Temporary crossover licenses to be acquired from streetworks@islington.gov.uk. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.</p> <p>Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.</p> <p>Before works commence on the public highway planning applicant must provide Islington Council’s Highways Service with six months’ notice to meet the requirements of the Traffic Management Act, 2004.</p>

	<p>Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.</p> <p>Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council's Highways contractors.</p>
13	<p>Highways Requirements (3)</p> <p>Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer.</p> <p>All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact streetlights@islington.gov.uk</p> <p>Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.</p> <p>Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980 Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.</p>
14	<p>Fire Brigade Requests</p> <p>The requirements of B5 of Approved Document B must be met in relation to access and water supply whilst in construction phase and compliance with the Building Regulations and the Regulatory Reform (Fire Safety) Order 2005 once built and occupied.</p> <p>If the building is taken over 18m the Fire Brigade would expect a fire fighting shaft is provided. If approval is granted, it's advised that a building control submission is carried out as early as possible, to ensure any issues found around fire safety are addressed sufficiently and quickly.</p> <p>The Commissioner strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Commissioner's opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of occupier. Please note that it is our policy to regularly advise our elected Members about how many cases there have been where we have recommended sprinklers and what the outcomes of those recommendations were. These quarterly reports to our Members are public documents which are available on our website.</p> <p>The London Fire Brigade promotes the installation of sprinkler suppression systems, as there is clear evidence that they are effective in suppressing and extinguishing fires; they can help reduce the numbers of deaths and injuries from fire, and the risk to firefighters.</p>

--	--

APPENDIX 2: RELEVANT POLICIES

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

National Guidance

The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

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

A) The London Plan 2016 - Spatial Development Strategy for Greater London	
1 Context and strategy Policy 1.1 Delivering the strategic vision and objectives for London 2 London's places Policy 2.9 Inner London Policy 2.17 Strategic industrial locations 4 London's economy Policy 4.1 Developing London's economy Policy 4.2 Offices Policy 4.3 Mixed use development and offices Policy 4.4 Managing industrial land and premises Policy 4.10 New and emerging economic sectors Policy 4.12 Improving opportunities for all 5 London's response to climate change Policy 5.1 Climate change mitigation Policy 5.2 Minimising carbon dioxide emissions Policy 5.3 Sustainable design and construction Policy 5.5 Decentralised energy network Policy 5.6 Decentralised energy in development proposals Policy 5.7 Renewable energy Policy 5.8 Innovative energy technologies Policy 5.9 Overheating and cooling Policy 5.10 Urban greening Policy 5.11 Green roofs and development site environs Policy 5.13 Sustainable Drainage Policy 5.12 Flood risk management Policy 5.13 Sustainable drainage Policy 5.18 Construction, excavation and demolition works Policy 5.21 Contaminated land	6 London's transport Policy 6.3 Assessing effects of development on transport capacity Policy 6.9 Cycling Policy 6.10 Walking Policy 6.11 Smoothing traffic flow and tackling congestion Policy 6.12 Road network capacity Policy 6.13 Parking 7 London's living places and spaces Policy 7.1 Building London's neighbourhoods and communities Policy 7.2 An inclusive environment Policy 7.3 Designing out crime Policy 7.4 Local character Policy 7.5 Public realm Policy 7.6 Architecture Policy 7.8 Heritage assets and archaeology Policy 7.12 London view management framework Policy 7.13 Safety, security and resilience to emergency Policy 7.14 Improving air quality Policy 7.15 Reducing noise and enhancing soundscapes Policy 7.19 Biodiversity and access to nature Policy 7.21 Trees and woodlands 8 Implementation, monitoring and review Policy 8.1 Implementation Policy 8.2 Planning obligations Policy 8.3 Community infrastructure levy
B) Islington Core Strategy 2011	
Strategic Policies Policy CS6 Kings Cross	Policy CS11 Waste Policy CS13 Employment Space

<p>Policy CS8 Enhancing Islington's character Policy CS9 Protecting and Enhancing Islington's Built and Historic Environment Policy CS10 Sustainable Design</p>	<p>Infrastructure and Implementation Policy CS18 (Delivery and Infrastructure)</p>
<p>C) Development Management Policies June 2013</p>	
<p>2. Design and Heritage DM2.1 Design DM2.2 Inclusive Design DM2.3 Heritage DM2.4 Protected views</p> <p>5. Employment DM5.1 New business floorspace DM5.2 Loss of existing business floorspace DM5.3 Vale Royal/Brewery Road Locally Significant Industrial Site DM5.4 Size and affordability of workspace</p> <p>6. Health and open space DM6.1 Healthy development DM6.5 Landscaping, trees and biodiversity DM6.6 Flood prevention</p>	<p>7. Energy and Environmental Standards DM7.1 Sustainable design and construction statements DM7.2 Energy efficiency and carbon reduction in minor schemes DM7.3 Decentralised Energy Networks DM7.4 Sustainable design standards DM7.5 Heating and cooling</p> <p>8. Transport DM8.1 Movement hierarchy DM8.2 Managing transport impacts DM8.3 Public transport DM8.4 Walking and cycling DM8.5 Vehicle parking DM8.6 Delivery and servicing for new developments</p> <p>9. Infrastructure DM9.1 Infrastructure DM9.2 Planning obligations DM9.3 Implementation</p>

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Environmental Design (Oct 2012)
Inclusive Design (Feb 2014)
Inclusive Landscape Design (Jan 2010)
Planning Obligations (S106) (Dec 2016)
Urban Design Guide (Jan 2015)
Development Viability (Jan 2016)
Basement Development (Jan 2016)
Islington Employment Land Study (Jan 2016)
Vale Royal/Brewery Road Locally Significant Industrial Site Height Study (2016)

London Plan

Accessible London: Achieving an Inclusive Environment SPG (adopted October 2014)
The Control of Dust and Emissions During Construction and Demolition SPG (adopted July 2014)
Character and Context SPG (adopted June 2014)
Sustainable Design and Construction SPG (adopted April 2014)
Land for Industry and Transport (Sep 2012)
London Industrial Land Supply & Economy Study (2015)
Industrial Intensification Primer (2017 Draft)

This page is intentionally left blank



Appeal Decision

Inquiry opened on 2 July 2019

Accompanied site visits carried out on 4 and 9 July 2019

by Mrs J A Vyse DipTP Dip PBM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Appeal Ref: APP/V5570/W/19/3224373

22-23 Tileyard Road and 196-228 York Way, London N7 9AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr David Potter (Big Yellow Self Storage Company Limited and City and Provincial Investments Limited) against the Council of the London Borough of Islington.
 - The application No P2018/2355/FUL, is dated 10 July 2018.
 - The development proposed comprises demolition of the existing buildings and the construction of a new part 6, part 7, part 8 storey building plus double basement (overall height of 29 metres) to provide for 1,628 square metres (GIA) of light industry floor space (Use Class B1(c) at basement and ground floor level along with ancillary café at ground floor level, and 9,111 square metres (GIA) of business use floorspace (Use Class B1(a)/(b)/(c)) and the construction of a part 6, part 9 storey building plus double basement (overall height of 27.3 metres) consisting of 7,400 square metres (GIA) of self-storage floorspace (Use Class B8) and 870 square metres (GIA) of office floorspace (Use Class B1(a) along with associated access arrangements, plant area, car and cycle parking, refuse storage and ancillary works.
-

Decision

1. For the following reasons the appeal is dismissed and planning permission is refused.

Procedural Matters

2. During the Council's consideration of the proposal, the scheme was amended. Revised plans were submitted and a revised description of development was agreed with the Council. The Council re-consulted on the amendments. It is that revised description which is set out in the header above and which formed the basis of the Council's position at the Inquiry.
3. Following the lodging of the appeal, the Council resolved that had it been in a position to determine the application, permission would have been refused. Five putative reasons for refusal were set out in the officer's report:
 - 1) *The significant increase in floorspace of open B1 use, designed and suitable for B1a offices, is inconsistent with the primary economic function of the LSIS, as identified in Policy DM5.3, and compromises the scope for future intensification of industrial uses (B1c, B2, B8). The proposed open B1 floorspace does not complement or support the economic and employment role of the LSIS. The application is therefore contrary to the objectives of Policy DM 5.3, and para 5.22 of the Council's Development Management Policies and Policy 4.4 of the London Plan. Further, implementation guidance point of SPG3 of the Mayor of London's Supplementary Planning Guidance "Land for Industry and Transport"*

emphasises the importance of timely reviews to inform the retention of industrial land. Islington's Employment Land Study (ELS) (2016) highlights the large losses of industrial land in recent years. Similarly, the recent GLA Industrial Land baseline data demonstrates that the borough's stock of industrial land fell from 60ha in 2010 to just 35ha in 2015. The need to ensure that the land within the LSIS remains predominantly in industrial use is therefore an important material consideration. This position is reflected in a) the draft new London Plan, Policy E6 of which requires the LSIS to be focused on "industrial and related uses" and b) Policies SP3, B1 (including para 4.13 of the supporting text), and B2 of the Council's emerging Local Plan which permit the development of office use as part of a hybrid workspace but only where this constitutes a small proportion of the overall gross space proposed. The application is contrary to the Mayor's SPG, London Plan Policy E6, and policies SP3, B1 and B2 in Islington's draft Local Plan.

- 2) The proposed development, by reason of its height, scale and design, would be overbearing and fail to respect and respond positively to existing buildings, the streetscape and the wider context. The proposal is therefore contrary to the National Planning Policy Framework Chapter 12 (Achieving well-designed places), London Plan 2016 policies 7.4 (Local character) and 7.6 (Architecture), Islington Core Strategy 2011 policy CS8 (Enhancing Islington's character) and policy CS9 (Protecting and enhancing Islington's built and historic environment) and Islington Development Management Policies 2013 DM2.1 (Design).*
 - 3) The proposed development would have a significant, major adverse impact on daylight to the neighbouring residential properties on Maiden Lane Estate contrary to London Plan 2016 policy 7.6 (Architecture), Islington Core Strategy 2011 policy CS8 (Enhancing Islington's character) and policy CS9 (Protecting and enhancing Islington's built and historic environment) and Islington Development Management Policies 2013 DM2.1 (Design).*
 - 4) The proposed development would fail to meet the target carbon emissions reductions in regulated and unregulated emissions and has failed to provide thermal modelling to demonstrate that areas are at risk of overheating without active cooling, contrary to policies 5.2 (Minimising Carbon Dioxide Emissions) set targets for CO2 reductions and 5.3 (Sustainable Design and Construction) of the London Plan 2016, CS10 (Sustainable design) of the Islington Core Strategy (2011), policy DM7.5 (Heating and cooling) of the Islington Development Management Policies (2013), and the Islington Environmental Design SPD (2012).*
 - 5) In the absence of an appropriate Section 106 legal agreement, the application fails to provide measures to mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed development (highway and footway works, parking bay relocation, employment and training, carbon offsetting, and Travel Plan), and as such the proposal fails to accord with policies CS10, CS13, CS18 and CS19 of Islington's Core Strategy 2011, policies DM7.1, DM7.2, DM7.4, DM8.2, and DM9.2 of Islington's Development Management Policies (2013), and Islington's Planning Obligations SPD (2014) and the Environmental Design SPD (2012).*
4. As set out in the Statement of Common Ground,¹ the subsequent provision of additional material confirmed to the Council's satisfaction that the scheme had achieved the maximum reduction in possible carbon dioxide emissions on the appeal site in accordance with Core Strategy policy CS10(A), and that all

¹ Inquiry Document (ID) 4

remaining carbon dioxide emissions could be offset through a financial contribution. On that basis, the fourth putative reason for refusal was not pursued.

5. The submission of a planning obligation addressed the fifth of the putative reasons for refusal. The completed document comprises a planning obligation by Deed under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended).² The obligation is a material consideration.
6. Following the close of the Inquiry, the Government revised its Planning Practice Guidance. The revised version introduced a section on 'Supporting more effective use of land', which includes paragraphs relating to sunlight and daylight. Since effect on daylight is one of the determinative issues in this case, the parties were given the opportunity to submit further comments. I have taken those comments³ into account in coming to my decision.

Main Issues

7. The main issues in this case relate to:
 - the effect of the development proposed on the character, appearance and townscape of the surrounding area;
 - the effect in terms of daylight and overlooking/privacy on the living conditions of nearby residents on the Maiden Lane Estate and on the use of an adjacent property as an artist's studio; and,
 - the effect on the economic and employment role of the Vale Royal/Brewery Road Locally Significant Industrial Site.

Reasons for the Decision

8. The development plan for the area includes the London Plan (March 2016), and the Council's Core Strategy (February 2011) and Development Management Policies (June 2013).
9. The draft London Plan is currently at Examination.
10. Islington's Local Plan Review: Strategic and Development Management Policies Document and its Site Allocations Document are at an early stage.

Character/Appearance and Townscape

11. The appeal site, which extends to some 0.45 hectares, forms the western third of a rectangular urban block fronting onto York Way (A5200), bounded by Tileyard Road to the north, which loops round at the western end of the block to become Vale Royal which adjoins the southern boundary of the appeal site.
12. The site, which lies within the southwestern corner of the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS) as defined in the Core Strategy, currently contains two to three storey, largely vacant commercial/industrial buildings of poor quality with no architectural merit set behind associated parking/servicing areas and storage yards along the York Way frontage. It presents a piecemeal and cluttered townscape, offering no animation or activity along the frontage, with a negative impact on the public realm.

² ID16

³ ID 17 and 18

13. The surrounding part of the LSIS to the north and east of the appeal site, is characterised by generally low-rise industrial and commercial buildings of two to four storeys. Although there is an extant permission for alterations to one of the buildings on the site on the Tileyard Road frontage, to create a five storey building, it was confirmed at the Inquiry that there was no intention to carry that through to completion. Other than the adjacent Gormley Studio dating from 2001 (the studio, which lies immediately to the east of the appeal site on the Vale Royal frontage, comprises a three storey high building designed by Sir David Chipperfield and is set back from the Vale Royal frontage behind a high wall) the existing buildings are generally simple and modest rather than architecturally distinguished. A further notable exception, particularly in terms of the prevailing building height within this part of the LSIS, is the 7-9 storey 30 metres high Fitzpatrick building, located opposite the appeal site on the southern corner of the Vale Royal/York Way junction. The building is currently under construction.⁴ Although my attention was also drawn to a 7-9 storey residential development on Caledonia Road, that is in a different part of the LSIS and is not seen as part of the immediate context of the appeal site.
14. York Way descends from north to south towards Kings Cross, with levels dropping some 2-3 metres across the appeal site. On the higher ground to the north are a variety of low-rise, generally brick buildings, including Victorian terraced buildings and former public houses or commercial buildings. To the south are the raised embankments of the railway lines and other railway infrastructure, with York Way descending to pass beneath the railway.
15. York Way forms the boundary here between the London Boroughs of Islington and Camden. Opposite the appeal site on York Way, within Camden, is the Maiden Lane residential estate. The eastern part of that development, facing the appeal site, comprises three flatted blocks with some retail/commercial uses at ground floor: blocks D and E are of seven storeys (24.5 and 24 metres high respectively) whilst block H has six storeys (21.3 metres). Block A, which is offset to the south of the appeal site, has 20 storeys.
16. There is no dispute that the appeal site is in need of redevelopment. Moreover the LSIS, including the appeal site, is located within the Kings Cross key area as shown on Map 2.7 in the Core Strategy. Policy CS6 of the Core Strategy sets out that the area is expected to accommodate an estimated growth in jobs of some 3,200 from B-use floorspace, with Development Management policy DM5.3 supporting the intensification of uses within the LSIS. However, development of this corner site also brings with it design challenges that need to be overcome, including dealing with the transition from the main York Way frontage to the smaller scale development behind within the LSIS, and the treatment of the three road frontages.
17. The Government attaches great importance to the design of the built environment, with national policy placing great emphasis on the importance of good design as a key aspect of sustainable development. The requirements outlined in paragraph 127 of the National Planning Policy Framework (the Framework) include the need to add to the overall quality of the area and establish or maintain a strong sense of place. While appropriate innovation and change, such as increased density, is not to be prevented, developments

⁴ The building has planning permission for B1a and flexible B1 uses (Application No P2016/1999/FUL)

must be sympathetic to local character, including the surrounding built environment.

18. It is proposed to clear the site and erect two separate buildings with a shared foundation along the mutual boundary. The two components, which have been designed by separate architects, would read as separate but complementary buildings.
19. No issue is taken with the relationship of the proposed buildings to each other although, if the appeal was to succeed and one came forward before the other, there is the potential for a large blank wall along the contiguous boundary within the site to be exposed. That said, there would be scope to deal with the phasing of development and materials etc by condition, which could minimise any adverse visual impact in this regard.
20. On the smaller northern part of the site, on the corner of Tileyard Road and York Way, the 'Tileyard building' would be of seven storeys above two storeys of basement, comprising some 9,111sqm flexible Use Class B1⁵ workspace on the upper floors, with independent light industrial (Use Class B1c) units at ground and lower ground floors (extending to some 1,628sqm) plus ancillary café and event space at ground floor level.
21. The building would have an overall height of 29 metres above ground level at its core (to the top of the plant room).⁶ The profile of the shorter frontage to York Way is stepped, rising from five storeys – the five storey element along the back of the footway would have a parapet height of 18.9 metres⁷ - with a roof terrace above in front of the sixth storey, which is set back, rising to 22.8 metres. The seventh storey, rising to 26.4 metres, has a deeper set back behind another roof terrace. The sixth storey parapet line continues along the much longer Tileyard Road frontage, with the seventh storey on this elevation set back slightly (much less than the set back on the York Way frontage). At the eastern end, adjacent to the existing buildings within the LSIS on Tileyard Road, the building steps down from seven to five storeys similar to the York Way frontage, although the set back of the seventh storey is not as generous, whilst the five storey element comprises just the upper three floors which are cantilevered above the service entrance.
22. On the southern, larger part of the appeal site (on the corner of Vale Royal with York Way) it is proposed to construct a part six, part seven and part nine storey building above a two storey basement, providing a total of 7,400sqm of self-storage floor space (Use Class B8)⁸ and 870sqm of B1a office floorspace (the Big Yellow Building). Including lift over-runs etc, it would be some 27.3 metres high at its highest,⁹ some 25.7 metres excluding the over-runs.¹⁰ Two pedestrian entrances to the building are shown, to the self-storage use and the

⁵ As defined by the Town and Country Planning (Use Classes) Order 1987 (as amended), Use Class B1 comprises use for all or any of the following purposes (a) as an office other than a use within class A2 (financial and professional services), (b) for research and development of products or processes, or (c) for any industrial process, being a use which can be carried out in any residential area without detriment to the amenity of that area.

⁶ Unless otherwise stated, all the measurements relating to building heights given here and in subsequent paragraphs are taken from Figure 4.22 within the proof of Mr Pilbrow.

⁷ As annotated on Figure 4.22 of Mr Pilbrow's proof, although the corresponding text refers to a front parapet height of 19.2 metres. Whichever is correct, the difference of 0.3 metres can, for the purposes of this appeal, be considered as de minimis.

⁸ Use Class B8 comprises use for storage or as a distribution centre.

⁹ Proof of Ms Godden paragraph 6.9

¹⁰ Fig 4.22 Proof of Mr Pilbrow

- offices, with a service entrance off Vale Royal. The internal service yard is open to the east elevation, adjacent to the boundary with the Gormley Studio, below the overhanging upper levels.
23. The vast majority of the Big Yellow building comprises its nine storey core. On the York Way frontage, and wrapping round onto Vale Royal, the building is articulated as three separate elements of varying depths, sitting in front of that core. They range from six storeys in height at the northern end adjacent to the Tileyard building, a central seven storey element (19.9 metres) and a five storey component (15.1 metres) on the corner with Vale Royal with a sixth storey set back above rising to 18.3 metres. It is this end element that houses the proposed offices and is canted slightly in relation to the rest of the York Way facade, reflecting a change in the alignment of the highway at this point.
24. The appeal site occupies a relatively prominent position on one of the main arterial routes leading into the centre of London, a location where high quality design is required and where the scale of development proposed should be appropriate in its context. As set out above, whilst there are a couple of buildings of height in the locality, the majority of buildings within this part of the LSIS are much lower. Whilst one would expect an intensification of activity along York Way, a major route in the central London - indeed as much is recognised by policy CS6, although as shown on Map 2.7, the commercial led corridor for office led mixed use development and general mixed use intensification lies to the south of the appeal site, beyond the railway - the scale of development would, in my view be expected to decrease along the minor road frontages behind. That is recognised in paragraph 6.14 of Mr Scanlon's proof.
25. I recognise that the rear (eastern) elevation of the Tileyard building steps down, but not until almost at the boundary of the site with the adjacent, very modest two storey buildings, but it would be no lower than the York Way frontage. At its lowest, it would be almost 19 metres above ground level. In fact the whole bulk of the seven storeys would be clearly seen on the approach along Tileyard Road. As a consequence of its height, scale and massing the building would, as graphically demonstrated on photo views 5 and 6 in the appellant's Townscape Visual Impact Assessment (TVIA), as updated on pages 33 and 32 respectively of the DAS¹¹ Addendum Townscape, appear excessively large compared to the surrounding properties, looming up from the street, overwhelming the existing established buildings within this part of the LSIS, with no sense of any coherent architectural dialogue between the appeal building and its Tileyard Road neighbours, either to the rear or to the north on the opposite side of the road. In my view, the new development would be over-dominant, overwhelming the local built environment here and would not provide a successful transition in terms of scale between the York Way frontage and the adjacent LSIS buildings.
26. In terms of detailing, the steel frame of the Tileyard building is expressed externally, within which infill brickwork spandrels and steel framed windows are set, although on the York Way frontage, the recessed southern bay, adjacent to the proposed Big Yellow building, is predominantly brick clad from ground to top. Its appearance is intended as a contemporary reinterpretation of the warehouse/trading estate buildings found within the LSIS on Brewery Road,

¹¹ Design and Access Statement

although it is notable that those buildings are only three to four storeys in height, with a greater proportion of solid to glazing than is currently proposed. In fact the vast majority of buildings within the LSIS, especially those in this 'Tileyard Quarter' generally have a much more solid appearance. Whilst some 70% of the north and west facades of the Fitzpatrick office building would be glazed, the design incorporates various devices including a perforated metal brise soleil and vertical 'sleepers' giving it a much more solid, robust appearance than might be expected given the extent of glazing, as demonstrated for example by the photo view on page 14 of the DAS Addendum.

27. Not only would the largely glazed elevations of the Tileyard building be seen in stark contrast to the solidity of the surrounding buildings, but I agree with the Council that the combination of materials, scale and design give the overall impression of an office building, which would materially undermine the industrial 'language' and character of the LSIS. In relation to views when approaching along York Way from the higher land to the north, the incongruity of its scale and massing, extending back into the LSIS in the same form as that presented to the main York Way frontage is very apparent, as illustrated on the photo view on page 30 of the DAS Addendum. When seen behind the solid 'grounded' brick buildings in the foreground, the uncharacteristic nature of the glazing is also highlighted.
28. With regard to the Big Yellow building and its relationship with Vale Royal, the brooding boxy mass of the rear of the nine storey core would loom more than six storeys above the adjacent Gormley Studio and the two storey brick pitched roof building at the back of the footway on this frontage, as well the approved but not yet constructed Egg nightclub building. The effect is well illustrated in View 3 of the TVIA (as amended on page 24 of the DAS Addendum) and on the '*south elevation context as proposed*' plan in the proof of Mr Scanlon. I recognise that efforts have been made to enliven the rear of the building to some degree with blind windows, but that does not assist in reducing its overall scale and mass. Again, notwithstanding its more industrial genre, I consider that the core in particular would be bulky and overbearing, with a confrontational rather than respectful relationship with the generally modest adjacent buildings within this part of the LSIS.
29. I recognise that the Fitzpatrick building, which is nearing completion on the opposite side of Vale Royal to the appeal site, rises in part to some 30 metres. The use of lower five/six storey element on the corner of the Big Yellow building, including setting back the upper floor is appropriate, assists in terms of legibility, in that it distinguishes between the linked but separate uses within the building as a whole and, at up to 18.3 metres in height, is materially lower than the Fitzpatrick building, reflecting an appropriate step down in scale. However, that effect is materially undermined by the presence of the larger nine storey core rising up behind.
30. Whilst views of the building on the rising approach along York Way from the south are largely screened by the Fitzpatrick building, the Council takes issue with the way that the architect has attempted to break up the massing of the proposed building, suggesting that it has resulted in an 'insufficiently coherent organisation of the volume,' with particular concern expressed about the relationship of the offices component on the Vale Royal corner of the site with the main part of the building, which comes into view the closer one gets.

31. In my view, the principle of angling this element of the building, so that it is set parallel to both road frontages and the Fitzpatrick building, is appropriate. Although the recess at the junction of the two elements on York Way looks uncomfortable on plan, it is sufficiently wide in my view that it would not appear awkward when viewed in the street scene and would properly articulate the junction. I do agree with the Council however, that its junction with the main part of the building at the upper levels, which is very apparent on this approach, is not well considered, resulting in an unsettled and disjointed relationship between the two elements.
32. In terms of York Way itself, whilst the shallow frontage elements to both buildings would be lower than the Maiden Lane estate blocks opposite, the elements behind step up to overall heights of between 25.7-26.4 metres, materially higher than the opposite blocks. Moreover, the three blocks opposite do not present a continuous building frontage to the main road, blocks E and H having a significant gap between them which helps break up the massing. In addition, the floorplate of the Maiden Lane blocks is nowhere near as deep as the buildings proposed. In essence, whilst I recognise that part A of policy CS9 promotes a perimeter block approach, the development proposed would be of a significantly greater scale and massing than the opposite blocks, which themselves are not characteristic of the area generally, particularly the character of the LSIS.
33. At street level, two pedestrian entrances are shown to the Tileyard building: a secondary entrance is shown off Tileyard Road, which would help maintain connectivity with the wider Tileyard estate. The service entrance would also be off Tileyard Road. The main entrance would be off York Way, through the proposed event space. The ground floor on the York Way frontage would be set well behind the back of the existing footway, allowing for welcome improvements to the public realm here. Two pedestrian entrances to the Big Yellow building are also shown, to accommodate the self-storage use and the offices. At street level, along York Way, the ground floor of the central element, including the pedestrian entrance to the Big Yellow part of the building, is recessed beneath the overhanging upper floors, as is the pedestrian office entrance on the Vale Royal corner. Not only does that protect the entrances from the elements but, as with the Tileyard building, the arrangement also allows for a considerably wider footway area than at present, again allowing for welcome improvements to the public realm here.
34. The existing street trees in front of the Big Yellow building would be retained, with additional planting in front of the boundary between the two buildings, as well as street planters and seating. Again, those public realm improvements are welcome. Whilst the Council takes issue with some of the 'dead' elements that would occur on the York Way frontage, including fire fighting stairwells and an electricity substation, the scheme would create a much more animated street frontage than is currently the case, or indeed is the case with the Maiden Lane development opposite, with the added benefit of a material widening of the currently narrow footway. Whilst not ideal, I am content that the development would, on balance, be acceptable in this regard.
35. The Council's LSIS Height Study (December 2016) suggests a need for a lower building frontage in the majority of streets, with the indicative height plan in

the Study¹² indicating a preference for development of just 10-13 metres in height along the York Way frontage of the appeal site (3 commercial storeys) with up to 22 metres¹³ (five commercial storeys) behind, reflecting the height principles and sections set out at Fig 3.2 of the Study. The development proposed would clearly conflict with the principles of the Study in these regards. That said, it is not adopted policy, with the Council seeking to distance itself from it at one stage. In any event, I have considered the proposal on its own particular merits in the light of its current surroundings.

36. I appreciate that, in longer views perhaps, the proposal may be seen against the backdrop of taller buildings to the south of the railway and those under construction in the vicinity but, at closer quarters, the contrast would be stark and, in my judgement, unacceptable within the context of the much smaller adjacent buildings, particularly within the LSIS.
37. I consider that the appeal scheme fails to take the opportunities available for improving the character of the area, including its function as the only LSIS in the Borough, located on one of the main routes into the city centre. In my view, the combined height, mass and scale of the proposed buildings relative to their context, together with aspects of their design and appearance would cause material harm to the character and appearance of the area. There would be conflict in this regard with Core Strategy policies CS8 and CS9 and Development Management policy DM2.1, which together and among other things require development to be of a high quality, reflecting the character of the surrounding area, with high quality architecture and urban design being key to enhancing and protecting the Borough's built environment in order to improve the quality, clarity and sense of space around or between buildings, to reinforce and complement local distinctiveness and to create a positive sense of place. It would also be contrary to section 12 of the Framework, which requires good design.

Daylight/Privacy

38. It was accepted by the appellant that all the Maiden Lane estate flats facing the appeal site are essentially single aspect. Ensuring a high standard of amenity for existing users is an integral part of achieving well-designed places, as set out in paragraph 127 of the Framework. The *Effective Use of Land* section in the Government's Planning Practice Guidance, confirms that consideration is to be given as to whether a proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, setting out that all development should maintain acceptable living standards, although what will be appropriate will depend to some extent on the context. The Guidance cites city centre locations where tall modern buildings predominate as an area where lower daylight levels at some windows may be appropriate if new development is to be in keeping with the general form of its surroundings.¹⁴
39. Together and among other things Islington's Development Management policy (DM2.1Axi) and policy 7.6Bd) of the London Plan seek to ensure that new development does not cause unacceptable harm to, or unduly prejudice the operation of adjoining land or buildings, including consideration of impacts such as direct sunlight or daylight. There was some discussion at the Inquiry as to

¹² Figure 3.3 on the Study

¹³ Not 20 metres.

¹⁴ Paragraph: 007 Reference ID: 66-007-20190722

- whether part x) of policy DM2.1A also applies to effects on adjoining development, as opposed to effects on buildings within a proposed development. Either way, in requiring provision of a good level of amenity, I am not persuaded that this element of the policy adds anything over and above the high standard of amenity required by the Framework in relation to my consideration of this appeal. Policy D4(F) of the emerging draft London Plan also requires that development should provide sufficient sunlight and daylight to new and surrounding housing appropriate for its context.
40. In essence, the issue to be addressed in this case is whether the development proposed would cause harm or prejudice in terms of daylight for adjoining occupiers and, if it would, whether that harm or prejudice is undue or unacceptable in its local context.
41. Whilst the policies referred to do not require compliance with the BRE Guide *Site Layout Planning for Daylight and Sunlight: a guide to good practice*,¹⁵ it is referenced in the supporting text to policy DM2.1 and the Mayor of London's Housing SPG (2016) as providing relevant guidance. It provides a useful starting point for assessing the effect of a proposed development on residents' living conditions. As confirmed in the Rainbird judgement,¹⁶ the guidelines are intended to identify when there will be a material deterioration in the relevant conditions in relevant rooms: if the change is adverse, it involves a deterioration; if it is significant, it is material. Rainbird also makes clear that, in order to decide whether a material adverse impact is acceptable, it is necessary to understand the number and nature of the rooms affected and the extent of the likely deterioration.
42. The BRE quantifies the amount of skylight falling on a vertical window as the vertical sky component (VSC). It sets out that if the VSC is greater than 27% with a proposed development in place, then enough skylight should still be reaching the window of the existing building. If the VSC is less than 27% and the decrease as a consequence of a proposed development is more than 20% of the former value, occupants will notice the reduction in skylight - the area lit by the window is likely to be more gloomy and electric lighting will be needed for more of the time.
43. Daylight provision can also be checked using the average daylight factor (ADF) which is a measure of the overall amount of daylight in a space. British Standard 8206-2:2008 *Code of practice for daylighting*¹⁷ recommends an ADF of 5% for well-lit space, 2% for a partly daylit space. Below 2% the room will look dull and electric lighting is likely to be turned on. In relation to housing, it recommends minimum ADF levels of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
44. The target values in the BRE Guide are advisory and may be varied to meet the needs of development and its location. As noted by two Inspector colleagues,¹⁸ the Mayor's Housing SPG also expects flexibility, with the guidelines to be applied sensitively to higher density developments, especially in opportunity areas, taking into account local circumstances and the scope for the character and form of an area to change over time, as long as the resulting scheme would provide acceptable living standards. **There appears to be a growing**

¹⁵ Published by the Building Research Establishment (2011)

¹⁶ R (oao Melanie Rainbird) v The Council of the London Borough of Tower Hamlets [2018] EWHC 657 (Admin)

¹⁷ Although this has recently been withdrawn following publication of British Standard EN 17037:2018 *Daylight in buildings*, the ADF is still a useful guide.

¹⁸ APP/E5900/W/17/3171437 The Whitechapel Estate and APP/E5900/W/17/3190685 Sainsbury's

recognition in heavily built up areas of London that a VSC of 20% is now regarded as reasonably good, with a VSC of 15% being considered acceptable in most instances.

45. That flexible approach is clearly relevant here, with the appeal site located within the Kings Cross key area as shown on Map 2.7 in the Core Strategy. As noted earlier, policy CS6 of the Core Strategy sets out that the area is expected to accommodate an estimated growth in jobs of some 3,200 from B-use floorspace, indicating high scope for its form and character to change over the short and longer term.
46. Within the Maiden Lane development, the flats facing the appeal site in the 20-storey block A would be the least affected by the development proposed, since the block is not directly opposite the site - six windows would have a loss of daylight marginally outside the BRE guidelines, which impact would at worst be minor adverse.
47. In relation to the other affected blocks, Dr Littlefair's rebuttal evidence for the Council was as follows, based on the appellant's daylight and sunlight assessment:

Block D¹⁹ - the effect on VSC²⁰ to 14 flats out of 18 (44 windows out of 66) as a consequence of the development proposed would be outside the BRE guidelines, with the nine flats on the lower three floors worst affected. The impact to five of the flats is assessed as major adverse: every single window bar one to those flats would have a residual VSC of less than 15%, with six windows to four of those flats (bedrooms and LKDs)²¹ being left with VSCs of less than 5% - effectively non-daylit; the one window would have a VSC of 15-20%. In another five flats, the effect would be moderate adverse, with 15 out of a total of 19 windows being left with a residual VSC of 5-15% and one window with 15-20%. In a further four flats the effects are categorised as minor adverse. Of the 24 rooms to the nine flats on levels 1-3 facing the appeal site, 18 would be left with ADF levels below the relevant standards.

Block E²² - the VSC to 15 flats out of 18 would be affected, with the loss of VSC to every single one of their windows (55 out of a total of 66 on this elevation) being outside the BRE guidelines. In terms of residual VSC, the impact to ten flats (all those on the flower three floors plus one on the fourth floor) is assessed as major adverse: on floor one, all of the nine windows beneath the balcony would have a VSC of less than 5%; on floor two, the VSC to eight of the corresponding windows would also be less than 5%, with one window less than 10%; and on floor 3, two would be less than 5% with the rest less than 10%. In all instances the affected rooms to each flat include LKDs and bedrooms. The impact to a further three flats would be moderate adverse, with the impact to another two being minor adverse. All 24 rooms to the flats on levels 1-3 would have ADFs below the relevant standards, compared to two at present. Block E is the worst affected of the three blocks, being directly opposite the centre of the development proposed.

Block H²³ - the VSC to 11 out of the 15 flats would be affected (37 windows out of a total of 65). The impact to one first floor flat is assessed as major

¹⁹ Figure 7 in Dr Littlefair's Rebuttal proof

²⁰ The reference to the VSC to windows throughout this paragraph are all instances where the loss of VSC compared to the existing situation is also more than 20%.

²¹ Combined Living/Kitchen/Dining space

²² Figure 10 in Dr Littlefair's Rebuttal proof

²³ Figure 13 in Dr Littlefair's rebuttal proof

- adverse, with VSCs of 5-15% (bedrooms and LKD). The impact to five flats on the lower three floors is classed as moderate adverse, with the impact to five other flats being minor adverse. Only part of this block is directly opposite the proposed development.
48. In light of the forgoing, I am in no doubt that there would be material harm or prejudice for the occupiers of the Maiden Lane flats in terms of their daylight. In answering the next part of the question as to whether that deterioration is acceptable in the local context, wider considerations are engaged.
49. Other than the top floor in each block and the window at each end of each floor, the windows to the flats have deep balconies above them which can affect the light from the upper parts of the sky, which can in turn make the affected rooms more dependent on light from directly opposite. The BRE guidelines recognise that and allow for a theoretical calculation removing the effect of the balconies in order to compare whether it is the balcony or the development proposed that is the main cause of the problem.
50. Even on that basis, the relative loss of VSC to some 63 windows across the lower three floors of the three blocks would be between 20-60%, in excess of the BRE guidelines. Again, block E would be the worst affected, with a relative loss to every single window to five of the flats, and all but one window of a sixth flat, of between 40-60%. That suggests to me that the development proposed is a significant contributory factor in the loss of daylight. Whilst Mr Ingram suggested that without the balconies, residents would have VSCs in the mid-teens with the new development in place, the balconies clearly cannot be removed, with residents being forced to accept much lower VSCs than is currently the case, down to as low as 1-2% in some cases.
51. In support of its case, the appellant drew attention to a number of other factors. The Mayor's SPG confirms that quantitative standards should not be applied rigidly without considering carefully the location and context and standards experienced, with the degree of harm to be assessed drawing on broadly comparable residential 'typologies' within the area and of a similar nature across London.
52. The appellant provided examples of three recently constructed schemes within the LSIS, all with balconies/external walkways,²⁴ and a fourth in Camden (the Maiden Lane estate) assessing the ADF values to rooms within those developments. All these schemes relate to new-build development, with assessment made of the daylight for rooms within that new development, whereas the situation in relation to this appeal is that a new scheme would impose itself on existing accommodation. Future occupiers of a new development would have the choice whether or not to accept the offered living conditions in terms of daylight before moving in, whereas existing occupiers would not have a choice, with the new development and its effects imposed upon them. Nonetheless, in principle, the 'typologies' referred to may provide a relatively broad brush view of what Islington and Camden Councils appear to have considered to be acceptable residual daylight levels on completion of new development in the area.
53. However, the evidence of Mr Ingram, based on his own calculations of light in those other properties is that in some cases, the situation is worse than was predicted by other consultants in the reports presented to the local authorities

²⁴ 423-425 and 429-435 Caledonian Road, 130-154 Pentonville Road and Tremanton Building in the Regents Quarter.

when deciding whether to grant permission. For instance, in relation to the flats at Maiden Lane, Camden was provided with a report stating that all rooms would meet the BS minimum guidelines. Following amendments, the report was revised to confirm that whilst five rooms, all kitchens, would fail the guidelines, all living rooms and bedrooms would pass. Mr Ingram's evidence though, shows a large number of rooms with very low levels of light. Similar concerns arise with the Caledonian Road development, which was determined by Islington. I am not persuaded, therefore, that the examples necessarily support the appellant's case in this regard, given that in at least two, the relevant authority clearly thought it was approving development with better levels of daylighting than was actually the case. In any event, there is a danger that such an approach has the potential to create a dangerous 'race to the bottom' if subsequent decisions were to whittle away at desirable standards.

54. The Maiden Lane flats, being located virtually on the back of the footway, could be interpreted as being bad neighbours, taking more than their fair share of light. Indeed, the BRE Guide recognises that different target values may be appropriate in special circumstances, confirming that *'in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable...'* and that *'...to ensure that new developments match the height and proportions of existing buildings, the VSC...targets for these windows could be set to those for a 'mirror-image' building of the same height and size and equal distance on the other side of the boundary.'*²⁵
55. However, the approach in the guidelines shows two developments, one existing one proposed, equidistant from a shared contiguous site boundary. That is not the case here, the site boundaries being separated by York Way. As such, they are not directly applicable in this situation. That said, the evidence of the appellant is that, where the boundary is taken as that centre line, a mirror scheme would have a similar impact on the daylight values of the flats in question when compared with the appeal scheme.
56. My attention is drawn in this regard, to an appeal decision for a site in Tower Hamlets²⁶ where a similar exercise was employed. My colleague noted that *'starting from an existing low level, many.. [flats in the existing development].. would experience no more than a 3% absolute loss of daylight, a virtually imperceptible change. The worst affected living rooms would experience less than a 5% absolute loss, a barely noticeable change.'* He went on to conclude that although not to the letter of the guidelines, the mirror-image exercise gave a clear indication that overall, in that more 'equitable' arrangement, many more of the existing flats would be adversely affected than would be the case with the scheme then proposed, which arrangement would be considered acceptable in terms of a fair share of light. On that basis, and recognising that by strictly applying the BRE guidelines development of the appeal site would be unfairly prejudiced, my colleague went on to conclude that that provided reasonable justification for the reduction of daylight and sunlight levels in the appeal scheme.
57. In the scheme before me, the impact of a mirror image scheme would be similar, not materially greater and so is less persuasive as an argument in favour of the appeal scheme, although I recognise that, for the worst affected

²⁵ Paragraphs 1.6 and F5 respectively in the BRE Guide

²⁶ APP/E5900/W/17/3191757 (17 December 2018)

flat (the central first floor flat in block E) there would be no more than a 3% absolute change.

58. In coming to a view on this matter, I am mindful that Government policy, as set out at paragraph 127f) of the Framework, which post-dates the Tower Hamlets Decision, places greater emphasis on the amenity of existing users than was the case in the earlier iteration of the Framework. It requires that planning decisions should ensure that developments create places with a *high* standard of amenity for existing and future users – the previous version sought a *good* standard of amenity (paragraph 17 fourth bullet). I am also mindful of the importance placed by the Secretary of State on the amenity of existing residents in dismissing a recent appeal,²⁷ where he found that harm in terms of the reductions in VSC to a large number of windows, many of which would be affected quite significantly, carried substantial weight against the proposal. In that scheme, 243 affected windows (19%) would have been left with a VSC of less than 15%, with 175 of those (14%) would have been left with less than 10%.
59. The situation in relation to the Maiden Lane flats would be worse, where in block D, 60% of the windows facing the appeal site (39 windows out of 66) would be left with a residual VSC of less than 15%, with some 40% (27 windows) left with less than 10%, whilst 12% (8 windows) would have less than 5%. In Block E, 75% of all the windows in the facing elevation (50 out of 66) would have a residual VSC of less than 15%, some 56% (37 windows) would have less than 10%, and 28% (19 windows) would have less than 5%.
60. Moreover, as accepted by Mrs Price for the appellant, in assessing the existing building, it is relevant to have regard to the policy framework which sets expectations in relation to the scale, form and type of development which might reasonably be expected on the adjoining site - the appeal site in this instance.
61. The appeal site lies within the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS) an area for which there are long-standing policy objectives and related guidance. As pointed out by the Council, unlike residential developments, industrial uses are not particularly light sensitive and there would have been no reason therefore, to be concerned that the Maiden Lane development would unduly overshadow any development within the LSIS.
62. The corollary to that, is that whilst current planning policies encourage intensification of industrial uses within the LSIS, there would have been no reason to suppose, at the time that the Maiden Lane application was being considered by Camden Council, that development of the height now proposed was envisaged for the appeal site. Indeed, whilst it post-dates the Maiden Lane development, Islington's Height Study for the LSIS (December 2016) suggests, in Section 3.2, a maximum of height of five commercial storeys in the LSIS, with a lower height on the building front on the majority of streets. In addition, as noted earlier, whilst there is reference in part A of Core Strategy policy CS6 to York Way being one of the principal locations for office-led development mixed use development which intensifies the use of land, Map 2.7 shows that area to be located to the south of the Maiden Lane flats and the appeal site, to the south of the railway line.

²⁷ APP/E5900/W/17/3190685 (10 June 2019)

63. All in all, I am not persuaded that the mirror imaging exercise necessarily provides a reasonable justification for a similar reduction in daylight levels in the surrounding buildings as a result of this proposal, not least because the assessment of impact undertaken is already weighted with the 15% VSC figure being taken as acceptable.
64. Mr Ingram also assessed a hypothetical scheme of uniform 20 metres height along the York Way frontage of the appeal site, on the same footprint as the appeal scheme. The reference to 20 metres (development of up to five storeys in height) is found in section 3.11) of the Study, under the heading *To Encourage the Development of Hybrid Space*. The appellant's assessment suggests that such a scheme would have a substantial impact on the light received by the Maiden Lane flats, although not quite as bad as that of the appeal scheme.
65. However, as already noted, the Study suggests a lower building frontage in the majority of streets, with the indicative height plan in the Study²⁸ indicating a preference for a development height of just 10-13 metres along the York Way frontage of the appeal site (3 commercial storeys) with up to 22 metres²⁹ (five commercial storeys) behind. I am mindful, in this regard, that Mr Ingram's evidence confirms that block massing at lower heights (heights of 8, 12 and 16 metres were assessed) presents improved daylight values for the flats. Whilst he goes on to comment that a lower scheme would not deliver the aspirations of the LSIS and the wider Kings Cross key area to accommodate expected growth and jobs, I do not agree, not least because the LSIS is only one part of the wider Kings Cross key area. I am not persuaded therefore that the comparison is a helpful one or adds support to the appellant's case. In any event, as set out earlier, the Study is not adopted policy. I confirm in this regard that I have considered the proposal on its own particular merits in the light of its current surroundings.
66. It was also suggested that since any room with an existing ADF of less than 2% would already look dull, such that electric lighting is already used for most of the time, then any further reduction in daylight would make no material difference. However, that 2% is a minimum and I agree with the Council that just because a flat may have very little daylight currently, that is not a good reason to reduce it further or take that little away.
67. Other methods for assessing the daylight received by the existing flats were investigated by the appellant, including Radiance based studies, ADF studies and Human Visual Response Studies. To that end, Mr Ingram produced 'false colour' images showing daylight factors on surfaces within the spaces. There is no set criteria against which to assess those but, as pointed out by the Council, daylight factors drop substantially with the development in place.
68. Whilst Mr Ingram also produced a series of Human Visual Response images, he accepted in cross-examination that they illustrated the perception of contrast, as opposed to providing a comparison in terms of the appearance of brightness before and after development. Again, I am not convinced that the evidence in this regard demonstrates that the effect of the development proposed would necessarily be acceptable in terms of daylighting for existing occupiers.

²⁸ Figure 3.3 on the Study

²⁹ Not 20 metres as referred to in section 3.1 of the Study.

69. With regard to light to spaces within the adjacent Studio, which lies to the east of the proposed Big Yellow Building, I note that whilst the BRE guidelines are intended for use in adjoining dwellings, paragraph 2.2.2 confirms that they may also be applied to existing non-domestic buildings where occupants have a reasonable expectation of daylight. Clearly, the adjacent Studio would have such an expectation.
70. The main area of the adjacent Studio is equivalent to a three storey building, the whole volume of which is used as a studio space relying on light from high level rooflights that are in the saw-tooth roof pitches. The western end of the building, adjacent to the appeal site, contains a painting studio (Drawing Room) at mezzanine level which was also designed to take advantage of direct natural light through windows along the ridge of the roof, and a Plaster Room. Although there is a side facing window to the Drawing Room, that faces directly onto a high brick boundary wall and is for ventilation purposes, playing little if any part in providing daylight to the space.
71. The evidence of the appellant looked at the ADF and daylight distribution. It concludes that with a retained Daylight Factor of 13.5% (well in excess of the 5% that is considered to represent well daylit space) the main studio space would continue to be well daylit, with any changes in light conditions unlikely to be perceptible. Whilst the mezzanine Drawing Room and Plaster Room would experience a higher reduction in ADF, outside the BRE guidelines (1.2-2.5%) due to their proximity to the appeal site, given the exceptionally high existing daylight values to those spaces, the retained value of 14.2-15.1% indicates that both would remain very well daylit, with no noticeable change in daylight. Three other rooms at the eastern end of the Studio at first floor level would experience a minimal change in ADF (0.1%), with no noticeable change in daylight condition given the predicted retained values of between 7.5-8.7%. None of the appellant's findings in these regards was challenged by any other technical evidence and I am satisfied that there would be no harm in relation to any material loss of daylight for the adjacent Studio.
72. So, to conclude on this issue, whilst there would be no material harm in terms of daylight to the adjacent Studio, I have found that that there would be material harm to the living conditions of occupiers of a substantial number of the flats in blocks D, E and H of the Maiden Lane estate. I recognise that the location of those blocks means that they take substantially more than their fair share of light and, as such, the strict application of the BRE guidelines unfairly prejudices development of the appeal site. However, even when allowances are made for its urban context, including a lower 'London VSC' of 15%, plus allowances for the deep balconies, there would still be a significant material impact for existing occupiers of the single aspect flats on the Maiden Lane estate facing the appeal site. In my view, that impact would be unacceptable even taking account of the local context.
73. Taken in the round therefore, the development would conflict with London Plan Policy 7.6B.d and Development Management policy DM2.1Axi) which seek to ensure that new development does not cause unacceptable harm to, or unduly prejudice the operation of adjoining land or buildings. There would be conflict too with paragraph 127 of the Framework.

Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS)

74. The appeal site lies wholly within and forms part of the western boundary of the designated LSIS. Among other things, policy 4.4 of the London Plan (March 2016) requires that Local Plans should demonstrate how industrial land and premises in LSIS will be planned and managed. The justificatory text says that DPDs should make explicit the types of uses considered appropriate in LSIS, with regard to be had to the Mayor's Land for Industry and Transport SPG (September 2012) which confirms that the protection of LSISs needs to be reviewed regularly and justified in the Borough's Employment Land Reviews.
75. Policy CS13B of the Core Strategy deals with employment spaces and sets out that the LSIS will be retained for industrial/warehousing/employment land. The site is also within the Kings Cross key area, wherein Core Strategy policy CS6D also seeks to retain the LSIS, which is recognised as the only locally significant concentration of industrial/warehousing/employment land in the Borough. The Glossary to the Core Strategy defines employment floorspace/buildings/development/uses as activities or uses that generate employment including offices, industry, warehousing.
76. Development Management policy DM5.3 deals specifically with the LSIS. Part A) of the policy supports the retention and intensification of uses within the LSIS appropriate to its role, ie within the B1c, B2 and B8 Use Classes; part B) sets out that proposals that would result in loss or reduction of floorspace in those Use Classes will be resisted unless exceptional circumstances can be demonstrated; part C) confirms that notwithstanding part B) the loss or reduction of business floorspace will be resisted where it would have a detrimental individual or cumulative effect on the area's primary economic function; and part D) resists the introduction of non-business uses (defined as uses outside the B Use Class) except for services and facilities ancillary to and which support the economic and employment function of the LSIS. The Glossary to the Development Management Policies Document confirms that business floorspace/buildings/development/uses comprise activities or uses that fall within the B-Use Class (ie offices, industry or warehousing). The definition of employment floorspace/buildings/development/uses is the same as the Core Strategy.
77. The Council accepts that the appeal scheme would not conflict with policy DM5.3. I have no reason to disagree since the scheme does not offend any of its constituent parts: there is no loss or reduction of B1c, B2 or B8 floorspace; the scheme includes a material uplift of B1c and B8 floorspace; there is no policy presumption against any form of B1 office use; and the scheme does not introduce any non-business uses as defined by the development plan. There would be no conflict either with Core Strategy policies CS6 and CS13 which are supportive of employment uses in the LSIS, including offices.
78. However, whilst the Council acknowledged in closing that, in land use terms, the application is not contrary to the development plan, it argued that the flexible B1 floorspace proposed as part of the Tileyard element of the scheme would largely be attractive to B1a office users. Were that to be the case, the Council maintained that that would cause material harm to the objectives of the policies and the primacy of industrial uses in the LSIS which, together with the prominence and design of the building would, in its view, mark a significant change in the character of the LSIS, away from the industrial uses which are its primary economic function and towards the sort of office development that

more properly belongs in the CAZ³⁰ or other locations in the Borough. Its case was that there would, in this regard, be harm to an interest that the Local Plan seeks to protect, with the draft London Plan and the emerging Local Plan recognising the need to strengthen the existing LSIS policies, and that this amounted to a material consideration justifying a decision otherwise than in accordance with the development plan.

79. Policy E4 of the draft London Plan (August 2018) seeks to maintain a sufficient supply of land and premises for industrial and related functions, with the explanatory text confirming, among other things, that the policy is intended to ensure that there is no overall net loss of industrial floorspace capacity within any designated LSIS. In addition, Boroughs such as Islington which are in the 'retain' category should seek to intensify industrial floorspace capacity in LSIS. Policy E6 sets out that Boroughs should define detailed boundaries and policies for LSIS and make clear the range of industrial and related uses that are acceptable in LSIS. Among other things, policy E7 encourages intensification of business uses in the LSIS in Use Classes B1c, B2 and B8 to deliver an increase in capacity (or at least no overall net loss) in terms of industrial, storage and warehousing floorspace, with appropriate provision of yard space for servicing. The policies do not of themselves resist office uses and, for the reasons set out in paragraph 73 above, I find no conflict with the relevant policies of the draft London Plan.
80. Policy SP3 of the Council's emerging Strategic and Development Management Policies (Regulation 18 draft November 2018) seeks to retain and intensify B1c, B2 and B8 uses in the LSIS, resisting encroachment of non-industrial uses, especially residential, which would jeopardise long term sustainability, economic function and future economic growth of the LSIS as an industrial area. Proposals for additional offices, where the predominant use of the building would not be industrial, will be resisted as encroachment of offices is considered to be a principal threat to the continued industrial function and balance of uses in the LSIS.
81. Whilst the policy goes on to recognise the contribution of businesses in the LSIS related to the music and entertainment industry, including Tileyard Studios, and seeks to support the successful economic cluster, that is only through protection of existing uses, with any new related floorspace being required to align with B1c, B2 or B8 uses. Where additional offices are included, they should not be the predominant use.
82. Policy B2 of the emerging Plan reiterates that the priority land uses in the LSIS are B1c, B2 and B8a and that retention and intensification of those uses, and existing clusters of activity, is a priority. Whilst development of office use may be permissible where there is existing office floorspace on the site, or as part of a hybrid workspace scheme, it must only constitute a small proportion of the overall gross floorspace proposed. The introduction of uses that could undermine the primary economic function of LSIS is resisted.
83. The appeal site is identified in the emerging Site Allocations Plan (Regulation 18 draft November 2018) as site VR1, allocated for retention and intensification of industrial uses B1c, B2 and B8, with office floorspace only acceptable as part of a hybrid workspace scheme. The Regulation 19 version adds to the

³⁰ Central Activities Zone as defined in the London Plan

justification, stating that the allocation is to contribute toward the delivery of the strategic priorities for the Spatial Strategy area.

84. Inasmuch as the open B1 floorspace in the Tileyard building could, in theory, all be used as B1a offices, there would be conflict with all these emerging policies. I also recognise that the wording of policies SP3 and B2 (revised in the Regulation 19 version to further reinforce resistance to office uses) reflects the increasing pressure for non-industrial development in the LSIS. However, the emerging plan has not yet been examined, with the regulation 19 revisions not even having been the subject of formal public consultation as yet. I am also advised that there are multiple objections, particularly to policy SP3. As such, I afford the emerging policies only limited weight in this appeal.
85. Notwithstanding the forgoing, I understand the Council's concerns in relation to increasing pressure on the LSIS from general office use, a use that had apparently not been perceived as a threat when policy DM5.3 was drafted. However, case law has made it very clear that it is the policies themselves that are determinative, not any supporting text or objectives. Whilst the supporting text is plainly relevant to the interpretation of policy, it is not of itself a policy or part of the policy, and it cannot trump the policy. In particular, the supporting text is not to be given the force of policy where, to apply it, it would conflict with the policy itself. In seeking to resist B1 use on part of the site, a use that not only is not precluded by the policy but is allowed for (part D resists the introduction of non-business uses, which are defined as uses outside the B Use Class) the Council's approach seems to me to introduce an additional test for development proposals. I am mindful though, that it was agreed by Mrs Price for the appellant, that conflict with the objectives of a policy could be a material consideration. That being so I look now at whether the development proposed would conflict with the objectives of the policies - in essence, whether the development proposed would have an adverse impact on the primary economic function and future economic growth of the LSIS.
86. There is no definition in either the current or emerging development plan as to what the primary economic function of the LSIS is. As a starting point, it is pertinent to note, in my view, the extent of the proposed increase in B1c and B8 floorspace. At present, the buildings on the site are largely vacant, are in a very poor structural state beyond economic repair and are physically obsolete. The existing offer on the site comprises some 1,404.3sqm of B1a floorspace, 4,644.3sqm B8 space and 457.7sqm B1a/sui generis use - some 6,506sqm in total. Overall, the appeal scheme would provide 8,270sqm B8 floor space (excluding mezzanines but including 870sqm ancillary B1a offices) 1,628sqm B1c space, plus 9,111sqm of open B1 space - a total gross floorspace of some 19,009sqm.³¹ Even without the open B1 space, the development proposed would result in a significant enhancement in B1c and B8 space on the site - an uplift of some 4,384sqm - compared with the existing situation. I also note that the extent of B1c floorspace proposed as part of the Tileyard building over the ground and lower ground floors, would greatly exceed the floorspace provided by the building that currently occupies that part of the site, which is in B1a use. Far from harming the primary economic function of the LSIS, I consider that the provision of that additional B1c and B8 floorspace would materially enhance it.

³¹ Ibid

87. A footnote to policy E4 of the draft London Plan defines floorspace capacity as either the existing industrial and warehousing floorspace on site, or the potential industrial and warehousing floorspace that could be accommodated on site at 65% plot ratio, whichever is the greater. Mr Stephenson did an exercise based on the industry norm of 50% site coverage, confirming for the appellant that on the Tileyard part of the appeal site, a replacement single storey B1c building would achieve some 768sqm of floorspace. At two storeys (recognising the two storeys of B1c space proposed albeit that some of that would be at lower ground level) it would be possible, in theory, to achieve some 1,535 square metres of industrial floorspace. At 65% coverage the floorspace would be slightly greater (confirmed in re-examination as 975sqm for a single storey building). He confirmed, though, that a single B1c user for the site is very unlikely.
88. Where does that take the discussion? At worst, the B1c floorspace proposed would be comparable with a hypothetical new two storey building on the site for which there is no apparent appetite. At best the development proposed would more than double the B1c floorspace of a hypothetical single storey B1c building on the site. Either way, I consider that the appeal scheme maximises the provision of industrial use on the site and thus there would be no harm to the economic function of the LSIS in this regard. At best, there would be a material enhancement.
89. The Mayor's SPG refers to the need to have regard to the Borough's Employment Land Reviews. The Council's latest Employment Land Study (January 2016) confirms the LSIS as the Borough's largest concentration of employment land which, although unprepossessing in appearance, provides space that is crucial to accommodate businesses servicing both the wider Borough and central London. That is particularly evidenced, it notes, by the cluster of live event and music oriented businesses and the number of catering operations. It sets out that, at the very least, there should be no net loss of employment space and that ideally, efforts should be made to intensify uses and be flexible about what user classes are permitted in what space. It also confirms that the LSIS has a role to play in providing for the emerging market of hybrid/flexible space and in providing some of the lower threshold enterprise space which is needed for start-up companies. It recognises a strong growth in firms seeking hybrid space – not Grade A office stock but for use as studio/light production space or low specification flexible and collaborative office space. The Study notes that such space has been particularly attractive to the creative and digital sectors, going on to recommend that opportunities should be sought to encourage this type of space.
90. In relation to the Tileyard/Vale Royal part of the LSIS, the Study notes that the most significant activity is the Tileyard Studios complex which comprises some 10,000 square metres of studio, writing room and office space dedicated to the music industry, with 70 modern studios and 100 offices as well as event space and co-working space located close to other music and event oriented businesses on Brewery Road and Vale Royal (both within the LSIS). The Study confirms that such conglomerations develop for sound economic reasons and care should be taken not to disrupt this.
91. In addition, the Council's own LSIS Height Study (December 2016) the purpose of which was to inform an SPD on the LSIS, confirms that there are a number of opportunities to strengthen the character and function of the LSIS, including

- intensifying the creative quarter that is already establishing at Vale Royal (the Tileyard studios area).
92. The Tileyard businesses clearly benefit from being located in close proximity to one another. As recognised in paragraph 2.28 of the emerging Strategic and Development Management policies document, these 'agglomeration benefits' can include increased productivity levels, having access to a pool of labour and experience, enabling business to attract and retain skilled labour. Other benefits include fostering collaboration and the transfer of knowledge, innovation and technology between businesses and sectors. It goes on to note that in addition, there may be potential synergies between the music and entertainment businesses and catering businesses within the LSIS. The paragraph concludes that these important functions and industrial uses will be safeguarded and promoted.
93. The flexible B1 space proposed, which is estimated to generate some 805 jobs, is intended to assist in accommodating future growth of the successful Tileyard Studios cluster. It has been designed to bridge the gap between businesses and start-up space and larger floorplates to meet the needs of the range of users who are seeking to locate in or expand from the existing Tileyard Studios cluster. As such, there are material differences in the physical characteristics of the space compared with conventional office buildings: it is not designed to comply with British Council for Offices standards for conventional office buildings; the service core is situated at the rear of the building creating flexible floorplates to allow for different sized occupiers, making each floor configurable to allow for multiple occupation to accommodate the range of anticipated Tileyard tenant needs, allowing for smaller, discrete tenancies around the perimeter as opposed to full open floors, aligning with the type of hybrid spaces outlined in the Employment Land Study and the LSIS Height Study; a range of shared spaces and facilities, including communal breakout spaces, kitchen areas etc; those visiting the office space would have to walk through the ground floor café and event space to reach the lifts; the ground and lower ground floors are designed specifically for B1(c) use which would generally not be considered appropriate for a conventional office building; and the generous structural spans (typically 9 metres x 9 metres and clear ceiling heights of 3.25 metres floor to soffit allow for large recording studios to be created with 'box in box' acoustic isolation. As such, the nature of the open/flexible B1 space proposed would not, for the most part, be well suited for general B1a office space and would not be similar for instance, to the B1a office buildings in the nearby Kings Cross area.
94. The development proposed also draws some support from the Framework. Under the heading *Building a strong, competitive economy*, paragraphs 80 and 82 set out that policies and decisions should help create conditions in which businesses can invest, expand and adapt, where each area can build on its strengths, counter any weaknesses and address the challenges of the future. The specific locational requirements of different sectors are to be recognised, including making provision for clusters or networks of knowledge and data-driven, creative or high technology industries.
95. To conclude on this matter, whilst I recognise that the flexible B1 space proposed within the Tileyard building could, in theory, all be occupied by Class B1a office users, it seems to me that in providing flexible design features and future adaptability for a range of Class B1 uses, in close proximity to the

existing Tileyard cluster (the intended occupiers) the specific nature of the space proposed responds appropriately to changing economic conditions as reflected in the various policies and guidance. In my view, when the development proposed is considered in its entirety - development which would, among other things, result in an uplift of some 4,384 square metres in B1c and B8 space on the site - and having regard to the intended users for the Tileyard building combined with its close physical relationship with the existing Tileyard cluster, within the LSIS, it would not jeopardise the long term sustainability, employment role, economic function or future economic growth of the LSIS as an industrial area and it would not be at fundamental odds with the objectives of the relevant policies.

Benefits of the scheme

96. The scheme would allow for comprehensive redevelopment of the site, removing the existing buildings which are out of date, defunct and without architectural merit, replacing them with modern flexible space. Intensification of development on this brownfield site would maximise its utilisation and efficiency, with the scheme resulting in a significant 12,960.4m² net increase of employment/business floorspace, including intensification of light industrial (Class B1c) and self-storage (Class B8) uses.
97. The appellant's Economic Regeneration Statement sets out that over a 20 month construction period, construction employment is estimated as being equivalent to around 265 FTE construction jobs, with the development itself, once completed, having the potential to generate some 1,240-1,525 jobs (gross) compared to the eight jobs generated by the site at present. The increased employment on the site is expected to provide in-work training and development opportunities accessible to local people. I am mindful, in this regard, that the existing Tileyard operation has strong links with local schools and organises apprenticeships for young people.
98. The Big Yellow building, including the flexible office space, is expected to support approximately 695-720 jobs. Many businesses supported by Big Yellow operate from the storage units where people work regularly packaging stock for distribution. In addition, many jobs outside Big Yellow are also dependent on the space rented there to provide storage of stock, materials and equipment (akin to a modern day lock-up) or, for example, the storage of stock so that premises can maximise sales floorspace.
99. The Tileyard building is expected to generate 30 jobs in association with the dedicated B1c floorspace and some 515-775 jobs in connection with the flexible B use floorspace etc. In addition, the Tileyard building is intended to assist in accommodating future growth of the successful Tileyard Studios cluster, having been designed to bridge the gap between businesses and start-up space and larger floorplates. I am mindful, in this regard, that both versions of emerging policy SP3 recognise the contribution of businesses related to the music and entertainment industry in the area, including Tileyard Studios and seek to support the successful economic cluster.
100. Once completed, annual spending by the net additional employees on the site would generate spending of approximately £2.9-£3.6 million per annum. In addition, the development would allow businesses to invest and expand, contributing to economic growth estimated by the appellant as being in the region of some £84 million in GVA per annum. The appellant also refers to

business rates revenue for the Council in the region of approximately £2 million (gross).

101. As mentioned earlier, there would be welcome benefits to the public realm. The footway along the site frontage is narrow, congested and completely without animation. As also mentioned earlier, the development proposed would bring with it benefits to the public realm on the York Way frontage, including removal of vehicular crossovers, with all servicing to be taken off either Tileyard Road or Vale Royal, a much wider, animated footway, plus additional planting and seating etc.

Overall Planning Balance and Conclusions

102. Whilst I have concluded that there would be no harm to the economic and employment role of the LSIS or its primary function, I have found that the development proposed would result in material harm in terms of the character/appearance of the area and the townscape. The development would also result in harm to the interests of residents of the Maiden Lane flats that face the appeal site, with particular regard to its effect on daylight. I consider that impact to be unacceptable even in the local context. To be weighed against those harms are the benefits set out above. In the overall balance, I consider that those benefits do not outweigh the harm that I have identified would be a consequence of the development proposed. I therefore conclude that the appeal should not succeed. I confirm that my concerns in relation to the character and appearance of the area are such that the outcome of that balance would have been the same even had I found the harm in terms of daylight not to be unacceptable in this urban context, or that the overall amenity for local residents, taking into account the public realm improvements, would be good.
103. I recognise that this will come as a disappointment to the Tileyard enterprise and I do not underestimate the importance of the Studios to the music industry. However, the needs of Tileyard, important though they are, must be balanced against other considerations. In coming to my conclusions on the various issues that have been raised, I have taken full and careful account of all the representations that have been made, which I have balanced against the provisions of the development plan, emerging policies, the National Planning Policy Framework and other material considerations. On balance though, the evidence in this case leads me to the view that the appeal should be dismissed and that planning permission should be refused.

Jennifer A Vyse
INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Paul Brown, of Queen's Counsel	Instructed by Islington Borough Council
He called	
Rachel Godden MA(Oxon), MA, MSc, IHBC	Senior Design and Conservation Officer with the Council
Dr Paul Littlefair MA, PhD, CEng, MCIBSE, FSLL, MILP	Principal Lighting Consultant with the Building Research Establishment
Sakibu Gurda BSc(Hons), DipTP, MA	Head of Planning and Policy Development with the Council
Robin Tulloch MA	Principal Planning Officer (Major Applications team) with the Council
Richard Gill* IEMA	Energy Projects and Programmes officer with the Council

*Having produced a proof of evidence to deal with one of the putative reasons for refusal, the Council's concerns were addressed in this regard prior to the Inquiry. In the event, therefore, Mr Gill did not appear to present his evidence.

FOR THE APPELLANT:

Neil Cameron, of Queen's Counsel	Instructed by DWD Property + Planning
He called	
Fred Pilbrow MA(Cantab) AA Dipl, RIBA, NCARB	Founder Partner, Pilbrow and Partners
David Scanlon Dip Arch Tech	Senior Partner, Mountford Pigott LLP
Peter Stewart MA(Cantab), Dip Arch, RIBA	Principal, Peter Stewart Consultancy
Gordon Ingram MRICS	Partner, Gordon Ingram Associates
Nicholas Keynes	Tileyard Studios
John Stephenson FRICS, MCIARB	Senior Director, Grant Mills Wood
Sarah Price BA(Hons), DipTP, MRTPI	Partner, DWD Property + Planning

INTERESTED PARTIES

Sir Anthony Gormley	The Gormley Studio
Cliff Fulet	Solicitor and Tileyard business resident
Christian Henson	Tileyard business resident
Sammy Andrews	Tileyard business resident
Ray Jones	Tileyard business resident

DOCUMENTS HANDED UP DURING THE INQUIRY

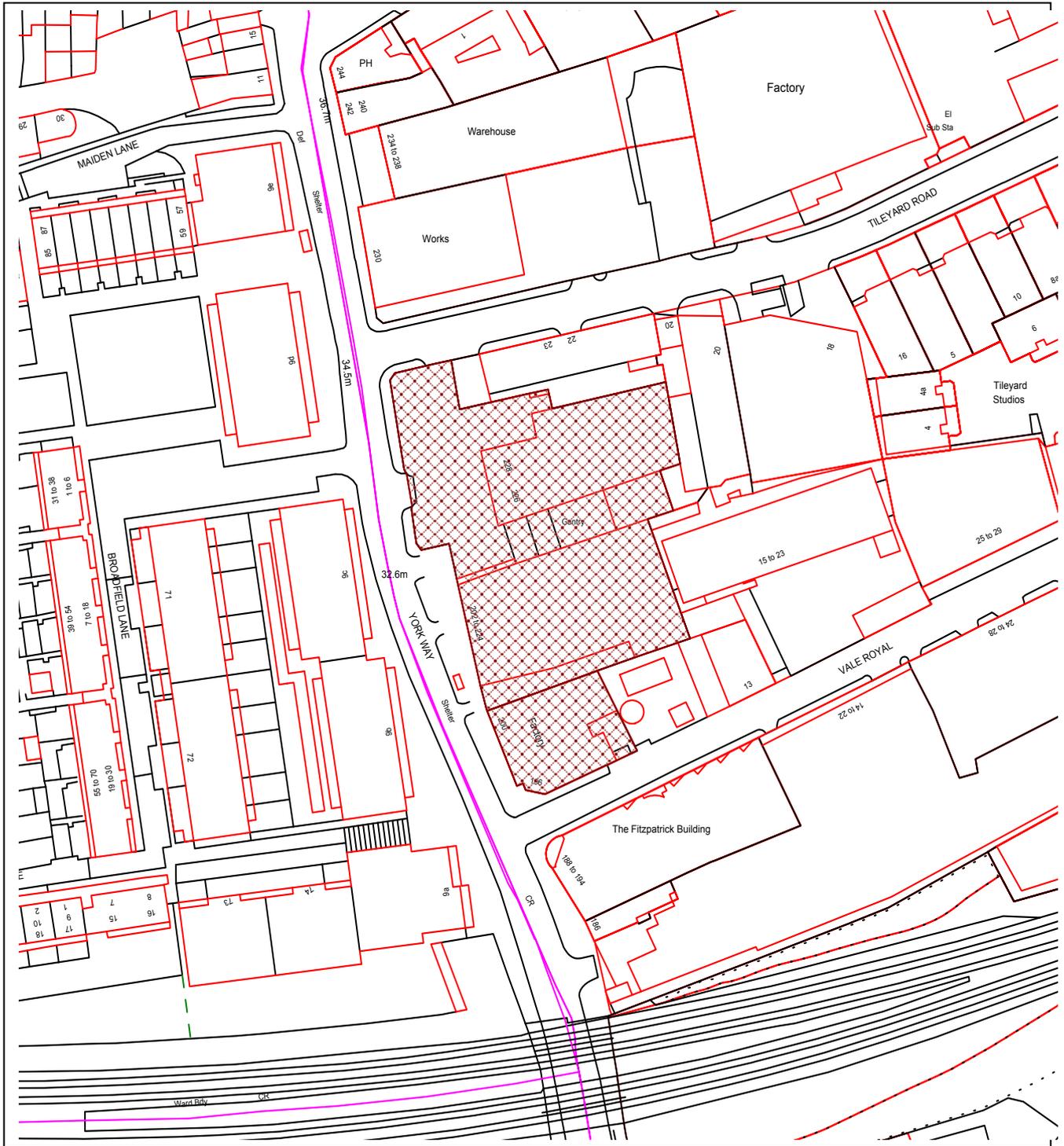
- ID1 List of appearances for the appellant
- ID2 Opening submissions on behalf of the appellant (including legal submissions on policies relating to employment land)
- ID3 Opening statement on behalf of the local planning authority
- ID4 Statement of Common Ground
- ID5 Sir Anthony Gormley's statement to the Inquiry
- ID6 Presentation on behalf of the appellant in relation to the round table discussion session on the first main issue
- ID7 Dr Littlefair's presentation (as part of his evidence in chief)
- ID8 Plans for new Egg Nightclub
- ID9 Gordon Ingram's presentation (as part of his evidence in chief)
- ID10 Letter from Mr Henson (Spitfire Audio)
- ID11 Draft planning obligation (final agreed but not completed version)
- ID12 Draft wording for future proofing for connection to District Heating Network
- ID13 CIL Compliance Statement
- ID14 Closing submissions on behalf of the local planning authority
- ID15 Closing submissions on behalf of the appellant

DOCUMENTS SUBMITTED AFTER THE INQUIRY

- ID 16 Completed planning obligation
- ID 17 Appellant's comments in relation to the revised Planning Practice Guidance
- ID 18 Council's comments in relation to the revised Planning Practice Guidance

This page is intentionally left blank

Islington SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.
P2019/3410/FUL

This page is intentionally left blank