



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

AGENDA FOR THE PLANNING COMMITTEE

Members of Planning Committee are summoned to a meeting, which will be held in the Council Chamber - Town Hall on **19 July 2022 at 7.30 pm.**

Enquiries to : Ola Adeoye
Tel : 020 7527 3044
E-mail : democracy@islington.gov.uk
Despatched : 11 July 2022


Welcome:

Members of the public are welcome to attend this meeting.

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

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>
Councillor Klute (Chair) Canalside;	- St Peter's and	Councillor Chowdhury - Barnsbury;
Councillor North (Vice-Chair) Canalside;	- St Peter's and	Councillor Gilgunn - Tollington;
Councillor Poyser (Vice-Chair)	- Hillrise;	Councillor Jegorovas-Armstrong - Highbury;
Councillor Clarke	- Tufnell Park;	Councillor Kay - Midmay;
Councillor Convery	- Caledonian;	
Councillor Hamdache	- Highbury;	
Councillor Hayes	- Clerkenwell;	
Councillor Ibrahim	- Arsenal;	
Councillor Jackson	- Holloway;	
Councillor McHugh James';	- St Mary's and St	

Quorum: 3 councillors



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

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

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

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

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

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

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

5.	Order of Business	1 - 2
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B.	Consideration of Planning Applications	Page

1. Kings Head and Public House & Former North London Mail Centre & 115 & 116-118 Upper Street, N1 1AE 19 - 118

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 September 2022

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

WEBCASTING NOTICE

This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for 12 months. A copy of it will also be retained in accordance with the Council's data retention policy.

If you participate in the meeting you will be deemed by the Council to have consented to being filmed. By entering the Council Chamber you are also consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you do not wish to have your image captured you should sit in the public gallery area, overlooking the Chamber.

In addition, the Council is obliged by law to allow members of the public to take photographs, film, audio-record, and report on the proceedings at public meetings. The Council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

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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.

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Schedule of Planning Applications

PLANNING COMMITTEE - Tuesday 19 July, 2022

COMMITTEE AGENDA

1 Kings Head Public House
115 Upper Street
Islington
LONDON
N1 1QN

2 Kings Head Public House and Former North London Mail Centre
115 & 116-118 Upper Street
London
N1 1AE

1 Kings Head Public House
115 Upper Street
Islington
LONDON
N1 1QN

Application Number: P2017/0888/LBC
Ward: St. Marys - historic
Proposed Development: FURTHER RECONSULTATION: Amendments to scheme - updates to internal layout of the Kings Head Public House to reflect fire safety regulations. REVISED DESCRIPTION: listed building consent for the demolition of the lean-to dressing room at the rear of 115 Upper Street; erection of a first floor extension to the Kings Head; installation of new plant to the rear; works to the first floor roof terrace; reinstatement of a rooflight to ground floor rear room; refurbishment and conversion of rear room and alterations to front bar; reconfiguration of existing upper level ancillary staff accommodation. Full Planning application Ref P2017/0800/FUL also submitted.
Application Type: Listed Building
Case Officer: Matthew Woodhead
Name of Applicant: -
Recommendation:

2 Kings Head Public House and Former North London Mail Centre
115 & 116-118 Upper Street
London
N1 1AE

Application Number: P2017/0800/FUL
Ward: St. Marys - historic

Proposed Development: RECONSULTATION: Changes to the theatre within the Islington Square, additional information relating to fire safety and updates to the internal layout of the Kings Head.
REVISED DESCRIPTION: The provision of a theatre consisting of up to 250 seats in Block B of the Islington Square development at ground, first and basement levels; a new entrance lobby courtyard between the east elevation of Block B in Islington Square and the rear of 115 Upper Street; variation to retail unit G1 in Islington Square to facilitate access to the proposed KHT entrance; formation of a canopy over the new entrance; the use of all of the Kings Head Theatre space at 115 Upper Street as a public house on relocation of the Kings Head Theatre; the demolition of the lean-to dressing room at the rear of 115 Upper Street; erection of a first floor extension to the Kings Head; installation of new plant to the rear; works to the first floor roof terrace; reinstatement of a rooflight to ground floor rear room. Listed building Application Ref Number P20170888/LBC also submitted.

Application Type: Full Planning Application

Case Officer: Matthew Woodhead

Name of Applicant: Mr - -

Recommendation:

London Borough of Islington

Planning Committee - 7 June 2022

Minutes of the meeting of the Planning Committee held at Council Chamber - Town Hall on 7 June 2022 at 7.30 pm.

Present: **Councillors:** Klute (Chair), North (Vice-Chair), Poyser (Vice-Chair), Clarke, Convery, Hamdache, Hayes, Ibrahim and Jackson

Councillor Martin Klute in the Chair

12 **INTRODUCTIONS (Item A1)**

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

Chair informed the meeting that 2 newly elected members of the committee in attendance would not be participating in the consideration of any of the deferred items on the agenda but will be at meeting as observers. The Chair reminded the meeting that with regard to all the deferred items, Committee will not be revisiting the entire application but strictly focus on the reasons for deferral.

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

There were no apologies for absence.

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

There were no declarations of substitute members.

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

Councillor North declared a personal interest with regards to item B1, B2 and B3.

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

The order of business would be as per the agenda.

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

RESOLVED:

That the minutes of the meeting held on 4 April 2022 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

18 **MEMBERSHIP, TERMS OF REFERENCE AND DATES OF MEETINGS - TO FOLLOW (Item A7)**

RESOLVED:

- a) That the Sub-Committees be confirmed as five member Sub-Committees and that the terms of reference be noted.
- b) That the allocation of seats was determined in accordance with the advice in the report.
- c) That Councillors North, Clarke, Convery, Jackson and Hamdache be appointed as members of Planning Sub-Committee A for the current municipal year or until their successors are appointed.
- d) That Councillors Poyser, Ibrahim, McHugh, Hayes and Klute be appointed as members of Planning Sub-Committee B for the current municipal year or until their successors are appointed.
- e) That it be noted that Councillor North had been appointed Chair of Planning Sub-Committee A and Councillor Poyser had been appointed Chair of Planning Sub-Committee B for the municipal year or until their successors are appointed.
- f) 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.

19 **34 YORK WAY (JAHN COURT) 34B YORK WAY (THE HUB), ALBION YARD AND IRONWORKS YARD, REGENT QUARTER, KINGS CROSS, LONDON N1 - FULL PLANNING APPLICATION (Item B1)**

Refurbishment of existing building; 5 storey partial infill extension to eastern elevation, single storey extension to northern elevation and two storey roof extension with roof terrace to provide additional Office floorspace (Class E(g)(i)); reconfiguration and alterations of front and rear entrances to the western and eastern elevations; provision of one flexible Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i)) unit at ground floor level; provision of cycle store and associated facilities at basement level and plant at basement and roof level with green roofs and other associated works. Listed Building Consent application: P2021/2360/LBC also submitted.

(Planning application number: P2021/2270/FUL)

Councillors Klute, Jackson, Ibrahim, Clarke, Convery, Poyser and North were involved in the consideration of this item. Councillors Hayes and Hamadache did not take part in its consideration.

Item was taken in conjunction with item B2 which is seeking listed building consent.

In the discussion the following points were made:

- The Planning Officer advised Committee that since the report was published 2 further representations were received by Council requesting an additional condition and questioning the Design and Access Statement and illustrations that had been submitted with the application. With regards to the additional

condition, members were advised that were planning permission to be granted the plan will be formalised so as protect the amenity of neighbouring residential occupiers.

- Item was deferred from the committee meeting of 22 February to address concerns that the building is a floor too high, noting that its removal would give it a better proportion and secondly that a reduction in both its massing and height would result in the improvement of its daylight and sunlight impact.
- In addition the Planning Officer reminded the meeting that committee requested applicants to consider improving the affordable workspace offer and more importantly to increase the 10 years lease and for the activation on York way frontage to be increased.
- The Planning Officer advised that the revised proposal had resulted in the building massing being reduced, that the floors have now been set back and that the floor uplift has been reduced by 153sqm, which has resulted in a significant improvement in daylight and sunlight impacts.
- Members were advised that following amendments to both applications, the affordable workspace will now be provided separately for each application and to be located on-site within each application scheme, noting that should both schemes be approved, cumulatively, the total floorspace to be provided separately across each application amounts to 448.7sqm which when taken together would result in an uplift of (15%) in the total provision of affordable workspace from the previous scheme of 388sqm.
- Meeting was informed that in response to residents request there is a proposal to remove the proposed flattening of the cobbles east -west in Albion Yard.
- With regard to reductions in impacts to daylight, the Planning Officer advised that the reduction in mass to the fourth storey has led to betterments with the reductions to daylight and sunlight to neighbouring properties.
- In comparison to the scheme presented to the Committee on 22 February 2022 when a total of 278 windows and 149 rooms to neighbouring properties were now assessed, 42 (15.1%) of the windows and 12 (8.1%) of the rooms would see reductions beyond the BRE guidance criteria (when using the VSC criteria for the windows and the daylight distribution (the NSL test) criteria for the rooms) and that following the latest amendments to the scheme, the revised Daylight, Sunlight and Overshadowing Assessment confirms that of the same windows and rooms tested, now only 27 (9.7%) of the windows and 7 (4.7%) of the rooms would see reductions beyond the BRE guidance criteria (when using the VSC criteria for the windows and the daylight distribution (the NSL test) criteria for the rooms).
- Noting the above, the meeting was advised that although a number of windows and rooms would see a betterment to the reductions to neighbouring properties, transgressions are still reported to neighbouring properties at the Ironworks, the Copperworks, Albion Buildings, Albion Walk and Balfe Street.
- On the issue of impacts to Sunlight, the Planning Officer reiterated that with the scheme presented to the 22 February 2022, 214 windows were assessed, of which 201 (93.9%) are BRE guidance compliant and only 13 (6.1%)

neighbouring windows would have seen transgressions beyond the BRE guidelines.

- In response to the question about the affordable workspace offer, the Planning Officer noted that in the case of the current application, the workspace is to be located on the ground floor of the Jahn Court building, that the area will be 241sqm which represents 10.7% of the uplift in office floorspace. In addition, the Planning Officer advised that the space will be open plan and is proposed to be fitted out to a Category A standard and that the lease length of the proposed affordable workspace offer has been increased from 10 years to 20 years on a peppercorn rent.
- On the request to further enhance the active frontage along York Way, members were advised that this will involve providing new door openings and awnings to this elevation, which will provide greater prominence to this frontage and interface with York Way. The changes include lowering of the window cills and the introduction of glazed doors and retail canopies, and tables and chairs on the street.
- An objector was concerned that none of the reasons for deferral had been addressed, that the revised scheme was simply tinkering at the edges, that the scheme is predominantly commercial focussed and not resident centered, that a reduction of 1.3m was not sufficient to address issues of sunlight and daylight loss to residents. The objector requested that the committee refuse planning permission as the scheme lacked imagination.
- Another objector was concerned that despite resident's approaching the developers in good faith, all their concerns had not been addressed, for example the cycle storage remains a security risk and all anti-social related activities had not been resolved. Objector questioned why Islington Policies and London Plan were being disregarded by developers for example the Tall Buildings Policy has been given little weight and that local residents are designed out of the scheme and that for local residents there still remains that sense of enclosure feeling and should be refused.
- Another Albion Yard resident queried the few concessions from the developer such as the increase in affordable workspace and tenure, noting that the setbacks were not actually setbacks, that the proposed reductions in heights would not address the overlooking issues as it is clearly a design issue. Objector noted that the buildings are still visible, reminding committee that the rear of Jahn court is being extended in an area close to the nearby grade 2 listed building. Resident stated that the scheme fails to meet both Council's greening and carbon emission targets. Another concern was the loss of 65 cycle spaces and its replacement with only 10, that in general the scheme has too many harms and few benefits so should be refused.
- Another objector queried the design of the scheme stating that the applicant has not sufficiently demonstrated the scheme's positive impact on local residents, businesses and visitors, requesting that if committee were minded to grant planning permission, conditions attached should extend beyond addressing concerns during construction activities but after occupation and long term impact on the amenity of residents.
- An objector from Impact Hub indicated that although he was not against the redevelopment in principle, he requested that the proposed affordable

workspace be switched back to 34B York Way because its loss from the Hub would have an impact on the good work and job opportunities being provided at present.

- Councillor Hyde on behalf of her constituents although welcoming attempts by the applicant to improve the scheme was still concerned that the scheme is still too big, noting especially how the developers have related with the residents requesting that the scheme be deferred.
- In response, the agent advised that since the item was deferred, the team worked with officers to address issues raised by Committee, noting that the scheme is now lower in height and massing, that it is a sustainable development providing space for SME's and noting that the scheme secures a CIL contribution of £1.3m via s106.
- The agent informed the meeting that the revised scheme has resulted in a significant height reduction, noting that the overall height of the proposed development has been reduced by 1.3 metres, that the massing of the proposed roof extensions has been reduced at various levels for example the fourth floor extension has been recessed by 2.8 metres from the northern elevation; the fifth floor east infill extension is to be recessed by 1.5 metres from the eastern elevation; the fifth floor gallery and plant level is to be recessed by 3.7 metres from the north and recessed by 1.1m to the east; and the upper roof plant level recessed by 3.4 metres to the north and recessed by 3 metres to the east, as well as reduced in height by 1.3 metres.
- In addition to the above the agent reiterated that amendments have resulted in a proposed uplift in GIA, that the floorspace has been reduced from 2,404sqm to 2,251sqm which equates to a reduction of 153sqm of floorspace from the previous scheme and is not considered to be in conflict with the Council's land use policies.
- The agent acknowledged other issues highlighted by the Planning Officer with regard to affordable workspace provision within Jahn Court on the ground floor and the extended tenure from 10years to 20years, the removal of the flattening of the cobblestones in order to address accessibility concerns.
- Members were reminded that that no objections were received from the Council's Design and Conservation Officers and Historic England in terms of the height, design and massing.
- With regard to the Estate management plan, the agent acknowledged resident concerns, welcoming the plan and its commitment to maintaining a high level of security on the estate and will employ security consultants and the provision of CCTV to deter criminal activities.
- Councillor North proposed a motion to amend the wording of the estate management plan condition, that the frequency of meetings held with residents should be increased and this was seconded by Councillor Jackson. It was also agreed that the initial wording of the estate Management plan should be worked up in conjunction with residents.
- In response to overdevelopment concerns on the site, the agent reminded committee that the project has been an on going exercise of over 2.5 years and had gone through a number of iterations and consultations by both the Design Review Panel and Historical England who have raised no objections.

- On the issue of reduced cycle parking from 65 to 10 secure places, the agent advised that given that there was previously a lack of any formal consent or allocation for residential cycle parking, the provision of 10 dedicated cycle parking spaces for residents is considered to amount to an improvement on the existing situation and an overall benefit.
- During Deliberation, the Chair noted that the massing concerns appear to have been resolved with the roof design being remodelled, noting the affordable workspace offer and in particular the extended lease to 20 years. He also welcomed the suggestion by applicants that if demand for cycle storage increases, applicants were willing to revisit the issue. The Chair proposed that the wording of the relevant condition be amended to state that a minimum of 10 spaces be provided.
- A member welcomed the revised scheme as a considerable improvement, that the benefits of the scheme outweigh the negative impact which was not the case when it was previously considered at the February meeting. Member requested that the estate management plan be amended to ensure that the same hours of use for the roof terraces be applied to the use of external spaces within the site.
- A member requested a refusal on grounds of the site being overdeveloped and its over intensification, noting that this was not a derelict site which required further redevelopment. Member stated that this was more of an issue of site management rather than the nature of the building querying the need for office spaces when there were so many vacant office spaces in the area.

Councillor North proposed a motion to grant Planning Permission. This was seconded by Councillor Jackson 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 amended additional condition 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.

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34 YORK WAY (JAHN COURT) 34B YORK WAY (THE HUB), ALBION YARD AND IRONWORKS YARD, REGENT QUARTER, KINGS CROSS, LONDON N1 - LISTED BUILDING CONSENT (Item B2)

Listed Building Consent application in connection with external works to parts of Jahn Court at 34 York Way, which adjoin the exterior of the Listed Building at 34B York Way, comprising of the removal of paving and railings and structures/fixtures for the glazed front entrance and skylight to Jahn Court; and the re-provision of a new front entrance structure adjoining the listed building, and replacement paving

and associated works, adjoining the listed building, and replacement of entrance door with glazed door. Associated planning application ref: P2021/2270/FUL.

(Planning application number: P2021/2360/LBC)

In the discussion the following points were made:

- Item was considered with item B1 which is a linked application for a full planning permission (see details above).

Councillor North proposed a motion to grant Listed Building Consent. This was seconded by Councillor Jackson 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, listed building consent be granted subject to the conditions and informatives set out in Appendix 1 of the officer report.

21

TIMES HOUSE AND LAUNDRY BUILDINGS (4-6 BRAVINGTONS WALK 8 CALEDONIA STREET AND PART GROUND FLOOR AREA OF 3 BRAVINGTONS WALK) LAUNDRY YARD AND PART OF CALEDONIA STREET, REGENT QUARTER, KINGS CROSS, LONDON N1 (Item B3)

Refurbishment of existing buildings; partial demolition and infill extensions to the southern, northern courtyard and western elevations at ground, first, second, third and fourth floor level and one storey roof extensions to provide additional Class E(g)(i) Office floorspace at Times House; removal of plant room and entrance, alteration to the elevations and enlargement of existing windows to Laundry Building; further works include the provision of three flexible Food and Drink (Class E (b)) and/or Bar/Drinking Establishment (Sui Generis) units, and four Retail (Class E (a)) units at ground floor level; provision of outdoor terraces at first, fourth and fifth floor levels, basement cycle storage and associated facilities, green roofs, plant at basement and roof level; public realm works to Laundry Yard and infrastructure and related works, and new cycle parking on Caledonia Street.

(Planning application number: P2021/2269/FUL)

In the discussion the following points were made:

- The Planning Officer reminded the meeting that item was deferred from the meeting of 22 February 2022 that Members expressed similar concerns raised with the Jahn court application.
- Item was deferred in order for the applicant to review the massing of the building in order for betterments to the daylight and sunlight transgressions, to reduce perceived harm to neighbouring amenity and to reduce the heritage impacts.
- Meeting was advised that since report was published officers had received one further representations however officers were of the view that issues

were not of material considerations and had already been covered in the report.

- The Planning Officer advised that if planning permission is granted by Committee, an Estate Management Plan to protect the amenity of neighbouring residential amenity is to be included, highlighting in particular the management arrangement for the ground floor commercial uses within Times House and Laundry Buildings
- Meeting was advised that the building massing has now been reduced by setting back the floors and floor uplift reduced by 164sqm. In addition members were advised that in light of the reductions and revisions to the scheme it is noticeable that there are few transgressions with regards to daylight and sunlight impacts. The revised scheme has also secured an improved affordable workspace with an extended lease from 10years to 20 years, an uplift of space by 15% on this site.
- With regards to residents objections to loss of informal cycle storage, the meeting was advised that scheme now provides 10 dedicated cycle spaces within the basement of Times House for the residents of Regents Quarter to be secured by condition.
- The Planning Officer advised that in light of the above revisions, officers have re assessed the planning balance of the scheme and have concluded that the adverse impacts of the development is now reduced, that the scheme will cause less than substantial harm to heritage assets, that a reduction in height will reduce neighbouring amenity impacts and is now closer to BRE compliance in terms of its impact on daylight received by windows and rooms. The Planning Officer reiterated some of the benefits of the scheme in particular an uplift in commercial floor space, flexible active use unit and greater activation of York Way and on-site Affordable workspace unit for a longer lease from 10years to 20 years
- Members were also reminded that in comparison with the previous scheme of February 22, the visibility from Caledonia Road and public realm is significantly reduced.
- Objector was concerned that the scheme still remains unsympathetic to neighbouring listed building, with no plans to mitigate noise and pollution concerns or a potential increase in the footfall. Objector was concerned that in light of the ongoing anti-social activities around the area, the scheme fails to sufficiently address it especially as licensing conditions attached to retail units and drinking establishments were not being enforced. In addition objector was disappointed with the lack of consultation with residents despite committee's suggestion at the previous meeting. Objector noted that scheme fails to meet both the Council's greening and emission targets for delivering a greener and cleaner community, requesting the committee to refuse granting planning permission.
- Another objector was concerned that precedence was being set if scheme is granted planning permission, noting that it is an overdeveloped site which will result in no benefit for both Jahn Court and Times House residents. Objector questioned the need for office space reminding members of post covid times and changes to working arrangements and nearby vacant office buildings as evidence of no justification for the scheme.

- Another resident representing a local resident group noted that the revised application before committee was not informed by any input provided from the 40 residents. The objector reiterated earlier objectors concerns of no demand for office space, that the scheme fails to address the concerns of businesses on Caledonia road as it introduces more competition in an area where most businesses are struggling and the loss of cycle spaces could not be viewed as beneficial to residents.
- In response the agent indicated that the team had taken on board resident's and stakeholder's concerns and had made changes as requested by the Committee. The agent reiterated the key amendments to the scheme, noting the reduction of height and massing, that in general there has been a reduction across the building of 0.5metres. The agent stated that in light of the reductions to the height and massing, there has been a significant improvement to daylight sunlight levels to the surrounding residential properties.
- On the issue of service charges raised by objectors regarding cycle storage, the agent acknowledged that in light of the revised scheme and the provision of cycle spaces, charging arrangements will be revisited going forward.
- During deliberation, the Chair reminded the meeting that the issues with this application are similar to Jahn Court, acknowledging that the reduction in height and massing has had a significant impact in terms of visual impact
- A Member welcomed the provision of affordable workspace and the extended lease, that the daylight and sunlight concerns had been addressed and that the few transgressions is to be welcomed.
- Member reiterated an earlier suggestion that the wording of the Estate Management plan be reworded to that similar to the Jahn Court application so as to protect the amenity of neighbouring residential occupiers.

Councillor Klute proposed a motion to grant planning permission. This was seconded by Councillor North 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 the additional condition outlined above; 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.

22 HOSTEL AND PREMISES, 38-44 ISLINGTON PARK STREET, LONDON N1 1PX (Item B4)

Change of use of existing HMO (House of Multiple Occupation) to allow for the creation of 7 no. self-contained residential units (3 no. 1-bed flats, 1 no. 2 bed flats, 2 no. 3 bed houses and 1 no. 5 bed house). Excavation at lower ground floor level

to increase the floor to ceiling heights and enlarge existing rear lightwells. Alterations to front and rear elevations including installation of metal railings, new access gates and proposed landscaping, refuse and cycle parking provision, and other associated works.

(Planning application number: P2019/2651/FUL)

Cllr Klute, Poyser, Convery, and Clarke were involved in the consideration of this item on the basis they were members of the committee that originally considered the application.

In the discussion the following points were made:

- The Planning officer informed the meeting that since the publication of the agenda, additional representations had been received however no new issues were raised except in relation to reinstating the highway conditions in the Head of Terms.
- Meeting was advised that between the granting of Planning permission and issuing of the decision notice, additional representations had been received raising a number of concerns with the proposal, including the request for a revised Site Location Plan and the proposed ground floor plan showing alterations to the position of the proposed refuse and cycle storage, which has been submitted and further consultation carried.
- The Planning Officer advised that 6 objections were received from neighbours, representations which are noted in paragraph 6.5 of the report and that in response applicant has made changes notably that No 38 Islington Park Street is now included within the boundary and changes to the ground floor plan relates to the location of the refuse storage and cycle storage to the 3 houses on the left hand side of the site and the flats within No 44.
- Another area of concern is in relation to the access through the site via Islington Park Street to the rear, with neighbouring residents describing it as a right of way. In response the Legal Officer advised that the access route at the rear is not a public right of way and therefore no highway implications for the committee to consider.
- Meeting was advised of the relocation of the refuse storage for the 3 houses to the front and the refuse storage of the flats to be retained to the rear but set back from the rear gardens. The cycle storage has been submitted as part of the application and has been conditioned.
- Another resident living next to the application site raised concerns about the location of the bin storage at No 38 and its impact on listed railings.
- Another neighbouring resident requested committee refuse granting permission on grounds of plans to pave over large parts of the green space of the property to the rear of the family which is out of character to other properties in the area.
- Objector was concerned that despite assurances regarding the siting of the bins and bicycle storage units to the front by Planning officers, it was disappointing that officer recommendations to the applicant had not been adopted in the latest revised proposal

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- Another resident highlighted concern about the secluded bike storage in light of the prevailing anti-social behaviour activities in the area and level of noise that the scheme will attract.
- In response the agent reiterated that the essence of the scheme is to bring back a vacant building into use for social rented housing.
- With regard to the listed building concerns, the agent advised that there are no proposals to introduce brick work despite its presence on the drawing plans, that issues around external boundary treatment and bin stores will be addressed via conditions to ensure that it is sympathetic to the frontage of the property.
- With regard to the siting of refuse and bicycle storage, the agent reiterated that although not privy to communications between planning officers and residents, it was agreed from a practical point that the front of the house would not be big enough to accommodate useable bicycles storage and refuse storage. An option on whether bicycles could be taken through the houses was considered but it was noted that there is no linear route through the house so not regarded as a suitable option.
- In terms of seclusion and crimes, the agent reiterated that One Housing Group is willing to consider putting additional measures in place to help reduce crime in the area such as lighting.
- Members were reminded that refuse and cycle parking is a necessary part of providing quality housing accommodation, reassuring the committee that as landlords, One Housing Group will be managing the property so it will ensure it is used properly and address any anti- social concerns.
- On the practicality of relocating the refuse bin to the front for collection, meeting was advised that refuse collection is normally through the access route at the rear boundary of the property, reminding members that 3 of the refuse will be to the front and the large refuse bins for the flats will be at the rear.
- With regard to the history of the bin layout, Planning Officer acknowledged previous correspondence with the residents but reiterated that having considered its impact on the Barnsbury Conservation area and the size of the units and space available it was considered that the proposed siting was the best option, reminding members that there is no policy requirement to site such units in the front of the property.
- In response to concerns of the impact of the bins on the railings of No 36, the Chair proposed a motion requesting that the bins be moved at least 900mm away from the boundary. This motion was seconded by Councillor Clarke and was agreed that the wording of condition 6 be amended by officers to reflect this motion.
- During deliberation, the chair welcomed the materiality of the condition as suggested by the applicant, and that considering the footprint of the units and the space it will take up, it would not be appropriate to put both units in the front especially with the height of the units and its impact on Barnsbury Conservation Area.
- A member welcomed the scheme stating that in light of recent trends in the borough where houses are converting their front gardens into drive ways,

the siting of cycle storages in front of properties would be ideal for cycle security, discourage car ownership and encourage more cycling.

- Members agreed to delegate the wording of condition 6 to officers in order to mitigate impact of the proposal on the railing of No 36 resident and that the refuse bins for No 44 be relocated to the front of the property.

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 amended condition stated above; 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

23

30 BASTWICK STREET, LONDON EC1V 3 PS (Item B5)

Demolition of existing building and construction of a four-storey building (with basement levels) comprising Office use (Class E) with associated works

(Planning application number: P2021/1692/FUL)

Only Councillors Klute, Poyser, Jackson, North and Convery were involved in the consideration of this item on the basis they were members of the committee that originally considered the application.

In the discussion the following points were made:

- Meeting was advised that since publication of report, no additional representations had been received noting that the number of objectors still remain as 35.
- The Planning Officer advised that since the committee meeting of 4 April the applicant has further revised the scheme, noting that although the floor plan for the first floor still remain as previously proposed, the roof along the boundary has been amended from a flat roof to a pitched roof which adjoins the neighbouring external amenity spaces at first floor level to Pietra Lara. The height of the resulting rear wall will now match that of the existing wall boundary with the amenity areas whilst the pitched roof will reduce the massing above.
- Members were advised that the pitched roof will therefore reduce the scale of the proposed building and reduce the feeling of a sense of enclosure and that the step back approach addresses the concern of residents in terms of impact on resident amenity.

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- Members were reminded that although the proposal includes dedicated SME floor space with the provision of 4 units at basement level measuring a total of 281sqm, equating 15.8% of the overall GIA, it still remains as previously proposed. However, due to the decrease of overall office space above and given further setbacks the proportion of the SME floor space has now increased to 16.5% GIA.
- With regard to daylight assessment, the Planning Officer noted that the quantum of reductions beyond BRE guidance has now significantly reduced particularly the Pietra Lara building, that although the previous scheme had 3 windows with transgressions beyond BRE guidance in VSC, all windows now meet BRE guidance, whilst for NSL, the number of transgressions has been reduced from 6 to 5 with betterments to the rooms.
- It was noted that with regards to Pietra Lara there are now no BRE transgressions to both VSC and NSL, that the transgression is either VSC or NSL and not both.
- In the case of 26, 27 and 29 Bastwick Street, the Planning Officer acknowledged that the reductions have resulted in minor improvements, with regards to 37 Bastwick Street, there is one slight improvement to the 3rd floor window, however in the case of 41 Central Street there have been no betterments so remains as previously proposed.
- The Planning Officer acknowledged that in regard to sunlight, transgressions have been reduced and there has been a slight betterment in regard to overshadowing of the garden of 45 Central Street although it does not meet BRE guidance.
- The Planning Officer noted that following suggestions at previous meetings, Officers have amended conditions 11 and 12 respectively to address the times for delivery to be restricted to daytime hours only 07.00-2300 and for construction activities to be permitted Monday to Friday and no Saturday activities.
- In response to a question about reconsultation on the revised scheme, the Planning Officer stated that there is no statutory requirement for consultation as changes in the revised scheme were changes to do with the betterment of the scheme.
- An Objector acknowledged the possible improvement to daylight loss as a result of the proposed pitched roof but reminded meeting that there here are still issues with the massing at the back; that these marginal changes will only result in marginal benefits. The Objector was concerned that he was unable to access developers plan, reminding committee that Pietra Lara built in 2000 is not an old development, noting that committee request for the applicant to reduce the density concerns has not been addressed and urged members to reject the application as it was too dense a development.
- A resident of Bastwick Street representing the 12 flats in a neighbouring block west of the proposed building had concerns about the proposals darkening its neighbours, that at the meeting in February, members deferred specifically for the applicant to explore ways of reducing the darkening. Objector reminded Committee that at the April meeting, the Chair stated that modifications to the scheme had produced little improvements, noting that considering the applicant was able to half the "light violations" to rooms and

windows from 16 to 8 within the revised scheme indicates more could be done especially as this was achieved with the loss of 3% in floor space.

- Another objector also noted the impact of the scheme on the garden at 45 Central Street which loses all its sunlight, requesting more could be done to resolve the impact of neighbouring amenity by reducing the massing. Objector had concerns about the light survey results due to its inconsistencies and inaccuracies stating that scheme should not be approved on those basis. Another neighbouring resident informed the meeting that the revised scheme did not take into account resident's views as was suggested by members at the last meeting when item was deferred and requested a refusal outright. The Objector acknowledged that he expected some of light as a result of the scheme but not a total loss of light reminding members that in the Officers report, it was acknowledged that 8 windows still have light transgressions.
- Objector informed the meeting that after every deferral, developers resubmitted another revised scheme by shaving off slices of the blocks with the hope that committee will eventually grant planning permission, that this is not an innovative approach, especially as the revised scheme is not keeping with the character of the area, that the developer had not taken on board comments regarding its design from objectors or councillors at any point of the whole process.
- Councillor Graham noted that despite a number of deferrals as a result of reported inaccuracies with submitted plans and illustrations and residents' concerns, the scheme still fails to address amenity issues of existing and neighbouring residents, that the developer has treated the committee with contempt from the onset and should be rejected especially as developer had been given sufficient opportunities to improve the scheme and have failed substantially, that the developers must have hoped that by introducing minor changes, the committee will be minded eventually to agree planning permission, noting that there is no reason for this block to be built in that location.
- On the issue of lack of consultation, the agent informed the meeting that this was carried out by way of door knocking and virtual consultations in May 2020, that face to face meetings with individuals were held for those who could not make those sessions and the team have attended committee meetings both in February and April responding to concerns raised by residents and members.
- Meeting was reminded by the Planning Agent that the scheme will create 200 jobs, rejecting the argument that there are vacant offices nearby and no demand for office space.
- Members were advised that the proposal will produce a high percentage of SME floor space, noting that this is a building of approximately 60 years old and clearly a development site, that the revised scheme will address the sense of enclosure concerns with the setbacks introduced and also cut back to the top floor significantly which ensures that the BRE guidelines are adhered to reminding the meeting that this a tight and difficult site and team have been aware since the pre-application stage in Dec 2020 daylight and sunlight would be the key issue.

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- Members were advised that in terms of daylight sunlight issues, since the April meeting a number of changes to the proposal have resulted in an improvement, that in comparison to the previous scheme of the 221 main habitable room windows tested only 2 windows fall short of the BRE VSC component test result which is at 37 central street and that it is important to note that these are marginal shortfalls in some of the windows.
- In terms of daylight distribution all of the room pass the test with the exception of 7 rooms, and with the exception of 2 windows, all other neighbouring windows meet the VSC test which indicates all of the windows receive sufficient light and that the design of the single aspect room that prevent the scheme from meeting the daylight distribution recommendations.
- The Planning Agent noted that in terms of sunlight, there has been some betterments in the result to the scheme, that all of the windows pass with the exception of 5 windows. However these windows don't appear to be serving main living rooms and a number of them serve bedrooms.
- On the issue of overshadowing of gardens and open spaces the agent disputed the assertion that 45 Central Street would be plunged into darkness as the test on whether it receives 2 hrs of sunlight on 21 March is given as an average for the year and it means that during the summer months it receives more than 2 hours of sunlight.
- In response to a question on whether the living room windows in the Pietra Lara building that face the proposed site were dual or single aspect, the Planning Officer indicated that from the floor plans, the 2 flats within the central element of Pietra Lara were single aspect looking out to the back whereas the 2 on the flank of the building do benefit from dual aspect, with front and rear outlook.
- In addition to the above, the Planning Officer stated that with regards to flat 2 which lies to the eastern most side of the site it has both front and back dual aspect for the living kitchen diner but with regards to flat 5 on the other side which is closer to No 44 Pear street it is dual aspect as a unit but not as a room so it has either the living room or the bedroom at the back.
- The Chair reiterated that item was deferred mainly on the issues of sunlight daylight and a sense of enclosure, noting that although there has been some inroads most of the concerns have not been sufficiently addressed properly. The Chair was also concerned that the only view for Pietra Lara residents would be only through the rear of the building straight on to the proposed site and that it appears that in an attempt by the applicant to address the sunlight daylight issues, the changes have made the design worse and that the cutbacks have actually resulted in an increased sense of enclosure for residents due to the bunker-like quality of the rear elevation.
- A member acknowledged some betterments to daylight and sunlight concerns however some issues still exist especially to the rear elevation.
- Another member stated that since the last meeting nothing significant has been done to what was previously considered in February that issues of design still remain and nothing to address the issues raised by residents and it appears that the design of the scheme does not appear to suit the area.

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- A Member acknowledged that although the applicant had made incremental changes to improve the design, the scheme cannot be viewed as a coherent scheme, that the small cutbacks and setbacks appear inadequate.
- The Chair in summary noted that although the previous reasons for deferral were limited, the opportunity to address those previous reasons have now generated more problems for the scheme in terms of poor design, an unreasonable sense of enclosure, massing, continued daylight and sunlight issues and overshadowing of gardens, noting that these issues have not been properly addressed by the scheme.

Councillor Klute promised a motion to refuse planning application on the basis of reasons stated above. This was seconded by Councillor Poyser and carried.

RESOLVED:

That planning permission be refused for the reasons set out above, the wording of which was delegated to officers.

The meeting ended at 11.30 pm

CHAIR

PLANNING COMMITTEE REPORT

 Development Management Service
 Planning and Development Division
 Community Wealth Building Department

PLANNING COMMITTEE		AGENDA ITEM	B1
Date:	19 July 2022	NON-EXEMPT	

Application number	P2017/0800/FUL and P2017/0888/LBC
Application type	Full Planning Application and Listed Building Consent
Ward	St Mary's Ward
Listed building	Grade II Listed
Conservation area	Upper Street (North)
Development Plan Context	Town Centre (Angel) Article 1b (i) – Upper Street (North) Site Allocation AUS1 – (Almedia Street Sorting Office/Formal North London Mail Centre) Archaeological Priority Area – Islington Village and Manor House Within 50m of TLRN Road (Transport for London Road Network) (A1)
Licensing Implications	Premises Licence Required
Site Address	Kings Head Public House and Former North London Mail Centre, 115 & 116-118 Upper Street London N1 1AE
Proposal	<p>Planning Application for: The provision of a theatre consisting of up to 250 seats in Block B of the Islington Square development at ground, first and basement levels; a new entrance lobby courtyard between the east elevation of Block B in Islington Square and the rear of 115 Upper Street; variation to retail unit G1 in Islington Square to facilitate access to the proposed Kings Head Theatre entrance; formation of a canopy over the new entrance; the use of all of the Kings Head Theatre space at 115 Upper Street as a public house on relocation of the Kings Head Theatre; the demolition of the lean-to dressing room at the rear of 115 Upper Street; erection of a first floor extension to the Kings Head; installation of new plant to the rear; works to the first floor roof terrace and reinstatement of a rooflight to ground floor rear room.</p> <p>Listed Building Consent for: the demolition of the lean-to dressing room at the rear of 115 Upper Street; erection of a first floor extension to the Kings Head; installation of new plant to the rear; works to the first floor roof terrace; reinstatement of a rooflight to ground floor rear room; refurbishment and conversion of rear room and alterations to front bar; reconfiguration of existing upper level ancillary staff accommodation</p>

Case Officer	Matthew Woodhead
Applicant	Cain International
Agent	Metropolis Planning and Design - Greg Cooper

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission and Listed Building Consent:

The planning permission (ref: P2017/0800/FUL) to be:

1. Subject to conditions as set out in **Appendix 1 (Recommendation B)**; and
2. Conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the Heads of Terms as set out in **Appendix 1 (Recommendation A)**

The Listed Building Consent (ref: 2017/0888/LBC) be:

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

2. SITE PLAN

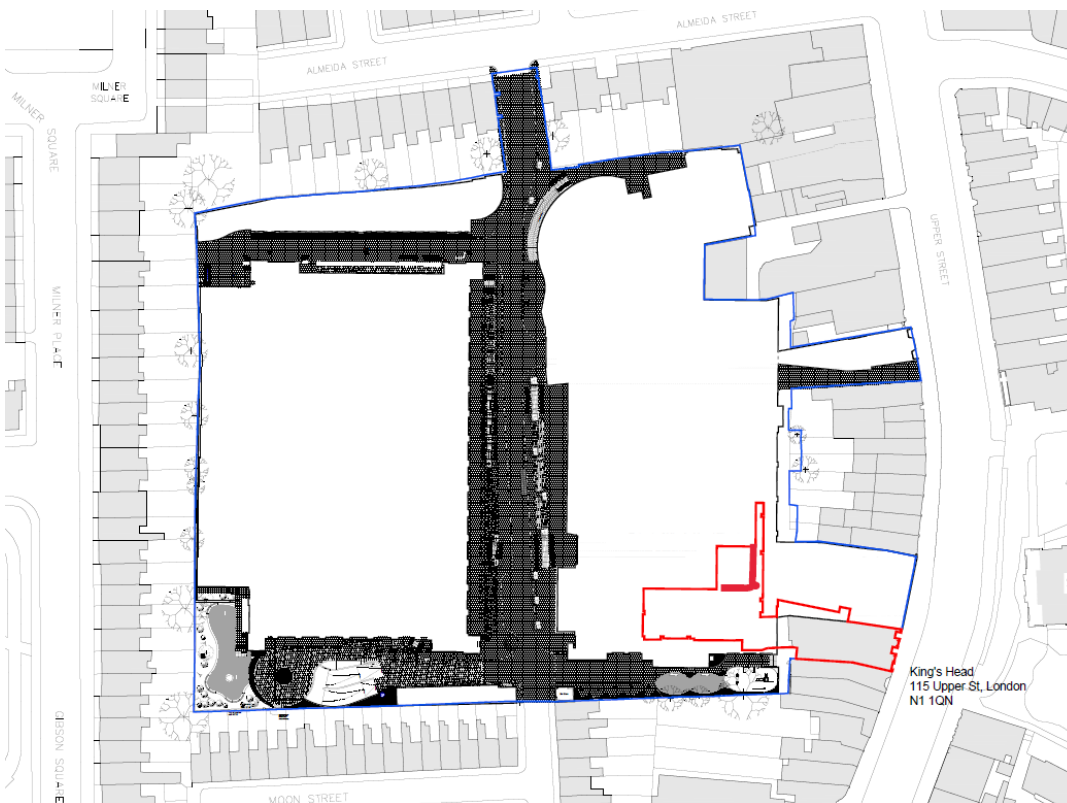


Figure 1: Site Plan in red, with wider Islington Square development in blue.

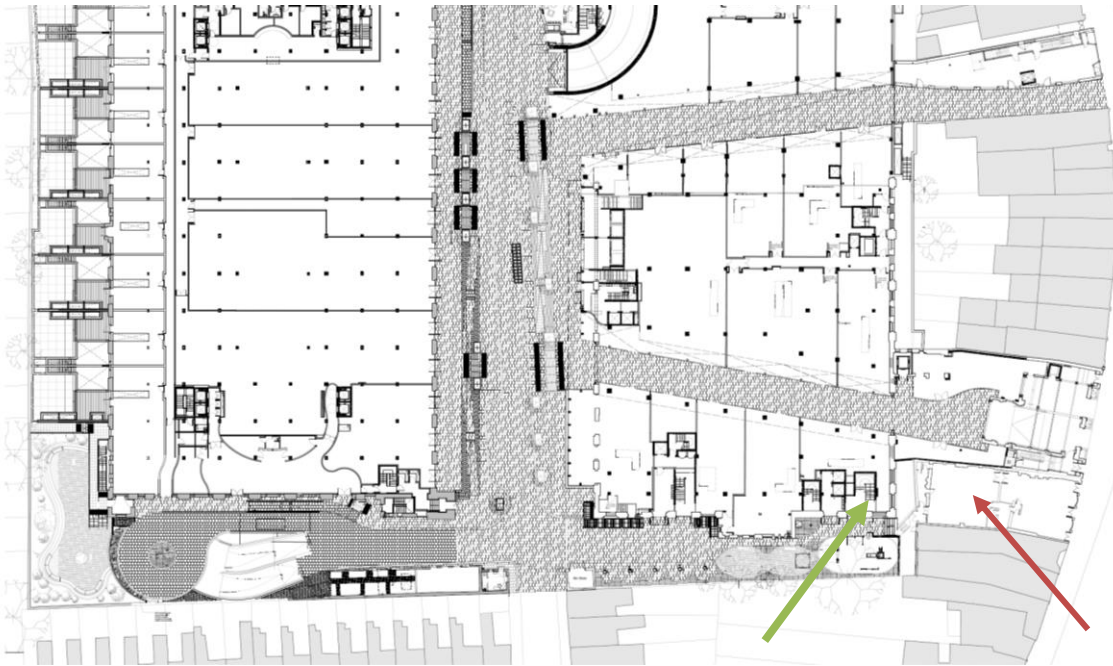


Figure 2: Existing (red) and Proposed (green) Theatre locations

3. PHOTOS OF SITE

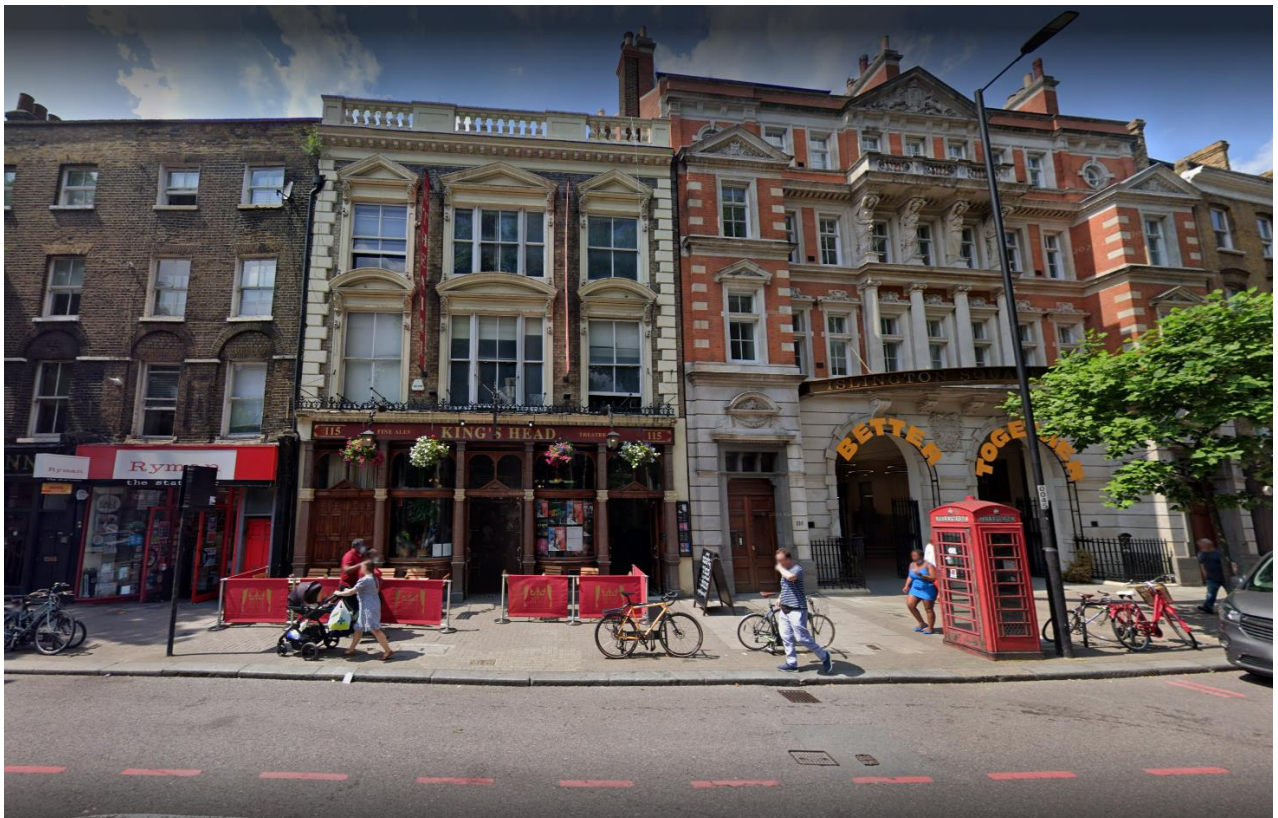


Figure 4: Kings Head Pub/Theatre entrance from Upper Street



Figure 5: View looking onto rear roof of Kings Head public house



Figure 6: Kings Head lean-to extension to be demolished.

4. SUMMARY

4.1 The two applications for planning permission and Listed Building Consent hereby considered were previously considered by the Planning Committee on 23rd April 2018. The

Report that was considered by the Planning Committee at that time is appended to this report.

- 4.2 The Planning Committee made a resolution to grant both applications, subject to the completion of a S106 agreement. The S106 agreement, has to date, not been completed by the parties and therefore a formal determination of the applications has not been made. The Planning Committee is asked to consider the applications afresh and make a new decision in the light of amendments that have been made to the applications. The Planning Committee's previous resolution to grant planning permission and Listed Building Consent is however a material consideration in the determination of these applications.
- 4.3 Since the previous resolution to grant, the applicant has sought to make a number of amendments to the previously considered proposals to address the needs of the theatre and to address changes in legislation. The key changes are summarised below:
- The temporary arrangement of the John Salt Public House is no longer required, with the Kings Head Theatre proposing to move directly into Islington Square;
 - Amendments to the floor area for the theatre from the previous scheme from 720 sqm to 326sqm, which reflect the removal of the mezzanine in the main theatre auditorium and the removal of the secondary studio space;
 - Changes to the Head of Terms for the s106 Agreement to reflect the new lease terms for the theatre, the change to the contribution to the fit out of the theatre space and the fact that a temporary relocation to the John Salt is no longer needed; and
 - Amendments and further information to address Fire Safety requirements.
- 4.4 The proposed development would result in the relocation of the Kings Head Theatre from the existing Kings Head Public House, into the Islington Square development, across sub-ground levels within Block B. The theatre space would be accessed via a courtyard space leading to a small foyer and circulation space providing access to a 250 seat theatre. At present, this space is vacant and is built out to shell and core. The proposal would provide an enlarged theatre space compared to the existing and an enhanced cultural facility within the Angel Town Centre, supporting the vitality of the town centre, a key objective of the development plan.
- 4.5 The existing space within the Kings Head Public House would be refurbished and converted to provide further commercial floor space, along with the removal of the lean-to structure at the rear of the public house, with further internal alterations, the creation of a roof terrace and the introduction of plant to the rear first floor terrace. The removal of the lean-to structure would enhance the setting of the listed public house. The relocation of the theatre enables a change of use of 133.4sqm of theatre space to public house use. Overall, the enlargement of the public house, which forms an integral part of the urban fabric and which is closely associated with the local community, would contribute to the night-time economy, serve the leisure demands of residents and visitors alike, and provides a suitable intensification of a public house use in a Major Town Centre (Angel).
- 4.6 The proposed theatre use within Islington Square would not be dissimilar to the already consented Assembly and Leisure uses within the development, and therefore the principle of the use would not give rise to harmful additional impacts upon neighbouring amenity. A condition is recommended to secure a theatre management plan, this is to ensure that the entrance and exiting of theatre goers is managed in an appropriate way, to minimise disturbance to local residents. The public house use is already established at 115 Upper Street. The enlargement of this space is modest, however, the creation of the roof terrace, given its size and location, could give rise to potential impacts on neighbouring residents.

As such, a series of conditions that include a limit on hours and capacity, and the submission of a management plan, are recommended. These will adequately address any harmful impacts upon neighbouring homes.

- 4.7 Overall, the proposed internal alterations to 115 Upper Street would not cause harm to the historic plan form, would involve minimal loss of historic fabric and would not cause harm to the retained fabric. As such, the proposed works would not adversely affect the special architectural or historic interest of the listed building.
- 4.8 The proposed change of uses would not result in a significant increase in trip generation from the consented uses nor an increase in servicing trips associated with the development. Furthermore, those trips associated with the proposed theatre use would not have any adverse impact on the overall proposed servicing regime or more widely, the local road network, from the baseline of the consented uses.
- 4.9 The proposed development has been designed to a high level of inclusive design with further information provided demonstrating accessibility arrangements. A condition further secures the investigation into the installation of a platform lift within the theatre space, to provide wheelchair access to a range of seating locations. A condition is also recommended to secure a sustainability statement which sets out the use of sustainable materials for the theatre fit out and the operational sustainability of the theatre.
- 4.10 The proposed legal agreement would secure that the theatre space is fitted out before the space within the Kings Head public house is converted, to ensure no break in the theatre use, as well as a contribution to the fit out, the agreed terms of the lease and the retention of the space for theatre groups.
- 4.11 Overall, the proposed development would support the vitality and viability of the town centre, enhance the town centre uses in an appropriate location and would comply with the development plan. It is therefore recommended that planning permission and listed building consent should be granted.

5. SITE AND SURROUNDINGS

- 5.1 The development site is bounded by Upper Street to the east, Moon Street and Studd Street to the south, Almeida Street to the north and Gibson Square to the west. A distinction may be drawn between this and the red line boundary for the application which features an area to the south east corner of the development site under which the new theatre element would be sited, together with the King's Head Pub at 115 Upper Street.
- 5.2 The application site sits within the wider recently completed Islington Square development. The Islington Square development area consists of a large, red brick Edwardian period sorting office to the western side historically known as 'Block A' (Retail and Residential), the grade II listed Post Office building at 116 Upper Street which is referred to as 'Block 'D' (retail), a single storey building to the rear of Almeida Street known as 'Block F' (Office or retail) and, to the south east (and to the rear of Upper Street) a 5 storey building consisting of retained façade which was the former distribution building and is referred to as 'Block B', (residential, retail and leisure). These buildings together have generally been referred to as Site 1.
- 5.3 A new building, 'Block C' (residential and retail) is to the north east of the site and a pedestrian walkway leading off Upper Street into the site separates this element from 'Block B'. Its construction incorporated the former Mitre Public House which fronts Upper Street. The building, with roof structures rising to 5 storeys replaces the former Islington Delivery

Office, an unremarkable late 20th century building. This element of Islington Square has generally been referred to as Site 2.

- 5.4 As indicated, the King's Head Theatre also features within the red line site boundary. Fronting Upper Street and Grade II listed, 115 Upper Street is a 3 storey building dating from 1864 is ornately decorated both internally and externally with polished granite columns, curved bay windows, external wood panelling, granite fireplaces and an island/back bar. Its theatre space to the rear is rather more functional and also features a lean-to extension which houses basic dressing room facilities. The Theatre opened in 1970 and is said to be one of the first Theatre Pubs in London.
- 5.5 Outside of the red line boundary although integral to the wider Islington Square development, as it will serve as the showpiece entrance from Upper Street, is the aforementioned Grade II listed Post Office building at 116 Upper Street. Purpose built around 1906, constructed of brick with stone dressings and a slate roof. It has an elaborate street frontage of red brick and stone which rises above its stock brick terraced neighbours. It is five storeys over basement with a ground floor are decorated with banded rustication and flat arched entrances with architraves in polished granite. There is a centrepiece in the form of four caryatids flanking the third floor window band and supporting a small balcony at fourth floor.
- 5.6 Other heritage assets near or adjacent to the site include the Grade II listed St Mary's Church opposite the post office building and King's Head Theatre on the eastern side of Upper Street, the Grade II listed Almeida Theatre whose rear backs onto the north of the site and a number of terraced houses immediately adjoining the western site boundary on Gibson Square which are also Grade II listed. Both the wider development site and the application site fall within the Upper Street (North) Conservation Area (CA19) whilst the wider development site shares its northern, southern and western boundaries with the Barnsbury Conservation Area (CA10).
- 5.7 In terms of surrounding land uses, Upper Street with its retail uses and evening economy related uses is the dominant characteristic. However, adjoining roads such as Moon Street and Almeida Street are almost all residential in character and incorporate late Georgian and early Victorian housing.
- 5.8 The site enjoys a PTAL rating of 6b (Very Good), the second highest achievable. Angel and Highbury and Islington Underground/Overground Stations are 5 and 10 minutes' walk away respectively and Essex Road train station is approximately 10 minutes' walk. Numerous bus services to various locations both north and south of the site (Barnet, Archway, Hackney, Finsbury Park, Battersea, London Bridge and Oxford Street) run along Upper Street.

6. PROPOSAL

- 6.1 The proposal seeks planning permission for the change of use of the assembly and leisure space (former Use Class D2) now Class E(d) / Sui Generis across a number of sub-ground levels (first, ground, basement, mezzanine and lower basement) of Islington Square Block B. The new use will see the introduction of a 250 seat theatre (Sui Generis) consisting of a main auditorium, bar and circulation space.
- 6.2 Other key elements of the application are as follows:
 - formation of a canopy over the existing courtyard between the Kings Head public House and Islington Square development at ground floor, accessed via the Islington Square south entrance arcade and the retention of historic balustrading;

- the use of the King's Head theatre space at 115 Upper Street as a public house on relocation of the King's Head Theatre Group;
- erection of a first floor extension to the King's Head to allow a new means of escape stair;
- installation of new plant and enclosure to the rear of the King's Head;
- works to facilitate a new first floor roof terrace and a re-instatement of a rooflight to the ground floor rear room; and
- Demolition of the rear lean-to at the Kings Head Public House

6.3 The proposal seeks listed building consent for internal and external works to the King's Head public house itself (P2017/0888/LBC) to enlarge the public house following the relocation of the theatre space. The main elements of the listed building application are as follows:

- demolition of the lean-to dressing room to the ground floor rear;
- erection of a first floor extension;
- installation of new plant and enclosure to the rear;
- works to allow the formation of a first floor roof terrace;
- re-instatement of a rooflight to the ground floor rear room; and
- refurbishment and conversion of the existing theatre space, alterations to front bar and reconfiguration of existing upper level ancillary space to create additional function room and ancillary staff accommodation

7. RELEVANT HISTORY

7.1 As previously noted historically the development area is an aggregation of two separate application sites which adjoin each other both of which were formerly under the ownership of Royal Mail. Two parent applications were made for these sites in 2005 and 2009 and these can be summarised as follows:

7.2 Generally referred to as Site 1, planning approval (P052245) was granted in July 2007 for *'Partial demolition, alteration, extension and change of use of buildings A, B, D, F, and associated outbuildings and structures, to provide a mixed use scheme comprising residential (C3), with the creation of 185 new dwellings (127 private and 58 affordable). Change of use of remainder of buildings with 2348 sq m new floorspace to provide: Business (B1) Retail (A1, A2, A3 including relocation of post office counter), leisure (D2) serviced apartments (temporary sleeping accommodation as defined by the Greater London Planning Act 1973) performance space, rehearsal space and theatre storage, with associated access, parking and landscaping.'*

7.3 The second site (Site 2) (P090774), largely centred around Block C, was the subject of a separate planning application for retail, office and residential uses and was approved in March 2012. Now largely complete, it involved *'The demolition of 5-6 Almeida Street and erection of a part 2, 5, 6, 7 and 8-storey building, above two basement levels, providing for 5,137sqm Class A1 (retail) floorspace, 242sqm flexible Class A1/A3 (retail / café-restaurant) floorspace, 208sqm Class A4 (drinking establishment) floorspace, 859sqm Class B1 (business) floorspace and 78 dwellings, together with cycle parking, servicing and 12 disabled car-parking spaces. Erection of a roof extension, part 2, part 4-storey rear extension and basement to 128 and 130 Upper Street together with associated alterations, access and landscaping.'*

- 7.4 The first significant alteration to one of the parent permissions referred to above was made in 2012 where a Section 73 (Minor material amendment) application (P2012/0256/FUL) was submitted seeking to amend the Block C retail arrangement, particularly the northern access route from Upper Street into the development. This was granted consent in November 2013 under delegated authority.
- 7.5 In 2013 two further Section 73 Minor material amendment applications (P2013/2697/S73 & P2013/2681/S73) were made to vary the above referred parent permissions. More specifically the applications principally sought to amend uses of the floorspace of the approved schemes. The proposed changes related to the ground and basement levels on Blocks B & C and the ground floor of Block A and broadly comprised the: conversion of office to retail in Block A; the loss of basement retail space in Blocks B and C replaced by the relocation of a servicing level in Block C and the introduction of additional leisure uses into basement levels of Blocks B and C. Both applications were granted permission in November 2014 under delegated authority.
- 7.6 Two additional Section 73 Minor material amendment applications (P2017/2870/S73 & P2017/2866/S73) which seek to amalgamate a number of smaller flats across Blocks A and C. The overall number of flats across the development would reduce by 7 from 263 to 256. The affordable element would not be affected by these proposals nor would overall residential floorspace decrease.
- 7.7 The wider scheme has also been subject to a small number of non-material minor amendment applications (Section 96a) although none are considered relevant to the applications that are the subject of this report.
- 7.8 Understandably a large number of planning conditions have been attached to the various planning permissions across the Islington Square site. Many of these were pre-occupation or relate to ongoing operational requirements on matters such as waste, plant noise and landscaping.
- 7.9 At present, the Council are considering two applications relating to the Islington Square site, relating to delivery and servicing (P2021/3437/AOD) and a market (P2021/1635/FUL).

Listed Building Consents

- 7.10 P2017/3655/LBC – Application sought minor basement changes and alterations at ground floor to form a new doorway in an existing window to match the arrangement on the opposite wall. The formation of riser routes through the building is also sought. The application was generated partly by the main application which is the subject of this application and has not yet been determined.
- 7.11 P2014/1163/LBC - Erection of an overhead 'canopy' above the Post Office building entrances approved under Listed Building Consent References: P10162 and P110013 (Associated with Planning Application Reference: P2014/1164/FUL).
- 7.12 P2014/0011/LBC - Listed Building Consent application approved in May 2014 in connection with internal and external alterations including removal of some internal walls and section of rear elevation at ground floor level, new front entrance gates and various other alterations. Variation and consolidation of detailed design development of Listed Building Consent references P071777 and P110013.

Background to the application

- 7.13 The earliest main planning permission granted in 2007 (P052245) referenced 'performance space, rehearsal space and theatre storage' amongst the significant retail and residential elements within the description of development. Such uses would be set around Block's A, B & D. It is understood that the uses were negotiated with a view to involving the Almeida Theatre within the development.
- 7.14 As already outlined, the 2013 Section 73 application (2013/2697/S73) saw a 'repositioning' of uses with retail moved from the upper basement of Block B to the ground floor of Block A in order to animate the main street. Retail space was also moved from the lower basement level of Block C under planning consent 2013/2681/S73, allowing, a 'multi-purpose rehearsal and performance space (former Class D2 - Assembly and Leisure) to take its place. It had been hoped to attract the English National Ballet to occupy the space although this did not materialise. The application also allowed the introduction of the former Class D2 use over two basement levels within Block B. The application documentation suggested likely tenants of this basement space would be a health club and a cinema operator.
- 7.15 Set alongside these changes and the implementation of the project itself, the King's Head Theatre, founded in 1970 and London's first, has continued to provide a theatre programme in the heart of Upper Street for residents and visitors, provided in a small space at the rear of the public house. The existing theatre operates with capacity for 110 seats. Its dressing room facilities are located in a poorly constructed lean-to extension. The enhancement of cultural venues, such as the Kings Head, are objectives which the Council strongly support through the Local Plan.
- 7.16 The chance to secure a new permanent home within the Islington Square development less than a few metres from The King's Head is seen as an unparalleled opportunity for the KHTG to secure its long-term future. That proposed space has a floor area of approximately 326sqm largely set over part of a lower basement and a mezzanine level element of Block B and also including circulation/access space on two levels above, an entrance lobby at ground floor off one of the main retail arcades within Islington Square and a small office at first floor. The space is currently provided as 'shell and core'. When complete the new venue will be equipped to meet the demands of a sustainable producing theatre in the 21st century with a main 250 seat auditorium, bar and high-quality facilities for actors, production companies and audiences alike.
- 7.17 Although both applications have been made by Cain International as developers of Islington Square, the project closely involves and is promoted by three separate parties. Besides the developer and the King's Head Theatre Company, Young's, the owner of the King's Head Pub, wish to refurbish the Kings Head following the relocation of the Theatre Group. These works require listed building consent, an application for which has been submitted and the merits of which are considered later in this report. The planning application also incorporates the change of use of the space vacated by the Theatre so that it can be used for Sui Generis Drinking Establishment (previously use Class A4) purposes. The space amounts to 90 sqm at ground floor level and 43.4 sqm at first floor level.
- 7.18 Extensive preapplication dialogue took place between the applicant and officers as to whether the theatre space represented a separate and distinct planning use or an ancillary use to the public house. The Council maintained that the use was separate to that of the pub and that a change of use of the space was required to allow the whole of the building to be used as a public house.
- 7.19 It follows therefore that part of this report considers the merits or otherwise in land use terms of the loss of theatre space (Sui Generis) within the pub and the provision of a public house (Sui Generis) use in its place. Clearly, the interests of the public house and the theatre are

theatre as part of the same application will be a significant material issue in any consideration of land use matters.

- 7.20 The refurbishment of the King's Head also includes physical alterations to the exterior, largely to the rear, where there will be a small extension provided at first floor, a roof terrace for dining, plant and plant enclosure. A Noise Impact Assessment and Activity Noise Report have been included in the application.
- 7.21 In order for the relocation to go ahead each party needs the certainty provided by approval of the applications described above. A Section 106 agreement is to accompany the application with the Head of Terms set out in Appendix 1, recommendation A.
- 7.22 Although further consideration of the S106 Heads of Terms takes place later in this report it is important to note that the favourable lease terms, particularly relatively lengthy leaseholds, are important in supporting the KHTG secure long term security within Islington Square, against which it can both borrow or secure external grant funding from the likes of the Art Council or the GLA. This is significant as the KHTG are, themselves, obliged to fund the fitting out of the new theatre space at Islington Square. It has been estimated that the KHTG will be required to raise approximately £1.8m in order to meet this cost. The contribution secured in the S106 will go towards this fit out cost.

8. CONSULTATION

Public Consultation

- 8.1 In 2017, notification letters detailing the planning application and listed building consent were sent to occupants of properties on Upper Street, Moon Street, Almeida Street, Studd Street, Esther Anne Place and Shelby Place. A Press Advert was published and Site Notice displayed on 3 August 2017 and the statutory public consultation expired on 21 August 2017. 14 responses were received of which 1 Was an objection. The issues raised can be summarised as follows (*with the paragraph that provides a response to each issue indicated within brackets*):
- A new larger theatre will lead to a more intensive use and significant upturns in traffic, pedestrian footfall and ensuing noise to local residents (*paragraph 10.54-10.68 and 10.73-10.75*);
 - A new bar associated with the Theatre will bring attendant noise and anti-social behaviour (*paragraph 10.54-10.68*);
 - The King's Head would gain additional space through the theatre vacating the back room and office space thereby leading to additional drinking space in an area already saturated with drinking venues (*paragraph 10.19-10.23*);
 - The use of the new bar should be restricted to theatre goers at show times to reduce any potential for anti-social behaviour (*paragraph 10.54-10.68*);
 - Access to and egress from the Theatre should be limited to Upper Street particularly later in the evening thereby preventing theatre goers from utilising Studd Street or Almeida Street which are quiet residential roads. Such an arrangement would replicate the condition which is attached to a restaurant/bar within the south arcade (*paragraph 10.73-10.75*);
 - Vehicle servicing related to the theatre use should be restricted to normal working hours and should not take place later into the evening (*paragraph 10.77-10.80*).

8.2 Following the submission of further information and amendments, the Council reconsulted on the application with a Press Advert published and Site Notice displayed on 26 May 2022. Further notification letters were sent out to those properties noted above and individuals who had previously made representations on the planning application. The Council have received 13 responses to the further consultation, all of which were statements of support or comments and these can be summarised as follows:

- Support the efforts to establish a new home for the Kings Head Theatre.
- The Kings Head is of huge importance to the local community, having an artistic space inclusive to all is essential to Upper Street.
- Growing Upper Street as a cultural and entertainment centre will mitigate against decline in retail.
- Express support for the theatre, their presence is a huge social and cultural amenity.

External consultees

8.3 London Fire Brigade: Requested that there should be fire brigade access to the perimeter of the buildings, sufficient hydrants and water mains in the vicinity and that sprinklers should be considered. No further comments from re-consultation. *Officer response: This has been addressed through the imposition of condition 12, as with the previous Committee report and recommended conditions.*

8.4 Crime Prevention Officer: No objection

8.5 TfL: The changes to the proposal are minimal and will have no additional strategic impact to the surrounding network. Accepted there is no need for a new trip generation analysis. No objection subject to additional information received previously. *Officer response: The applicant provided further information during the course of the previous development, which addressed TfL's concerns. The proposed changes don't materially alter the previously proposed development.*

8.6 Theatres Trust: No objection, subject to a new theatre space being secured by condition and legal agreement. The changes to the scheme assist with audience flow, changeover and greater flexibility of the main performance space, although the reduction in size impacts viability. It must be ensured that the theatre is provided with sufficient signage, given its proposed location. It's unfortunate that the lift doesn't extend up to the first floor office level. The location of the dressing room and it being the only one is not ideal, and will limit the scale of productions, similarly it doesn't have a separate WC or shower facilities. The WCs for audiences, staff and potentially performers are in effect public facilities shared with the shopping centre. Use of the bar may be problematic because of its limited size, and it is away from the auditorium three levels up. Its subterranean position further restricts prospects of it being utilised as an all-day venue compounding the challenges of the theatre's location cited above. As escape stairs will be shared there will need to be access control to ensure persons cannot enter from other parts of the building. With regards to evacuation, whilst the Fire Strategy states there is appropriate means of escape for most audience members, it must be ensured there is a proper evacuation strategy and facilities for wheelchair users and those with reduced mobility. It is important that a get-in route (for sets, props and equipment) is safeguarded should there be subsequent amendments to commercial units and access routes. We welcome that a new space for the King's Head is being provided and have no objection in principle. However, as set out many of our concerns articulated previously remain with regards to the location and layout of this scheme.

Officer response: The recommendation is subject to conditions and a S106 legal agreement which will secure the theatre space within Islington Square. The proposed theatre space is enhanced in terms of size and quality. The Kings Head Theatre Group have worked closely with the developer, to ensure matters of signage, wayfinding and appropriate lease terms are agreed. The applicant has provided a direct response to the Theatres trust addressing this points raised.

8.7 Historic England: No comment

Internal consultees

8.8 Access and Inclusive Design: No issues with the proposed changes, reduction of theatre space or the modification of doors to the Kings Head Pub.

Officer response: Extensive comments set out in the main body of this report with the applicant providing further clarifications to address concerns. A condition is also recommended to secure the investigation into the installation of a platform lift.

8.9 Energy: No comment.

8.10 Design and Conservation: No objection, subject to conditions

8.11 Highways: The health and safety of the public using the footway or vehicles using the carriageway should not be compromised. LBI Highways recommend that a barrier is placed in front of the business premises when the works are being carried out to ensure no public come into contact with the removal and installation of materials.

Officer response: Applicant is reminded of the Code of Practice for Construction sites and this is set out in an informative.

8.12 Planning Policy: No objection

8.13 Public Protection: No objection in principle subject to the imposition of planning conditions relating to provision of a Noise Management Plan, details of overall noise emitted and provision of a noise report to be submitted once proposed plant has been installed. *Officer response: Discussed at length in the main body of the report and conditions secured.*

8.14 Licensing: No comment

8.15 Waste and recycling: No comment

8.16 Building Control: Further details are required in order to demonstrate that Fire Safety regulations are accorded with.

Officer response: This is further discussed in the main body of the report and two conditions are recommended to secure further details.

8.17 Employment, Skills and Culture Team: Welcome the proposals, in that they will secure a long term, sustainable future for the King's Head Theatre Group. However, they have stressed any permission must be subject to firm and reasonable lease terms for the King's Head Theatre Group in regard to the new theatre space.

Officer response: The Kings Head Theatre Group have agreed to the lease terms and these are further secured in the S106 agreement.

9. RELEVANT STATUTORY DUTIES AND DEVELOPMENT PLAN CONSIDERATIONS

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

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance);
- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990); and
- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

9.2 The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

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

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

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

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

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

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

Development Plan

9.8 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011 and Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application are listed at **Appendix 2** in this report.

Emerging Policies

Draft Islington Local Plan

9.9 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020. As part of the examination consultation on pre-hearing modifications took place between 19 March and 9 May 2021. The Examination Hearings took place between 13 September and 1 October 2021. The Council is consulting on main modifications to the plan from 24 June to 7 August 2022.

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

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

9.11 Emerging policies that are relevant to this application are set out in **Appendix 2**.

Designations

9.12 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011 and Development Management Policies 2013:

- Conservation Area - Upper Street (North)
- Article iv (i) - Upper Street (North)
- Angel Town Centre

- Site Allocation AUS1 - (Almeida Street Sorting Office/Formal North London Mail centre)
- Archaeological Priority Area – Islington Village and Manor House
- Grade 2 Listed Buildings (Post Office and King’s Head Public House)
- Within 50m of TLRN Road (Transport for London Road Network) (A1)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land use
- Visual amenity/ design
- Conservation and listed building matters
- Neighbouring amenity
- Highways and transportation
- Energy conservation, sustainability and biodiversity
- Inclusivity and Access
- Other planning issues
- Planning obligations and Community Infrastructure Levy

Land Use

10.2 Islington Square is a retail-led mixed-use development intended to anchor the northern part of the Angel Town Centre. It is considered that there are two significant land use matters relevant to this application; the loss of the former Class D2 (Assembly and Leisure) space now E(d)/ Sui Generis use class within the basement levels of Block B that is to be the location for the new Theatre and the loss of existing Theatre Space from the rear of the ground floor of the King’s Head Pub.

10.3 The National Planning Policy Framework (NPPF) has a ‘town centre first’ thrust which requires Local Planning Authorities to plan positively to support town centres to generate employment, promote competition and create attractive diverse places to live, visit and work. Within Annex 2 (Glossary) of NPPF, Theatres are specifically referred to as a main town centre use.

10.4 Policy HC5 of the London Plan 2021 states that proposals should protect existing cultural venues and facilities and support the development of new cultural venues in town centres and places with good public transport connectivity. This includes identifying and promoting new, or enhancing existing, locally distinct cultural quarters, especially where they can provide an anchor for local regeneration and town centre renewal.

10.5 The Islington Square site has a site allocation in the Local Development Plan with the reference AUS 1. Under ‘Allocation and Justification’ the plan states the following:

‘Employment-led mixed-use development to support the town centre and functions of the London Central Activities Zone as a strategic business location. This is a key redevelopment sites towards the north of the Angel Town Centre. Future uses will need to contribute to the vitality of the town centre - providing opportunities for employment such as offices (B1) and/or the provision of retail (A1)/leisure (A3 and A4) /cultural uses (D1 and D2). The provision of retail use will help to meet demand for this accommodation within the town

centre. An element of conventional residential which makes a significant contribution to affordable housing is acceptable as part of a mix of uses. There could be continued Royal Mail operations on part of the site.'

- 10.6 Development Management Policy DM4.2 (Entertainment and the night-time economy) indicates that entertainment and night-time activities are generally appropriate in Town Centres where they are compatible with other Town Centre uses, where there would not be a significant adverse effect on amenity, particularly residential amenity and where there is not an over-concentration of similar types of use.
- 10.7 Policy DM4.4 (Promoting Islington's Town Centres) seeks to maintain and enhance the retail and service function within Islington's four town centres. Part C of DM4.4 is considered most relevant. It states that, amongst other things, development is required to contribute positively to the vitality and viability of the centre, promote a vibrant and attractive place and not cause detrimental disturbance from noise.
- 10.8 Policy DM4.10 (Public Houses) supports the retention of Public Houses and although generally the policy concerns itself with provisions to prevent the loss of Public Houses, the policy does stress the importance attached by residents and visitors alike to historic Public Houses within the Borough.
- 10.9 Policy DM4.12 (Social and Strategic Infrastructure and Cultural Facilities) acknowledges and seeks to maintain and enhance social infrastructure, strategic infrastructure and cultural facilities within the borough. More specifically Part A addresses the loss or reduction in social infrastructure. Part B sets out that the Council will require new social infrastructure and cultural facilities as part of large mixed-use development. Part C aims to ensure new social infrastructure and cultural facilities are conveniently and sustainably located and accessible to all, avoiding adverse impacts on surrounding amenity while Part D of the policy specifically requires that new cultural facilities that will attract significant numbers of visitors should be located in the Central Activities Zone or Town Centres. Part E states that the loss and/or change of use of cultural facilities such as theatres will be strongly resisted.
- 10.10 Theatres and pubs are classed as cultural uses and new cultural uses will be supported in Town Centres, particularly in Cultural Quarters, provided the agent of change principle is applied; sustainable transport to and from the venue is provided; and the building is inclusive, accessible and flexible. Policy R10 along with Policy DH5 of the Draft Islington Local Plan require the agent of change principle to be applied, requiring the person or organisation responsible for change is responsible for managing the impact of that change.

Basement Islington Square – E(d)/ Sui Generis to Theatre 'Sui Generis'

- 10.11 The change of use from the consented assembly and leisure space within Islington Square to theatre use would be acceptable and would comply with policies within the development plan.
- 10.12 The planning permission for Islington Square permitted former class D2 uses within the basement of the development. At present, a gym and cinema operate within the basement area. A proportion of the basement is built to shell and core and remains unoccupied. Theatres do not benefit from a designated use class and therefore fall within 'Sui Generis'. The proposed theatre would occupy approximately 10% of the Islington Square consented former D2 use.
- 10.13 As set out above, policies at the local and London wide level support the enhancement of cultural venues, within appropriate locations such as Town Centres. The proposed theatre

use is similar in character to the consented former D2 use class, such as a cinema, which now fall within Sui Generis, and this is reflected in the NPPF's assessment of theatre use as a main Town Centre use, which should be promoted.

- 10.14 Both Policy DM4.2 and DM4.4, which both broadly seek to promote and manage entertainment uses and the night-time economy in Town Centres, support the introduction of a theatre use. Policy DM4.2 is clear in stating that entertainment and night-time uses include theatres. It states such uses are '*...generally appropriate in Town Centres ...*' where compatible with other main Town Centre uses and where there would be no significant adverse effect on residential amenity.
- 10.15 Similarly a theatre use in the proposed location would accord with the provisions of Policy DM4.4 in that the development would be appropriate to the scale, character and function of Angel Town Centre, contribute positively to its vitality and viability, help make it a more vibrant and attractive place, respect and enhance its character, meet inclusive design policies and not have an adverse impact on neighbouring amenity.
- 10.16 In assessing the proposal against policy DM4.12 it can be seen that as the proposed use is a cultural facility, parts B-E are all relevant and the proposals are in alignment with these objectives which state that the Council will seek the provision of cultural facilities as part of large mixed-use developments, that such cultural facilities must be conveniently located and served by sustainable transport modes, that such facilities should provide buildings that are inclusive, accessible and flexible and that they should complement existing uses and character of the area, avoiding adverse impacts on the amenity of the surrounding uses. In addition, the proposal meets the requirement of DM4.12 (D) which states that new cultural facilities that are expected to attract significant numbers of visitors should be located in Town Centres and also (E) which sets out that the loss of cultural facilities such as theatres will be strongly resisted. The introduction of a cultural venue in this location would also accord with the Site Allocations designation AUS1.
- 10.17 The change of use of the previously D2 Use Class basement cinema to a theatre use is supported in that the theatre use is also a main Town Centre use and would contribute more directly to the Cultural Quarter in Angel Town Centre. Policy R10 (Biii) of the Draft Islington Local Plan requires new or redeveloped cultural uses to be secured by condition, to remain in that use to avoid the premature loss of such uses. This is why it is also important that the theatre space is fully fitted out before the existing theatre space is lost. An increase of 192.6sqm of theatre space through relocation is welcome and adds theatre capacity in Angel as a whole, which enjoys an agglomeration of theatre uses, competing with that of the West End and National Theatre. The Design Note provided by the applicant explains the approach to keeping the fixed infrastructure as minimal as possible allows for maximum flexibility in the different formats required by various productions and the access needs of audience, performers and staff, which is noted to be a significant improvement on the current theatre space. This would satisfy the criteria in Policy R10 (Aiii) for new cultural uses.
- 10.18 It is considered there is no change of use policy issue relating to the first floor of Block B where a small (approx. 20 sqm) back of house office area for the Theatre has been created by the re-arrangement of circulation space and the South East stair and lift core.

Kings Head Public House – change of use from theatre to public house use

- 10.19 The current situation within the King's Head is relatively unique in that the Council considers there to be a dual planning use within the demise (Sui Generis theatre and a separate former Class A4 now '*Sui Generis*' drinking establishment). Conversion of the ground floor area to the rear of the pub which is currently the King's Head Theatre therefore presents a need for

consideration as to the loss of the theatre space and the provision of additional public house floorspace in its place.

- 10.20 Although the theatre space, amounting to 133.4 sqm including ancillary space at first floor level, would be turned over to a different use it can be emphasised that there would be no 'loss' as such. Significantly, the new purpose-built theatre space within the Islington Square development would, at 326 sqm, be over twice the size of the existing theatre space for the King's Head theatre than is currently the case in the King's Head Public House. Even without considering the merits of a new purpose built, larger, more sustainable theatre space, it is considered that there is no conflict with Policy DM4.12 Part (E) which states that the loss and/or change of use of cultural facilities, such as theatres, will be strongly resisted. Notwithstanding this, to ensure a constant provision of theatre space and so that there would not be a potential change of use of the public house without the reprovision of the theatre space, the legal agreement secures the delivery of the theatre prior to works commencing on the Kings Head Pub.
- 10.21 In terms of the additional Public House floorspace within the King's Head pub, the proposed enlargement of 133.4 sqm of public house floorspace in this location would accord with policies in the existing development plan. Pubs (like theatres) are included as a Main Town Centre use within Annex 2 (Glossary) of the NPPF. As noted above the NPPF has a 'town centre first' thrust which requires LPAs to plan positively to support town centres by encouraging, allowing and managing those uses which are included within Annex 2 of the NPPF.
- 10.22 In addition Policy DM4.10 (Public Houses) was adopted mainly to ensure that there be no further loss of pubs within the borough that are valued by residents and visitors alike. The policy highlights how important these venues are, how they form an integral part of the urban fabric and are closely associated with the life and identity of local communities. It is considered the King's Head with its history, its listed status and characterful recent past falls into this bracket and any proposal to strengthen its presence and marketability (such as a modest increase in its trading space) can be said to accord with the general thrust of existing and Draft Islington Local Plan policy which protects public houses.
- 10.23 The supporting text of Policy R11 of the Draft Islington Local Plan highlights that pubs form an integral part of the urban fabric and many are closely associated with the life and identity of local communities. They can also contribute to the night-time economy and serve the leisure demands of residents and visitors alike. The relocation of the theatre element of the King's Head Pub to Islington Square, results in an uplift of 133.4sqm of Sui Generis public house use. This is welcome and provides a suitable intensification of a public house use in a Major Town Centre (Angel) that has also been designated a Cultural Quarter in the Draft Islington Local Plan.
- 10.24 In summary the changes of use are in accordance with those adopted policies referenced above, namely Policy HC5 of the London Plan, Policies DM4.2, DM4.4, DM4.10, DM4.12 of Islington's Local Plan Development Management Policies Document and policies R10 and R11 of the Draft Islington Local Plan.

Visual Amenity, Design and Listed Building Matters

- 10.25 The main design interventions across the various built elements within the planning application can be broken down as follows:

- Formation of a canopy over the new entrance, retention of balustrading within entrance courtyard;

- Provision of the new theatre venue and ancillary space; and
- Erection of a first floor extension to rear of the King's Head; installation of new plant and enclosure to the rear; works to the first floor to form a roof terrace including provision of timber railings and re-instatement of a rooflight to the ground floor rear room.

10.26 The application building at 115 Upper Street is Grade II listed and is located within the Upper Street North Conservation Area. The Upper Street North conservation area covers part of the main thoroughfare and shopping and commercial street leading up to Highbury and Islington from Angel. As a public house on the main street with rich frontage treatment, it makes a positive contribution to the character or appearance of the conservation area. Conservation Area Design Guidance for Upper Street (North) was published in 1993 and remains material and part of the Development Plan suite of relevant documents. No specific advice exists for the site itself or The King's Head other than the latter falling within an extensive list of buildings that are presumed to be retained.

10.27 Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that special regard must be given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest. Section 72 of The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

10.28 The National Planning Policy Framework 2021 confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. More specifically Chapter 16 sets out that heritage assets should be maintained 'in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of this and future generations.'. In addition, it states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation.

10.29 Historic England Advice Note 2: Making Changes to Heritage Assets (2016) illustrates the application of the policies set out in the NPPF in determining applications for planning permission and listed building consent. It provides general advice according to different categories of intervention in heritage assets.

10.30 London Plan policies D1 and D4 relate to London's form and character and supporting the delivery of good design. London Plan Policy HC1 relates to Heritage Assets and Archaeology and emphasises the desirability of sustaining and enhancing their significance.

10.31 Islington's Core Strategy Policy CS9 seeks to protect and enhance Islington's built and historic environment states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment. It adds that the borough's unique character will be protected by preserving the historic urban fabric.

10.32 Policy DM2.1 (Design) requires all forms of development to be of a high quality, to incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Development which fails to take the opportunities available for improving the character and quality of an area and the way that it functions will not be supported.

- 10.33 Policy DM2.3 (Heritage) states that the Council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. In conservation areas the policy states that the Council 'will require that alterations to existing buildings in conservation area conserve or enhance their significance.'
- 10.34 Policies DH1 and DH2 of the Draft Islington Local Plan requires developments to protect and enhance the unique character of the borough and conserve and enhance the significance of the area. Development must be of a high quality contextual design.

Theatre Entrance

- 10.35 As noted, the proposed theatre space has been built to shell and core. The theatre would be accessed via an existing entrance from the main southern retail arcade, between retail units G1 and G2. At present, this is accessed via a large red door which leads into a small courtyard space. During the construction of Islington Square, a brick and metal balustrade was discovered separating the courtyard space to the lean-to extension of the Kings Head. This will be retained as part of the development. The courtyard will feature an extensive steel and glass roof canopy which will be attached to Block B and which will partly cover the space. It will protect visitors from inclement weather whilst they are accessing the new entrance and ground floor lobby space.
- 10.36 Theatre goers will be able to reach the courtyard and the ground floor theatre lobby from either the north or south end of the main arcade, however exiting the theatre, particularly in the evening, after shows will be a more managed operation. This is to prevent congestion in the ground floor lobby and courtyard and also to ensure patrons leaving in the evening are led out onto Upper Street and away from the largely residential Studd Street and Almeida Street. Through a management system, visitors leaving the theatre will be guided to exit via the intermediate basement level located in Block D. They will ascend a staircase which takes them into a side section of the main south arcade where they can directly access Upper Street. This arrangement has been discussed and agreed with the KHTG prior to the application being made and an alternative exit route is common for cinemas and theatres across London.
- 10.37 Although possible areas for signage in and around the courtyard have been identified, no actual signage has, as yet, been proposed. The possibility of poor visibility and presence relating to the theatre was a matter that the Theatre's Trust raised in their representations. Officers are confident that appropriate signage relating to the Theatre can be agreed which would be sensitive yet clearly announce the presence and location of the theatre, were there a need for formal planning or advertisement consent applications to be made.
- 10.38 The entrance courtyard retained balustrading and the glass canopy are acceptable and appropriate in design terms and accord with policies D1 and D4 of the London Plan, CS9, DM2.1, DM2.3 of Islington's Local Plan (Core Strategy and Development Management Policies Document) and DH1 and DH2 of the Draft Islington Local Plan.
- 10.39 Although the theatre fit-out works themselves do not require planning permission, the applicant has provided detailed plans which allow a clear understanding of how the theatre will work and operate. On the basis of the internal changes and the fact that the changes must result in a venue which is appropriate for a theatre use, it is considered appropriate to briefly consider the re-arranged layout and fit-out plans for the venue.

10.40 In summary the fit-out is intended to create a highly contemporary, inclusive and sustainable theatre space. The proposal represents a radical departure from the current theatre and its size, flexibility and high quality facilities will, it is hoped, see the Theatre forming a key cultural component and significant draw for the Islington Square development. Given the importance of the space being ready for the Kings Head Theatre Group to move into and occupy, a funding contribution for the fit out as well as the practical completion of the fit out is secured within the S106 legal agreement. This is discussed in more detail later in this report.

External works to the Kings Head Public House

10.41 These external interventions to refurbish and renovate the pub can be broken up as follows:

- First Floor Extension;
- Plant Enclosure and associated ducting;
- Various works to facilitate first floor open terrace area including balustrading, fixed seating and planters;

10.42 The flat roof area of the pub is currently unused and features an obtrusive plant area together with poorly executed building interventions such as a roof light which shall be removed with the replacement proposed to be sited in what was likely to have been the original location. The applicant has suggested access to the roof already exists which it clearly does but it is known that the roof has not been utilised as an area for patrons. Further consideration of the amenity implications of the use of the terrace by anything up to 45 people will follow later in this report.

First Floor Extension

10.43 The single storey extension is required to allow the formation of an additional means of escape. It will be located in the south east corner of the terrace, form an L-shape and wrap around the existing staircase housing. It will feature a flat roof and parapet, an access doorway and two new windows. Consisting of brick, a condition will ensure the use of second hand London Stock bricks to match the host building. The extension will not rise above the existing full length first floor extension at 114 Upper Street.

Plant Enclosure and Associated Ducting

10.44 A new plant area will be formed in the southwest corner of the terrace. In footprint terms the enclosed area will be approximately 5mx5m and provide 3 condenser units within their own acoustic enclosures. Details of the screening of this area are recommended to be scored via condition 5. Ducting from the kitchen below will rise through this enclosure and continue up onto the new extension. The ducting will then continue onto the existing first floor extension before rising up onto the rear elevation of the building before discharge at just over eaves level. The ducting will be painted black and, other than the vertical riser, will largely be unseen, sitting beneath the parapet wall of the new extension.

Facilitation of Terrace Area

10.45 Physical works to facilitate the use of the flat roof as a terrace for patrons include the installation of timber decking, the provision of a timber fence around the parapet wall, the re-installation of a large lantern roof light in the centre of the terrace and the removal of an existing more recent rooflight to allow access to a serving hatch. There will also be a mixture of fixed and loose seating which will accommodate up to 45 people. The alterations are

considered acceptable although further details of the perimeter timber fencing are secured through imposition of recommended condition 5.

10.46 In summary, the proposed external alterations would be modest in scale and the alterations would not be seen from any public vantage point, although it is acknowledged that some residents in upper floor flats on Upper Street with west facing windows and a number in flats with eastern facing windows within Block B of Islington Square would have views of the terrace. Consideration of impact on amenity, particularly with regard to noise, that the terrace would have on these residents follows later in this report. In summary the external works outlined above accord with all key design guidance and policies namely London Plan Policy D1 and D4 together with Policies CS9, DM2.1, DM2.3 of Islington's Local Plan (Core Strategy and Development Management Policies Document) and DH1 and DH2 of the Draft Islington Local Plan.

Listed Building Matters

10.47 The Kings Head Pub is listed at grade II. It dates from 1864 or maybe later and is 3 storeys with a 3 window range. Internally at ground floor it has a late-19th century island bar-back with engraved and faceted glass, and a bar counter probably of the same period although they may have been reset and possibly altered. Its significance includes its architectural design and materials and internal bar fittings as a pub, its setting in the commercial street and its history of development.

10.48 The listed building consent application has been revised to incorporate internal alterations to accommodate updated fire regulation requirements. It is being assessed in conjunction with planning application P2017/0800/FUL, which also covers the relocation of the theatre from the King's Head Public House to adjacent modern premises.

10.49 At the rear ground floor, the space currently used as a theatre is proposed, as before, for a dining type area and kitchen. It is now proposed to be divided off from the route out to the rear exit doors. The rear ground floor room has had a 'black box' type of finish to accommodate the long-standing theatre use, this comprises of internal partitions or walls to demarcate the theatre space, all of which are painted black. There is very little remaining of historic finishes and features. Integrating the space into the pub use would be fitting for the continued use of the listed building, there is little remaining, and it would allow for the changes to accommodate fire regulations.

10.50 The changes at the rear externally are the same as previously proposed. There is limited visibility of the rear of the public house, which already has some plant. The first-floor extension would contain the stairs out to the rear, whilst the existing ground floor lean-to extension would be demolished allowing the rear ground floor to be rehabilitated.

10.51 Revisions have been obtained during the consideration of the application. The existing rear first floor kitchen window is now being retained and the replacement 2nd floor rear window is to be timber. A door to be removed at ground floor for fire regulations is now to be re-used. The rear extract grille is now proposed to be flush to the elevation and not projecting. At first floor rear, fire rated screens would be fitted into the reveals in lieu of adapting the existing rear windows. At second floor, a shower room had been proposed that would have incorporated part of one room into another and would have placed sanitary ware at the front elevation near a window and doors were to be created in wall partitions. The position of the shower room has now been changed to place it away from the front elevation and within the room to be used as the bedroom. There is a fire lobby from this arrangement, but the enclosure from the landing would still read similarly and on balance this is considered

acceptable subject to condition. On balance, the proposed alterations and development as a whole would preserve the special architectural or historic interest of the listed building.

- 10.52 In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest. In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 10.53 Overall, the proposed works would not cause harm to the historic plan form, would involve minimal loss of historic fabric and would not cause harm to the retained fabric. As such, the proposed works would not adversely affect the special architectural or historic interest of the listed building. The proposal is therefore considered to satisfy the objectives of the policies listed below, in particular Chapter 16 of the NPPF (2021) which seeks to conserve and enhance the historic environment, policy HC1 of the London Plan 2021 which seeks to conserve and enhance the significance of heritage assets as well as the provisions of policy CS9 of Islington's Core Strategy 2011 which seek to protect and enhance Islington's built and historic environment and policy DM2.3 of Islington's Development Management Policies which seeks to protect and enhance Islington's historic environment.

Neighbouring Amenity

- 10.54 Chapter 12 of the NPPF details that new development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.55 London Plan Policy D1 states that development design should deliver appropriate outlook, privacy and amenity. London Plan Policy D13 seeks to reduce, manage and mitigate noise to improve health and quality of life.
- 10.56 Policy DM2.1 of the Islington Development Management Policies, requires developments to provide a good level of amenity, including consideration of noise, disturbance, overshadowing, overlooking, privacy, direct daylight and sunlight, over-dominance, sense of enclosure and outlook. Policy DM4.2 states that proposals for entertainment uses (and this proposal seeks to intensify an entertainment use) will need to demonstrate that they will have no adverse impacts on amenity. The supporting text to this policy suggests that such uses can contribute positively to the vitality and vibrancy of areas including enhancing perceptions of personal safety by providing informal surveillance for passers-by. The text goes on to state that '...if not properly managed, such uses can result in adverse effects on surrounding neighbourhoods, with adverse amenity effects generated from such factors such as noise and anti-social behaviour, particularly late at night'. The Policy indicates that entertainment uses will generally be directed to Islington's Town Centres although regard will be had to proposed hours of opening, operation and servicing and measures to mitigate odour and noise from the premises. The protection of nearby amenity to the proposed town centre, cultural uses, is reflected in Policy R10 of the Draft Islington Local Plan.
- 10.57 There are two elements of the proposal to consider in regard to possible impact on neighbour amenity. These are the new theatre use within Islington Square and the more intensive use of the King's Head Pub, particularly the formation and use of the rear roof terrace. The extension at first floor level to provide access to upper floor levels would be modest in its height, protruding slightly above the parapet of the boundary wall. The proposal would facilitate the use of the rear terrace, given the boundary relationships with the

neighbouring properties and the commercial uses at first floor level, any views would not harmfully impact upon residential amenity. Given the relatively small amount of external physical building work in respect of both of these elements and the provision of a terrace, it is considered that there will be no resulting issues of overshadowing, overlooking, privacy, daylight and sunlight, over-dominance, sense of enclosure or outlook to any residential occupiers.

- 10.58 The matter of potential noise disturbance and odour should however be carefully considered with particular regard to the residential properties within Block B and existing residential occupiers within flats at first and second floor levels of Nos. 113 and 114 Upper Street whose windows face towards the Islington Square development.

Theatre Use

- 10.59 As noted earlier, the proposed theatre use is not dissimilar in character to the consented Class E(d) / Sui Generis use. Neighbouring amenity issues have previously been considered by officers and the Committee at earlier stages of the development and resulted in the imposition of a number of noise related conditions. Condition 21 of planning permission ref: P2013/2697/S73 granted 4 November 2004 (which varied P052245 granted 6 July 2007) requires that a specific internal noise climate within the consented Block B residential units at second, third and fourth floors above the commercial uses be achieved. This condition endures notwithstanding any new uses permitted as will specific conditions (Nos. 22 & 25) relating to maximum noise levels from plant and lift machinery to be sited in Block B.
- 10.60 Notably many of the representations received by the Council during the first round of consultation in 2017, indicated concern that theatre goers would cause possible disturbance and harm to residential amenity upon exiting the theatre after evening performances. It is noted that an existing condition (No.12) on 2007 planning permission (and subsequent variations) requires '*Entrance or exit from the hereby approved mall area including A3 units after 2200 hrs on any day shall be from Upper Street only.*' A similar condition is recommended to be attached to this planning permission. It is intended that theatre goers, after performances, will be directed to exit the complex onto Upper Street and this will be set out in the Theatre Management Plan, the submission and approval of which is secured by recommended condition 3.
- 10.61 The modest size of the entrance courtyard will not create any significant issues pertaining to noise for residents in Block B living above. Although there may be people who choose to meet in this space before entering the theatre, numbers will be relatively small due to the minimal space available, and there will also be the new steel and glass canopy in place to further ameliorate what is only likely to be talking at conversational levels.

Kings Head Public House

- 10.62 A likely source of noise will be from patrons using the proposed roof terrace and the roof plant proposed to be sited both on the terrace and the rear elevation of the listed building. As indicated flats in Block B will overlook the terrace while there are existing rear windows at 113 and 114 Upper Street which indicate upper floor residential accommodation exists in these properties and occupant's amenity should be considered. To the north of the proposed terrace is the Post Office building which, at upper floor level will consist solely of retail use.
- 10.63 The applicant has provided information which indicates approximately 45 covers across the terrace. A number of conditions are recommended which will ensure that the impact to nearby residential properties are mitigated.

- 10.64 Firstly it is proposed to limit the hours that the terrace is operational. Despite the applicant's assertions, it is clear that no access to the roof space for pub patrons has existed historically. The applicant has suggested a 1000-0000 hrs. window for the terrace. This is considered excessively late given that there is no history of public access to the roof and therefore it is proposed that the area shall not operate after 2100hrs. In addition to the hours of use restriction it is also proposed to attach conditions restricting users of the terrace to those who would be seated – in effect to prevent any vertical drinking on the terrace and numbers exceeding 45 persons – which is the approximate seating capacity shown on drawings. A further condition will require the provision of a Management Plan which, amongst other things, will detail how it is proposed to close the terrace and how users will be prevented from either standing and drinking or accessing after 2100 hrs.
- 10.65 The restriction on the operation of the terrace is also justified on the basis of technical evidence provided by the applicant. An Activity Noise Assessment by consultants EEC provides details of a noise survey carried out on site and summary calculations establishing likely noise levels outside the nearest dwellings (flats in Block B and 114 Upper Street) from patron activity on the terrace. In summarising their results the consultants acknowledge that 'current calculated noise levels are above both the typical existing ambient and background noise levels (and that) the activity noise could be classified as having a moderate adverse impact using either current British Standards (BS4142:2014) or the IEMA Guidelines for Noise Impact Assessment 2014...Based on current assessment it is likely that further noise mitigation measures are required as well as discussions with members of the Environmental Health and Planning Department of Islington'.
- 10.66 Officers, noting the results of the assessment can see a gradual reduction in both typical ambient noise levels and background noise levels at proposed terrace level from 1900hrs to 2300hrs which is normal and to be expected. Given the Calculated Patron Noise Level (using a relaxed level of conversation as the source) at the proposed residential windows mentioned above, is in excess of these levels at all times during this period, and markedly so after 2100 hours, it is therefore appropriate to prevent occupation of the terrace later in the evening.
- 10.67 Possible noise nuisance can also result from plant and extract equipment. The applicant has also provided a 'Plant Noise Impact Assessment by EEC which has been undertaken to evaluate the potential noise impact of the proposed plant at the closest existing residential receptor. A number of noise control measure are proposed largely involving attenuation and an enclosure and whilst these measures and the predicted noise levels that they are designed to counteract are considered to be relatively realistic, it is noted that the report does not include any character corrections for the intermittency, impulsivity etc. of the plant and assumes that none should be included and there is no data to base this assertion on. Two specific noise conditions are therefore recommended, these being a restrictive condition on overall noise emitted from the plant (no.6) and a second condition (no.7) requiring a noise report to be submitted post-installation to demonstrate that the plant complies with the restrictive noise condition requirement.
- 10.68 Noting the Town Centre location, it is considered that cumulatively, the restricted hours of use of the terrace, the requirement for a Terrace Management Plan, a cap on numbers, the new plant noise related conditions and those extant conditions relating to an acceptable noise regime and the Theatre Management Plan will ensure an appropriate level of amenity for neighbouring residents. The proposals can therefore be said to be in accordance with Policies DM2.1 and DM4.2 of the Islington Development Management Policies and R10 of the Draft Islington Local Plan which all seek to protect neighbouring amenity.

- 10.69 The NPPF Chapter 9 emphasises the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, and consider the needs of people with disabilities and reduced mobility.
- 10.70 London Plan Policies T1, T2, T3, T4, T5, T6 and T6.1 seek for all new development to identify opportunities to improve the balance of space given to people to dwell, walk, cycle, and travel on public transport and in essential vehicles, so space is used more efficiently and streets are greener and more pleasant. Adding to this, policies also set out requirements for levels of on-site vehicle parking, cycle parking and for servicing. 10.138 London Plan Policy T6 states that car-free development should be the starting point for all development proposals in places that are well-connected by public transport, but with provision made for disabled persons parking bays. London Plan Policy T7 states that seeks to ensure that development proposals facilitate safe, clean and efficient deliveries and servicing.
- 10.71 Policy CS10 of the Core Strategy encourages sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use. Policy DM8.2 of the Development Management Policies Document provides, inter alia, that development proposals are required to fully mitigate any adverse impacts on the safe and efficient operation of transport infrastructure, including pavements and any walking routes, and maximise safe, convenient and inclusive accessibility to, from and within developments for pedestrians and cyclists. DM8.4 provides that major developments are required to provide cycle parking which is secure, sheltered, step-free and accessible. Policy DM8.6 provides that delivery and servicing should normally be provided off-street, but where on-street servicing is proposed, details must be submitted to demonstrate the need for on-street provision, and show that arrangements will be safe and will not cause a traffic obstruction. Policy T1 of the Draft Islington Local Plan requires all development proposals to take into account the link between land use, transport accessibility and connectivity, and promoting journeys by physically active means, like walking or cycling. It requires the design of developments to prioritise practical, safe and convenient access and use by sustainable transport modes. Policy T5 requires developments to demonstrate how any potential impacts from delivery and servicing will be mitigated.
- 10.72 Notably the previous use of Islington Square as a Royal Mail depot and sorting office operated 24 hours a day, employed 3000-4000 people and understandably resulted in significant trip generation. In summary the 2007 and 2012 permissions and the 2014 Section 73 Variation permissions has resulted in the creation of an extensive area of blue badge parking and a large servicing and delivery bay at basement level of Block C which serves all commercial elements within Blocks B, C and D (as there is direct access between Blocks C and B at basement level). No residential parking is featured in this area, with 103 residential parking spaces, motorcycle parking and cycle parking located at basement level of Block A.

Trip Generation

- 10.73 The applicant has provided a brief Transport Statement (TS) that reiterates the 2014 Transport Assessment which had estimated servicing trips associated with the leisure component of up to 24 daily vehicle trips (12 vehicles) by transit sized vans and approximately 3 trips by 7.5 tonne lorries per day. The TS concludes that the theatre use would be expected to generate similar servicing demands that are similar to the Class D2 use that it would replace. Therefore, no change in overall servicing trips is predicted and the proposed change of use is not anticipated to result in any additional change in trip generation

on the surrounding road network than had already been anticipated. TfL have acknowledged this and have previously accepted the findings of the TS.

- 10.74 No reference is made in the TS to the implications on trip generation of the change of use of the space within the King's Head from theatre use. In actual terms, floorspace change will be small with the theatre use amounting to approximately 133.4 sqm at ground and first floors. It is the view of officers that the more intensive use of the pub, notably the introduction of the terrace, will not, result in any significant changes in servicing (and thus trip generation) than is currently the case.
- 10.75 The commercial elements of the Islington Square development are ostensibly car free development and the proposed development will not change that. As noted above, the wider development does provide blue badge parking spaces within the confines of Block C. Whilst all streets surrounding the development are Controlled Parking Zones (CPZs) there are some limited blue-badge permit parking spaces on nearby Gibson Square and Theberton Street. Given its very good PTAL rating and town centre location it is anticipated that practically all staff and the vast majority of patrons visiting both the theatre and the pub will utilise public transport.

Cycle Parking

- 10.76 Although the November 2014 permission (P2013/2697/S73) which varied the 2007 permitted uses across Blocks A and B features a condition (No.41) that the site shall ensure 213 secure cycle parking spaces for residents, through historical anomaly no on-site cycle parking spaces for visitors were sought or are required although there are numerous cycle parking stands on nearby Upper Street. No cycle parking is proposed as part this planning application. Therefore, a condition is recommended to secure details requiring a policy compliant quantum of cycle parking to be provided within the site for visitors to the Theatre to address this issue.

Deliveries and Servicing

- 10.77 Servicing arrangements for the new King's Head Theatre will remain unchanged from that for the consented development within Islington Square. That servicing regime provides a large servicing bay within the basement area of Block C accessed and egressed by a ramp from the main Islington Square through route which links Studd Street and Almeida Street.
- 10.78 All servicing of commercial floorspace within Blocks B and C occurs from this off-road space and the theatre will be reached via a network of service corridors and lifts which link Blocks B and C together at sub-ground level. It is not considered that the theatre operation will result in significantly more service deliveries than would have been the case with the consented use which it will replace. Day to day requirements will be light with only the bar operation likely to result in regular deliveries. Programme changes will require sets to be moved in and out of the theatre but it is envisaged that this should not present any particular problems with sets delivered and removed via the aforementioned service bay, a goods lift and service corridors which are of sufficient size. Both the KHTG and the applicant have liaised prior to the application regarding this issue and the KHTG have confirmed they are satisfied with the arrangements.
- 10.79 In addition to the fact that there is unlikely to be any discernible change to servicing frequency, it can be noted that there is an existing, extant condition (No.44) attached to the 2014 Section 73 application (P2013/2697) and 2018 Section 73 application (P2018/2463/S73) that varied the main 2007 Blocks A and B permission granted in 2007 (P052245) and this relates to the provision of a Delivery and Service Plan. A further

application (P2018/2466/S73) which sought amendments to the original Islington Square development secures a Delivery and Servicing Plan through Condition 22. Further to this, the Council are currently assessing an application P2021/3437/AOD to discharge condition 22 (delivery and servicing) of planning permission P2018/2466/S73. This application will review the delivery and service arrangement for the commercial space within Islington Square, this includes the proposed theatre space.

- 10.80 In terms of the King's Head Pub, the change from theatre use to drinking establishment is unlikely to result in any significant changes either to the frequency or character of current servicing arrangements which see deliveries made from Upper Street. Although far from ideal, the arrangement is an established historical one and common for pubs and bars along Upper Street.
- 10.81 In summary, it is considered that as a result of the use changes there will be no significant increase in servicing trips associated with the development and those trips associated with the proposed theatre use are considered to be manageable and would not have any adverse impact on the overall proposed servicing regime or more widely, the local road network. The proposal therefore complies with policies DM8.2, DM8.4, Policy DM8.5 and Policy DM8.6 of the Local Plan Development Management Policies and T1 and T5 of the Draft Islington Local Plan, which requires that delivery and servicing should normally be provided off-street.

Accessibility/Inclusive Design

- 10.82 Policies D4 and D5 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 and R1 of the Draft Islington Local Plan, which requires developments 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 a development from the outset and over its lifetime. The development of cultural and night-time economy uses must incorporate the highest inclusive design standards achievable in context, in line with relevant guidance. Developers are also required to have regard to Islington's own Inclusive Design SPD.
- 10.83 A range of measures and provisions have been included in the proposals to allow for a high standard of accessibility and inclusivity and the interventions can be summarised as follows:
- **Car Parking:** A red route access bay immediately outside the entrance to Islington Square on Upper Street provides 3-hour parking for blue badge holders 7am to 4pm and this bay provides convenient parking with level access to the theatre. There are a number of blue badge bays within the service bay within Block C's basement and although a number of these are expected to be utilised by residents it is likely that a number of spaces could be reserved for visitors. Similar to the Delivery and Service Plan it can be noted that there is an extant condition No.2 attached to the 2014 Section 73 application P2013/2697/S73 and condition No.16 attached to the 2017 Section 73 application P2017/2866/S73 that varied the main 2007 Blocks A and B permission granted in 2007 (P052245) and this relates to the provision of an Access Plan for those with disabilities be provided;
 - **Approach to building:** The main approach to the building on Upper Street will have level access, be free of obstruction and will allow wheelchair access. Separate surfaces are provided at the main entrance, providing a change of texture to help define the entrance for visually impaired users, while also being of a material that will not impinge any access for wheelchair users;

- **New Foyer:** An induction loop will be installed to the reception counter and bar serving areas to assist hearing impaired users, which will be clearly signed.
- **Movement within the building:** A new 10 person passenger lift has been installed to provide access to all levels of the theatre and to ensure full manoeuvrability within the lift itself for wheelchair users. An audible system will be included to call out levels for visually impaired users. The passenger lift opens into an enlarged lift lobby area at each level to ensure maximum manoeuvrability, with the flooring material at the lift doors selected to contrast with the lobby floor finish to aid visually impaired users. Lighting levels will be increased in lift lobbies again to aid the visually impaired. Clear signage will be provided directly across from the lift doors to facilitate movement around the building.

All corridors have been designed to provide a minimum width of 1200mm with cross corridor fire control doors held open on electro-magnetic devices with performance to ensure that unobstructed access is available through all levels.

In terms of the performance spaces, seating is designed to accommodate access patrons, with seats able to be removed to provide spaces for wheelchairs with companion seats nearby. Further information is secured by way of condition to investigate the possibility of installing a flex step style platform lift, to give wheelchair users options to sit on the rear rows. The stage will be at auditorium level, providing level access through the foyer to the stage without obstructions.

- **WC provision:** WC provision is provided generally at 1st floor level, with a fully accessible WC located at mezzanine level, directly adjacent to the passenger lift and within 40m of all public spaces. Accessible cubicles will be provided with 1m, outward opening doors and with an internal area larger than the minimum 1500x2000mm dimensions required. The public toilets are accessed from the same lobby, with single door access to ensure maximum manoeuvrability.
- **Signage and Communication:** All public areas will be clearly defined by directional signage, which will be located at approximately 1400mm and will again be clearly defined from its background and well lit.
- **Means of Escape:** Escape is facilitated via three staircases and dedicated safety refuges will be provided at each level, with a two-way communication link provided to allow guest contact back to a central control point. Audible alarms will be supplemented by visual alarms where possible, especially where audibly impaired person may find themselves alone (toilets, lift lobbies). The King's Head Theatre stress they are an equal opportunities employer and Personal Emergency Evacuation Plans will be prepared for relevant employees (covering their prime location and any sub-locations, awareness of procedures, emergency alarms (hearing, seeing and triggering), assistance, getting out of all appropriate exits. The King's Head Theatre will develop a management plan, which will be included within the building's risk assessment report, and which will highlight the management regime for evacuating disabled occupants and identify personnel capable of undertaking assisted evacuation of occupants requiring such assistance.

10.84 Noting the aforementioned requirements of Condition 2 of P2013/2697 and condition 16 of P2017/2866/S73 which secure details on access arrangements for Block B, the above measures and proposals are welcomed and considered in compliance with Policy DM2.2 of the Development Management Policies Document and R1 of the Draft Islington Local Plan.

- 10.85 The London Plan Policies S12 stipulates a London-wide reduction of carbon emissions of 35 per cent beyond buildings regulations and requires development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through energy efficient design, the use of less energy and the incorporation of renewable energy.
- 10.86 All development is required to demonstrate that it has minimised onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation as set out in Core Strategy policy CS10. Developments should achieve a total (regulated and unregulated) CO₂ emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013, unless it can be demonstrated that such provision is not feasible. A higher saving (50% in comparison with total emissions from a building which complies with the Building Regulations 2006, which translates into a 39% saving compared with the 2013 Building Regulations) is required of major development in areas where connection to a decentralised energy network (DEN) is possible. Typically, all remaining CO₂ emissions should be offset through a financial contribution towards measures which reduce CO₂ emissions from the existing building stock (CS10). Policies S1, S2, S3 and S4 of the Draft Islington Local Plan set out the policy requirements relating to sustainable design and construction, and minimising greenhouse gas emissions in the Draft Islington Local Plan and requires all development proposals to demonstrate how greenhouse gas emissions will be reduced in accordance with the energy hierarchy as part of a sustainable Design and Construction Statement.
- 10.87 The Core Strategy also requires development to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD. Major developments are also required to comply with Islington's Code of Practice for Construction Sites and to achieve relevant water efficiency targets as set out in the BREEAM standards.
- 10.88 Notwithstanding this the wider Islington Square development was first granted permission over 14 years ago and although energy, sustainability and bio-diversity planning policy existed at the point of approval, requirements were not as robust as present day. Council planning records show that on the 2nd October 2007 sustainability details were approved by the Council relating to Condition 43 of one of the original parent planning permissions, P052245, which was granted on the 6 July 2007 and related to works to Blocks A, B, D and F. In short the approval of details allowed the Building works to meet a 'Very good' BREEAM standard as opposed to 'Excellent' which was the Council requirement in 2007.
- 10.89 The accompanying report confirmed that the scheme would include within its design A-rated energy efficient labelled appliances, utilise enhanced fabric insulation for new construction elements, use low water usage fittings and appliances, provide extensive areas of green and brown roof, provide waste separation facilities within kitchens and communal heating to all dwellings and commercial units in Blocks A and B. It indicated that use of recycled building materials would be employed, sustainable timber utilised in the construction process and appropriate planting used to enhance bio-diversity across the site.
- 10.90 The Islington Square development has achieved the required relevant BREEAM rating of 'Very Good' (as required by planning policy at the time of consent).

- 10.91 No new low energy, high-sustainability or bio-diversity related provisions are included within the proposed development. Whilst acknowledging that the scheme is now built to a shall and core standard, and this report assesses the implications of changes of use of space, it is still considered appropriate to ensure any development addresses sustainability criteria such as carbon emission reduction through sustainable construction. It is therefore proposed to attach condition 4 to any planning permission requiring the submission of a sustainability statement relating to the fit out of the theatre to be submitted and approved by the Council prior to any works commencing. The statement should include reference to matters such as use of sustainable construction materials, use of sustainable materials for set production and how the bar and any corporate events will be environmentally low impact.
- 10.92 Subject to the recommended condition securing further details, the proposed change of use would be acceptable and would comply with Islington Council's Core Strategy CS10 and Policy DM7.1 of its Development Management Policies Document. Given the Islington Square development was consented some time ago and has been completed and the nature of the proposed change of use application, and the moderate weight attached to the Draft Islington Local Plan, the development would be acceptable in addressing greenhouse gas and climate change matters.

Waste and Recycling Strategy

- 10.93 Policy DM8.6 requires that refuse and recycling collection should be provided off-street and details to demonstrate that servicing and delivery vehicles can access and egress in forward gear and locations for collection vehicles to wait and locations of refuse and recycling bin stores.
- 10.94 Much like the servicing arrangements, it is anticipated that the waste arrangements for the new theatre will change little, if at all, from the existing and consented regime that was set in place to serve a wholly commercial basement space. Theatre waste will be modest and relate primarily to the bar and back of house operation. As already indicated, access to the Block C service area is provided to and from the theatre through the basement.
- 10.95 On 25 July 2017 the Council approved details pursuant to Condition 7 (Refuse and Recycling Provision Details) of Planning Permission Reference: P2013/2697/S73 dated 04 November 2014 (2015/3295) and condition 29 of P2017/2866/S73. These details, amongst other matters, provided an indication of how commercial waste from Block B would be taken to portable compactors and made ready for collection. This detail will not need to change - the projected capacity is more than sufficient – and as indicated there is likely to be little difference in the amount of waste generated by either the consented use or the proposed theatre use, particularly given the relatively small amount of floorspace involved. All of the refuse and recycling will be managed on-site by the centre management and collection will be by a private contractor.
- 10.96 The applicant has provided satisfactory evidence that the change of use will not require any further waste and recycling provision than has already been approved. In this regard the scheme can be said to accord with Policy DM8.6 which relates to delivery and servicing for new developments.

Fire Safety

- 10.97 The applicant has provided a Fire Strategy for the Islington Square Development. The proposed theatre space was built out to shell and core as part of the Islington Square Development. The application that permitted the theatre space was accompanied by a site wide Fire Strategy. Whilst the development has been built out, the space has not been

occupied and has not been fitted out. Therefore, a Fire Strategy is required with a specific focus on the proposed theatre space and the detailed fit out. The proposal must demonstrate compliance with London Plan Policy D12 Part A. Details must be sufficient to satisfy requirements of the London Plan, and also include details of front of house, back of house spaces, kiosks and locations of ducts.

- 10.98 The application is accompanied by a Planning Fire Safety Strategy for the Kings Head Public House. This assesses the proposed development against London Plan Policy D12 Part A. Whilst a basic level of information is provided, the compliance of the development with the London Plan Policy D12 Part A needs to be specifically stated within the Strategy and identified on plans. Concerns are raised across several elements of the strategy, but in particular, relate to the ancillary accommodation at upper floor level within the public house, and the layout/means of escape. The single stair means of escape in case of fire is not adequately detailed with fire protection/fire doors and protected lobbies. The Fire Strategy must use the most up to date and relevant regulations. Therefore, further information is recommended to be secured as part of the Fire Strategy by way of condition. If the requirements to meet fire safety regulations require amendments to the internal layout, a separate listed building consent application would be required.
- 10.99 As previously noted, the development proposed has previously been subject to a resolution to grant by the Planning Committee in 2018. The previous resolution was subject to a range of conditions, including condition 12 (of the original Committee report) which secured further details of a Fire Evacuation Strategy. Therefore, in this instance, further details in relation to the Fire Strategies are secured by condition 12 and 14.

11. PLANNING OBLIGATIONS AND COMMUNITY INFRASTRUCTURE LEVY

- 11.1 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended) and in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014, the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would not be chargeable on the proposed development for change of use on grant of planning permission.
- 11.2 A Section 106 Agreement is considered necessary in order to secure the theatre use and mitigate the impacts of the proposed development. The most significant terms to the Agreement will be the granting of reasonable leasehold terms to the KHTG, by the developer (with Young's party to the agreement) on the new Islington Square theatre space).
- 11.3 The Agreement will be applicable to both applications that are the subject of this report. The Heads of Terms are listed in full, in Appendix 1 (recommendation A) below.

12. SUMMARY

- 12.1 The application has been considered with regard to the National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development.
- 12.2 The proposed development would deliver significant benefits, namely the securing of a modern, accessible, inclusive and financially sustainable home for one of Islington's key cultural institutions. Whilst the changes to the scheme reduce the size of the theatre space within Islington Square from the previous proposal, when comparing this to the existing space within 115 Upper Street, the proposal would be superior in terms of its size and quality. The development would also lead to an enlargement of the public house.

12.3 The proposed works would not cause harm to the historic plan form of the public house, would involve minimal loss of historic fabric and would not cause harm to the retained fabric. As such the proposed works would not adversely affect the special architectural or historic interest of the listed building.

12.4 The creation of a roof terrace, whilst having the potential to cause adverse impacts on neighbouring properties, would be appropriately mitigated by controls recommended to be secured by conditions.

12.5 The proposed development would support the vitality and viability of the town centre, enhance the town centre uses in an appropriate location. On balance, the proposed development would accord with planning policies within the development plan, and it is therefore recommended that planning permission is granted.

RECOMMENDATION

12.6 It is recommended that planning permission and listed building consent be granted subject to conditions and S106 legal agreement heads of terms as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That both planning permission and listed building consent 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:

1. Satisfactory arrangements shall be made to allow the Kings Head Theatre group limited to move into the Islington Square theatre. These shall include:
 - 1.1 the provision of £300,000 from Youngs group, towards the fit out, to be paid prior to internal and external alterations commencing on the Kings Head Public House.
 - 1.2 agreement for a lease of the Islington Square Theatre space to the council's satisfaction which shall include the following:
 - 1.21 Rent of £32,211 per annum
 - 1.22 a term of 25 years
 - 1.23 A rent-free period of 15 months from handover or from Completion of the lease (whichever is earlier)
2. Practical completion of the fit out of the Islington Square Theatre space to enable occupation.
3. None of the internal or external operations at 115 upper street, known as the kings head public house, permitted by the planning permission or listed building consent shall be commenced until both 1 & 2 have happened.
4. No use of the Kings Head Theatre space as a public house shall take place until 1 and 2 have happened.
5. In the event of the Kings Head Theatre group ceasing to use the Islington Square Theatre, similar terms shall be offered to a similar theatre group approved by the council.
6. 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

If the Committee resolve to grant, resolution will include provision to provide flexibility to officers to negotiate and finalise s106 on behalf of the Committee.

That, should the Section 106 Deed of Planning Obligation not be completed within a reasonable timeframe, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

ALTERNATIVELY should this application be refused (including refusals on the direction of the Secretary of State or the Mayor of London) and appealed to the Secretary of State, the Service Director, Planning and Development/Head of Service – Development Management or, in their

absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure the Heads of Terms as set out in this report to Committee.

RECOMMENDATION B

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

List of Conditions:

1	Commencement (Compliance)
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2.	Approved plans and documents list (compliance)
	<p>1604-00-KHT-0005 rev E KHT Application Boundary Plan</p> <p><u>Theatre arrangement drawings</u> 2208 (PL) 001 Lower basement 2208 (PL) 002 mezzanine 2208 (PL) 003 basement 2208 (PL) 004 intermediate basement 2208 (PL) 005 ground and first floor 2208 (PL) 006 section A-A 1604-00-KHT-0413 rev C KHT Proposed South Elevation 1604-00-KHT-0414 rev E KHT Proposed East Elevation</p> <p><u>Service access plans</u> 1935-20-LP-1026 C10 Lower Basement 1935-20-LP-1027 C10 Mezzanine 1935-20-LP-1028 C09 Basement 1935-20-LP-1029 C09 Intermediate Basement 1935-20-LP-1030 C09 Ground Floor 1935-20-LP-1031 C09 First Floor</p> <p><u>Lean-to-demolition</u> 1604-00-KHT-0016 D demolition of lean-to structure 1604-00-KHT-0415 C plan and sections</p> <p><u>Illustrative theatre seating layouts</u> TL-001 (illustrative) TL-002 (illustrative) TL-003(illustrative)</p> <p><u>Kings head refurbishment</u></p>

8043-01 Kings Head Islington- Existing Basement Plan
8043-02A Existing Ground Floor Plan
8043-03A Existing First Floor Plan
8043-04 Existing Second Floor Plan
8043-06T Proposed Ground Floor
8043-07T Proposed First Floor
8043-08I Proposed Second Floor Plan
8043-09B Existing Elevation Plan
8043-10F Proposed Elevations Plan
8043-11A Proposed Basement Plan
8043-13A Existing_Proposed Cross Sections
8043-14A Proposed detail Plan
16240 – 02 RevD
16420 03 RevC
16420 – 01 RevE
EC.M-03A Plant Elevation
EC.M-00 Basement Planning
EC.M-01A Ground Planning
EEC.M-02B First and Second Plan

Fire Strategy

FL 002 fire theatre level
8043-126 ground and basement fire strategy
8043-126 first and second floor fire strategy
1935 20 DR 0200 Lower Basement Fire
1935 20 DR 0201 Basement Fire
1935 20 DR 0202 Intermediate Basement Fire
1935 20 DR 0203 Ground Floor Fire
1936 20 DR 0204 First Floor Fire

Addendum statement May 2022

Overarching Planning Design and Access Statement (Metropolis) 2018
above includes :-

- a. Site Waste Management and Servicing Strategy for the KHT in Block B
- b. Noise Impact: Residents in Block B
- c. Ventilation/ Extraction: Block B
- d. Sustainability: Block B

Heritage Statement Lean to Dressing Room

Demolition Method Statement for Lean-to Dressing Room (MBOK)

Planning Heritage and Design and Access statement by Planning Potential works
to Kings Head

Noise Impact Assessments (2) by EEC on behalf of Young's. (plant and activity)
Islington Square Fire Strategy Report April 2020.

Access Report

Access Comments Note

Access drawing 1604-00-SK-0163-SK01

TfL comments Note

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

3.	King's Head Theatre Management Plan (Details)
	<p>CONDITION: Prior to any works commencing on the King's Head Pub, a detailed Management Plan shall be submitted and approved in writing by the Local Planning Authority relating to the operation of the new purpose built King's Head Theatre within the Islington Square development.</p> <p>The Management Plan shall, amongst other matters, specify those measures that will ensure patrons egressing the venue after evening performances, exit via Upper Street only.</p> <p>REASON: To ensure the Theatre operation does not adversely impact upon the amenity of residents on Studd Street and Almeida Street. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements have been met because the timing of compliance is fundamental to the decision to grant planning permission.</p>
4.	King's Head Theatre Fit-out and Operational Sustainability Statement (Details)
	<p>CONDITION: Prior to any works commencing on the new purpose built King's Head Theatre within the Islington Square development a Sustainability Statement relating to the Theatre Fit-Out and the theatre's operation shall be submitted and approved in writing by the Local Planning Authority.</p> <p>The Statement shall demonstrate how the development will promote sustainability and the development shall be implemented in accordance with the approved Statement.</p> <p>REASON: To ensure the implementation of the fit-out works and the operation of the Theatre minimises any negative environmental impacts. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements have been met because the timing of compliance is fundamental to the decision to grant planning permission.</p>
5.	Materials and treatments (Details)
	<p>CONDITION: Proposed treatment and further details and samples of facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing on the King's Head Pub. Details of the treatment and samples shall include:</p> <ul style="list-style-type: none"> a) Revealed brickwork to ground floor rear of the Pub following removal of the lean-to and which shall face the new theatre courtyard b) Plant enclosure/fencing; and c) Terrace balustrade. <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. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements</p>

	have been met because the timing of compliance is fundamental to the decision to grant planning permission.
6	Noise levels from Plant at King's Head Pub (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq,T}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90,Tbg}$.</p> <p>The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity.</p>
7	Provision of Post operational Acoustic Report at the King's Head Pub (Detail)
	<p>CONDITION: Within 3 months of the commencement of use a report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with Condition 6. The report shall include measurements of the proposed plant. The report shall be submitted within 3 months of commencement of use and approved in writing by the Local Planning Authority.</p> <p>In the event that the report concludes non-compliance with Condition 6 noise mitigation measures shall be installed within 2 months of the report submission date to allow accordance with required noise levels and these measures shall be permanently retained thereafter</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity.</p>
8	Use of King's Head Pub Terrace (Compliance)
	<p>CONDITION: The outside terrace of hereby approved shall not operate outside the hours of 08:00 - 21:00 on any day.</p> <p>After this time, all entry and exit doors and windows onto the external areas shall be kept shut and any lighting to the roof terraces must be turned off.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
9	Use of King's Head Pub Terrace (Compliance)
	<p>CONDITION: No persons other than those with a dedicated seat or serving drinks/food and employed to do shall be allowed onto the roof terrace.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity</p>
10	Use of King's Head Pub Terrace (Detail)
	CONDITION: A Terrace Management Plan including layout plan and assessment of the impact of the terrace area shall be submitted to and approved in writing by

	<p>the Local Planning Authority prior to the use commencing on site. The report in particular shall address how the Condition 9 requirement will be managed and how the terrace will be cleared by 2100 hrs each evening and means of mitigating any identified impacts. The terrace area shall be operated strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
11	Cycle Parking (Details)
	<p>CONDITION: Details of on-site cycle parking providing a minimum of 7 no. of spaces for use by Theatre visitors shall be submitted to and approved in writing by the Local Planning Authority prior to the use commencing on site.</p> <p>The cycle parking so approved shall be provided prior to the first occupation of the development hereby approve and shall be maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible in proximity to the site and to promote sustainable modes of transport.</p>
12	Fire Safety - Kings Head (Details)
	<p>CONDITION: Details of a Fire Strategy for the new Theatre use hereby approved (which shall include those items raised by the LFB in their consultation response) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the London Fire and Emergency Planning Authority prior to the use of the theatre use.</p> <p>REASON: In the interests of the safety of occupants of the buildings in the event of a fire and to comply with policy D12 of the London Plan</p>
13	Accessible platform lift (Details)
	<p>CONDITION: Prior to the completion of the theatre fit out, a report shall be commissioned to investigate the installation of a flex step style or similar, platform lift, within the theatre space, to provide wheelchair users options to sit on rear rows within the theatre. The report should be produced in conjunction with the fire strategy for the theatre and a fit-out cost plan.</p> <p>The report shall be submitted prior to the completion of the theatre fit out and approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the development provides accessible and inclusive design.</p>
14	Fire Safety Public House (Details)
	<p>CONDITION: Details of a Fire Strategy for the Public House shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the hereby approved works to the Kings Head Public House.</p> <p>REASON: In the interests of the safety of occupants of the buildings in the event of a fire and to comply with policy D12 of the London Plan.</p>

List of Informatives:

1	Section 106 Agreement
	INFORMATIVE: 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.
2	Car-Free Development
	INFORMATIVE: All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.
3.	Construction works
	INFORMATIVE: The Construction works must accord with the Code of Practice for Construction sites. The health and safety of the public using the footway or vehicles using the carriageway should not be compromised. A barrier should be placed in front of the business premises when the works are being carried out to ensure no public come into contact with the removal and installation of materials.

RECOMMENDATION C

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

1	Commencement (Compliance)
	CONDITION: The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2.	Making good (compliance)
	CONDITION: All new works and works of making good to the retained fabric, whether internal or external, shall be finished to match the adjacent works with regard to the methods used and to colour, material, texture and profile, and shall be so maintained. REASON: In order to safeguard the special architectural or historic interest of the heritage asset.
3.	Rooflight
	CONDITION: Notwithstanding the plans hereby approved, detailed drawings of the proposed reinstated roof light above the ground floor rear room shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant part of the work is begun, and the works shall not be carried out other than in accordance with the details so approved and shall be so maintained. REASON: In order to safeguard the special architectural or historic interest of the heritage asset.
4.	Structural details

	<p>CONDITION: Detailed drawings of the new structural post at the ground floor front room shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the work is begun, and the works shall not be carried out other than in accordance with the details so approved and shall be so maintained.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
5	Metal Grille
	<p>CONDITION: Notwithstanding drawings MJK.M-02C and MJK.M-03C, no consent is granted hereunder for the Vent Axia shown and details of metal grille fitted flush to the brickwork shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant part of the work is begun, and the works shall not be carried out other than in accordance with the details so approved and shall be so maintained.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
6.	Flue
	<p>CONDITION: The rear flue shall be painted black and shall be so maintained thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
7.	Materials
	<p>CONDITION: Sample panels of facing brickwork showing the proposed colour, texture, facebond and pointing shall be provided on site, and approved in writing by the Local Planning Authority prior to the relevant part of the works commencing and the sample panels shall be retained on site until the work is completed in accordance with the panel so approved.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
8.	Terrace railings
	<p>CONDITION: Detailed drawings of the terrace railings shall be submitted to and approved in writing by, the Local Planning Authority before the relevant part of the work is begun, and the works shall not be carried out other than in accordance with the details so approved and shall be so maintained thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
9.	Window details
	<p>CONDITION: The replacement window at rear second floor shall be timber with glazing bars to match the kitchen window at rear first floor and shall be so maintained thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>

10.	Internal partitions
	<p>CONDITION: Detailed drawings of the new partitions and doors at 2nd floor shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the works is begun, and the works shall not be carried out other than in accordance with the details so approved and shall be so maintained thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>

List of Informatives

1	Listed Building Consent
	<p>INFORMATIVE: This consent relates solely to listed building matters. Should it become necessary to make alterations to the consented scheme in order to comply with other legislation, such as Building Regulations, a further consent may be required. Such a consent should be sought and obtained prior to the relevant works being undertaken.</p>

APPENDIX 2 - RELEVANT POLICIES

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

1. National Guidance

The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

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

2. Development Plan

The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013.

The following policies of the Development Plan are considered relevant to this application:

London Plan 2021

Spatial Development Patterns

Policy SD6 Town Centres and High Streets

Design

Policy D1 London's form, character and capacity for growth

Policy D4 Delivering Good Design

Policy D5 Inclusive design

Policy D12 Fire Safety

Policy D12 Agent of Change

Policy D14 Noise

Heritage and Culture

Policy HC1 Heritage conservation and growth

Policy HC5 Supporting London's culture and creative industries

Policy HC6 Supporting the night-time economy

Policy HC7 Protecting public houses

Sustainable infrastructure

Policy SI 2 Minimising greenhouse gas emissions

Draft Islington Local Plan

Inclusive Economy

Policy R1 Retail, leisure and services, culture and visitor accommodation

Policy R3 Islington's Town Centres

Policy R10 Culture and the Night-Time Economy

Policy R11 Public House

Sustainable Design

Policy S1 Delivering Sustainable Design

Policy S2 Sustainable Design and Construction

Policy S3 Sustainable Design Standards

Policy S4 Minimising greenhouse gas emissions

Design and Heritage

Policy DH1 Fostering innovation and conserving and enhancing the historic environment

Policy DH2 Heritage Assets

Policy DH5 Agent of Change, noise, vibration
Public Realm and Transport
Policy T1 Enhancing the public realm and sustainable transport
Policy T2 Sustainable Transport Choices
Policy T3 Care-free development
Policy T5 Delivery, servicing and construction

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS5 (Angel and Upper Street)
Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS14 (Retail and Services)
Policy CS15 (Open Space and Green Infrastructure)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)
Policy CS20 (Partnership Working)

C) Development Management Policies June 2013

Policy 7.8 Heritage assets and archaeology
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

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Shops, culture and services

DM4.2 Entertainment and the night-time economy

DM4.3 Location and concentration of uses

DM4.4 Promoting Islington's Town Centres

DM4.10 Public Houses

DM4.12 Social and strategic infrastructure and cultural facilities

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.2 Energy efficiency and carbon reduction in minor schemes

DM7.3 Decentralised energy networks

DM7.4 Sustainable design standards

Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

Supplementary Planning Guidance (SPG) / Document (SPD)

Islington Local Plan

- Environmental Design
- Conservation Area Design Guidelines
- Planning Obligations and S106
- Urban Design Guide

London Plan

- Accessible London SPG
- Character and context SPF
- Fire Safety LPG
- Energy Planning Guidance
- Be Seen energy monitoring LPG
- The Control of dust and emissions in construction SPG

**Appendix 3 - PLANNING
COMMITTEE REPORT 23rd April 2018**

PLANNING COMMITTEE		AGENDA ITEM NO: B3
Date:	23 April 2018	NON-EXEMPT

Application number	P2017/0800/FUL
Application type	Full Planning Application
Ward	St Mary's
Listed building	Yes
Conservation area	Upper Street (North)
Development Plan Context	Town Centre (Angel)
Licensing Implications	Premises licence required
Site Address	Kings Head Public House and Former North London Mail Centre, 115 & 116-118 Upper Street London N1 1AE
Proposal	The provision of a 360 seat theatre consisting of the main auditorium (of up to 276 seats) and an additional theatre space (of up to 84 seats) in Block B of the Islington Square development at ground, first, and basement levels; a new entrance lobby courtyard between the east elevation of Block B in Islington Square and the rear of 115 Upper Street; variation to retail unit G1 in Islington Square to facilitate access to the proposed Kings Head Theatre entrance; formation of a canopy over the new entrance; the use of all the King's Head theatre space at 115 Upper Street as a public house when the King's Head theatre takes up occupation of its lease within Islington Square; erection of a first floor extension to the King's Head; installation of new plant to the rear; works to the first floor roof terrace; re-instatement of a rooflight to the ground floor rear room.

Case Officer	Peter Munnely
Applicant	Sager House (Almeida Limited)
Agent	Mr Greg Cooper – Metropolis Planning and Design

Application number	P2017/0888/LBC
Application type	Listed Building Consent
Listed building	Yes
Conservation area	Upper Street (North)
Site Address	King's Head Public House
Proposal	Demolition of the lean-to dressing room at the rear of 115 Upper Street; erection of a first floor extension to the King's Head; installation of new plant and plant enclosure to the rear; works to facilitate the first floor roof terrace; re-instatement of a rooflight to the ground floor rear room; refurbishment and conversion of rear room and alterations to front bar and reconfiguration of existing upper level ancillary staff accommodation.

0 RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission (2017/0800/FUL):

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

and:

The Committee is asked to resolve to **GRANT** listed building consent (2017/0888/LBC):

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

2.0 SITE PLAN

Figure 1: Site Plan

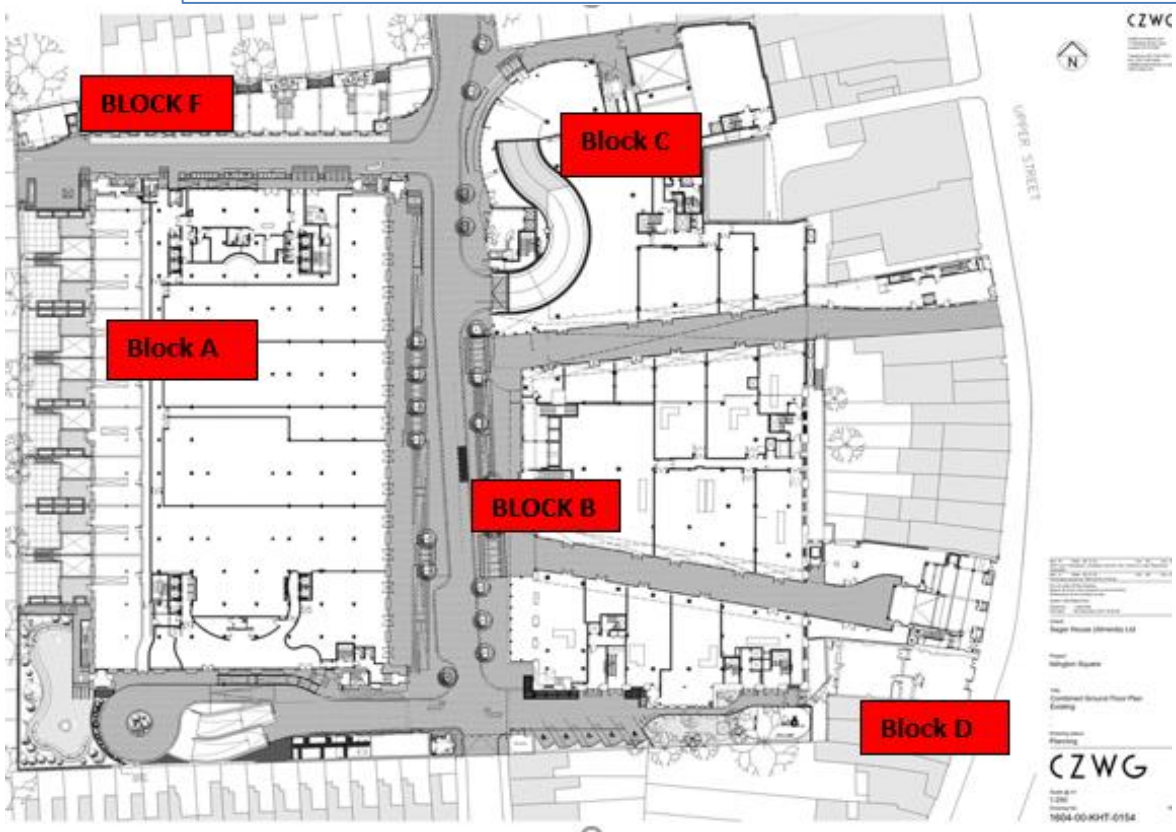
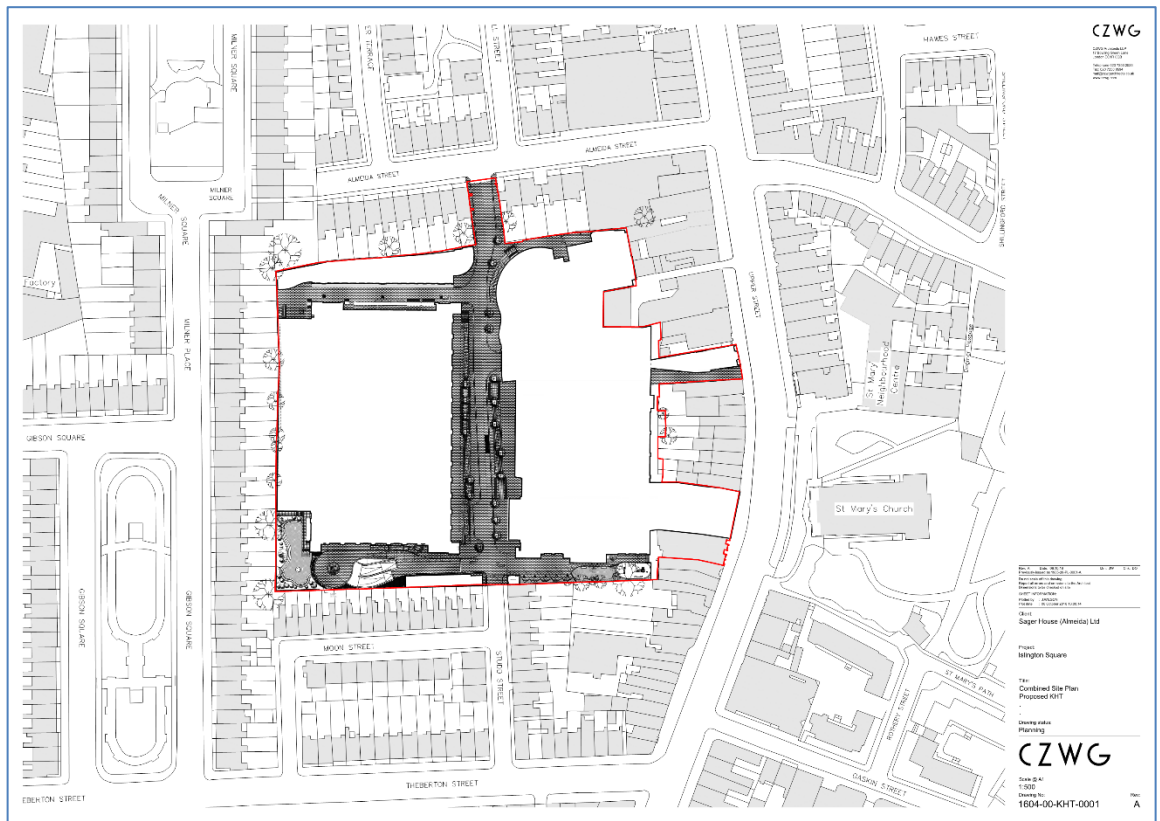


Figure 2: Ground Floor Block Arrangement

PHOTOS OF SITE/SPACE

Figure 3. Site viewed from the east

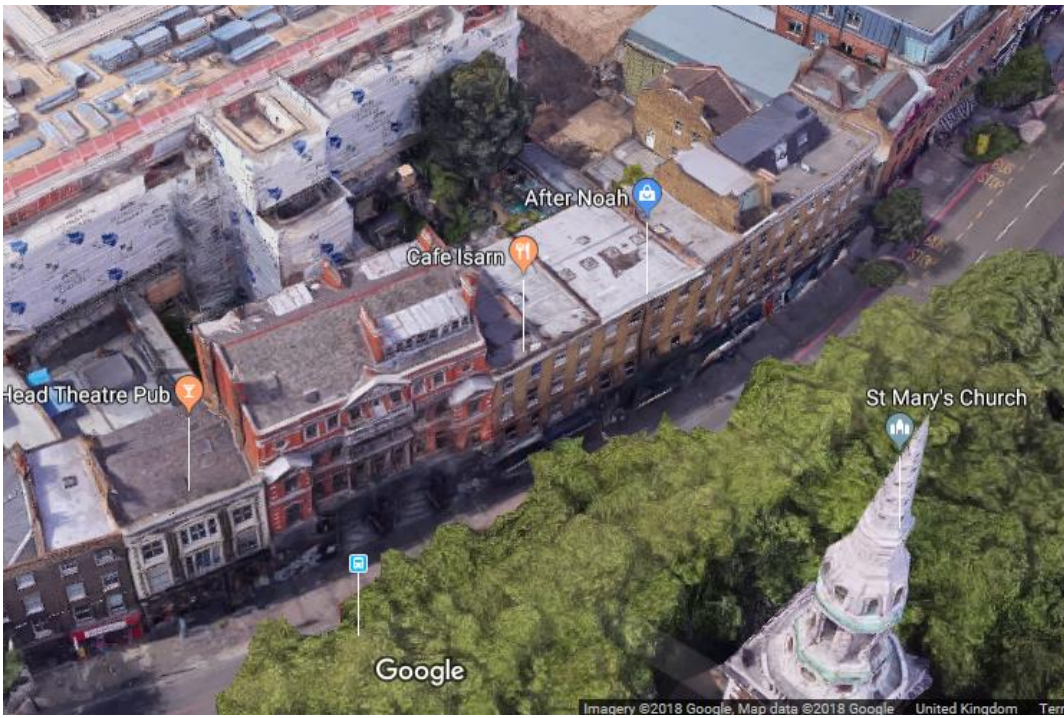


Figure 4: Site viewed from the north looking onto the flat roof of the King's Head



Figure 5: Looking south across rear of King's Head showing lean-to



Figure 6: King's Head Lean-to and east face of Block B



- 4.1 The overall scheme comprises of a planning application for relatively minor physical works and changes of use to the almost complete Islington Square mixed use development. A listed building consent application has also been made to allow the various internal and external alterations to the Grade II King's Head Public House. The works seek to provide a new theatre for the King's Head Theatre Group (KHTG) across a small part of principally 2 sub-ground levels of an existing, refurbished building within the development, which was granted Class D2 leisure use across the whole of its basement area.
- 4.2 The scheme is partly driven by the KHTG being provided with an opportunity to leave their small and rather challenging current home within the Pub which is becoming unfit for purpose despite its undoubted character. The KHTG would be granted favourable lease terms for the new theatre space although they would be required to fund its fit-out themselves as it currently stands in shell and core form. The vacated theatre space would become part of the Pub which would undergo refurbishment itself, the main feature of which would be a new roof terrace.
- 4.3 Work would also see the removal of a lean-to structure at the very back of the Pub which houses dressing room facilities. The removal of this would allow the formation of a new courtyard space in front of the Theatre's new ground floor entrance foyer. The courtyard would be accessed through the main development's South Arcade which is one its principle retail through routes.
- 4.4 Another significant element to the proposals is an accompanying application for the John Salt Bar at 131 Upper Street. It is proposed to use part of the bar as a temporary venue for the KHTG as the works to create the courtyard and the desire for the KHTG to continue with their performance programme without a break, mean moving straight into the new venue is not possible. This change of use application is the subject of a separate application.
- 4.5 The actual application site comprises a section of the south east corner of the main Islington Square development site – principally ground and lower levels of a former distribution building and also includes the King's Head Public House which fronts Upper Street. In relation to the new Theatre space there will sub-ground level access to a number of other parts of the wider development but ground floor access will be via a new entrance off the aforementioned South Arcade which will take visitors into the new part-covered courtyard and entrance doors.
- 4.6 The Council's consultation exercise resulted in a relatively modest amount of representation. The nearby Moon Street and Studd Street Resident Association responded and echoed most other respondents in broadly welcoming the proposals but requesting that visitors to the Theatre should leave via Upper Street following the end of performances in the evening.
- 4.7 The proposals bring about two main land issues. Whether it is acceptable for the consented Class D2 use to become theatre space (sui generis) and whether it is appropriate for the theatre space within the King's Head pub to be subsumed within the Class A4 Pub use. Notably the site is within the Angel Town Centre and theatre use, as a cultural facility and an evening and entertainment activity is one of a number of 'main town centre uses' which the Council's relevant development plan policies seeks to encourage in order to maintain the vitality of its town centres. When the relatively small overall percentage of Class D2 floorspace lost (it is proposed that there will still be a Gym and Cinema adjacent to the theatre) it is considered that there is no significant land use issue in regard to the reduction of Class D2 space.
- 4.8 In regard to what amounts to the intensification of the Class A4 use within the King's Head Pub through the move of the KHTG to new premises, it can again be highlighted that Class A4 is an established and obvious town centre use. Government guidance and the development plan encourage such uses and furthermore also seek to protect and retain pub uses generally which have, for a number of years, being threatened, particularly in London. In floorspace terms the 132sqm of theatre space to be given over represent a significant figure and crucially

the theatre space being given over is not lost, rather re-provided in a new, nearby location. The proposed land use change is thus considered in accordance with policy.

- 4.9 The physical alterations to allow the new theatre use are relatively minor and will actually help improve the vibrancy and diversity of the Islington Square development. The creation of the new courtyard through the removal of the King's Head lean-to is welcomed. The space, which will be part-covered will represent a pleasant area away from the bustle of the of the retail mall, for theatre goers to meet before entering the theatre via its new east facing entrance where a small foyer, lift and stairs will take them down to the main auditoriums. The route through to the courtyard will be created by removing a section of Retail Unit G1 with the exact width of this 'doorway' still to be finalised and thus condition.
- 4.10 The external works to the King's Head large relate to the formation of a roof terrace at first floor level. They principally include provision of a small extension, a central rooflight, plant and enclosure and a ducting which discharges above eaves level. The works are not regarded as contentious as the main historic interest of the building relates to its frontage and interior. The internal works proposed are largely welcomed as the refurbishment works will result in the re-instatement of a number of historic features. There are a number of interventions that are however considered unacceptable and alternative proposals will need to be sought for these.
- 4.11 In terms of neighbouring amenity the new pub terrace represents the only significant potential threat both in terms of noise from patrons and plant noise. Through a relatively strict conditions regime including the specific noise levels to be attained by plant, post-operative reports, closing of the terrace at 2100hrs, no vertical drinking and the requirement to submit and have approved a management plan, it is considered that nearby existing flats and those proposed within the development will not suffer undue harm.
- 4.12 Highways assessment of the land use changes has understandably led to the conclusion that trip generation will largely remain the same for the theatre use as it was for leisure use. TfL are satisfied with this conclusion and it is also assumed that servicing, waste and recycling requirements will not differ largely from those of the permitted leisure use. It is therefore proposed to use those facilities already consented within the main development in relation to these needs.
- 4.13 The new theatre will include a raft of access related design features and these have been welcomed by the Council's own Access officer. The scheme provides little in the way of upfront sustainability or low energy features and this seen as perhaps an unfortunate hangover from the main Islington Square scheme itself, which, other than its green roofs, seems to provide little in the way of genuine carbon reduction design features. A condition requiring a fully sustainable approach to the theatre fit-out and its operation is proposed to try and offset this issue.
- 4.14 A Section 106 agreement covering the two applications which are the subject of this report and the John Salt will seek to ensure favourable lease terms for the KHTG both for their stay at the John Salt and for their longer term home within Islington Square. Such terms are important as external parties and organisations will be more willing to provide funding for the KHTG in the knowledge they have a secure home.
- 4.15 The clear cultural related benefits of the proposed development to the Borough have been considered together with the potential adverse impacts, particularly relating to neighbouring amenity. It is the officers' view however that such issues can be suitably controlled by condition and effective management and on balance planning permission should be granted.

5.0 SITE AND SURROUNDINGS

- 5.1 The greater development site is bounded by Upper Street to the east, Moon Street and Studd Street to the south, Almeida Street to the north and Gibson Square to the west. A distinction may be drawn between this and the redline boundary for the main application which is the subject of this report which features an area to the south east corner of the development site under which the new theatre element would be sited, together with the King's Head Pub.
- 5.2 The wider site currently features a part-implemented scheme which is expected to be completed in 2019. In terms of coverage the site area consists principally of a large, red brick Edwardian period sorting office to the western side historically known as 'Block A' (Retail and Residential), the grade II listed Post Office building at 116 Upper Street which is referred to as 'Block 'D' (retail), a single storey building to the rear of Almeida Street known as 'Block F' (Office or retail) and, to the south east (and to the rear of Upper Street) a 5 storey building consisting of retained façade which was the former distribution building and is referred to as 'Block B', (residential, retail and leisure). These buildings together have generally been referred to as Site 1 as they were the first to be granted planning permission.
- 5.3 A new building, 'Block C' (residential and retail) is to the north east of the site and a pedestrian walkway leading off Upper Street into the site separates this element from 'Block B'. Its construction incorporates the former Mitre Public House which fronts Upper Street. The building, with roof structures rising to 5-storeys replaces the former Islington Delivery Office, an unremarkable late 20th century building. This element of the wider scheme has generally been referred to as Site 2.
- 5.4 As indicated, the King's Head Theatre also features within the red line site boundary. Fronting Upper Street (No.115) and Grade II listed (1994) this 3 storey building dating from 1864 is ornately decorated both internally and externally with polished granite columns, curved bay windows, external wood panelling, granite fireplaces and an island/back bar. Its theatre space to the rear is rather more functional and also features a lean-to extension which houses basic dressing room facilities. The Theatre opened in 1970 and is said to be one of the first Theatre Pubs in London.
- 5.5 Outside of the redline boundary although integral to the wider development, as it will serve as the showpiece entrance from Upper Street, is the aforementioned Grade II listed Post Office building at 116 Upper Street. Purpose built around 1906, constructed of brick with stone dressings and a slate roof. It has an elaborate street frontage of red brick and stone which rises above its stock brick terraced neighbours. It is five storeys over basement with a ground floor are decorated with banded rustication and flat arched entrances with architraves in polished granite. There is a centrepiece in the form of four caryatids flanking the third floor window band and supporting a small balcony at fourth floor.
- 5.6 Other heritage assets near or adjacent to the site include the Grade II listed St Mary's Church opposite the Post office building and King's Head Theatre on the eastern side of Upper Street, the Grade II listed Almeida Theatre whose rear backs onto the to the north of the site and a number of terrace houses immediately adjoining the western site boundary on Gibson Square which are also Grade II listed. Both the wider development site and the application site fall within the Upper Street (North) Conservation Area (CA19) whilst the wider development site shares its northern, southern and western boundaries with the Barnsbury Conservation Area (CA10).
- 5.7 In terms of surrounding land uses, Upper Street with its retail uses and evening economy related uses is the dominant characteristic. However, adjoining roads such as Moon Street and

Almeida Street are almost all residential in character and incorporate late Georgian and early Victorian housing.

5.8 The site enjoys a PTAL 6b rating of Very Good, the second highest achievable. Angel and Highbury and Islington Underground/Overground Stations are 5 and 10 minutes' walk away respectively and Essex Road train station is approximately 10 minutes' walk. Numerous bus services to various locations both north and south of the site (Barnet, Archway, Hackney, Finsbury Park, Battersea, London Bridge and Oxford Street) run along Upper Street.

6.0 PROPOSAL (IN DETAIL)

6.1 The main proposal seeks planning permission for the change of use of already consented assembly and leisure space (Class D2) across a number of sub-ground levels (lower basement, lower basement mezzanine level, combined basement, combined intermediate basement) of the now largely built Block B. The new use will see the introduction of a 360 seat theatre (sui generis) consisting of the main auditorium (of up to 276 seats), an additional space (allowing up to 84 seats), bar and circulation space.

6.2 Other key elements of the application are as follows:

- the formation of a new courtyard between the east elevation of Block B in Islington Square and the rear of the King's Head Pub at 115 Upper Street;
- variation to retail unit G1 in Islington Square to facilitate the entrance lobby and easier access to the proposed Kings Head Theatre entrance;
- formation of a canopy over the new theatre courtyard at ground floor within the Islington Square south entrance arcade;
- the use of all the King's Head theatre space at 115 Upper Street as a public house (Class A4) on relocation of the King's Head Theatre Group;
- erection of a first floor extension to the King's Head to allow a new means of escape stair;
- installation of new plant and enclosure to the rear of the King's Head;
- works to facilitate a new first floor roof terrace and a re-instatement of a rooflight to the ground floor rear room;

6.3 There are two 'enabling' applications accompanying the main planning application. These are a listed building application for internal and external works to the King's Head itself (P2017/0888/LBC) and a part-change of use application for the John Salt at 131 Upper Street (2017/0802/FUL) The John Salt application will seek to secure use of part of the bar as a bridging venue for the King's Head Theatre Group (KHTG) whilst funding for the fit out of the Islington Square venue is secured and the works implemented. As the John Salt stands outside the main application boundary the application will be reported on separately although will feature on the same agenda as this application and the accompanying listed building application.

6.4 Key elements to the listed building application for the King's Head are as follows:

- demolition of the lean-to dressing room to the the ground floor rear;
- erection of a first floor extension;

- installation of new plant and enclosure to the rear;
- works to allow the formation of a first floor roof terrace;
- re-instatement of a rooflight to the ground floor rear room;
- refurbishment and conversion of the existing theatre space, alterations to front bar and reconfiguration of existing upper level ancillary space to create additional function room and staff accommodation;

6.5 It is proposed to change part of the rear area of the John Salt bar at 131 Upper Street bar from drinking establishment use (Class A4) to that of a theatre (sui generis) to allow the Kings Head theatre to maintain a permanent home following them vacating the King's Head and prior to occupying the new purpose built theatre venue within the Islington Square development. The proposed John Salt theatre space amounts to 88sqm at ground floor providing 113 seats with 44sqm of office/ancillary accommodation given over at first floor.

6.6 It is envisaged that all three applications will be the subject of an overarching Section 106 agreement which will aim, amongst other things, to secure appropriate arrangements in respect to lease terms for the King's Head Theatre Group on both the new theatre space with Islington Square and the temporary theatre venue at the John Salt. This would be in order to ensure theatre use was maintained in perpetuity either on site or as close as possible to the site after the Kings Head is temporarily closed for its refurbishment.

7.0 RELEVANT HISTORY

7.1 As already mentioned historically the development area is an aggregation of two separate application sites which adjoin each other both of which were formerly under the ownership of Royal Mail. Two parent applications were made for these sites in 2005 and 2009 and these can be summarised as follows:

7.2 Generally referred to as Site 1, planning approval (P052245) was granted in July 2007 for *'Partial demolition, alteration, extension and change of use of buildings A, B, D, F, and associated outbuildings and structures, to provide a mixed use scheme comprising residential (C3), with the creation of 185 new dwellings (127 private and 58 affordable). Change of use of remainder of buildings with 2348 sq m new floorspace to provide: Business (B1) Retail (A1, A2, A3 including relocation of post office counter), leisure (D2) serviced apartments (temporary sleeping accommodation as defined by the Greater London Planning Act 1973) performance space, rehearsal space and theatre storage, with associated access, parking and landscaping.*

7.3 The second site (Site 2) (P090774), largely centred around Block C, was the subject of a separate planning application for retail, office and residential uses and was approved in March 2012. Now largely complete, it involved *'The demolition of 5-6 Almeida Street and erection of a part 2, 5, 6, 7 and 8-storey building, above two basement levels, providing for 5,137sqm Class A1 (retail) floorspace, 242sqm flexible Class A1/A3 (retail / café-restaurant) floorspace, 208sqm Class A4 (drinking establishment) floorspace, 859sqm Class B1 (business) floorspace and 78 dwellings, together with cycle parking, servicing and 12 disabled car-parking spaces. Erection of a roof extension, part 2, part 4-storey rear extension and basement to 128 and 130 Upper Street together with associated alterations, access and landscaping.'*

7.4 The first significant alteration to one of the parent permissions referred to above was made in 2012 where a Section 73 (Minor material amendment) application (P2012/0256/FUL) was

submitted seeking to amend the Block C retail arrangement, particularly the northern access route from Upper Street into the development. This was granted consent in November 2013 under delegated authority.

- 7.5 In 2013 two further Section 73 Minor material amendment applications (P2013/2697/S73 & P2013/2681/S73) were made to vary the above referred parent permissions. More specifically the applications principally sought to amend uses of the floorspace of the approved schemes. The proposed changes related to the ground and basement levels on Blocks B & C and the ground floor of Block A and broadly comprised the: conversion of office to retail in Block A; the loss of basement retail space in Blocks B and C replaced by the relocation of a servicing level in Block C and the introduction of additional leisure uses into basement levels of Blocks B and C. Both applications were granted permission in November 2014 under delegated authority.
- 7.6 Officers are currently considering two additional Section 73 Minor material amendment applications (P2017/2870/S73 & P2017/2866/S73) which seek to amalgamate a number of smaller flats across Blocks A and C. The overall number of flats across the development would reduce by 7 from 263 to 256. The affordable element would not be affected by these proposals nor would overall residential floorspace decrease.
- 7.7 The wider scheme has also been subject to a small number of non-material minor amendment applications (Section 96a) although none are considered relevant to the applications that are the subject of this report.
- 7.8 Understandably a large number of planning conditions have been attached to the various planning permissions across the site. Many of these are pre-occupation or relate to ongoing operational requirements on matters such as waste, plant noise and landscaping will sit against the various uses across the site once implemented.
- 7.9 Officers have already discharged a large number of pre-commencement conditions relating to the wider site and are currently assessing detail on various outstanding condition related matters. It is not considered that this work should affect or impact on determination of the applications which are the subject of this report.

Listed Building Consents

- 7.10 Over the course of the development a number of listed building applications have submitted almost solely in regard to the Post Office building on Upper Street which historically over the course of the development has been referred to as Building D. Ongoing applications and key consents are as follows:
- P2017/3655/LBC – Currently under consideration this application seeks minor basement changes and alterations at ground floor to form a new doorway in an existing window to match the arrangement on the opposite wall. The formation of riser routes through the building is also sought. The application was generated partly by the main application which is the subject of this application and it is likely that no decision on the listed building application will be taken until Committee determine the main application which seeks the introduction of a new Theatre space adjacent to the Post Office building.
 - P2014/1163/LBC - Erection of an overhead 'canopy' above the Post Office building entrances approved under Listed Building Consent References: P10162 and P110013 (Associated with Planning Application Reference: P2014/1164/FUL). This application was refused and is currently the subject of an appeal to the Secretary of State with a decision anticipated later in 2018.

- P2014/0011/LBC - Listed Building Consent application approved in May 2014 in connection with internal and external alterations including removal of some internal walls and section of rear elevation at ground floor level, new front entrance gates and various other alterations. Variation and consolidation of detailed design development of Listed Building Consent references P071777 and P110013.

ENFORCEMENT

- 7.11 An ongoing enforcement case relates to 'Amazon' lockers built into the extensive hoardings to the front of the Post Office building. Although an Enforcement Notice has been served it is expected that the hoarding will be removed in the next few months and the lockers will therefore be removed with it.

BACKGROUND TO THE APPLICATIONS

- 7.12 **THE EARLIEST MAIN PLANNING PERMISSION GRANTED IN 2007 (P052245) REFERENCED** 'performance space, rehearsal space and theatre storage' amongst the significant retail and residential elements within the description of development. Such uses would be set around Block's A, B & D. It is believed that the uses were negotiated with a view to involving the Almeida Theatre within the development.
- 7.13 As already outlined the 2013 Section 73 application (2013/2697/S73) saw a 'repositioning' of uses with retail moved from the upper basement of Block B to the ground floor of Block A in order to animate the main street. Retailing space was also moved from the lower basement level of Block C under (2013/2681/S73) allowing, a 'multi-purpose rehearsal and performance space (Class D2 - Assembly and Leisure) to take its place. It had been hoped to attract the English National Ballet to occupy the space although this never materialised. The application also allowed the introduction of Class D2 use over two basement levels within Block B. The application documentation suggested likely tenants of this basement space would be a health club and a cinema operator.
- 7.14 Set alongside these changes and the implementation of the project itself, the King's Head Theatre, founded in 1970, and London's first and arguably foremost Theatre pub, has continued to provide a high quality theatre programme in the heart of Upper Street for residents and visitors alike within its much loved but challenging back-room theatre space. It's continued success on Upper Street, links with the community and further enhancement of its already estimable reputation are all objectives which the Council strongly support and are required to make provision for.
- 7.15 Whilst the Theatre has undoubtedly been an Islington success story its extremely small auditorium, although lending atmosphere and intimacy to any performance, only houses 110 seats. Its dressing room facilities are rudimentary and the King's Head Theatre Group (KHTG) do not have access to lucrative bar trade income. The above, together with the intense competition in London from both mainstream West End Theatre offer and, what could be termed alternative, left-field theatre groups therefore presents challenges to the the KHTG's long-term sustainability.
- 7.16 The chance to secure a new permanent home within the Islington Square development less than a few metres from the The King's Head is seen as an unparalleled opportunity for the KHTG to secure its long-term future. That space earmarked is a demise of approximately 720 sqm largely set over part of a lower basement and a mezzanine level element of Block B and also including circulation/access space on two levels above, an entrance lobby at ground floor off one of the main retail arcades within Islington Square and a small office at first floor. The space is provided as 'shell and core' and funding will need to be secured to fit out the Theatre and this

report will later consider how the granting of planning permissions which are the subject of this report will assist in that regard. When complete the new venue will be equipped to meet the demands of a sustainable producing theatre in the 21st century with a main 276 seat auditorium, an alternative 84 seat studio, bar and high quality facilities for actors, production companies and audiences alike.

- 7.17 The need to undertake works to the rear of the existing King's Head Pub – the demolition of a 20th century lean-to feature which currently serves as dressing rooms - to the new theatre courtyard, means that it is not possible to complete the new Theatre Islington Square facility without interrupting the existing theatre programme for a period of time.
- 7.18 A suspension in the theatre's programme was not acceptable to the KHTG and as a result the applicant Sager undertook to provide alternative premises. The John Salt bar at 131 Upper Street was identified as suitable. A temporary relocation of the KHT to the 113 seat John Salt would clearly overcome the problem of the KHT 'going dark' and interrupting its programme and income stream. Furthermore the John Salt offers advantages on the current theatre space by way of improved dressing rooms, disabled access, a higher auditorium ceiling and a significantly longer lease offered than is currently the case with the existing venue. The John Salt is in close proximity to the existing Kings Head allowing all important presence to be maintained on Upper Street before any permanent move is made into Islington Square.
- 7.19 Significantly, Sager, the Islington Square applicant, has also undertaken to fund the not insignificant fit out costs of the John Salt temporary auditorium and ancillary elements. Further security for the Theatre Group is lended by the fact that the application for the part-change of use of the John Salt is now a permanent application as opposed to temporary which was previously the case. Although it is still the aim of the KHTG and Islington Council to ensure the KHTG move into their new purpose-built premises as soon as possible following closure of the King's Head this will be dependent on effective fundraising by the KHTG. Although the KHTG suggest they would hope that no more than 18 months would be spent in the John Salt, it was considered appropriate that the application be permanent to alleviate any risk of the new use exceeding the duration of the permission. All parties have agreed that the space will revert immediately back to Class A4 use upon the KHTG taking up residency within their Islington Square permanent home.
- 7.20 Although all applications associated with the move have been made by sager management ltd as developers of islington square, the project closely involves and is promoted by three separate parties. Besides the developer and the king's head theatre company, young's, the owner of the king's head pub, wish to refurbish the kings head following the relocation of the theatre group. These works will require listed building consent, an application for which has been submitted and the merits of which are considered later in this report. The planning application also intends to capture the change of use of the space vacated by the theatre so that it can be used for class a4 (drinking establishment) purposes. The space amounts to 90 sqm at ground floor level and 43.4 sqm at first floor level. Extensive pre-application dialogue took place between the applicant and officers as to whether the theatre space represented a separate and distinct planning use or an ancillary use to the public house. The council maintained that the use was separate to that of the pub and that a part-change of use of the space was required to allow the whole of the building to be used as a public house. Although apparently not in agreement with the council's interpretation, the applicant agreed that the main application's development description should acknowledge the council's position and therefore part of that description seeks to allow *'the use of all the King's Head theatre space at 115 Upper Street as a public house when the King's Head theatre takes up occupation of its lease within Islington Square'*.

- 7.21 It follows therefore that part of this report will be required to consider the merits or otherwise in land use terms of the loss of theatre space (sui generis) within the Pub and the provision of a Class A4 use in its place. Clearly the intended re-provision of a larger, contemporary theatre as part of the same application will be a significant material issue in any consideration of land use matters.
- 7.22 The refurbishment of the King's Head also includes physical alterations to the exterior, largely to the rear, where there will be a small extension provided at first floor, a roof terrace for dining, plant and plant enclosure. To accompany this part of the application a Noise Impact Assessment and Activity Noise Report have been included in the submission material for consideration.
- 7.23 in order for the relocation to go ahead each party needs the certainty provided by approval of the simultaneous applications described above. Certainty is also required by the council that the khtg will, as promised by sager, be allowed to occupy, under favourable lease terms, both the new theatre space and the john salt (until vacated) in respect of duration of leaseholds, charges and restrictive covenants. The three parties propose to enter into legal agreement between themselves, completion of which shall occur, on the grant of planning permission. It is proposed that the terms of these legal agreements shall be replicated in the council's own section 106 agreement which is to accompany the applications which are subject of this report.
- 7.24 although further consideration of s106 heads of terms takes place later in this report it is important to note that the favourable lease terms, particularly relatively lengthy leaseholds, are important in helping the khtg present a picture of long term security within islington square, against which it can both borrow or secure external grant funding from the likes of the art council or the gla. This is significant as the khtg are, themselves, obliged to fund the fitting out of the new theatre space at islington square. It has been estimated that the khtg will be required to raise approximately £2.8m in order to meet this cost.

8.0 CONSULTATION

Public Consultation

- 8.1 Individual letters detailing both the planning application and listed building consent were sent to occupants of nearly 1000 adjoining and nearby business and residential properties on Upper Street, Moon Street, Almeida Street, Studd Street, Theberton Street, Milner Square on the 31 July 2017. Records show properties on Esther Anne Place and Shelley Place were also notified – these are understood to be the new addresses created by the development. In regard to the planning application, 14 responses were received following this exercise including two from local resident associations. A press advert was published and site notice displayed on 3 August 2017. The public consultation exercise expired on 21 August 2017 however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 Only 1 of the 14 responses could be said to represent an outright objection. Many of the other representations were prefaced with wishes of support for the Kings Head Theatre. The issues raised can be summarised as follows:

- A new larger theatre will lead to a more intensive use and significant upturns in traffic, pedestrian footfall and ensuing noise to local residents;
- A new bar associated with the Theatre will bring attendant noise and anti-social behaviour.
- The King's Head would gain additional space through the theatre vacating the back room and office space thereby leading to additional drinking space in an area already saturated with drinking venues;
- The use of the new bar should be restricted to theatre goers at show times to reduce any potential for anti-social behaviour;
- Access to and egress from the Theatre should be limited to Upper Street particularly later in the evening thereby preventing theatre goers from utilising Studd Street or Almeida Street which are quiet residential roads. Such an arrangement would replicate the condition which is attached to a restaurant/bar within the south arcade;
- Vehicle servicing related to the theatre use should be restricted to normal working hours and should not take place later into the evening.

Applicant's consultation

- 8.3 The applicant has carried out a regular consultation process with local businesses and residents since work began on the site. The principal form of consultation has taken the form of a newsletter which has been sent out in email and in hard copy to local businesses and residents and Islington Council. Throughout the construction period the developer has also maintained a show suite on Upper Street within which details of the scheme could be explained.

External Consultees

8.4 **London Fire and Emergency Planning Authority:** Requested that there should be fire brigade access to the perimeter of the buildings, sufficient hydrants and water mains in the vicinity and that sprinklers should be considered.

8.5 **Victorian Society:** No comment.

8.6 **Islington Society:** No comment

8.7 **Crime Prevention Officer:** No objection subject to the main scheme achieving 'Secured By Design' principles.

8.8 **TfL (Road Network):** No objection (following submission of additional material/Statement)

8.9 **Theatres Trust:** An initial letter in August 2017 focussed on the main application (a shorter letter in March 2018 was concerned with the John Salt application). In regard to the main application concerns were noted in respect of visibility, street presence, access and circulation and fire safety:

- *'There is concern regarding both the visibility and space restrictions of the main entrance and its ability to attract the uplift in audience numbers needed to support the viability of a new, larger theatre. The proposed footprint of the new entrance provides little scope*

for a theatre 'shop front' at street level and with very little room to provide a box office desk and audience interface;
(see condition 6 which seeks to allow the Theatre a greater 'shopfront' onto the arcade by re-arranging Unit G1)

- *'Signage will also be a crucial factor in assuring visibility within the new development, and while we support the proposed wall sign in the former window cavity on the east elevation and the sign above the courtyard gates, these must be specifically secured for the theatre's use. The wider finishes and decoration of the courtyard should also be considered as a means of drawing the people to the theatre';*
(see commentary at 10.37)
- *'The limitations of the basement space and the small ground level entry mean that there is only one main stair and lift to service the theatre and audience flow and waiting may therefore become problematic, particularly at cross-over times when one show's audience is leaving and another's arriving. Access to the balcony is also limited. We therefore recommend that consideration be given to including one of the ground floor retail spaces next to the main entry as part of the theatre's demise to provide additional circulation and holding space, and the theatre are able to use core stair SW1 for operational purposes, both to access the balcony from the main floor, and to act as a secondary means of exit for the audience leaving a show to minimise congestion on core stair SE1'.*
(see commentary at 10.36)
- *'We also note that the route between the delivery bays in the adjacent car park on level B2 and the goods lift will make manoeuvring of props and sets challenging';*
(see commentary at 10.65)
- *'The ability to safely evacuate the theatre is paramount and we are concerned that the proposed scheme relies on the use of Evac chairs to help less mobile people escape from a basement of 4-storeys, which requires trained and able staff to be available at all times to use the chairs. The Association of British Theatre Technicians Technical Standards advises 'Where lifts are provided for access for mobility-impaired people they should be designed as evacuation lifts and should comply with the recommendations of BS 9999 and of BS EN 81-3'. It is strongly recommended that the lift provided is designed as an evacuation lift and that emergency evacuation proposals be discussed at this planning stage with the Building Control team and the London Fire Brigade to ensure the scheme satisfactorily addresses this issue';*
(see condition 13)
- *'We are happy to recommend granting planning permission, and suggest planning conditions or a s106 agreement that will restrict the use of the rear part of the King's Head Public House until the new theatre space is operational to guarantee and safeguard the theatre, and a requirement to submit details for theatre signage on Upper Street to maintain the theatre's street presence'.*
(see commentary at 10.95)

8.10 **Historic England:** No comment and listed building consent application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.

Internal Consultees

- 8.11 **Access and Inclusive Design Team:** Provided extensive comments relating to ‘fit-out’ drawings which have largely been addressed in specific response document provided by the applicant.
- 8.12 **Energy Team:** No comment.
- 8.13 **Design and Conservation:** No objection in principle subject to specific conditions being attached to any accompanying listed building consent.
- 8.14 **Highways (Traffic and Engineering):** No comment.
- 8.15 **Planning Policy Team:** No comment
- 8.16 **Public Protection (Noise Team):** No objection in principle subject to the imposition of planning conditions relating to provision of a Noise Management Plan, details of overall noise emitted and provision of a noise report to be submitted once proposed plant has been installed.
- 8.17 **Public Protection (Licensing):** No comment.
- 8.18 **Waste and Recycling:** No comment.
- 8.19 **Building Control:** At the time of writing no comment had been received although full are observations in particularly regarding means of escape are expected and will be reported to Committee
- 8.20 **Directorate of Employment, Skills and Culture:** Welcome the proposals, in that they will secure a long term, sustainable future for the King’s Head Theatre Group. However, they have stressed any permission must be subject to firm and reasonable lease terms for the King’s Head Theatre Group both in regard to the new theatre space and the John Salt.

9.0 RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

- 9.1 Details of all relevant policies and guidance notes are attached in Appendix 2
- 9.2 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.*)
 - *As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;*
 - *As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).*

- 9.3 National Planning Policy Framework (NPPF): Paragraph 14 states: *“at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay.*
- 9.4 At paragraph 7 the NPPF states: *“that sustainable development has an economic, social and environmental role”.*
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.7 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

National Guidance

- 9.9 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.10 Since March 2014, Planning Practice Guidance for England has been published online.

Development Plan

9.11 The Development Plan is comprised of the London Plan 2016 (Consolidated incorporating Minor alterations), the Islington Core Strategy 2011, the Islington Development Management Policies 2013, and the Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at **Appendix 2** to this report.

Designations

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

- Conservation Area - Upper Street (North)
- Article iv (i) - Upper Street (North)
- Angel Town Centre
- Site Allocation AUS1 - (Almeida Street Sorting Office/Formal North London Mail centre)
- Archaeological Priority Area – Islington Village and Manor House
- Grade 2 Listed Buildings (Post Office and King’s Head Public House)
- Within 50m of TLRN Road (Transport for London Road Network) (A1)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10.0 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land use;
- Visual Amenity/Design;
- Conservation and listed building matters
- Neighbouring amenity;
- Highways and transportation;
- Energy conservation, sustainability and biodiversity;
- Inclusivity and Access;
- Other planning issues and
- Planning Obligations and safeguards, Community Infrastructure Levy and local finance considerations

Land use

10.2 Islington Square is a retail-led mixed use development that is intended to anchor the northern part of the Angel Town Centre which was redesignated in 2013 to include the Islington Square site. It is considered that there are two significant land use matters to assess within the main application. These are the loss of consented Class D2 (Assembly and Leisure) space within basement levels of Block B that is to be the location for the new Theatre and the loss of existing Theatre Space from the rear of the ground floor of the King’s Head Pub.

10.3 The National Planning Policy Framework (NPPF) has a ‘Town centre First’ thrust which requires LPAs to plan positively to support town centres to generate employment, promote competition and create attractive diverse places to live, visit and work. Within Annex 2 (Glossary) of NPPF Theatres are specifically referred to as a main town centre use.

10.4 Policy 4.6 of the 2016 London Plan 2016 (Consolidated incorporating Minor alterations) provides that the Mayor shall support the continued success of London's diverse range of cultural entertainment enterprises and that new development should have good access by public transport, be accessible to all and address deficiencies in facilities and provide a cultural focus to foster more sustainable local communities.

10.5 The Site Allocations Local Plan provides site specific guidance for the site and is referenced as AUS 1. Under 'Allocation and justification' the plan states as follows: -

'Employment-led mixed-use development to support the town centre and functions of the London Central Activities Zone as a strategic business location.

This is a key redevelopment sites towards the north of the Angel Town Centre. Future uses will need to contribute to the vitality of the town centre - providing opportunities for employment such as offices (B1) and/or the provision of retail (A1)/leisure (A3 and A4) /cultural uses (D1 and D2). The provision of retail use will help to meet demand for this accommodation within the town centre. An element of conventional residential which makes a significant contribution to affordable housing is acceptable as part of a mix of uses. There could be continued Royal Mail operations on part of the site.'

10.5 Policy DM4.2 (Entertainment and the night-time economy) of Islington's Local Plan indicates that entertainment and night-time activities are generally appropriate in Town Centres where they are compatible with other Town Centre uses, where there would not be a significant adverse effect on amenity, particularly residential amenity and where there is not an over-concentration of similar types of use.

10.6 Policy DM4.4 (Promoting Islington's Town Centres) of Islington's Local Plan seeks to maintain and enhance the retail and service function within Islington's four town centres. Part C of DM4.4 is considered most relevant. It states that, amongst other things, development is required to contribute positively to the vitality and viability of the centre, promote a vibrant and attractive place and not cause detrimental disturbance from noise.

10.7 Policy DM4.10 (Public Houses) supports the retention of Public Houses and although generally the Policy concerns itself with provisions to prevent the loss of Public Houses, the policy does stress the importance attached by residents and visitors alike to historic Public Houses within the Borough.

10.8 Policy DM4.12 (Social and Strategic Infrastructure and Cultural Facilities) of Islington's Local Plan acknowledges and seeks to maintain and enhance social infrastructure, strategic infrastructure and cultural facilities within the borough. More specifically Part A addresses the loss or reduction in social infrastructure. Part B sets out that the Council will require new social infrastructure and cultural facilities as part of large mixed use developments. Part C aims to ensure new social infrastructure and cultural facilities are conveniently and sustainably located and accessible to all, avoiding adverse impacts on surrounding amenity while Part D of the policy specifically requires that new cultural facilities that will attract significant numbers of visitors should be located in the Central Activities Zone or the Town Centres. Part E states that the loss and/or change of use of cultural facilities such as theatres will be strongly resisted.

The loss of consented Class D2 floor space at basement level within the main Islington Square development and introduction of theatre use in its place

10.9 The first issue to consider is whether the relevant original planning permission has actually been implemented. Although the relevant space is unoccupied, building work is well advanced

to the degree that shell and core space now exists, it is considered the 2007 permission has been implemented and assessment of 'loss' of use and introduction of a new use is justified.

- 10.10 Theatre use does not enjoy a designated use class under The Town and Country Planning (Use Classes) Order 1987 (as amended) and therefore the use is termed *sui generis*. As already indicated earlier in this report that part of the development in which the Theatre will be located has been granted a planning permission for Class D2 use (Assembly and Leisure) which can include uses such as Cinemas, fitness gyms, Concert Halls and Dance Halls. It is understood there has been a pre-letting for a major Gym operator already agreed and this will cover extensive basement space across Blocks B and C.
- 10.11 On the basis of how similar the theatre use is to the approved Class D2 use that it will replace (although notably only a relatively small amount, 11%, of the consented D2 use will actually be lost) it is not considered that the 'loss' would result in conflict with Development Plan policy objectives.
- 10.12 Significantly it is asserted that the introduction of the Theatre use is fully endorsed by national and regional guidance and development plan policy. The fact that theatre use is similar in character to those Class D2 uses such as concert halls and cinemas is reflected in the NPPF's assessment of theatre use as a 'main town centre' use and one which should be promoted.
- 10.13 Noting Policy DM4.12 (which is considered below) it can also be held that theatre use can be termed a cultural facility as opposed to either social or strategic infrastructure. This being the case the introduction of the theatre accords with the Site Allocations designation AUS1 which stipulates that 'future uses will need to contribute to the vitality of the town centre ...providing opportunities the provision of retail (A1), leisure (A3 and A4)/cultural uses (D1 and D2)'
- 10.14 Both Policy DM4.2 and DM4.4 which both broadly seek to promote and manage entertainment uses and the night-time economy in Town Centres support the introduction of theatre use. Policy DM4.2 is clear in stating that entertainment and night-time uses include theatres. It states such uses are '...generally appropriate in Town Centres ...' where compatible with other main Town Centre uses and where there would be no significant adverse effect on residential amenity.
- 10.15 Similarly a theatre use in the proposed location would accord with the provisions of Policy DM4.4 in that the development would be appropriate to the scale, character and function of the Angel Town Centre, contribute positively to its vitality and viability, help make it a more vibrant and attractive place, respect and enhance its character, meet Inclusive design policies and not have an adverse impact on neighbouring amenity.
- 10.16 In assessing the proposal against DM4.12 it can be seen that as the proposed use is a cultural facility, parts B-E are all relevant and the proposals are fully in alignment with these objectives which state that the Council will seek the provision of cultural facilities as part of large mixed-use developments, that such cultural facilities must be conveniently located and served by sustainable transport modes, that such facilities should provide buildings that are inclusive, accessible and flexible and that they should complement existing uses and character of the area, avoiding adverse impacts on the amenity of the surrounding uses. In addition, the proposal meets the requirement of DM4.12 (D) which states that new cultural facilities that are expected to attract significant numbers of visitors should be located in Town Centres and also (E) which sets out that the loss of cultural facilities such as theatres will be strongly resisted.
- 10.17 It is considered there is no change of use policy issue relating to the first floor of Block B where a small (approx. 20 sqm) back of house office area for the Theatre has been created by the re-arrangement of circulation space and the Stair and lift core.

The 'loss' of existing Theatre Space from the rear of the ground floor of the King's Head Pub to be replaced by additional Class A4 space

- 10.18 As already referenced in this report, the current situation within the King's Head is relatively unique in that the Council considers there to be a dual planning use within the demise (*sui generis* theatre and Class A4 drinking establishment). Conversion of the ground floor area to the rear of the pub which is currently the King's Head Theatre therefore presents a need for consideration as to the loss of the theatre space and the provision of additional Class A4 space in its place.
- 10.19 Although the theatre space amounting to 132 sqm including ancillary space at first floor level, would be turned over to a different use it can be emphasised that there would be no 'loss' as such. As already indicated in this report a bridging venue at the John Salt at 113 Upper Street would re-provide almost exactly the same amount of theatre space that would be given up within the King's Head (furthermore the John Salt permanent permission would provide additional security in use terms but revert back once KHTG took up residence within Islington Square). Significantly, the new purpose-built theatre space within the Islington Square development would, at 720 sqm, provide over 5 times the amount of existing theatre space for the King's Head theatre than is currently the case in the King's Head Public House. Even without considering the merits of a new purpose built, larger, more sustainable theatre space, it is considered that there is no conflict with Policy DM4.12 Part (E) which states that the loss and/or change of use of cultural facilities such as theatres will be strongly resisted. As part of the application and within the same redline boundary, net theatre space would, it is proposed, increase approximately fivefold in floor area terms.
- 10.20 In terms of the introduction of additional Class A4 floorspace within the King's Head pub, there are two policy indicators which suggest the provision of 132 sqm of Class A4 floorspace in this location would accord with both current planning guidance and existing development plan policy. Pubs (like theatres) are included as a Main Town Centre use within Annex 2 (Glossary) of the NPPF. As already noted above the NPPF has a 'Town centre First' thrust which requires LPAs to plan positively to support town centres by encouraging, allowing and managing those uses which are included within Annex 2.
- 10.21 In addition Policy DM4.10 (Public Houses) was adopted mainly to ensure that there be no further loss of pubs within the borough that are valued by residents and visitors alike. The policy highlights how important these venues are, how they form an integral part of the urban fabric and are closely associated with the life and identity of local communities. It is considered the King's Head with its history, its listed status and colourful recent past falls into this bracket and any proposal to strengthen its presence and marketability (such as a modest increase in its trading space) can be said to accord with the general thrust of existing and emerging development plan policy which protects public houses.
- 10.22 In summary the changes of use are not considered contentious and are in accordance with those adopted policies referenced above, namely Policy 4.6 of the London Plan, the Site Allocations Designation AUS1 and Policies DM4.2, DM4.4, DM4.10 and the relevant provisions of DM4.12 of Islington's Local Plan Development Management Policies Document.

Visual Amenity, Design and Listed Building matters

10.23 The application proposes relatively minor material design changes to the previously granted permissions which are currently being implemented in accordance with planning permissions granted in 2007 and 2012 and their subsequent variations. Consideration of how the new theatre space works and how it will be accessed and egressed will form part of this assessment, particularly in light of the Theatre's Trust concerns set out at 8.9 relating to circulation and presence. The main design interventions across the various built elements within the planning application can be broken down as follows:

- Provision of a new entrance lobby courtyard between the east elevation of Block B in Islington Square and the rear of 115 Upper Street, alteration to retail unit G1 in Islington Square to facilitate access to the proposed Kings Head Theatre entrance lobby and formation of a canopy over the new entrance;
- Provision of the new Theatre venue and ancillary space;
- Erection of a first floor extension to rear of the King's Head; installation of new plant and enclosure to the rear; works to the first floor to form a roof terrace including provision of timber railings and re-instatement of a rooflight to the ground floor rear room (Note demolition of the lean-to dressing room at the rear of The King's Head does not require planning permission as its removal does not represent substantial demolition of the host building but is included in the listed building works)

10.24 Full and detailed consideration and assessment of listed building consent application matters, including all internal and external alterations proposed for the King's Head Pub takes place separately within this section. The assessment provided immediately below concerns itself primarily with whether the proposed external alterations across Block B and the King's Head accord with relevant guidance and development plan policy on design and in particular, conserving or enhancing the significance of the Upper Street North Conservation area in which the development site is located.

10.25 Section 72 of The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

10.26 The National Planning Policy Framework confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. More specifically Paragraph 17 in setting out the core planning principles states that heritage assets should be maintained '*in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of this and future generations.*'. Paragraph 131 meanwhile states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation.

10.27 Accompanying the NPPF is 2014's Planning Practice Guidance which offers extensive advice on Protecting and enhancing the historic environment noting that it is an important component of the National Planning Policy Framework's drive to achieve sustainable development. It adds that the appropriate conservation of heritage assets forms one of the 'Core Planning Principles' that underpin the planning system. More specific advice on alterations to heritage assets is provided particularly with respect to how any works may or may not affect the setting of a heritage asset. A thorough assessment of the impact on setting needs to take into

account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

10.28 Historic England Advice Note 2: Making Changes to Heritage Assets (2016) illustrates the application of the policies set out in the NPPF in determining applications for planning permission and listed building consent. It provides general advice according to different categories of intervention in heritage assets,

10.29 London Plan Policy 7.4 is concerned with Local Character and states, inter alia, that:

'Buildings, streets and open spaces should provide a high quality design response that:

- a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass*
- b) contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area*
- c) is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings*
- d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area is informed by the surrounding historic environment.'*

London Plan Policy 7.6 is concerned with architecture and states, inter alia, that:

'Buildings and structures should:

- a) be of the highest architectural quality*
- b) be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm*
- c) comprise details and materials that complement, not necessarily replicate, the local architectural character*
- d) not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.*
- e) incorporate best practice in resource management and climate change mitigation and adaptation*
- f) provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces*
- g) be adaptable to different activities and land uses, particularly at ground level*
- h) meet the principles of inclusive design*
- i) optimise the potential of sites.'*

10.31 London Plan Policy 7.8 relates to Heritage Assets and Archaeology and emphasises the desirability of sustaining and enhancing their significance.

10.32 Islington's Core Strategy Policy CS9 seeks to protect and enhance Islington's built and historic environment states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment. It adds that the borough's unique character will be protected by preserving the historic urban fabric.

10.33 Policy DM2.1 (Design) requires all forms of development to be of a high quality, to incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Development which fails to take the opportunities available for improving the character and quality of an area and the way that it functions will not be supported.

10.34 Policy DM2.3 (Heritage) states that the Council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. In conservation areas the policy states that the Council '*will require that alterations to existing buildings in conservation area conserve or enhance their significance.*'

10.35 Conservation Area Guidance for Upper Street (North) was published in 1993 and still remains material and part of the Development Plan suite of relevant documents. No specific advice exists for the site itself or The King's Head other than the latter falling within an extensive list of buildings that are presumed to be retained.

Block B Theatre Entrance

10.36 It is proposed that the application will form a new part external/internal courtyard which will be accessible from the main southern retail arcade. The courtyard space will be formed from an existing emergency access corridor for lower levels of Block B that was previously to have been between Units G1 and G2 and the removal of the 'lean-to' feature attached to the back of the original rear wall of the Kings Head pub (listed building consent for the removal of this lean-to feature is concurrently sought with this application). Unit G1 will be slightly reduced in size to accommodate the entrance although in design terms, it is not expected that this will result in any significant visual disruption with a proposed contemporary curved glazed treatment of the Unit largely replicating its neighbours. The courtyard will feature an extensive steel and glass roof canopy which will be attached to Block B and which will partly cover the space. It will protect visitors from the elements whilst they are accessing the new entrance and ground floor lobby space (where there may be a small reception desk/box office) at the southernmost point of the courtyard.

10.37 Theatre goers will be able to reach the courtyard and the ground floor theatre lobby from either the north or south end of the main arcade however exiting the theatre, particularly in the evening, after shows will be a more managed operation. This is to prevent congestion in the ground floor lobby and courtyard and also to ensure patrons leaving in the evening are funnelled out onto Upper Street and away from the largely residential Studd Street and Almeida Street. Through a management system, able bodied visitors leaving the theatre will be guided to exit via the intermediate basement level located in Block D (The Post Office). They will ascend a staircase which takes them into a side section of the main south arcade where they can directly access Upper Street. This arrangement has been discussed and agreed with the KHTG prior to the application being made and an alternative exit route is common for cinemas and theatres across London.

10.38 Although possible areas for signage in and around the courtyard have been identified, no actual signage has, as yet, been proposed. The possibility of poor visibility and presence relating to the theatre was a matter that the Theatre's Trust raised in their representations. Officers are confident that appropriate signage relating to the Theatre can be agreed which would be sensitive yet clearly announce the presence and location of the theatre, were there a need for formal planning or advertisement consent applications to be made.

10.39 Because of the location of the works, which are located within a largely enclosed environment which will not be readily seen from public areas – although clearly the new courtyard will be publically accessible - and the fact that the proposed interventions are relatively minor and discreet, it is considered that the character and appearance of the Upper Street (North) Conservation Area will be preserved.

10.40 In summary the proposed courtyard is a welcome intervention and in addition to lending additional presence to the theatre and being 'front door', it will form a pleasant part-open/part

covered meeting area for visitors to meet prior to performances at the venue itself. The alterations in particular the glass canopy, the entrance doors and the remodelled Unit G1 are considered relatively inconsequential in design terms and in that respect can be said to accord with London Plan Policy 7.4, 7.6 and 7.8 together with Policies CS9, DM2.1, DM2.3 of Islington's Local Plan (Core Strategy and Development Management Policies Document).

The Theatre

10.41 Although the theatre fit-out works themselves do not require planning permission (and in any case are unlikely to commence until such time as the KHTG have funding in place), the developer has provided detailed plans which allow a clear understanding of how the theatre will work and operate. On the basis of the internal changes and the fact that the changes must result in a venue which external parties would be willing to fund, it is considered appropriate to briefly consider the re-arranged layout and fit-out plans for the venue.

10.42 As part of the proposals there will also be a re-configuration of the consented stair and lift core in this south east corner of Block B allowing the theatre a more accessible and rationalised layout, particularly with regard to visitors moving from the entrance at ground to key spaces such as the main auditorium at lower basement level and w. c's at intermediate basement level.

10.43 The Theatre will have both a main auditorium with 270 seats with variable seating arrangements and smaller more flexible space which could be used as an auditorium and seat 80 people or be utilised as a more conventional meeting space for possible corporate use. The larger theatre will feature a mezzanine gallery and, along with the theatre bar and dressing rooms, all of these areas will be located at lower basement and mezzanine basement levels. The mezzanine level will accommodate back of house provision such as dressing rooms, control room and an accessible w.c while also providing access to plant equipment that will be housed above the smaller studio/auditorium.

10.44 The main auditorium space itself will be fully flexible and offer variable seating arrangements in addition to its mezzanine gallery. In addition to meeting space in the form of a main foyer and bar area at lower basement level, there will be a smaller, more intimate social space at intermediate basement level where patrons will access shared w. c's also at this level (the w. c's will also be for shoppers and visitors to Islington Square). Office accommodation for the theatre group will be provided at first floor level and this will be created by re-alignment and rationalisation of the lift and stair core rather than any other consented space being reduced.

10.45 The whole use will be obliged to meet strict acoustic conditions already attached to the wider development and an over-arching fire strategy approved for Islington Square development. The theatre will utilise previously consented service and delivery arrangements for this space and M&E provision. These matters will be considered in more detail later in this report.

10.46 In summary the fit-out is intended to create a highly contemporary, inclusive and sustainable theatre space. The proposal represents a radical departure from the current theatre and its size, flexibility and high quality facilities will, it is hoped, see the Theatre forming a key cultural component and significant draw for the Islington Square development.

External Works to the King's Head Pub

10.47 These external interventions to refurbish and renovate the Pub can be broken up as follows:

- First Floor Extension;
- Plant Enclosure and associated ducting;

- Various works to facilitate first floor open terrace area including balustrading, fixed seating and planters;

10.48 The flat roof area of the pub is currently unused and features an obtrusive plant area together with poorly executed building interventions such as a roof light which shall be removed with the replacement proposed to be sited in what was likely to have been the original location. The applicant has suggested access to the roof already exists which it clearly does but it is known that the roof has not been utilised as an area for patrons to visit either to drink or smoke. Further consideration of the amenity implications of the use of the terrace by anything up to 60 people will follow later in this report.

First floor extension

10.49 The single storey extension is required to allow the formation of an additional means of escape. It will be located in the south east corner of the terrace, form an L-shape and wrap around the existing staircase housing. It will feature a flat roof and parapet, an access doorway and two new windows. Consisting of brick, a condition will ensure the use of second hand London Stock to match the host building. The extension will not rise above the existing full length first floor extension at 114 Upper Street.

Plant Enclosure and associated ducting

10.50 A new plant area will be formed in the south west corner of the terrace. In footprint terms the enclosed area will be approximately 5mx5m and provide 3 condenser units within their own acoustic enclosures. No drawing is provided allowing an impression of fencing which shall obscure this plant area and therefore a condition will be attached requiring further details and samples to be provided in the event of planning permission and listed building consent being granted. Ducting from the kitchen below will rise through this enclosure and continue up onto the new extension. The ducting will then continue onto the existing first floor extension before rising up onto the rear elevation of the building before discharge at just over eaves level. The ducting will be painted black and, other than the vertical riser, will largely be unseen, sitting beneath the parapet wall of the new extension.

Facilitation of terrace area

10.51 Physical works to facilitate the use of the flat roof as a terrace for dining and drinking include the installation of timber decking, the provision of a timber fence around the parapet wall, the re-installation of a large lantern roof light in the centre of the terrace and the removal of an existing more recent rooflight to allow access to a serving hatch. There will also be a mixture of fixed and loose seating which will accommodate up to 60 people. The alterations are considered acceptable although further details of the perimeter timber fencing will be sought through imposition of a condition.

10.52 Taken as a whole the changes outlined above are not considered contentious particularly given the current condition of the roof and the fact that in listing terms, the more significant elements of the building relate to its frontage and parts of its interior. The alterations would not be seen from any public vantage point although it is acknowledged that some residents in upper floor flats on Upper Street with west facing windows and a number in new flats with eastern facing windows within Block B of Islington Square would have views of the terrace. Consideration of impact on amenity, particularly with regard to noise, that the terrace would have on these residents follows later in this report. In summary the works outlined above can be said to accord with all key design guidance and policies namely London Plan Policy 7.4, 7.6 and 7.8 together with Policies CS9, DM2.1, DM2.3 of Islington's Local Plan (Core Strategy and Development Management Policies Document).

Listed Building Consent matters

10.53 As already stated, The King's Head is Grade II listed and lies within the Upper Street North Conservation Area. It was originally built in 1864 and later embellished in the 1890s with an elaborate ground floor frontage and island bar back and counter. It is significant as a high quality example of a late Victorian public house.

10.54 **Section 66(1) of The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is given to the desirability of preserving a listed building, its setting and any of its features of special architectural or historic interest.** The following commentary aims to consider whether the various works that require listed building consent (demolition of the lean-to, internal works at basement, ground, first and second floors, structural works and external works largely set around the formation of a rear roof terrace) are acceptable and whether they accord with the provisions of the relevant statutory guidance and relevant development plan policy.

Demolition of lean-to at rear of the site

10.55 The structure is of modern construction, although it appears that there was probably an outhouse here historically. This is shown by historic OS maps; there is also a chimney breast and stack above on the rear wall of the pub, though the date of its construction is not determined. The lean-to is currently in poor condition and any harm arising from the loss of the structure is considered to be justified by the need to facilitate access to the relocated theatre within the Islington Square development. A Heritage Assessment of the feature was provided as part of the application documentation and its conclusion that structure is of little or no historical significance is accepted.

Internal alterations

10.56 The internal alterations proposed for the ground floor area currently occupied by the theatre (formerly a billiards room) will improve the character of the space by reversing unsympathetic alterations. These include the removal of the 1970s theatre fixtures and fittings, blocking up a non-original opening and reinstating a historic doorway. It is proposed to reinstate the roof light above, which is welcomed, but further details are required by condition to ensure that it is of an appropriate design. The introduction of a new kitchen in this space is also acceptable; it is considered that this part of the pub is less sensitive to alterations than other areas of the building.

10.57 The proposed re-plastering and redecoration works to the main bar area are acceptable. The large ceiling mounted heaters are not however considered appropriate and are omitted via condition.

10.58 At first floor level, the creation of a new serving hatch between the front and rear room is acceptable. The removal of the non-original office partitions is welcomed. The historic wall that subdivides the front room is now proposed to be retained. At second floor level, the creation of a shower room is acceptable.

Structural works

10.59 Various structural works at ground and basement level are required to enable part of the first floor to be used as a new function room including new structural posts and strengthening of

floor joists. Whilst these may be largely acceptable in principle, the proposed insertion of a new column, although acceptable in principle needs further detailing and a condition is therefore attached requiring additional details to be provided. Further details are also required regarding the new beam and posts at the front of the pub at ground floor level.

External alterations

10.60 The alterations proposed at the rear of the building are considered acceptable, there is minimal visibility of this space from the public realm and minimal harm to the listed building would arise. These include a new stair enclosure to provide means of escape from first floor, the removal of a sky light, minor alterations to windows at first floor level and new railings. The reconfiguration of plant equipment at the rear of the building is also acceptable, however conditions are attached to ensure that it is sensitively detailed.

Conclusion

10.61 In line with **Section 66(1) of The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals special regard has been given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest.**

10.62 Overall, the proposed works will not cause harm to the historic plan form, will involve minimal loss of historic fabric, and will not cause harm to the retained fabric, visual amenity or the setting of heritage assets. As such the proposed works will not adversely affect the special architectural or historic interest of the listed building. The proposal is, therefore, considered to satisfy the objectives of the relevant guidance and the suite of policies listed earlier in this section in particular Policy 12 of the NPPF 2012 which seeks to conserve and enhance the historic environment, Policy 7.8 of the London Plan 2016 which seek to preserve and enhance the significance of heritage assets as well as the provisions of Policy CS9 of Islington's Core Strategy 2011 which seeks to protect and enhance Islington's built and historic environment and Policy DM2.3 of Islington's Development Management Policies which seeks to protect and enhance Islington's historic environment.

Neighbouring amenity

10.63 Policy 7.6 of the London Plan provides that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings. This policy is reflected at local level in Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, overshadowing, overlooking, privacy, direct daylight and sunlight, over-dominance, sense of enclosure and outlook. Policy DM4.2 states that proposals for entertainment uses (and this proposal seeks to intensify an entertainment use) will need to demonstrate that they will have no adverse impacts on amenity. The supporting text to this policy suggests that such uses can contribute positively to the vitality and vibrancy of areas including enhancing perceptions of personal safety by providing informal surveillance for passers-by. The text goes on to state that '*...if not properly managed, such uses can result in adverse effects on surrounding neighbourhoods, with adverse amenity effects generated from such factors such as noise and anti-social behaviour, particularly late at night*'. The Policy indicates that entertainment uses will generally be directed to Islington's Town Centres although

regard will be had to proposed hours of opening, operation and servicing and measures to mitigate odour and noise from the premises.

10.64 There are two elements of the proposal to consider in regard to possible impact on neighbouring amenity. These are the new theatre use within Islington Square and the more intensive use of the King's Head Pub, particularly the formation and use of the rear roof terrace. Given the relatively small amount of external physical building work in respect of both of these elements and the provision of a terrace, it is considered that there will be no resulting issues of overshadowing, overlooking, privacy, daylight and sunlight, over-dominance, sense of enclosure or outlook to any residential occupiers, existing or future. The matter of potential noise disturbance and odour should however be carefully considered with particular regard to the consented residential properties within Block B and existing residential occupiers within flats at first and second floor levels of Nos. 113 and 114 Upper Street whose windows face towards the Islington Square development.

The New Theatre Use

10.65 As already explained earlier in this report the proposed theatre use is not dissimilar in character to the consented Class D2 (Assembly and Leisure) use. Neighbouring amenity issues have previously been considered by officers and Committee at earlier stages of the development and resulted in the imposition of a number of noise related conditions. Condition 21 of P2013/2697/S73 granted 4 November 2004 (which varied P052245 granted 6 July 2007) requires that a specific internal noise climate within the consented Block B residential units at second, third and fourth floors above the commercial uses be achieved. This condition endures notwithstanding any new uses permitted as will specific conditions (Nos. 22 & 25) relating to maximum noise levels from plant and lift machinery to be sited in Block B.

10.66 Notably many of the representations received by the Council following its application publicity exercise indicated concern that theatre goers would cause possible disturbance and harm to residential amenity upon exiting the theatre after evening performances. Although acknowledging that theatre goers are not generally associated with inconsiderate or anti-social behaviour, it is noted that an existing condition (No.12) on 2007 planning permission (and subsequent variations) requires 'Entrance or exit from the hereby approved mall area including A3 units after 2200 hrs on any day shall be from Upper Street only.' A similar condition will be attached to this planning permission if granted. As already reported it is intended that to avoid congestion theatre goers will, after performances will be directed through the basement of Block D to exit the complex onto Upper Street and this will be set out in the Theatre Management Plan, the submission and approval of which will be required as a condition of any planning permission.

10.67 The new entrance courtyard to be formed by the removal of the theatre's lean-to will not create any significant issues pertaining to noise for future residents in Block B living above. Although there may be people who choose to meet in this space before entering the theatre, numbers will be relatively small, and there will also be the new steel and glass canopy in place to further ameliorate what is only likely to be talking at conversational levels.

The King's Head Pub

10.68 A likely source of noise will be from patrons using the proposed roof terrace and the M&E equipment proposed to be sited both on the terrace and the rear elevation of the listed building. As indicated new flats in Block B will overlook the terrace while there are existing rear windows at 113 and 114 Upper Street which indicate upper floor residential accommodation exists in these properties and occupant's amenity should be considered (to the north of the terrace is the Post Office building which, at upper floor will consist solely of retail use).

10.69 The applicant has provided information which indicates approximately 45 covers across the terrace. Although not an inconsequential number, officers are confident that with a series of measures in place, significant amenity issues for those near neighbours identified can be avoided.

10.70 Firstly it is proposed to limit the hours that the terrace is operational. Despite the applicant's assertions it is clear that no access to the space for pub patrons has existed historically. The applicant has suggested a 1000-0000 hrs. window for the terrace. This is considered excessively late given that there is no history of public access to the roof and therefore it is proposed that the area shall not operate after 2100hrs. In addition to the hours of use restriction it is also proposed to attach conditions restricting users of the terrace to those who would be seated – in effect to prevent any vertical drinking on the terrace and numbers exceeding 45 persons – which is the approximate seating capacity shown on drawings. A further condition will require the provision of a Management Plan which, amongst other things, will detail how it is proposed to close the terrace and how users will be prevented from either standing and drinking or accessing after 2100 hrs.

10.71 The relatively exacting restriction on the operation of the terrace is also justified on the basis of technical evidence provided by the applicant. An Activity Noise Assessment by consultants eec provides details of a noise survey carried out on site and summary calculations establishing likely noise levels outside the nearest dwellings (flats in Block B and 114 Upper Street) from patron activity on the terrace. In summarising their results the consultants acknowledge that *'current calculated noise levels are above both the typical existing ambient and background noise levels (and that) the activity noise could be classified as having a moderate adverse impact using either current British Standards (BS4142:2014) or the IEMA Guidelines for Noise Impact Assessment 2014...Based on current assessment it is likely that further noise mitigation measures are required as well as discussions with members of the Environmental Health and Planning Department of Islington'*.

10.72 Officers, noting the results of the assessment can see a gradual reduction in both typical ambient noise levels and background noise levels at proposed terrace level from 1900hrs to 2300hrs which is normal and to be expected. Given the Calculated Patron Noise Level (using a relaxed level of conversation as the source) at the proposed residential windows mentioned above, is in excess of these levels at all times during this period, and markedly so after 2100 hours, it is therefore appropriate to prevent occupation of the terrace later in the evening.

10.73 Possible noise nuisance can also result from plant and extract equipment. The applicant has also provided a 'Plant Noise Impact Assessment by eec which has been undertaken to evaluate the potential noise impact of the proposed plant at the closest existing residential receptor. A number of noise control measure are proposed largely involving attenuation and enclosure and whilst these measures and the predicted noise levels that they are designed to counteract are considered to be relatively realistic, it is noted that the report does not include any character corrections for the intermittency, impulsivity etc. of the plant and assumes that none should be included and there is no data to base this assertion on.

10.74 Two specific noise conditions are therefore recommended, these being a restrictive condition on overall noise emitted from the plant and a second condition requiring a noise report to be submitted post-installation to demonstrate that the plant complies with the restrictive noise condition requirement.

10.75 Noting the town centre location, it is considered that cumulatively, the restricted hours of use of the terrace, the requirement for a Terrace Management Plan, a

cap on numbers, the new plant noise related conditions and those extant conditions relating to an acceptable noise regime and the Theatre Management Plan will ensure an appropriate level of amenity for neighbouring residents, both existing and those that will shortly move into the nearby flats. The proposals can therefore be said to be in accordance with London Plan Policy 7.6 and both Policies DM2.1 and DM4.2 of the Islington Development Management Policies Document which all seek to protect neighbouring amenity.

Highways and transportation

- 10.76 Policy CS10 of the Core Strategy encourages sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use. Policy DM8.2 of the Development Management Policies Document provides, inter alia, that development proposals are required to fully mitigate any adverse impacts on the safe and efficient operation of transport infrastructure, including pavements and any walking routes, and maximise safe, convenient and inclusive accessibility to, from and within developments for pedestrians and cyclists. DM8.4 provides that major developments are required to provide cycle parking which is secure, sheltered, step-free and accessible. Policy DM8.6 provides that delivery and servicing should normally be provided off-street, but where on-street servicing is proposed, details must be submitted to demonstrate the need for on-street provision, and show that arrangements will be safe and will not cause a traffic obstruction.
- 10.77 Notably the previous use as a Royal Mail depot and sorting office operated 24 hours a day, employed 3000-4000 people and understandably resulted in significant trip generation. In summary the 2007 and 2012 permissions and the 2014 Section 73 Variation permissions has resulted in the creation of an extensive area of blue badge parking and a large servicing and delivery bay at basement level of Block C which is proposed to serve all commercial elements within Blocks B, C and D (as there will be direct access between Blocks C and B at basement level). No residential parking is featured in this area. All 103 residential parking spaces, motorcycle parking and cycle parking will be located at basement level of Block A.

Trip Generation

- 10.78 The applicant has provided a brief Transport Statement (TS) that reiterates the 2014 Transport Assessment which had estimated servicing trips associated with the Class D2 leisure component of up to 24 daily vehicle trips (12 vehicles) by transit sized vans and approximately 3 trips by 7.5 t lorries per day. The TS concludes that the theatre use would be expected to generate similar servicing demands as that part of the Class D2 use it would replace. Therefore, no change in overall servicing trips is predicted and the proposed change of use is not anticipated to result in any additional change in trip generation on the surrounding road network than had already been anticipated. TfL have acknowledged this and accept the findings of the TS.
- 10.79 No reference is made in the TS to the implications on trip generation of the change of use of the space within the King's Head from theatre use. In actual terms floorspace change will be small with the theatre use amounting to approximately 120 sqm at ground and first floors. It is the view of officers that the more intensive use of the pub, notably the introduction of the terrace, will not, result in any significant changes in servicing (and thus trip generation) than is currently the case.

Car Parking

- 10.80 The commercial elements of the Islington Square development are ostensibly car free development and the current application will not change that. As noted above the wider

development does provide blue badge parking spaces within the confines of Block C. Whilst all streets surrounding the development are Controlled Parking Zones (CPZs) there are some limited blue-badge permit parking spaces on nearby Gibson Square and Theberton Street. Given its excellent PTAL rating and town centre location it is anticipated that practically all staff and the vast majority of patrons visiting both the theatre and the pub will utilise public transport.

Cycle Parking

10.81 Although the November 2014 permission (P2013/2697/S73) which varied the 2007 permitted uses across Blocks A and B features a condition (No.41) that the site shall ensure 213 secure cycle parking spaces for residents, through historical anomaly no on-site cycle parking spaces for visitors were sought or are required although there are numerous cycle parking stands on nearby Upper Street. None are proposed as part of the applications which are the subject of this report. It is therefore proposed to include further details condition requiring an amount of cycle parking (to be specified) to be provided within the site for visitors to the Theatre to address this issue.

Deliveries and servicing

10.82 Servicing arrangements for the new King's Head Theatre will remain unchanged from that agreed for the previously consented Class D2 space. That servicing regime provides a large servicing bay within the basement area of Block C accessed and egressed by a ramp from the main Islington Square through route which links Studd Street and Almeida Street.

10.83 All servicing of commercial floorspace within Blocks B and C will occur from this off-road space and the theatre will be reached via a network of service corridors and lifts which link Blocks B and C together at sub-ground level. It is not considered that the theatre operation will result in significantly more service deliveries than would have been the case with the Class D2 use which it will replace. Day to day requirements will be light with only the bar operation likely to result in regular deliveries. Programme changes will require sets to be moved in and out of the theatre but it is envisaged that this should not present any particular problems with sets delivered and removed via the aforementioned service bay, a goods lift and service corridors which are of sufficient size. Both the KHTG and the applicant have liaised prior to the application regarding this issue and the KHTG have confirmed they are satisfied with the arrangements.

10.84 In addition to the fact that there is unlikely to be any discernible change to servicing frequency it can be noted that there is an existing, extant condition (No.44) attached to the 2014 Section 73 application (P2013/2697) that varied the main 2007 Blocks A and B permission granted in 2007 (P052245) and this relates to the provision of a Delivery and Service Plan (DSP) prior to the first occupation of any use within Blocks A and B (other than the residential uses). It will be considered appropriate for this DSP to reference the theatre servicing arrangements and the document will need to be approved by the Council in consultation with TfL.

10.85 In terms of the King's Head Pub the change from theatre use to Class A4 is similarly unlikely to result in any significant changes either to the frequency or character of current servicing arrangements which see deliveries made from Upper Street. Although far from ideal, the arrangement is an established historical one and common for Pubs and bars along this particular road

10.86 In summary it is considered that as a result of the use changes there will be no significant increase in servicing trips associated with the development and those

trips associated with the proposed new use are considered to be manageable and would not have any adverse impact on the overall proposed servicing regime or more widely, the local road network.

10.87 On the basis of the above assessment it is considered that the development accords with Policies DM8.2 (developments to ensure safe and efficient operation of transport infrastructure), DM8.4 (cycle parking), Policy DM8.5 (Part B) (development shall be car-free) and Policy DM8.6 which requires that delivery and servicing should normally be provided off-street.

Accessibility/ Inclusive Design

10.88 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 developments 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 a development from the outset and over its lifetime. Developers are also required to have regard to Islington's own Inclusive Design and SPD and the Mayor's SAPD on accessibility.

10.89 A range of measures and provisions have been included in the proposals to allow for a high standard of accessibility and inclusivity and the interventions can be summarised as follows:

- **Car Parking**

A red route access bay immediately outside the entrance to Islington Square on Upper Street provides 3-hour parking for blue badge holders 7am to 4pm and this bay provides convenient parking with level access to the theatre. There are a number of blue badge bays within the service bay within Block C's basement and although a number of these are expected to be utilised by residents it is likely that a number of spaces could be reserved for visitors. Similar to the DSP it can be noted that there is an extant condition (No.2) attached to the 2014 Section 73 application (P2013/2697) that varied the main 2007 Blocks A and B permission granted in 2007 (P052245) and this relates to the provision of an Access Plan for those with Disabilities be provided. Officers will ensure that this plan includes reference to how any spare blue badge spaces could be fully utilised;

- **Approach to building**

The main approach to the building on Upper Street will have level access, be free of obstruction and will allow wheelchair access. Separate surfaces will be provided at the main entrance, providing a change of texture to help define the entrance for visually impaired users, while also being of a material that will not impinge any access for wheelchair users;

- **New Foyer**

An induction loop will be installed to the reception counter and bar serving areas to assist hearing impaired users, which will be clearly signed.

- **Movement within the building**

A new 10-person passenger lift will be installed to provide access to all levels of the theatre and to ensure full manoeuvrability within the lift itself for wheelchair users. An audible system will be included to call out levels for visually impaired users. The passenger lifts open into an enlarged lift lobby area at each level to ensure maximum manoeuvrability, with the flooring material at the lift doors selected to contrast with the lobby floor finish to aid visually impaired users. Lighting levels will be increased in lift lobbies again to aid the visually impaired. Clear

signage will be provided directly across from the lift doors to facilitate movement around the building.

All corridors will be designed to provide a minimum width of 1200mm with cross corridor fire control doors held open on electro-magnetic devices with performance to ensure that unobstructed access is available through all levels.

In terms of the performance spaces, seating is designed to accommodate access patrons, with a variety of seats at Stage Level able to be removed to provide spaces for wheelchairs with companion seats nearby. It is currently not envisaged to provide spaces for wheelchair users at balcony level due to the restricted sight lines from a seat at wheelchair height at this level. Since the stage areas will be placed at the same level as the front row of audience seating, access for those with limited mobility will be unobstructed and many options for transfer into seats will be available.

Dressing rooms at mezzanine level will be provided including an accessible WC and shower. Within dressing rooms counters will be designed to ensure that access for wheelchair users is not impeded. The passenger lift will serve both mezzanine and stage level, providing step free access for performers. The stages in both performance spaces will be at auditorium level, providing level access through the foyer to the stage without obstructions.

- **WC provision**

WC provision is provided generally at 1st floor level. An additional, fully accessible WC will be located at mezzanine level, directly adjacent to the passenger lift and within 40m of all public spaces. Accessible cubicles will be provided with 1m, outward opening doors and with an internal area larger than the minimum 1500x2000mm dimensions required. The public toilets are accessed from the same lobby, with single door access to ensure maximum manoeuvrability.

- **Signage and Communication**

All public areas will be clearly defined by directional signage, which will be located at approximately 1400mm and will again be clearly defined from its background and well lit.

- **Means of Escape**

Escape is facilitated via three staircases and dedicated safety refuges will be provided at each level, with a two-way communication link provided to allow guest contact back to a central control point. Audible alarms will be supplemented by visual alarms where possible, especially where a deaf person may find themselves alone (toilets, lift lobbies). The King's Head Theatre stress they are an equal opportunities employer and Personal Emergency Evacuation Plans will be prepared for disabled employees (covering their prime location and any sub-locations, awareness of procedures, emergency alarms (hearing, seeing and triggering), assistance, getting out of all appropriate exits. Vibrating pagers will be provided for deaf staff.

The King's Head Theatre will develop a management plan, which will be included within the building's risk assessment report, and which will highlight the management regime for evacuating disabled occupants and identify personnel capable of undertaking assisted evacuation of occupants requiring such assistance. A detailed fire strategy will be prepared and submitted as part of the Building Regulation Approval process.

10.90 Noting the aforementioned requirements of Condition 2 of P2013/2697 which stipulate further details on access arrangements must still be submitted for Block B, the above measures and proposals are welcomed, considered acceptable and in compliance with Policy DM2.2 of the Development Management Policies Document which as indicated above requires

developments to demonstrate, *inter alia*, that they produce places and spaces that are convenient and enjoyable to use for everyone.

Energy conservation, sustainability and biodiversity

- 10.91 The London Plan (2015) Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent by 2025. Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through energy efficient design, the use of less energy and the incorporation of renewable energy. London Plan Policy 5.5 sets strategic targets for new developments to connect to localised and decentralised energy systems while Policy 5.6 requires developments to evaluate the feasibility of Combined Heat and Power (CHP) systems.
- 10.92 All development is required to demonstrate that it has minimised onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation (CS10). Developments should achieve a total (regulated and unregulated) CO₂ emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013, unless it can be demonstrated that such provision is not feasible. A higher saving (50% in comparison with total emissions from a building which complies with the Building Regulations 2006, which translates into a 39% saving compared with the 2013 Building Regulations) is required of major development in areas where connection to a decentralised energy network (DEN) is possible. Typically, all remaining CO₂ emissions should be offset through a financial contribution towards measures which reduce CO₂ emissions from the existing building stock (CS10).
- 10.93 The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG. Major developments are also required to comply with Islington's Code of Practice for Construction Sites and to achieve relevant water efficiency targets as set out in the BREEAM standards.
- 10.94 Notwithstanding this extensive and necessary raft of policy requirements it should be remembered that the wider Islington Square development was first granted permission over 10 years ago and although energy, sustainability and bio-diversity planning policy obviously existed then, requirements were not as robust as the present day. Council planning records show that on the 2nd October sustainability details were approved by the Council relating to Condition 43 of one of the original parent planning permissions, P052245, which was granted on the 6 July 2007 and related to works to Blocks A, B, D and F. In short the approval of details allowed the Building works to meet a 'Very good' BREEAM standard as opposed to 'Excellent' which in 2007 was the standard Council requirement.
- 10.95 The accompanying report confirmed that the scheme would include within its design A-rated energy efficient labelled appliances, utilise enhanced fabric insulation for new construction elements, use low water usage fittings and appliances, provide extensive areas of green and brown roof, provide waste separation facilities within kitchens and communal heating to all dwellings and commercial units in Blocks A and B. It indicated that use of recycled building materials would be employed, sustainable timber utilised in the construction process and

appropriate planting used to enhance bio-diversity across the site. The Report indicated measures such as heat pumps, borehole water extraction, a combined Heat and Power Plant and heat recovery systems could also possibly be pursued in the event that matters such as viability and geography were suitable.

- 10.96 It is understood none of the 'possible' low energy/sustainability measures mentioned above have been employed across the main scheme although despite this the scheme is likely to achieve, if not having already achieved, the required relevant BREEAM rating of 'Very Good' (as required in 2007).
- 10.97 No new low energy, high-sustainability or bio-diversity related provisions are included within the current scheme. Whilst acknowledging that in effect the scheme is largely built, and this report assesses the implications of changes of use of space, it is still considered appropriate to ensure any development addresses sustainability criteria such as carbon emission reduction through sustainable construction. It is therefore proposed to attach a condition to any planning permission requiring the submission of a sustainability statement relating to the fit out of the theatre to be submitted and approved by the Council prior to any works commencing. The statement should include reference to matters such as use of sustainable construction materials, use of sustainable materials for set production and how the bar and any corporate events will be environmentally low impact.
- 10.98 On the basis that this condition is accepted and its requirements met the proposed change of use can be considered to accord with the above referred London Plan Policy 5.2, Islington Council's Core Strategy CS10 and Policy DM7.1 of its Development Management Policies Document.

Waste and Recycling Strategy

- 10.99 Policy DM8.6 (Delivery servicing for new developments) Part C requires that for major developments details of refuse and recycling collection must be submitted, indicating locations for collection vehicles to wait and locations of refuse and recycling bin stores.
- 10.100 Much like the servicing arrangements, it is anticipated that the waste arrangements for the new theatre will change little, if at all, from the existing and consented regime that was set in place to serve a wholly Class D2 basement space. Theatre waste will be modest and relate primarily to the bar and back of house operation. As already indicated, access to the Block C service area is provided to and from the theatre through the basement.
- 10.101 On 25 July 2017 the Council approved details pursuant to Condition 7 (Refuse and Recycling Provision Details) of Planning Permission Reference: P2013/2697/S73 dated 04 November 2014 (2015/3295). These details, amongst other matters, provided an indication of how commercial waste from Block B would be taken to portable compactors and made ready for collection. This detail will not need to change - the projected capacity is more than sufficient – and as indicated there is likely to be little difference in the amount of waste generated by either the Class D2 or theatre use, particularly given the relatively small amount of floorspace involved. All of the refuse and recycling will be managed on-site by the Centre management and collection will be by a private contractor.
- 10.102 The applicant has provided satisfactory evidence that the change of use will not require any further waste and recycling provision than has already been approved. In this regard the scheme can be said to accord with Policy DM8.6 which relates to delivery and servicing for new developments.

Fire Safety and Means of Escape

- 10.103 As has already been reported the London Fire and Emergency Planning Authority (LFEP) are supportive of the proposals subject to suggestions regarding access, hydrants and sprinklers. A condition has been proposed which requires the submission and approval of a Fire Evacuation Strategy which the LFEP will also be consulted on. In addition, it is anticipated that comments from our own Building Control Team will also be reported at the Committee meeting. It can be noted that the Theatre space does enjoy two distinct stair cores (SE1 & SW1).

Planning Obligations, Community Infrastructure Levy and Local Finance Considerations

Community Infrastructure Levy

- 10.104 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended) and in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014, the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would not be chargeable on the proposed development for change of use on grant of planning permission.

Section 106 Agreement

- 10.105 A Section 106 Agreement is considered necessary in order to mitigate the impacts of the proposed development. The most significant terms to the Agreement will be the granting of reasonable leasehold terms to the KHTG, by the developer (with Young's party to the agreement) on both the proposed new Islington Square theatre space and that at the bridging venue, the John Salt.
- 10.106 It should be noted that the proposed Terms would, in effect, vary the originally proposed development description that was agreed with the applicant after a lengthy period of negotiation. Part of the description sought to restrict the proposed Class A4 use of the theatre space within the King's Head until the KHTG occupied their new premises in Islington Square. The Terms now seek to allow the King's Head space to be used upon provision of the John Salt Theatre space and occupation by the KHTG. The implications of this change are significant in that the original description was drafted to incentivise the developer into ensuring the KHTG occupied the purpose built space within Islington Square as soon as practicably possible. The proposed Terms would now allow full Class A4 use of the King's Head upon the KHTG occupying the John Salt. The risk therefore would then be the KHTG remaining in the John Salt indefinitely, which is not considered to be a suitable long term replacement for the existing theatre, were they not to raise the necessary funding necessary for the fit out (the total cost of the fit-out is estimated at £3.65m. The applicant is already committed to providing £0.65 towards this figure and with £0.2 secured already from external sources the outstanding amount to be raised is thought to be in the region of £2.8 m).
- 10.107 The argument put forward by the developer in seeking these Terms is that the length of leaseholds and the low rents are sufficient to allow the KHTG to convince external funders of the likelihood that their long term future will be within Islington Square with the result that funding for the fit-out will be more easily secured.
- 10.108 The Agreement will be applicable to both applications that are the subject of this report and the accompanying Change of Use application relating to the John Salt the Proposed Heads of Terms are listed, in full, in Appendix 1 (Recommendation A) below.
- 10.109 It should be noted that the wider development (or that relating to Block A, B, D & F) was subject to a S106 agreement featuring extensive obligations. The majority of these obligations

(including financial contributions) pursuant to the S106 Agreement dated 2 July 2007 (relating to P052245) and its subsequent 2014 Variation (relating to P2013/2697/S73) have already been met, with a number of the non-financial measures relating to construction and operation either in place, or ready to be put in place. The Council will continue to monitor and pursue any outstanding obligations relating to this agreement as a matter of course.

11.0 CONCLUSION

- 11.1 The application has been considered with regard to the National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development.
- 11.2 The benefits of the proposed development, namely the securing a modern, accessible, inclusive and financially sustainable home for one of Islington's key cultural institutions for the foreseeable future have been considered in the balance of planning considerations. Officers are of the view that these benefits, which would also see the Islington Square development gain an important arts based attraction, together with the adequate arrangements that would be put place to ensure the Theatre has an appropriate temporary home (The John Salt), significantly outweigh any potential adverse impacts which may arguably include the 'loss' of the original Theatre space in the King's Head Pub and the impact of the intensification of Class A4 use within the Pub on neighbouring properties (although it is considered such intensification will be suitably controlled by condition). In the balance of planning considerations, the positive aspects of the proposal significantly outweigh the disbenefits. On this basis, approval of planning permission is recommended.

Conclusion

- 11.3 It is recommended that planning permission and listed building consent be granted subject to conditions and S106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That both planning permission and listed building consent 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:

Other/Standard clauses:

1. *The John Salt Public House shall be provided as a temporary venue for the Kings Head Theatre Group Limited;*

This shall include fit out to the council's satisfaction and the grant of a lease on terms to the council's satisfaction and to include rent not greater than that currently payable for the Kings Head Theatre space and a minimum term of 20 years plus option to renew on the same terms for another 20 years.

2. *Satisfactory arrangements shall be made to allow the Kings Head Theatre Group Limited to move into the Islington Square Theatre;*

These shall include:

provision that rent paid during occupation of the John Salt public house shall be used to facilitate the move by the King's Head Theatre Group Limited into the Islington Square Theatre fit out of the Islington Square theatre to shell and core and the provision of £600,000 towards further fit out.

agreement for a lease of the Islington Square Theatre space to the council's satisfaction which shall include the following:

(i) peppercorn rent

(ii) a term of 20 years plus option to renew for a further 20 years

(the current offer requires the Kings Head Theatre to raise approx. £2.8m of funds themselves – see main body of the report for further comment.

None of the internal or external operations at the Kings Head permitted by the Planning Permission or Listed Building Consent shall be permitted until both 1 & 2 have happened.

No use of the of the Kings Head theatre space as a public house shall take place until both 1 & 2 have happened.

3. *Unless and until the Kings Head Theatre Group take up occupation of the Islington Square Theatre under a lease which is satisfactory to the council and together with fit out which is satisfactory the John Salt shall continue to be provided to the Kings Head Theatre Group on the same terms.*

I.e. If the Kings Head Theatre Group do not move into the Islington Square Theatre then the John Salt shall be provided as a permanent venue.

- 4 *If the Kings Head Theatre take up occupation of the Islington Square Theatre as outlined in 3 above then the obligation to provide the John Salt Public House as a theatre venue shall cease.*
- 5 *In the event of the Kings Head Theatre Group ceasing to use either the John Salt Public House theatre space or the Islington Square Theatre, similar terms (including the possibility of a move from the John Salt to the Islington Square theatre) shall be offered to a similar theatre group approved by the council.*

That, should the Section 106 Deed of Planning Obligation not be completed within the Planning Performance Agreement timeframe, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

RECOMMENDATION B

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

List of Conditions:

1	Commencement (Compliance)
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans and documents list (Compliance)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Location plans: 1604-00-KHT-0005 rev D KHT Application Boundary Plan</p> <p>Proposed plans: <i>Block B new layout proposed</i> 1604-00-KHT-0100 rev G KHT Combined Site Lower Basement 1604-00-KHT-0101 rev F KHT Combined Site LB Mezzanine 1604-00-KHT-0102 rev F KHT Combined Site Basement 1604-00-KHT-0103 rev I KHT Combined Site Int Basement 1604-00-KHT-0104 rev G KHT Combined Site Ground 1604-00-KHT-0105 rev D KHT Combined Site First</p>

Comparison drawings; existing configuration of Islington Square and the Kings Head

1604-00-KHT-0150 rev D KHT Combined Site Lower Basement Existing
1604-00-KHT-0152 rev D KHT Combined Site Basement Existing
1604-00-KHT-0153 rev D KHT Combined Site Int Basement Existing
1604-00-KHT-0154 rev C KHT Combined Site Ground Existing
1604-00-KHT-0155 rev E KHT Combined Site First Existing
1604-00-KHT-0415 - C KHT Rear Existing Sections and Elevation

Detailed arrangement drawings

1604-00-KHT-0010 rev G KHT Lower Basement Level Proposed
1604-00-KHT-0011 rev G KHT LB Mezzanine Level Proposed
1604-00-KHT-0012 rev H KHT Basement Level Proposed
1604-00-KHT-0013 rev H KHT Intermediate Basement Level Proposed
1604-00-KHT-0014 rev G KHT Ground Floor Proposed
1604-00-KHT-0015 rev E KHT First Floor Proposed
1604-00-KHT-0411 rev J KHT Sections Sheet 2 Proposed
1604-00-KHT-0412 rev H KHT Sections Sheet 3 Proposed
1604-00-KHT-0413 rev C KHT Proposed South Elevation
1604-00-KHT-0414 rev E KHT Proposed East Elevation

Demise / Lease / Service Access Plans for New Theatre

1935-20-LP-1026 C09 Lower Basement
1935-20-LP-1027 C09 Mezzanine
1935-20-LP-1028 C09 Basement
1935-20-LP-1029 C09 Intermediate Basement
1935-20-LP-1030 C09 Ground Floor
1935-20-LP-1031 C09 First Floor
1606-00-KHT-0310-D04 KHT Lower Basement Demise Area
1606-00-KHT-0311-D04 KHT LB Mezzanine Level Demise Area
1606-00-KHT-0312-D04 KHT Basement Level Demise Area
1606-00-KHT-0313-D05 KHT Intermediate Basement Demise Area
1606-00-KHT-0314-D05 KHT Ground Demise Area
1606-00-KHT-0315-D04 KHT First Demise Area

Relationship between the Kings Head and Islington Square

1604-00-KHT-0014 G Ground Floor Level Plan.
1604-00-KHT-0015 E First Floor Level Plan.
1604-00-KHT-0411 J Sections (see B-B).
1604-00-KHT-0412 H Sections (see F-F and J-J)
1604-00-KHT-0413 C South Elevation

Theatre fit out general arrangement plans

1543 (00) 001 A level 04
1543 (00) 002 A level 03
1543 (00) 003 A level 02
1543 (00) 004 A level 01
1543 (00) 005 A level 00
1543 (00) 006 A level 01
1543 (00) 007 section A-A
1543 (00) 009 section D-D
1543 (SK) 010 layout 01
1543 (SK) 011 layout 02
1543 (SK) 012 layout 03

1543 (SK) 013 layout 01
 1543 (SK) 014 layout 02
 1543 (00) 020 West Gallery Section
 1543 (00) 021 East Gallery Section
 1543 (00) 022 North Gallery Section
 1543 (SK) 020 acoustic ceiling

Kings Head refurbishment drawings

8043.01 – Existing Basement Floor Plan
 8043-02A – Existing Ground Floor Plan
 8043/03A – Existing First Floor Plan
 8043-04 – Existing Second Floor Plan
 8043-06 rev Q – Proposed Ground Floor Plan
 8043-07 rev P – Proposed First Floor Plan
 8043.08 rev F – Proposed Second Floor Plan
 8043-09 rev B – Existing Elevations Plan
 8043-10 rev E – Proposed Elevations Plan
 8043.11 rev A – Proposed Basement Floor Plan
 8043-13 rev A - Existing / Proposed Cross Sections
 8043-14 rev A - Proposed Detail Plan
 16240-01 rev C – Ground Floor Plan Proposed Structural Works
 16240-02 rev C – First Floor Plan Proposed Structural Works
 16240-03 rev A – Basement and Second Floor Plan Proposed Structural Works
 MJK.M-01 rev B – Ground and Basement Mechanical Layout
 MJK.M-02 rev C – First and Second Floor Mechanical Layout
 MJK.M-03 rev C – Rear Elevation Mechanical Plant Layout

Other documents:

Heritage Statement (Demolition of Lean-to Dressing Room) by Metropolis;
 Planning Heritage and Design and Access Statement (for works to the King’s Head) by Planning Potential (Ref.15/2865);
 Demolition Method Statement (Lean-to Dressing Room) by MBOK (Ref.03049/mfb);
 Noise Impact Assessment (Plant noise [2/2/17]and Activity19/5/17]) by eec;
 Access Plan (New Theatre space) by ISA
 Technical Note (Trip generation and Mode Share) (Ref.16089)-01 by Markides Associates

REASON: For the avoidance of doubt and in the interest of proper planning.

3 King’s Head Theatre Management Plan (Details)

CONDITION: Prior to any works commencing on the King’s Head Pub, a detailed Management Plan shall be submitted and approved in writing by the Local Planning Authority relating to operation of the new purpose built King’s Head Theatre within the Islington Square development. The Management Plan shall, amongst other matters, specify those measures that will ensure patrons egressing the venue after evening performances, exit via Upper Street only.

REASON: To ensure the Theatre operation does not adversely impact upon the amenity of residents on Studd Street and Almeida Street.

4	<p>King's Head Theatre Fit-out and Operational Sustainability Statement (Details)</p>
	<p>CONDITION: Prior to any works commencing on the new purpose built King's Head Theatre within the Islington Square development a Sustainability Statement relating to the Theatre Fit-Out and its operation shall be submitted and approved in writing by the Local Planning Authority. The Statement shall demonstrate how the development will promote sustainability and the development shall be implemented in accordance with the approved Statement.</p> <p>REASON: To ensure the implementation of the fit-out works and the operation of the Theatre minimises any negative environmental impacts.</p>
5	<p>Materials and treatments (Details)</p>
	<p>CONDITION: Proposed treatment and further details and samples of facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing on the King's Head Pub. Details of the treatment and samples shall include:</p> <ul style="list-style-type: none"> a) Revealed brickwork to ground floor rear of the Pub following removal of the lean-to and which shall face the new theatre courtyard b) Plant enclosure/fencing c) Terrace balustrade; <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
6	<p>Unit G1 revision (Details)</p>
	<p>CONDITION: Notwithstanding Drg Nos. 1604-00-KHT-0014 Rev G, 1604-00-KHT-0015 Rev E, 1604-00-KHT-0412 Rev H (06-Section II) (and any other associated drawing showing Unit G1) a set of revised drawings showing a reduced Retail Unit G1 groundfloor plan and in particular a flank building line that aligns with the original rear building line of the King's Head Pub shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.</p> <p>REASON: To allow the King's Head Theatre entrance and the new courtyard space additional visibility and presence within the Islington Square development.</p>
7	<p>Noise levels from Plant at King's Head Pub (Compliance)</p>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq,Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90, Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity. Page 108</p>

8	Provision of Post operational Acoustic Report at the king's Head Pub (Compliance)
	<p>CONDITION: Within 3 months of the commencement of use a report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with Condition 7. The report shall include measurements of the proposed plant. The report shall be submitted within 3 months of commencement of use and approved in writing by the Local Planning Authority. In the event that the report concludes non-compliance with Condition 7 noise mitigation measures shall be installed within 2 months of report submission date to allow accordance with required noise levels and these measures shall be permanently retained thereafter</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity.</p>
9	Use of King's Head Pub terrace (Compliance)
	<p>CONDITION: The outside terrace of hereby approved shall not operate outside the hours of:</p> <p>08:00 - 21:00 on any day.</p> <p>After this time, all entry and exit doors and windows onto the external areas shall be kept shut and any lighting to the roof terraces must be turned off.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
10	Use of King's Head Pub Terrace (Compliance)
	<p>CONDITION: No persons other than those with a dedicated seat or serving drinks/food and employed to do shall be allowed onto the roof terrace.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity</p>
11	Use of King's Head Pub Terrace (Compliance)
	<p>CONDITION: A Terrace Management Plan assessing the impact of the terrace area shall be submitted to and approved in writing by the Local Planning Authority prior to the use commencing on site. The report in particular shall address how the Condition 10 requirement will be managed and how the terrace will be cleared by 2100 hrs each evening and means of mitigating any identified impacts. The terrace area shall be operated strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>

12	Cycle Parking (Details)
	<p>CONDITION: Details of on-site cycle parking (No. of stands to be specified) for use by Theatre visitors shall be submitted to and approved in writing by the Local Planning Authority prior to the use commencing on site.</p> <p>REASON: To ensure that the sustainable means of transport for theatregoers is achievable.</p>
13	Fire Safety (Details)
	<p>CONDITION: Details of a Fire Evacuation Strategy for the new Theatre (which shall include those items raised by the LFB in their consultation response) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the London Fire and Emergency Planning Authority prior to the theatre use.</p> <p>REASON: In the interests of the safety of occupants of the buildings in the event of a fire.</p>

List of Informatives:

1	Section 106 Agreement
	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.
2	Car-Free Development
	All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.

RECOMMENDATION C

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

1	Commencement (Compliance)
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission.</p>

	REASON: To comply with the provisions of Section 16(1) of the Listed Building and Conservation Areas Act 1990
2	Approved plans and documents list (Compliance)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Location plans: 1604-00-KHT-0005 rev D KHT Application Boundary Plan</p> <p>Proposed plans:</p> <p><i>Structure which is to be demolished</i> 1604-00-KHT-0016 D demolition of lean-to structure 1604-00-KHT-0415 C plan and sections</p> <p><i>Kings Head refurbishment drawings</i> 8043.01 – Existing Basement Floor Plan 8043-02A – Existing Ground Floor Plan 8043/03A – Existing First Floor Plan 8043-04 – Existing Second Floor Plan 8043-06 rev R – Proposed Ground Floor Plan 8043-07 rev P – Proposed First Floor Plan 8043.08 rev F – Proposed Second Floor Plan 8043-09rev B – Existing Elevations Plan 8043-10 rev E – Proposed Elevations Plan 8043.11 rev B – Proposed Basement Floor Plan 8043-13 rev A - Existing / Proposed Cross Sections 8043-14 rev A - Proposed Detail Plan 16240-01 rev D – Ground Floor Plan Proposed Structural Works 16240-02 rev C – First Floor Plan Proposed Structural Works 16240-03 rev B – Basement and Second Floor Plan Proposed Structural Works MJK.M-01 rev B – Ground and Basement Mechanical Layout MJK.M-02 rev C – First and Second Floor Mechanical Layout MJK.M-03 rev C – Rear Elevation Mechanical Plant Layout</p> <p>Other documents:</p> <p>Heritage Statement (Demolition of Lean-to Dressing Room) by Metropolis; Planning Heritage and Design and Access Statement (for works to the King’s Head) by Planning Potential (Ref.15/2865); Demolition Method Statement (Lean-to Dressing Room) by MBOK (Ref.03049/mfb);</p> <p>REASON: For the avoidance of doubt and in the interest of proper planning.</p>
3	Works to match adjacent buildings (Compliance)
	<p>CONDITION: All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter</p>

	<p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
4	Rooflight Details (Details)
	<p>CONDITION: Notwithstanding the plans hereby approved, full details of the proposed reinstated roof light above the ground floor rear room shall be submitted to, and approved in writing by, the Local Authority prior to the relevant works commencing.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
5	Partition at first floor (Compliance)
	<p>CONDITION: Notwithstanding the plans hereby approved and for the avoidance of doubt, the removal of the full height partition wall at first floor level, as shown on structural drawings, is not permitted.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
6	Internal Beam and Structural Post (Compliance)
	<p>CONDITION: Full details including drawings at 1:50, sections, materials and appearance of the new structural post at the front of the building shall be submitted to, and approved in writing by, the Local Authority prior to the relevant works commencing.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
8	Ventilation detail (Compliance)
	<p>CONDITION: Notwithstanding the plans hereby approved, no consent is granted for the Vent Axia TX12 WL as shown on drawing MJK.M-03. New details of a sympathetically designed cast iron grille or air brick shall be submitted to, and approved in writing by, the Local Authority Prior to the relevant works commencing</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>

APPENDIX 2 - RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning 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 2.1 London in its global, European and United Kingdom context

Policy 2.9 Inner London

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

Policy 2.12 Central Activities Zone – predominantly local activities

Policy 2.13 Opportunity areas and intensification areas

Policy 2.18 Green infrastructure: the network of open and green spaces

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.5 London's visitor infrastructure

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.11 Encouraging a connected economy

Policy 4.12 Improving opportunities for all

7 London's living places and spaces

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 5.11 Green roofs and development site environs

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation

6 London's transport

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.8 Coaches

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

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

Policy 8.4 Monitoring and review for London

Policy 7.1 Building London's
neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and
archaeology
Policy 7.13 Safety, security and
resilience to emergency
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and
enhancing soundscapes
Policy 7.19 Biodiversity and access to
nature

1 **National Guidance**

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

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

2 **Development Plan**

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

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS5 (Angel and Upper Street)
Policy CS8 (Enhancing Islington's
Character)

Infrastructure and Implementation

Policy CS18 (Delivery and
Infrastructure)
Policy CS20 (Partnership Working)

Strategic Policies

Policy CS9 (Protecting and Enhancing
Islington's Built and Historic
Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS14 (Retail and Services)
Policy CS15 (Open Space and Green
Infrastructure)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Shops, culture and services

DM4.2 Entertainment and the night-time economy

DM4.3 Location and concentration of uses

DM4.4 Promoting Islington's Town Centres

DM4.10 Public Houses

DM4.12 Social and strategic infrastructure and cultural facilities

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.2 Energy efficiency and carbon reduction in minor schemes

DM7.3 Decentralised energy networks

DM7.4 Sustainable design standards

Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

Supplementary Planning Guidance (SPG) / Document (SPD)

Islington Local Plan

- Environmental Design
- Conservation Area Design Guidelines
- Planning Obligations and S106
- Urban Design Guide

London Plan

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

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