



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 **22 June 2023 at 7.30 pm.**

Enquiries to : Ola Adeoye
Tel : 020 7527 3044
E-mail : democracy@islington.gov.uk
Despatched : 14 June 2023

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 Wayne - Canonbury;
Councillor Hamdache	- Highbury;	
Councillor Hayes	- Clerkenwell;	
Councillor Jackson	- Holloway;	
Councillor McHugh James';	- St Mary's and St	
Councillor Ogunro Canalside;	- St Peter's and	

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.

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6. Minutes of Previous Meeting	3 - 12
B. Consideration of Planning Applications	Page

1.	129-133 Fonthill Road and 13-14 Goodwin Street London N4	13 - 90
2.	Former North London Mail Centre, 116-118 Upper Street, London N1 1AA	91 - 144
3.	Islington Square Esther Anne Place London N1 1WL	145 - 180

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, 18 July 2023

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

WEBCASTING NOTICE

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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.

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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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COMMITTEE AGENDA

1 129-133 Fonthill Road and 13-14 Goodwin Street
London
N4

2 Former North London Mail Centre
116 - 118 Upper St.
London
N1 1AA

3 Islington Square
Esther Anne Place
London
N1 1WL

1 129-133 Fonthill Road and 13-14 Goodwin Street
London
N4

Application Number: P2023/0007/FUL
Ward: Finsbury Park
Proposed Development: Demolition of existing buildings and erection of a pair of 5-storey buildings plus basements comprising 4 retail units and 1 mixed retail/cafe unit up to 742sq.m, flexible employment space up to 878sq.m and 8 self-contained flats, together with cycle and refuse storage.
Application Type: Full Planning Application
Case Officer: Nicholas Linford
Name of Applicant: Mr Anthony Solomou
Recommendation:

2 Former North London Mail Centre
116 - 118 Upper St.
London
N1 1AA

Application Number: P2021/3433/S73
Ward: St. Marys - historic

Proposed Development: Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to amend condition 16 and condition 17 of planning permission ref: P2018/2463/S73, dated 5 December 2019, that granted: Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to amend condition 2 (approved drawings and documents), condition 1 (plans) of planning permission ref: P2013/2697/S73. (The proposed minor material amendments relate to the amalgamation of 10 units across second, third, fourth and fifth floors resulting in the creation of larger units (and involving the loss of 5 units overall) within Block A, together with layout changes to existing ground floor retail units 5 and 6.)The proposed amendments seek to vary the wording of condition 16 and condition 17 to allow vehicles servicing the commercial tenants of Islington Square to enter and leave the site via the Almeida Street access. The Studd Street access would be used only to access the residential parking at Blocks A and B and for vehicles servicing the apartments on the site.

Application Type: Removal/Variation of Condition (Section 73)

Case Officer: Stefan Kukula

Name of Applicant: -

Recommendation:

**3 Islington Square
Esther Anne Place
London
N1 1WL**

Application Number: P2021/1635/FUL

Ward: St. Marys - historic

Proposed Development: RECONSULTATION - Revised application and additional information
Operation of the Boulevard Market in Ester Anne Place (the piazza) of Islington Square on
Fridays Saturdays and Sundays and Bank Holidays.

Application Type: Full Planning Application

Case Officer: Stefan Kukula

Name of Applicant: -

Recommendation:

London Borough of Islington

Planning Committee - 22 May 2023

Minutes of the meeting of the Planning Committee held at Council Chamber - Town Hall on 22 May 2023 at 7.30 pm.

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

Cllr North in the Chair

40 **INTRODUCTIONS (Item A1)**

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

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

Apologies were received from Councillor Klute

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

There were no declarations of substitute members

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

There were no declarations of interest.

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

The order of business would be B2 & B1.

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

RESOLVED:

That the minutes of the meeting held on 28 March 2023 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

46 **MEMBERSHIP, TERMS OF REFERENCE AND DATES OF MEETINGS (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, Clarke, McHugh 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, Hayes, Jackson, Klute and Ogunro 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.

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**45 HORNSEY ROAD & 252 HOLLOWAY ROAD (AND LAND IN BETWEEN)
ISLINGTON N7 LONDON (Item B1)**

Demolition of the existing temporary buildings and structures and erection of a 12-storey building to provide flexible Class E floorspace at ground floor level and 281 student bedrooms and internal and external resident amenity spaces on upper levels, together with refurbishment of the railway arches and the existing 3-storey building fronting onto Holloway Road to provide Class E(g)(iii)/E(a)&(b) and flexible Class E floorspace, a new pedestrian route, landscaping and public realm improvements, disabled car parking, cycle parking and other associated works (Planning application number: P2022/1943/FUL)

In the discussion the following points were made:

- Meeting was advised of a number of updates, that at paragraph 6.11 on page 22 of the report, the floorspace of No.252 Holloway Road should state 57sqm; also at paragraph 10.15 on page 42, the total proposed Class E floorspace equates to 1,675sqm.
- Other updates include an additional planning obligation in paragraph 10.264 of the report and Appendix 1) requiring "the pedestrian route to be kept open at all times unless otherwise agreed with the Local Planning Authority in consultation with statutory undertakers or security services" has been included. Also planning obligation at paragraph 10.264, the wheelchair accessible parking contribution is £62k rather than £64k; that with regards to condition 14 (Appendix 1 – Recommendation B): the 5No. Railway arches reserved for retail / restaurant use is expanded to include Use Class E(c) as well as Class E(a) and (b) and finally condition 44 in the report (Appendix 1 – Recommendation B) should refer to a UGF on site of 0.35, rather than 0.3.
- In addition to the above, meeting was advised that officers are of the view that in line with other student accommodation within the vicinity, a condition be proposed to ensure that it is restricted for that purpose only.
- Meeting was advised that the assessment of proposed development includes its acceptability in land use terms; its design and heritage impacts; its impact on neighbouring amenity; highways and transportation impacts, including

delivery and servicing arrangements and energy and sustainability of the scheme.

- The Planning Officer advised that in land use terms, the scheme is acceptable, that site is allocated for student accommodation (NH10); that the provision of Class E floorspace, including light industrial floorspace is in accordance with Site Allocation NH10 and the NPPF was acceptable; that the new town centre uses in the railway arches to provide active uses along the new pedestrian route is supported; that a total of 5No. railway arches governed by a Lettings & Management Strategy will ensure increased social value; that an enhanced public realm and a new route through the site is in accordance with Site Allocation NH10.
- On the issue of design and heritage impacts, the Planning Officer noted that the proposed design has been commended by the Design Review Panel and is supported by the Council's Design & Conservation Team; that it is of high quality design and the materials used will be secured through conditions 3 (materials), conditions 5 (external pipework), condition 23 (obscured glazing) and condition 36 (roof-level structures); that the scheme will have a neutral impact on the adjoining St Mary Magdalene Conservation Area; and on the grade II listed Holloway Road London Underground station as well as on nearby non-designated heritage assets.
- Meeting was advised that although building is over 12 storey and about 45m high, the additional 3.35m is not considered harmful as it is within the context of the Emirates Stadium which is higher.
- In terms of quality of student accommodation, the Planning Officer noted that it has a good level of accessibility with a PTAL rating of 6A, that floor to ceiling heights of 2.6 metres is acceptable, that the storage and circulation space is acceptable.
- The Planning Officer acknowledged that limited number of student bedrooms at lower levels do not meet internal D&S requirements (5 of the rooms as measured by the ADF) however this need to be taken into consideration when weighed against the benefits of the scheme.
- In terms of impact of the scheme on neighbouring occupiers, meeting was advised that there would be no adverse privacy or overlooking impacts given the distances involved between the site and neighbouring residential buildings and that in general noise and disturbance will be managed through conditions 10-12 and the submission of an agreed Student Management Plan. Light pollution is to be controlled by conditions 13 and 33; crime and anti-social behaviour is to be mitigated through conditions 19 (Secured by Design), 26 (Pedestrian route) and 33 (Lighting and CCTV).
- On-site servicing and delivery are to be managed through a Servicing & Delivery Management Plan which is to be agreed by condition 18; and construction impacts on neighbouring amenity is to be controlled and managed through condition 4.
- Meeting was advised that site has a PTAL of 6A (Excellent), that the proposal utilises sustainable transportation, that the trip generation associated with proposed uses can be accommodated within transport network, that site lies in CPZ and it is a car free development – with exception of one wheelchair

accessible parking bay. The Planning Officer noted that it is anticipated that in future there will be a potential increase in disabled parking.

- The Planning Officer advised that applicants have made a contribution of £62k to secure on street blue badge parking bays, that 274 cycle parking spaces will be provided with further cycle parking details secured via condition.
- A Construction Management and Logistics Plan condition has been secured and that all repair works to footway/carrageway will be secured via S106. In addition there will be a new pedestrian route through site in compliance with site allocation
- Meeting was advised that applicant has submitted a sustainable proposal with measures that will result in a 58% reduction in total CO2 emissions; that applicants have proposed a financial contribution of £170,619 towards carbon offsetting for the remaining CO2 emissions; that there will be a significant reduction of embodied carbon beyond GLA recommendations; that scheme meets A BREEAM rating of 'Excellent' which is secured with intention to secure 'Outstanding' etc.
- The Planning Officer advised that a total of 2295 letters were sent out with 40 objections received raising a number of issues highlighted in the report such as there is a significant amount of student accommodation in the local area leading to a transient population; that design is inappropriate and building too tall in context, unacceptable loss of daylight, sunlight, outlook and privacy etc. Meeting was informed that 4 letters of support were also received.
- The Planning Officer highlighted the planning obligations as stated in the report and include the provision of 35% Affordable Student Accommodation; agreed Student Management Plan has been submitted; that a financial contribution of £30k for off-site tree planting is secured via planning obligation; that the Carbon offset contribution of £170k is to be welcomed; that there will be 16 construction placements or employment/training contribution of £80k and that the pedestrian route will be kept open at all times unless otherwise agreed with the Local Planning Authority etc.
- On the issue of the quality of students Accommodation, the Planning Officer noted that in terms of daylight and sunlight impact, 82% of habitable rooms comply with the most recent BRE Guidelines in terms of LUX levels, that all units would achieve a minimum of 1.5 hours direct sunlight, in line with latest BRE guidance.
- In terms of planning balance the planning officer acknowledged minor adverse daylight impacts as limited number of student bedrooms on lower levels do not meet minimum internal daylight levels; the scheme will result in uplift in commercial office floorspace equating to 1,675sqm (Class E) floorspace and the refurbishment of the existing railway arches; the provision of high quality student accommodation is to be welcomed; that scheme will result in an increase in employment at the site, as well as the relevant jobs and training contributions etc.
- With regards to concerns that the site not being designated industrial, and unable to deliver 50% affordable student accommodation, the Planning

officer advised that matter was explored and according to site allocation policy, pending any other agreed local plan it is non industrial.

- On the specific operating hours of use for the terrace, meeting was advised that condition 12 ensures that an Operation Management Plan provides details of access to and management of the roof-top amenity space. A suggestion on whether operating hours should be limited from 8am to 6pm was mooted but it was agreed that this should be left to negotiations between the different stakeholders.
- A member raised concerns in particular around match days, as site is close to the stadium, library and the use of the arches and enquired whether there had been any thought given to its management of traffic flow and potential anti- social behaviour.
- In response to a question on the railway arch reserved for public toilet and its management and accessibility for public, meeting was advised that there are no plans for public use but will be for users of the commercial units, however if members are minded a condition regarding it being open to the public can be included.
- On the question of the student accommodation and number of students living there having no local connection, the meeting was advised that S106 legal agreement, ensures that there is sufficient letting arrangements for applicants to work with the Council and that local carers will be given priority via nomination rights.
- In response to a question if the railway arches would be leased out at preferential rates and for a long duration, the Planning Officer advised that extra wording in the legal agreement could be included to state these rates are offered.
- In response the agent welcomed the proposal, that it has been 3 years of hard work with Islington Officers, GLA and TFL, that DRP has welcomed its design and it has been an opportunity to bring back into use a derelict site, open up the public realm.
- Agent acknowledged that commercial units operating within the arches will manage the toilets, that a condition is included for the management for the general use of the arches.
- A member enquired if it was possible to ensure that 5 dwellings identified as impacted by loss of sunlight and daylight are not designated for social housing.
- In response to a question on whether the management plan conditions 18 (refuse and service delivery) and 42(railway arches) could be strengthened, as there will be different units, the Planning Officer advised that wording could be looked into.
- An additional condition is recommended to require management details of the public toilet to be provided and to ensure there is public access to the facility.
- It was recommended that additional wording should be inserted into condition 26 to specifically consider the operation of the LMU campus building and the impacts resulting from the football stadium within the management of the public route.

- It was recommended that the 5No. student rooms that failed to meet this standard should not be affordable student accommodation and that floorplans would be required to be approved prior to occupation as part of the section 106 agreement, in order to ensure that none of those rooms with poor daylighting would be affordable student rooms.
- It was concluded that the hours of operation of the roof terrace should be negotiated and agreed between the applicant and the LPA as part of condition 12.
- It was further suggested that condition 18 be strengthened in order to require detailed servicing and delivery information on the individual railway arches.
- Finally, it was requested that specific reference be made to the railway arches that are subject to the Lettings and Management Strategy and provided at preferential rates and condition 42 to be updated accordingly.

Councillor Convery 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 as amended above, the wording of which was delegated to officers; and subject to any direction by the Mayor of London to refuse the application or for it to be called in for determination by the Mayor of London.

48 LINDSEY MEWS PLAYGROUND, LINDSEY MEWS, LONDON N1 3EG (Item B2)

The construction of 13 new dwelling units comprising 2 x 1B2P units, 3 x 2B3P units, 2 x 2B4P units, 3 x 3B4P units, 2 x 3B5P units and 1 x 3B6P units with associated amenity space, provided in three new residential blocks ranging from 1 to 4 storeys in height, along with provision of bicycle storage and refuse and recycling facilities, improvements to access, landscape, and public realm, and the demolition of external storage facilities.

(Planning application number: P2022/4295/FU)

In the discussion the following points were made:

- Planning Officer advised that one representation was received since agenda was published however no further issues had been raised that the report had not covered.
- Site comprises of two adjacent plots, the larger plot located within the grounds of the Lindsey Mews Estate and the smaller plot sits between 142

and 128 Elmore Street. The Estate comprises 18 parking spaces and shared amenity spaces consisting of a grassed area and paved open spaces, alongside storage facilities.

- Site has no listed buildings, not within a conservation area although site is bound by the East Canonbury Conservation Area.
- Meeting was advised that proposal is a council owned application by the New Build Team, that issues taken into consideration include land use, its design & Conservation; landscaping, the quality of accommodation, impact on neighbouring amenity; transport and highways and energy & sustainability
- With regards to land use policy meeting was advised that the scheme will result in a 62% provision of affordable housing, that the housing size mix is broadly in line with the priorities set out in local policy
- Members were advised that the scheme will result in loss of estate open spaces, that there will be a decrease in hardscaping and an increase in soft landscaping and an increase in building footprint
- In terms of landscaping of the scheme, the Planning Officer stated that there will be a provision of 96sqm playable features and a play space of 27sqm, a total of 123sqm play provision which is to be welcomed. It was also noted that 2 Category C trees and 1 Category U tree is to be removed, however 10 new trees are to be planted.
- In terms of inclusive design, meeting was advised that two units in Building C do not meet M(2) accessibility requirements, however this is considered acceptable on balance when weighed against benefits of providing two additional family sized units.
- With regards to the impact of the scheme on neighbouring amenity ,the planning officer advised that the scheme is sufficiently set away from neighbouring residential properties so no overlooking and privacy concerns and that subject to conditions requiring overlooking mitigation on key elevations.
- Noise mitigation measures have been considered acceptable subject to conditions, that in terms of daylight VSC,10 windows see reductions beyond BRE and NSL, 11 rooms see reductions beyond BRE.
- Meeting was advised that adequate provision for cycle parking has been provided on site for occupiers.
- In terms of energy and sustainability, the proposal will result in a reduction in regulated CO2 emissions and 57% reduction in total emissions; Carbon Offset contribution of £7,912 for remaining 8.6 tonnes.
- In terms of Planning Balance , Planning officer acknowledged that although there is a degree of conflict with local policies DM2.1 and DM3.4, relating to amenity impacts and accessibility however the Planning benefits outweigh the negative such as the provision of 13 much need new homes, including 8 affordable units; enhancements to the shared amenity space at Lindsey Mews with an uplift in biodiversity and a strong urban greening score, the introduction of an improved site layout which would reduce opportunities for anti-social behaviour, improvements to the streetscape along Elmore Street.
- In response to a question on why the scheme had not made provision for solar panels on the sloping and flat roofs and for not harvesting the use of grey water, the meeting was advised that the scheme is policy compliant,

that if members are minded condition can be included for applicants to explore the use of these measures.

- A resident in Northchurch objected to the scheme on grounds of the size of the buildings as it is significantly taller than existing buildings, that it had a domineering effect and was out of character of the surrounding area. In addition he had concerns about loss of light to his dwelling referring members to officers report acknowledging that some rooms fell short of BRE guidelines especially in habitable rooms. Objector had concerns about loss of privacy, with the proposed balcony at the rear of building C and the potential noise especially when in use.
- The applicant advised that windows in building C have been assessed in detail and that mitigation measures are proposed, that in areas where there is loss of light, these are designated for commercial purposes and not relevant for assessment which would have been the case if it is designated for residential use.
- With regards the provision of cycle hangar storage on site and in particular if it would be accessible to existing residents, the applicant acknowledged that there are council owned hangers provided within the vicinity of the site, however if there are spaces available on site, existing residents will be allowed to apply.
- On the lack of solar panels on the flat roof, applicant informed the meeting that the scheme has delivered sustainable homes and the flat roofs of the existing buildings do not fall within the red line boundary so there is limited scope to provide this as part of this development. Confirmed they would discuss matter with the Council's housing team.
- The Chair in summary welcomed the scheme noting the constrained nature of the site and recognising the need for affordable homes. He also noted the significant challenges of the scheme in terms of its impact on neighbouring amenity but also welcomed the mitigation measures, that in terms of planning balance the benefits outweigh any impact.
- A Member noted the development of housing on brownfields, that although not perfect, the use of car parking spaces is to be welcomed.
- Councillor Clarke moved a motion to include a condition for applicant to explore the possibility of solar energy supply for existing residents and the harvesting of grey water. Councillor North seconded the motion.
- Chair suggested that officers and applicant look at the balustrade and screening option around the balcony at the rear of building C so as to address privacy concerns.
- Councillor Hamdache 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

Planning Committee - 22 May 2023

Appendix 1 of the officer report and the additional condition outlined above; and subject to the prior completion of a Directors' Agreement securing the head of terms set out in Appendix 1

The meeting ended at 10.30 pm

CHAIR

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PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE		AGENDA ITEM NO:	
Date:	22 June 2023	NON - EXEMPT	

Application number	P2023/0007/FUL
Application type	Full Planning Application
Ward	Finsbury Park
Listed building	None
Conservation area	None
Development Plan Context	Finsbury Park Town Centre Primary Retail Frontage Site allocation FP2
Licensing Implications	None
Site Address	129-133 Fonthill Road and 13-14 Goodwin Street, London, N4 3HH
Proposal	Demolition of existing buildings and erection of a pair of 5-storey buildings plus basements comprising 4 retail units and 1 mixed retail/cafe unit up to 742sq.m, flexible employment space up to 878sq.m and 8 self-contained flats, together with cycle and refuse storage.

Case Officer	Nicholas Linford
Applicant	Mr Anthony Solomou
Agent	s p planning

1. RECOMMENDATION

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

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

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;
- 3 where applicable, subject to any direction by the Secretary of State (SoS) to call in the application for determination by the SoS; and/or
- 4 where applicable, subject to any direction by the Mayor of London to refuse the application or for it to be called in for the determination by the Mayor of London.

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Fig 1: junction of Goodwin Street and Fonthill Road showing site at the junction



Fig 2: Aerial view of the site looking east with the City North tower immediately to the east of the site.

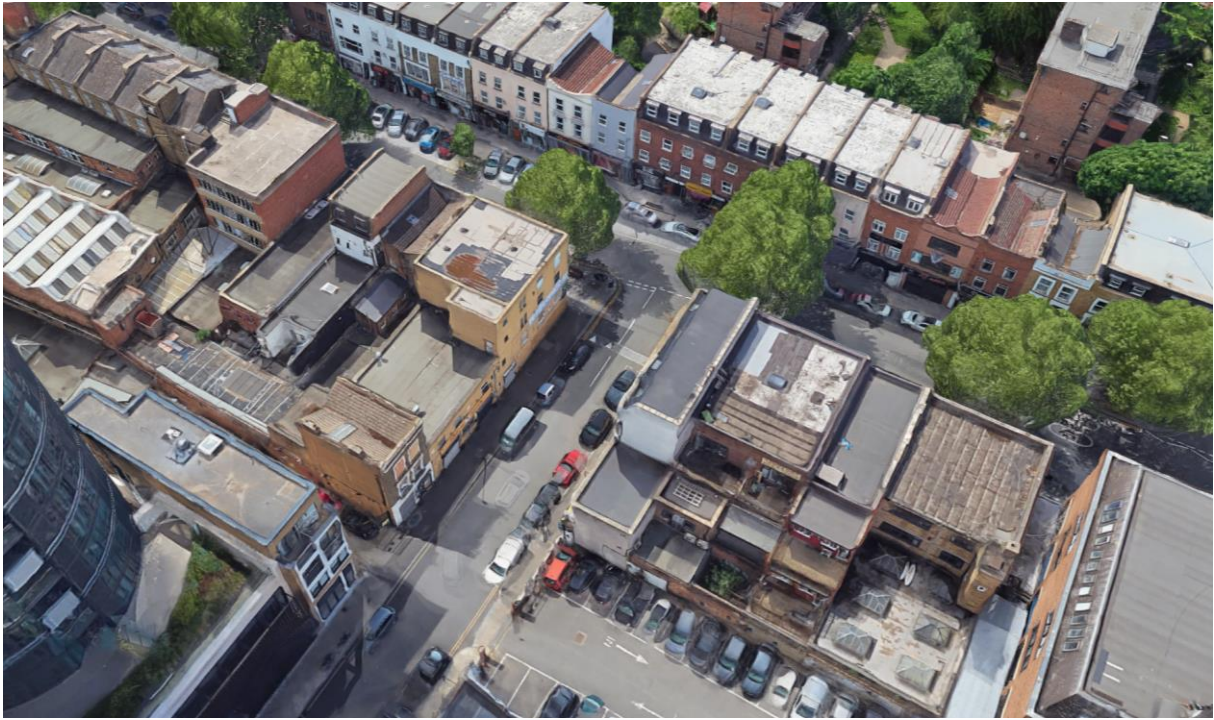


Fig 3: Aerial view of the site from the northeast looking towards the junction of Fonthill Road and Goodwin Street



Fig 4: Immediate context of the site with City North to the rear and Goodwin Street properties within the site outline in yellow brick to the right



Fig 5: Front elevations of 129 – 135 (137 behind lorry) Fonthill Road



Fig 6: Summertime street tree view along Fonthill Road with Tower House on the right hand side of the road which the proposed development seeks to replicate in façade.



Fig 7: Front elevation of 13 Goodwin Street with service yard separating it from 11 Goodwin Street. This space is not within the site curtilage.



Fig 8: View north along Fonthill Road with 127 Fonthill Road to the right hand side.

Summary

- 3.1 Planning permission is sought for the demolition and reconstruction of buildings at 129 – 133 Fonthill Road and 13-14 Goodwin Street. The buildings are predominantly in use for clothing retail at the ground floor level in Fonthill Street while the ground floor is in use as office on the ground floor in Goodwin Street. The upper floors are largely vacant and in poor condition. The properties are located in a primary frontage in a designated town centre adjacent to the City North development and Finsbury Park passenger interchange.
- 3.2 There has been substantial planning history for a range of schemes on this site including a hotel combined with retained retail. There is an extant planning permission granted in 2021 which proposes six units in addition to a similar provision for commercial as that which the scheme currently seeks. This is a fall back application. The site is a designated site allocation which seeks a mix of uses including the retention of retail floorspace, provision of new office and support for residential provided that it does not prejudice the maximisation of commercial uses.
- 3.3 The redevelopment provides a significant increase in retail floorspace in a town centre location as well as an uplift in modern office floorspace as per the site allocation. The provision is not big enough to trigger the provision of affordable workspace. The scheme also proposes the development of eight new residential units (an uplift of two from the previous consented (fallback) scheme). However a third party reviewed financial viability appraisal has been provided which demonstrates that the scheme cannot meet planning policy to provide a contribution of £50,000 per unit for the small sites affordable housing policy. The Council's appointed assessor has demonstrated that the scheme is in deficit due to a higher than first expected benchmark land value.
- 3.4 The proposed development provides a design to the front elevations which replicates the development form and design at 139 – 149 Fonthill Road with red brick, a uniform fenestration pattern which is a departure from the modern infill development that has occurred in Fonthill Road. This design is a significant improvement from previous schemes and is supported. The amenity to neighbours and occupiers is considered appropriate and acceptable and there is no undue harm to amenity. The proposed development provides a range of improvements through the buildings including dedicated storage for bikes, waste, recyclables and a considered layout for people with mobility impairments. Despite being a town centre location, all units have policy compliant external open space.
- 3.5 A range of financial contributions will be sought to support and mitigate the development and its contribution to wider society and the town centre. Subject to these obligations and planning conditions, the application is recommended for approval.

4. SITE AND SURROUNDING

- 4.1 The site is located at the junction of Fonthill Road and Goodwin Street and comprises a mixture of part one, part three and part four storey buildings presently comprising ground floor retail floorspace and vacant employment use on the upper floors.
- 4.2 The site is located adjacent to the City North development which incorporates shops, residential accommodation and the western entrance to Finsbury Park railway station. The site is located within the wider Finsbury Park Town Centre incorporating retail on Fonthill Road, Blackstock Road, Seven Sisters Road and Stroud Green Road. The wider area is, therefore, commercial in character with continuous active retail frontages. Fonthill Road, incorporating the application site, includes primary retail frontage.

- 4.3 The site is also located within a specialist shopping location with the Finsbury Park Spatial Policy Area policy referring to Fonthill Road as a unique agglomeration of specialist clothing stores which adds significant value to the character and vitality of the Town Centre and the wider area.
- 4.4 Within the Finsbury Town Centre, the site is a designated site allocation (FP4) which was derived from the Adopted Local Plan (2013) and pertains to a retail led, mixed use development to complement the specialist shopping function of Fonthill Road contributing to the vitality of Finsbury Park town centre with the upper floors providing office floorspace and where appropriate workshop space associated with the ground floor uses including space made available for SME.
- 4.5 The existing buildings at 129-131 Fonthill Road, also incorporates 13 and 14 Goodwin Street in a relatively modern part two storey and part 4 storey building. At present, 129 – 131 Fonthill Road is in use as clothing retail. The upper three floors are vacant. 14 Goodwin Street is a restaurant at ground floor level while 13 Goodwin Street consists of office at the ground floor level with largely vacant floorspace at the upper levels. The adjoining building at 133 Fonthill Road which also forms part of this application is also retail at ground floor level with further retail floorspace on the upper levels.
- 4.6 The existing site aggregated together has a floor area of 1205sq.m including 284sq.m at 13 Goodwin Street, 701sq.m at 129-131 Fonthill Road combined with 14 Goodwin Street, and 220sq.m at 133 Fonthill Road. Overall, the internal floorspace use composition is 243sq.m of retail, 93sq.m of café, 265sq.m of office and light industry and 604sq.m of storage and distribution.
- 4.7 The red site outline for the site is entirely developed and there is no ground floor curtilage that is not built upon. Access is gained to the flat roof of 13 – 14 Goodwin Street which is located within the site area. This runs along the rear of 129 – 139 Fonthill Road. The rear elevations of 129 – 133 Fonthill Road have all been extended at ground floor level to meet the rear extension of 13 Goodwin Street and indeed, the first floor level of the Fonthill Road properties project towards the roof of the rear of 13 Goodwin Street.
- 4.8 The locality is dominated by the City North development including the barrier like block of flats built across Goodwin Street and arching over the entrance to the railway station, known as Carriage House and the cylindrical tower immediately adjacent to the application site, which rises to 20 storeys and is known as City North Tower West.
- 4.9 The site is not located in a Conservation Area. There are no locally listed buildings in the immediate setting of the site or within the curtilage of the site. There are also no statutorily listed buildings within close proximity to the site. There is a significant street tree directly outside of the site at 129 Fonthill Road, but this is not subject to a Tree Preservation Order and is uncategorised
- 4.10 The site is sustainably located within a few seconds walk from the entrance to Finsbury Park railway, underground and bus station. There is short stay shoppers parking on street directly outside of the site, which is subject to Controlled Parking Zone conditions as well as Matchday parking controls.

5. PROPOSAL (IN DETAIL)

- 5.1 Planning permission is sought for the redevelopment of 129-133 Fonthill Road and 13-14 Goodwin Street resulting in its demolition and reconstruction to provide a mixed use (retail, office and residential) development The proposed development seeks to enhance the

quality of accommodation, layout, design and appearance within the town centre for the ranges of uses proposed.

5.2 The scheme seeks to incorporate all the disparate addresses into one holistic development and to create a streetscene and townscape design that resembles that consented at Tower House, at 139 – 149 Fonthill Road. The subject application seeks to replace the existing built form on Fonthill Road and return to Goodwin Street with a five storey (plus basement) building with roof level accommodation in a mansard roof. The proposed ground floor would feature three separate retail units and three shopfronts. The elevations would seek to utilise traditional shopfronts with stallrisers, pilasters and generous fascias over significant expanses of glazing. The windows of the three storeys above would be double glazed sliding sash with lintels and the frames that represent the typical architecture in townhouses around the Fonthill Street location. The mansard would wrap around the corner into Goodwin Street and would feature two front facing dormers for each of 131 and 133 Fonthill Road and one for 129 Fonthill Road. The applicant and application drawings demonstrate clearly the intention to draw from the horizontal emphasis within the street, replicating the building lines that have previously been established by the consented scheme at Tower House. 135 and 137 Fonthill Road come between these two applications and are lower at four storeys and two storeys and both would emphasise the gable end of the mansard in both.



Fig 9: Proposed and existing frontages to Fonthill Road (including Tower House at 139 Fonthill Road).

5.3 The return frontage to Goodwin Street would have a very similar design and due to the depth of the plots on Fonthill Road, this frontage is longer than that on Fonthill Road incorporating five bays compared to the three on Fonthill Road. The shopfront at 129 Fonthill Road would wrap around the corner into Fonthill Road. The remainder of the

frontage in Goodwin Street would be a dual repeating form with a building entrance to the upper storeys and service (waste storage) entrance at ground floor. The proposed building entrance would access 16 and 14 Goodwin Street at the upper levels which would separate two retail shopfronts at 15 and 13 Goodwin Street. Both 13 and 15 Goodwin Street would be arranged over ground and basement with 13 Goodwin Street being a retail unit and 15 being a retail and café/restaurant use. 15 Goodwin Street would extend along the back of the Fonthill Road units terminating at the rear of 139 Fonthill Street.



Fig 10: Proposed and existing Goodwin Street elevations.

- 5.4 Basement areas would be subdivided across the site into the individual properties that they serve including additional retail floorspace for 129 – 133 Fonthill Road and the aforementioned spaces for 13 and 15 Goodwin Street. The residential basements for 14 and 16 Goodwin Street would include cycle parking for commercial uses at 16 Goodwin Street including shower space and plant. The larger basement area for 14 Goodwin Street would include residential bike store. Both bike store areas would have a lift access to and from the ground floor lobby. The first floor above 129 – 131 Fonthill Road would have an open plan office area which would be replicated at second, third and fourth floor (mansard roof) levels. The residential lobby with lift and staircase access would provide access to eight residential units at levels 1 through to 4 including the mansard level. Each level would provide two flats per level, each with their own external residential amenity.
- 5.5 The resulting development would give rise to the following range of uses by floorspace a:

Use Class	Use		
Class E(a)	Retail	555sq.m	719sq.m
Class E(a)/(b)	Retail/café	164sq.m	
Class E(g)	Office	890sq.m	890sq.m

	Total	1609sq.m	1609sq.m
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5.6 The building would also give rise to the following schedule of accommodation.

Unit no.	Bedrooms	Bedspaces	Floor area	Amenity space
1	2 bed	3	70	51
2	2 bed	4	78	10
3	2 bed	4	70	7
4	2 bed	4	78	7
5	2 bed	4	70	7
6	2 bed	4	78	7
7	2 bed	3	65	7
8	1 bed	2	51	7

5.7 All units would be genuinely dual aspect (northwest and southeast) with key habitable rooms having outlook to the southeast. There would also be one wheelchair unit at the first floor level which would be a two bedroom unit.

6. RELEVANT HISTORY:

6.1 There is extensive planning history for this site with a range of proposals and outcomes. The City North development adjoining the site also provides a significant backdrop to the site which influences the layout and design. Also of significance is the recent planning permission for the redevelopment of Tower House at 139 – 149 Fonthill Road which has some parallels to the proposed development here.

PLANNING APPLICATIONS:

6.2 5 December 2008 – Planning permission granted for the ‘Demolition of existing buildings and erection of a five storey building to provide for a 60 bedroom hotel at part basement, ground and wholly to upper floors; three A1 (shop) units fronting Fonthill Road at basement and ground floor levels and an A3 (restaurant/café) unit fronting Goodwin Street at ground floor level **(P081692)**.

6.3 23 July 2009 – Planning permission granted for the erection of a five storey building plus basement to provide for a 92 bedroom hotel and three commercial units comprising: two A1 (shop) units fronting Fonthill Road and a flexible A1 (shop)/A3 (restaurant/café) unit fronting Goodwin Street and associated works **(P090839)**.

6.4 The larger of the two hotel schemes was extended courtesy of legislation in existence at the time to extent the implementation period for uncommenced planning applications. However, the subsequent planning permission for **P2013/1931/FUL** granted in May 2014 also lapsed.

6.5 24 February 2021 – Planning permission was refused for the ‘Demolition of the 2 storey rear part of 129-131 Fonthill Road (14 Goodwin Street) and erection of a 4 storey building with basement, erection of roof and rear extensions to 129-131 and 133 Fonthill Road and 13 Goodwin Street to provide 6 self contained flats (Class C3) and Class A1/A3 retail/restaurant unit at 14 Goodwin Street **P2020/2722/FUL**)

6.6 The application was refused for the following reasons:

1. The proposed development would fail to provide the maximum optimum amount of business floorspace possible within the development. Furthermore, the proposed development would fail to provide the maximum optimum amount of affordable housing possible within the development taking into account the policy based strategic target and the financial viability of the proposal.
2. The proposed development would by reason of its height, design and materials would not create a scale and form of development that relates to the existing built form, or relate consistently to the setting of the street.
3. The daylight and sunlight assessment has failed to demonstrate how the acceptable level of amenity would be provided for the surrounding residential units.
4. The scheme fails to demonstrate that adequate refuse storage can be provided for either the residential or commercial elements of the scheme.
5. In the event of a refusal the scheme fails to be supported by a Section 106 legal agreement to achieve a suitable mitigation of the potential impacts of the development on the wider community and the London Borough of Islington.

6.7 24 February 2021 – Planning permission refused for the ‘Demolition of the existing building and redevelopment of the site, erection of a part 5, pat 6 storey building plus basement comprising of three retail units (Class A1), 12 self contained flats (Class C3) with associated cycle and refuse storage; erection of a five storey building plus basement comprising an A1/A3 retail/restaurant unit and 897sq.m of flexible employment space (Class B1)’ (**P2020/2723/FUL**).

6.8 The application was refused for the following reasons:

- The proposed development would fail to provide the maximum optimum amount of business floorspace possible within the development. Furthermore, the proposed development would fail to provide the maximum optimum amount of affordable housing possible within the development taking into account the policy based strategic target and the financial viability of the proposal.
- The proposed development would by reason of its height, design and materials would not create a scale and form of development that relates to the existing built form, or relate consistently to the setting of the street.
- The daylight and sunlight assessment has failed to demonstrate how the acceptable level of amenity would be provided for the surrounding residential units.
- The scheme fails to demonstrate how a policy compliant carbon emissions reduction for regulated and unregulated emissions has been achieved.
- The scheme fails to demonstrate that adequate refuse storage can be provided for either the residential or commercial elements of the scheme.

- In the event of a refusal the scheme fails to be supported by a Section 106 legal agreement to achieve a suitable mitigation of the potential impacts of the development on the wider community and the London Borough of Islington.

6.9 It should be noted that that proposed development sought to provide 897sq.m of office floorspace in a larger building than that which is proposed now and that the capability to provide further office floorspace was compromised by the provision of 12 residential units which officers have previously felt was not a priority. Furthermore, the applicant was not able to provide any affordable housing within the scheme with the applicant's viability consultants demonstrating a deficit of £3million if 50% of the units were affordable. The Council's viability consultants, verified by the Council's viability team were of the view that the scheme would be able to provide policy compliant affordable housing and turn a surplus.

6.10 2 December 2021 – Planning permission was granted for a development described as: 'Demolition of the two storey rear part of 129-131 Fonthill Road (14 Goodwin Street) and erection of a four storey building with basement ; roof and rear extensions to 133 Fonthill Road and 13 Goodwin Street; roof extension to 129-131 Fonthill Road and first floor extension at rear of 13 Goodwin Street to provide 6 self contained flats (Class C3), new and refurbished office (Class E(g)(i)) floorspace and a new retail restaurant (Class E(a)/E(b)) unit resubmission of P2020/2723/FUL **(P2021/1955/FUL)**



Fig 11: Goodwin Street and Fonthill Road elevations for P2021/1955/FUL.

6.11 This permission has not lapsed and constitutes a fall-back permission. In effect, this permission has overcome the previous reasons for refusal set out in P2020/2723/FUL and, as a result, is a strong material consideration in the appraisal of the current planning application.

6.12 In land use terms, the scheme was considered acceptable on the basis that despite only a minor uplift in office floorspace, the scheme was able to remain a retail led scheme with policy compliant affordable housing. The applicant had also agreed to make a contribution of £50,000 for each of the six residential units in accordance with policy H3 of the emerging Local Plan in the absence of a viability appraisal. As such, it is not possible evaluate the conditions and circumstances as to how this scheme had the capacity to provide for affordable housing contributions.

6.13 There is a greater and more substantial history for this site which is summarised here.

TP Ref	Address	Description	Outcome	Date
84/0183	129-131 Fonthill Road	Erection of a second floor extension for use as light industry.	Refusal	18/02/1985
860362	129-131 Fonthill Road	Erection of two additional floors on two storey rear addition	Refusal	14/08/1986
88/1491	129-131 Fonthill Road	Installation of new shopfront	Approval	13/03/1989

92/0600	129A Fonthill Road	Installation of window and change of use to snack bar.	Approval	15/10/1992
97/0765	129A Fonthill Road	Change of use of upper floor from retail (A1) to a cafe (as an extension to the existing ground floor cafe)	Approve	10/06/1997
97/1095	129-131 Fonthill Road	Change of use of second and third floors from industrial to form four x 1 bedroom flats.	Refusal Appeal dismissed	14/10/1997 26/03/1998
98/0002	129-131 Fonthill Road	Erection of a mansard floor to provide two x 1-bedroom flats.	Approve	24/04/1998
98/1986	129-131 Fonthill Road	Erection of an extension at rear, second floor level to provide two bedsitting residential units	Refuse	02/07/1999
99/1416	129-131 Fonthill Road	Conversion of second and third floors into 4 one bedroom flats.	Refuse	11/11/1999
P002157	129A Fonthill Road	Removal of condition 2 preventing use as a nightclub	Refuse	23/03/2001
P010940	129A Fonthill Road	Removal of condition 2 preventing use as a nightclub and the playing of amplified music	Approve	14/06/2001
P021807	129-131 Fonthill Road	Change of use of second and third floors into four self-contained flats.	Refuse	20/08/2002
P041882	129-131 Fonthill Road	Erection of a mansard roof extension to provide an additional 2 x 1 bedroom flats and creation of a ground floor doorway on the Goodwin Street frontage.	Refusal Appeal dismissed	23/11/2004 10/03/2005
P041900	129-131 Fonthill Road	Erection of a two storey rear extension to provide 2 x 1 bedroom maisonettes.	Refused	23/11/2004
P043065	129-131 Fonthill Road	Convert second and third floors into four x 1 bedroom flats.	Refused	25/01/2005
P043066	129-131 Fonthill Road	Convert first floor to provide 2 x 1 bed flats	Refused	25/01/2005
P071351	129-131 Fonthill Road	Demolition of existing buildings and erection of a 5-storey building to provide for a 60 bedroom hotel at part basement, ground and wholly to upper levels, 3 shop units (class A1) fronting Fonthill Road at basement and ground floor levels and a restaurant unit (class A3) fronting Goodwin Street at ground floor level.	Refused Appeal dismissed	09/10/2007 26/06/2008

- 6.14 Six prior notification applications were submitted to and refused by the Council in 2019. The applications related to prior approval for a change of use from B8 storage to residential. These applications were all refused on the basis that insufficient evidence was provided to demonstrate that the use of the building was storage (B8)

139 – 149 Fonthill Road

- 6.15 30 October 2020 – Planning permission granted for the ‘Refurbishment and extension of the building to include the erection of a single-storey fourth floor roof extension and a two storey rear extension to the front part of the building and a two storey roof extension to the rear part of the building to provide retail (Use Class A1) floorspace, business floorspace, (Use Class B1 and B8) and flexible floorspace (Use Classes A2/B1/D1/D2) together with 4 no. residential dwellings (Use Class C3) and creation of roof terraces. Basement excavation to increase the depth and extent of the existing basement. Demolition of existing chimney and rebuilding and enlargement of existing tower. Alterations to front elevation including new shopfronts and associated works.’ **(P2019/2563/FUL)**

City North

- 6.16 19 November 2011 - Demolition of existing buildings and the construction of a mixed use development comprising two 21 storey buildings above ground and first floor plinth; 10 storey building above ground and first floor plinth; and 3 storey building above ground floor plinth for: 355 residential dwellings (Use Class C3); 2172sq.m (GEA) of office floor space

(Use Class B1); 436 sq.m (GEA) of restaurant and cafe floor space (Use Class A3); 9665 sq.m (GEA) of flexible floor space for uses within Use Classes A1 - A4 and / or gym (Use Class D2) and / or including up to 2000 sq.m (GEA) of office floor space (Use Class B1) at first floor only; together with associated disabled and car club parking spaces, cycle spaces, storage, associated access, public realm and private and public amenity space'.

ENFORCEMENT:

- 6.17 E/2020/0297 – Unauthorised change of use to serviced apartments at 13 Goodwin Street (unresolved)
- 6.18 E/2021/0069 – Unauthorised change of use as service apartments / short term letting on upper floors (unresolved)

PRE-APPLICATION ADVICE:

- 6.19 None

7. CONSULTATION

Public Consultation

- 7.1 Letters were sent to occupants of 745 adjoining and nearby properties at Fonthill Road, Goodwin Street, City North, Seven Sister Road and others on 23 January 2023. A site notice and press advert were displayed on 26 January. The public consultation of the application therefore expired on 19 February, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.2 At the time of the writing of this report a total of 4 responses had been received from the public with regard to the application. The issues raised can be summarised as follows (and are addressed in section 11 of this report):
- Concerned about the loss of sunlight and daylight to other premises in Fonthill Road.
 - The scheme would be noisy
 - The proposed development would obstruct views (harm outlook and create a sense of enclosure).
 - The combination of restaurants, cafés and retail units, as well as several private dwellings, will significantly increase the amount of noise from private and commercial vehicles and pedestrian traffic in the close proximity of my flat.

External Consultees

- 7.3 External commentary and observations on the application
- 7.4 Metropolitan Police (Crime Prevention): There is support for the security and access control measures already proposed within the scheme. There are no in-principle objections to the proposed development, however the applicant should work towards achieving the appropriate Secured by Design accreditation which should be sought through a planning condition.
- 7.5 Thames Water: Thames Water raises no objections to the scheme and brings to the attention of the applicant, reasonable conditions and informatives to address waste water infrastructure, surface water control and

7.6 Transport for London: No comments received.

Internal Consultees

7.7 Housing Officer: No comments received.

7.8 Access Officer: Some concerns were raised around the provision of suitable cycle storage accessible for all. These are to be secured through a planning condition, although the provision has been enhanced through iterations to the scheme. Concern was also raised about toilet provision for various non-residential uses. Again, these concerns have been met through revised plans. A condition has been imposed which requires the scheme to be compliant with the Inclusive Design SPD.

7.9 Conservation and Design Officer: The proposal is in line with expectations following pre-application advice and there are no major objections. There are some discrepancies which require clarification.

7.10 Energy Conservation Officer: The energy officer largely supports the scheme in the context of its ability to demonstrate a strong performance in relation to emissions savings over and above the current buildings, using renewables, performing well in relation to the cooling hierarchy for the residential elements and making contingency preparations for the a heat network.

7.11 Tree Preservation / Landscape Office: No objections but recommends the securing of a financial contribution of £15,000 as a bond to compensate for harm that may occur to the tree during construction in conjunction with tree protection conditions.

7.12 Public Protection Division (Air Quality) No objections

7.13 Public Protection Division (Noise Team) No objections

7.14 Public Protection Division (Land Contamination) No objections

7.15 Spatial Planning and Transport (Transport Officer) No comments received

7.16 Street Environment Division: No comments received

7.17 Sustainability Officer: While the scheme fully complies with the Adopted Plan (2013), compliance with the emerging plan policies which now have greater weight is also expected. Therefore there are some concerns which have been raised concerning the lack of detail surrounding landscape, SUDS, green roof and whole life carbon cycle. Further work on BRE four-star assessment for new housing should be undertaken. On site carbon reductions should be re-assessed alongside 2021 (which has been done). It is suggested that much of this additional detail can be secured through planning condition.

7.18 Planning policy: The scheme protects retail floorspace and provides office floorspace. However this compensates for a loss of space for potential light industrial floorspace. (Nevertheless, policy FP4 seeks the provision of upper level office floorspace and residential). While the scheme does not provide a mix of dwellings, this provision follows pre-application advice. There is concern that one of the units has an overly large amenity space as well as the lack of viability on payments for smallscale affordable housing which should be independently appraised.

7.19 Highways officer: No comments received.

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

National Guidance

- 8.1 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.

Development Plan

- 8.2 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 policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Emerging policy: draft Islington Local Plan

- 8.3 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation, with consultation on the Regulation 19 draft taking place from 5 September 2019 to 18 October 2019. The Draft Local Plan was subsequently submitted to the Secretary of State for Independent Examination in February 2020. The Examination Hearings took place between 13 September and 1 October 2021. The Council undertook consultation on Main Modifications to the plan between 24 June to 30 October.

- In line with the NPPF, Local Planning Authorities may give weight to relevant policies in emerging plans according to:
 - the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 8.4 Given the advance stage of the draft plan and the conformity of the emerging policies with the Framework it is considered that policies can be afforded moderate to significant weight depending on the significance of objections to main modifications.

- Emerging policies that are relevant to this application are set out in Appendix 2. The emerging policies are considered to be consistent with the current policies.

8.5

Designations

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

- Primary Retail frontage
- Finsbury Park Town Centre
- Site allocation (FP4)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Principle (land use)
- Protection of unique retail character.
- Affordable housing
- Design, appearance and character within context
- Energy and sustainability
- Amenity
- Inclusive design
- Sustainable transport.

Land-use

9.2 Spatial policy CS2 (Finsbury Park) in the Core Strategy (2011) includes Fonthill Road. The policy supports the redevelopment of low density employment sites around the station providing mixed use developments of housing, employment retail and leisure. Self contained housing and employment uses will take priority over the other uses above ground floor in this area.

9.3 Policy CS12 (Meeting the housing challenge) of the Core Strategy sets out the Council's strategic framework to increasing the supply of affordable housing in the Borough. Housing should be affordable, flexible, high quality and diverse meeting a range of needs within the Borough.

9.4 Policy CS13 (Employment space) of the Core Strategy seeks to supply additional employment floorspace across the Borough, protect existing floorspace with no unjustified net loss of floorspace as well as strategies to boost employment for residents of the Borough.

9.5 Policy CS14 (Retail and services) of the Core Strategy seeks to protect the designated town centres within the Borough including primary retail frontage. The policy also seeks to protect specialist shopping areas such as Fonthill Road. Development of further retail should be directed to the designated town centres.

9.6 Site allocation FP2 (129-133 Fonthill Road and 13-14 Goodwin Street) was incorporated into the adopted core strategy. At the time of publication, the Core Strategy refers to the extant consent for the redevelopment of the site for a 92 bedroom hotel as well as ground floor retail. The allocation also refers to a retail led mixed use development to complement the unique character of Fonthill Road (as a fashion corridor) and contribute to the vitality of the town centre. Other uses include retail, employment and a limited level of residential.

9.7 Policy DM4.4 of the Adopted Islington Local Plan (2013) states that the Council will seek to maintain and enhance the retail and service function off the four designated town centres in the Borough. Applications for more than 80sq.m of retail floorspace or other town centre like floorspace should be located in the designated town centres.

- 9.8 Policy DM4.5 (Primary and Secondary Frontages) provides robust support for the principle of maintaining retail floorspace within the primary frontages within the town centres. The loss of retail should be subject to minimum level thresholds.
- 9.9 Policy DM5.1 states that within town centres (-) the Council will encourage the intensification, renewal and modernisation of existing business floorspace. Redevelopment proposals are required to incorporate the maximum level of employment floorspace and a mix of other complementary uses including active frontages.
- 9.10 Policy DM5.4 (size and affordability of workspace) states that within town centres, major development proposals for employment floorspace should provide an appropriate amount of affordable workspace suitable for occupation by micro and small enterprises.
- 9.11 Policy SP6 (Finsbury Park) updates the existing adopted development plan. Development here must maintain the predominant commercial character of the area with ground floor retail. The specialist shopping area of Fonthill Road must be strongly protected. The area has a potential to develop as a CAZ satellite location hosting additional businesses that have spilled over from Central London. In order to effect this, no loss of employment will be permitted and further intensification will be supported. Residential uses will be supported on upper levels on a case by case basis.
- 9.12 Policy H2 (new and existing conventional housing) sets out the Council's updated framework and strategy to meet and exceed its annualised housing target of 775 pa.
- 9.13 Policy B2 (New business floorspace) makes reference to the provision of new B1(a) and B1 (c) floorspace that meets local demand in the designated town centres. Where this is provided, this should be located on the upper floors in the Primary Shopping Area of a designated town town centres, but is welcome on any floor in a designated town centre if it is able to provide an active frontage.
- 9.14 Policy B3 (Existing business floorspace) states that the Council will protect existing business floorspace throughout the Borough and the loss of such floorspace within a town centre will not be supported unless it can be demonstrated that there is no demand subject to the appropriate marketing evidence.
- 9.15 Site allocation FP4 (129-131 & 133 Fonthill Road and 13 Goodwin Street) remains a site allocation within the emerging local plan. It suggests that the site can accommodate a retail led mixed use development to complement the specialist shopping function of Fonthill Road (as a fashion corridor) and contribute to the vitality of Finsbury Park Town Centre. Active retail should be provided on the ground floor, while the upper floors should provide office floorspace and where appropriate workshop space related to the ground floor specialist retail functions and well designed SME workspace. This site allocation has been further updated in the 2022 modifications published for consultation adding a reference to the fact that an element of residential use may be acceptable and will be subject to relevant affordable housing policies.
- 9.16 Planning permission is sought for the redevelopment of 129 – 133 Fonthill Road and 13-14 Goodwin Street to provide a more effective and enhanced mixed use offer for the site. The proposed development would maintain three separate shop units at the ground floor on Fonthill Road, and the creation of new active frontages to Goodwin Street accommodating flexible town centre uses including retail and food and drink. The proposed development also seeks to deliver a small net addition of office floorspace which would, in any case constitute modern good condition floorspace demonstrating a significant improvement over the current provision. The scheme would also include residential

accommodation which is not currently on site but has benefited from planning consent in earlier planning applications.

- 9.17 The designated site allocation has persisted from the Adopted Local Plan 2013 and has been retained through the emerging Local Plan and the subsequent modifications prepared in June 2022. The site allocation text prescribes the importance of the existing town centre and shopping street as well as identifying the proposed future uses. As set out above, the application proposes a mixed use retail, office and residential scheme that complies with the site allocation.

Retail provision

- 9.18 The site is located within a designated town centre, with primary retail frontage and the aforementioned site allocation which makes specific reference to the specialist shopping street. It is essential that any redevelopment at the site does not reduce the retail provision within the town centre. The existing retail is currently provided at 129, 131 and 133 Fonthill Road at the ground floor only, with no retail on upper floors and no retail within the Goodwin Street frontages. The proposed development seeks to provide basement floorspace dedicated to the retail use, re-provide three shop units at 129, 131 and 133 Fonthill Road and provide retail floorspace for the first time on the Goodwin Street frontage. This results in an increase from the existing 243sq.m to 555sq.m of retail floorspace, which constitutes a net increase of 312sq.m. This is a significant increase on the previous consent (P2021/1955/FUL) where the retail floorspace increased from 336sq.m to 440sq.m (which included the additional café use under E(b)).
- 9.19 Policy R3 states that proposals for new retail floorspace should be located in a town centre, which this scheme delivers and the scheme therefore meets part b of emerging Policy R3. Later, the policy states at part F, that development proposed within a designated Town Centre must be of an appropriate scale that is related to the size and scale of the centre as well as maintain vitality, viability, provide a frontage, be of high quality design and safeguard amenity. Schemes should also consider the importance of ancillary floorspace such as back office and staff amenities.
- 9.20 It is considered that the proposed level of development by being located within a designated town centre, fits appropriately within the Council's retail hierarchy by proposing a centre first approach. While the scheme proposes net retail floorspace increases in excess of 200sq.m, it is considered that due to the site's location within a town centre there is no requirement to carry out a sequential test or an impact assessment.
- 9.21 The proposed layout of the development is consistent with the existing character and offer within Fonthill Road as a distinct part of the wider Finsbury Park Town Centre. Each unit is re-provided in a similar fashion to the current provision and to the established retail character within the street with three separate distinguishable units at ground floor and basement to Fonthill Road. This maintains the local character and supports the established specialist shopping street principle. A planning condition can be imposed which prevents the amalgamation or splitting up of units within 129-133 Fonthill Road. Furthermore, the proposed development can be conditioned to prevent the change of use through prior approval or permitted development to other uses which would detract from the retail offer within the scheme.
- 9.22 The scheme provides for distinct and separate active frontages which incorporate traditional shopfront designs including stall risers, pilasters and fascias. The scheme has been designed to reflect a traditional shopfront noting the mixture of old and new buildings within the street indicating that new buildings have replaced the original character in a manner which does not make a positive contribution to the street.

- 9.23 The ability to control the use of the proposed floorspace, as well as conditions relating to hours of use will assist the Council in directly safeguarding proposed and existing residential amenity.
- 9.24 The scheme also proposes a significant provision of basement floorspace for the development to be dedicated to retail floorspace. This additional provision is essential to provide ancillary floorspace to the retail use and is supported. This has the potential to make a contribution to the preservation of the specialist shopping character of the street by being used as a workshop to make clothing which underpins the specialism of the street.
- 9.25 As well as a new retail unit on the Goodwin Street frontage which will serve to animate and activate what is currently a poorly served part of the Town Centre, the scheme also proposes a café use on Goodwin Street. This is a town centre use within Use Class E(b). It constitutes a replacement and extension of an existing food and drink use within the site boundary. The provision of such a use is not incompatible with Emerging Policy R3 in relation to its location within a designated Town Centre. With the scheme providing a demonstrable increase in retail floorspace across the site over and above the existing floor area, it is considered that the proposed café use will not diminish the role that retail performs at this site.
- 9.26 Considerations of opening hours, ventilation and extraction will be considered below in the appropriate sections of the report and conditions will be imposed accordingly to safeguard amenity and a compatible balance of uses on the site.

Office floorspace

- 9.27 The site is not located within an Employment Growth Areas or CAZ, however, it is sited within the Finsbury Town Centre where commercial development, such as provision of new office floorspace is generally encouraged. Development management policy DM5.1 supports new employment floorspace (particularly business floorspace) to locate in Town Centres and redevelopment of the site should incorporate maximum amount of business floorspace reasonably possible on site, whilst complying with other relevant planning considerations.
- 9.28 The applicants have advised that 13 Goodwin Street and the upper floors of the existing development provides for a mixture of 265 sq.m of office floorspace and a total of 604sq.m of B8 storage floorspace. The office is concentrated in two locations with 105sq.m at 133 Fonthill Road (first and second floor) and 160sq.m at the ground floor of 13 Goodwin Street. The circa 600sq.m of B8 floorspace is currently located at the first and second floor of 13 – 14 Goodwin Street and 129 – 131 Goodwin Street and the third floor of 13 Goodwin Street and 129-131 Fonthill Road. While there is a degree of storage within 13 Goodwin Street as witnessed on a site visit in early 2023, various planning applications indicate that there was no lawful use of the upper floors as storage and distribution. No applications for Certificates of Lawfulness exist to determine that use and while planning permission has previously been granted for light industrial use in the 1980s. It is, therefore, considered that the use best falls within the E(b) use class which was formerly B1(a).
- 9.29 On this basis, the applicant, within their planning statement indicates that the scheme provides for a total of 890sq.m of commercial (employment) floorspace and the proposed scheme aims to provide a small uplift of 21sq.m so that the combined employment floorspace is 878sq.m.

- 9.30 The 2013 site allocation called for a protection of retail and the provision of office floorspace. The amended emerging 2019 site allocation (as amended by the June 2022 modifications) states that the upper floors should provide office floorspace (combined with residential floorspace). As will be demonstrated within the housing viability part of this report, the redevelopment scheme is not viable. This is a position which has been supported by the Council's consultants (BPS) who advise that the scheme has a deficit of £148,000. Therefore, while office is provided, (albeit with a small uplift), in the context of optimising the provision of office floorspace, whether it is viable to do so and how that optimisation is constrained by the provision of residential within the scheme.
- 9.31 Nevertheless, the site allocation (June 2022 modifications) suggest that the scheme should comprise of enhanced retail and enhanced office floorspace and could include residential subject to affordable housing considerations. The site allocation is silent on the provision of storage and distribution and on that basis, the scheme includes an increase on the office floorspace of 613sq.m from 265sq.m to 878sq.m. This, therefore, constitutes a significant optimisation of office floorspace. The site allocation also makes reference to workshop related to retail, which could reasonably be part located in the basement areas to support the shop floor activities above on ground floor while the office floorspace could be attractive to SME businesses.
- 9.32 Given the removal of B8 from the scheme, and the significant increase of active office floorspace, it is considered that the proposal has complied with Local Plan policy DM5.1 and B2 which require schemes to the maximise the provision of business floorspace.
- 9.33 Policy B4 addresses affordable workspace in the emerging Local Plan and requires the provision of 10% of workspace to be affordable for 20 years where the provision of employment floorspace exceeds 2,500sq.m. In this case the scheme falls significantly under this requirement and, as such, is not able to provide affordable workspace. To exceed this high threshold within the same building envelope would require the removal of retail floorspace and the residential from the scheme. Nevertheless, there is potential flexibility insofar as the layout of the proposed office floorspace can be offered to SMEs given the location. Furthermore, protections can be put into place which also prevent the loss of the employment floorspace to non-employment uses including residential.
- 9.34 The proposed office provision is consistent with adopted and emerging planning policy and the site allocation. It is also consistent with the previously approved planning application that constitutes the fall back position for this scheme.

Residential development

- 9.35 This application proposes the provision of 8no self contained units which are to be laid out on the first, second, third and fourth floor levels at 13 – 15 Goodwin Street. The site currently has no residential use and it is noted that the Council has previously sought to resist residential units within the building through numerous planning application. However, the designation of the site allocation which introduces a residential element to the scheme now implies that this proposed use would be acceptable. The change in policy direction reduces the weight of material consideration generated by previous refusals for including residential. This site allocation goes hand in hand with policy R3(G) which states that residential uses are not suitable at ground floor or below in Town Centres. Part R3(H) states that any applications for new residential uses in Town Centre locations not involving change of use of existing A1-A5, D2 and/or Sui Generis main Town Centre uses must be located on upper floors.
- 9.36 The eight units are accessed through a new residential lobby between the replacement retail unit at 13 Goodwin Street and the new café unit at 15 Goodwin Street. Lift and stair

core access is available to each of the two units on the four floors above. In essence, the proposed residential floorspace replaces B8 storage and distribution and not the office floorspace and doesn't compromise the uplift in office floorspace within the development. On this basis, the principle of residential is deemed to be acceptable.

- 9.37 The scheme provides 5no, 2 bed four person units, 2no, 2 bed three person units and 1no, 1 bed two person unit. Each of the eight units are in excess of the unit size thresholds. The applicant has also demonstrated that the primary and secondary bedroom sizes, along with internal storage and external amenity areas also exceed the thresholds. Each of the new units are genuinely dual aspect to north west and southeast. With the exception of one unit, the remaining seven all have the living space facing southeast which would be the optimum outlook.
- 9.38 While the proposed development principally seeks to provide two bed units as opposed to a wide range of unit types (counter to part D of policy H1), the proposed development does align comfortably with the Council's dwelling mix priorities for private market housing which indicates a high priority for two bed units in this category. However it was considered through pre-application discussions that larger family sized units would not be suitable in a town centre context such as this site.

Affordable housing

- 9.39 Another factor that determines the acceptability of the residential use would be the provision of affordable housing, which is desperately needed within Islington. It is expected that residential development should provide the maximum reasonable level of affordable housing. The applicant has stated that the scheme could not viably provide the affordable housing contribution that policy would require. The affordable housing requirement and the financial viability of the scheme is discussed below.
- 9.40 The Publication London Plan (Dec 2021) policy GG4 states that development must support the delivery of the strategic target of 50 per cent of all new homes being genuinely affordable. Policy H4(B) states that affordable housing could be provided offsite in exceptional circumstances, and boroughs may require affordable housing contributions from minor housing development (fewer than 10 residential units).
- 9.41 Islington's Core Strategy CS12, part G states that the council will require all minor residential development to provide a financial contribution towards affordable housing provision elsewhere in the borough. The council would seek maximum reasonable amount of affordable housing, subject to a financial viability assessment. Details of how to secure the maximum reasonable amount of affordable housing is set out within the Council's Affordable Housing Small Sites Contributions SPD 2012.
- 9.42 The Affordable Housing Small Sites Contributions SPD states that for minor developments, a financial contribution for affordable housing is sought for any new residential units proposed. In this instance, an off-site payment of £50,000 would be required for every residential unit proposed; therefore, the proposed development would need to provide an off-site contribution of £400,000 in total in support of the provision of affordable housing within the borough, unless it can be robustly demonstrated that a full contribution is unlikely to be viable.
- 9.43 The applicant has submitted a financial viability assessment (prepared by S106M dated Dec 2022) in support of the application. It has been reviewed by an independent assessor (BPS Chartered Surveyors) and the Council's Development Viability Team to review the viability of the scheme. The assessment of the financial viability Assessment is based on the policy

guidance within the Affordable Housing Small Sites Contributions SPD, as well as the Development Viability SPD. The BPS report can be found in Appendix A of this report.

- 9.44 The financial viability assessment prepared by S106M concluded that the scheme, when including a policy compliant £400,000 commuted sum generates a deficit of - £980,884.31. Therefore, S106M concluded that the scheme is unviable, regardless of whether the commuted sum is included or excluded.
- 9.45 In their initial report published in March 2023, BPS concluded that the scheme would return a surplus of £597,875 achieving a net profit on GDV.
- 9.46 A number of inputted variables have been outlined within the report demonstrating how BPS have arrived at a very different proposition. In terms of income for example, BPS have established that values for private residential sale are over £200,000 greater than that assumed by S106M (£5,035m v £5,260m). More significantly though, BPS have assumed a retail sale value of more than £700,000 greater than S106M (£2.226m v £2,985m. In total, the BPS assume income (or values) to amount to £12,122m while S106M estimate a return of £11,129m, almost a £1m difference.
- 9.47 While there are agreements between parties of the build costs, contingency costs, professional fees, letting fees and marketing fees, there are more fundamental disagreements around the residential agent fees, commercial sales agent fees, finance rates and profit targets. Significantly, S106M reports that the applicant is targeting a residential profit target of around 20% compared to BPS' view that a target of 15% is more appropriate given that the scheme is not a high risk scheme (tall building or multi phase). Ultimately, this leads to a situation where the BLV is estimated at £2.1m for the applicant and £1.12 for the Council. However, the BLV used by the applicant is not their own, but is one derived from a BPS estimate which was used in a previous planning application and indexed it in the context of the House Price Index or HPI. Using HPI is not deemed to be appropriate on the basis that this is a mixed use scheme and is not residential led.
- 9.48 BPS has established a EUV of £1.12m which is a reduction from a previous position used by BPS and is based on a bank lending report which suggests that space previously used as offices is no longer in a lettable condition for office use. BPS do not agree with using an index linked inflated bank lending valuation report to establish an EUV.
- 9.49 The BPS position has been derived without full information about the occupation or condition, whether they are let or vacant. Without the detail on condition, about terms of occupation and rents/values, it is not possible to provide a figure with the utmost certainty. There are also inconsistencies regarding the presence or otherwise of lettable residential floorspace and the implications that this has for net added value. Furthermore, S106M was not fully informed on whether the ground floor retail as existing was occupied and its condition of repair. On the basis of the lack of information, BPS assumed vacancy. BPS were also of the view that depressed rental rates were more accurate, but given that the retail floorspace on a unit by unit basis are smaller than the stated comparisons, smaller units often attract a higher rental value on a per square foot return. Therefore, the existing 129 and 131 Fonthill Road which are 511sq.ft and 646 sq.ft can attract a rental return of £30sq.ft as opposed to the twice as large 133 Fonthill Road at 1179sqft which would normally attract a rental of £23 sq.ft.
- 9.50 Taking into account, the commercial floorspace, BPS were not in a suitable position to understand the level of occupancy, condition and purpose of the office floorspace, or whether it had any relation to the retail on the ground floor. The applicant's information made reference to equipment propping up the structure for the purposes of structural integrity and on this basis, rendered a Page 36 EUV for this space at no more than £3.20

per sqft. BPS have attributed a storage function as opposed to higher value office or light industrial, with little prospect for future occupation. Combining the storage with the retail ends up with a small EUV of £1.12m. Due to the condition and function of the properties, there is a reluctance to use or impose a landowners premium.

- 9.51 In respect of future development values, the applicants have priced the residential at a lower value than the market conditions would allow and have been more aggressive than BPS in recognising market reductions in house price values. For example, the applicants have reduced values by £50,000 or 7%. The current market trend is a 1% downturn. Furthermore, the applicants have sought to use a House Price Index (HPI) to elevate their BLV but have not applied this same principle to house price values which is inconsistent. In respect of residential comparisons, the applicants have sought to provide evidence of either second hand sale (not new build) and have used three and four bed units whereas 2 beds are the predominant provision on this scheme. While residential pricing is therefore hard to establish due to the lack of comparisons, BPS have achieved a GDV of £5,28m. which is 5% above S106M's position. The assumptions made on the retail and employment floorspace value area acceptable.
- 9.52 In conclusion, utilising the standardised presentation, BPS have established the scheme has a value of £12.123m, which when discounted for purchasers costs, brings the scheme to £11,666m. The benchmark land value is taken to be the acquisition cost which is £1.12m with construction costs at £6.751m. When added to fees and finance (and profit rate at 15%), all costs are £11.06m. When deducted from £11.666m, leaves a surplus of £597,875.
- 9.53 This figure is sufficient to provide contributions towards (small site) affordable housing at the policy compliant rate.
- 9.54 Following publication of the BPS report in March, the applicants provided further information in relation to Gross Development Value (GDV), CIL, Financing costs, profit and BLV. After further evaluation, an updated report was published by BPS in April 2023.
- 9.55 While the parties were still divergent on GDV, particularly in relation to residential values – S106M proposing £5,035m compared to BPS on £5,26m – S106M agreed to the BPS position, while providing no evidence to remain at their earlier lower figure. It is also assumed that S106M agreed an employment GDV of an additional £50,000. Finally, S106M also agreed with an increase in the retail rental return per square foot, generating an additional £700,000. However, because of the requirement to provide more storage space for bikes, the retail space has reduced from 8062sq.ft to 7739sq.ft (a loss of 30sq.m).
- 9.56 Parties have compromised on financing rate. While there was an agreement that 8% was excessive, an April increase in the interest rate justified further consideration and this has been agreed at 7.5%. However the parties have not agreed on a profit input. BPS propose 15% as being appropriate. S106M believe that 20% is still appropriate. BPS have moved forward to run a revised appraisal on 17.5%.
- 9.57 The most significant shift relates to the EUV associated with the employment floorspace. The applicants have provided evidence to BPS of the condition and function of 13 Goodwin Street which shows that the ground floor is usable, the upper floors are in poorer order but are useable too.
- 9.58 BPS assessed an earlier scheme in 2021 where the BLV was £1.6m whereas the first assessment of the 2023 scheme suggested a BLV of £1.18m. This was on the basis of the perceived value and quality of 13 Goodwin Street. In 2021, BPS agreed a value of £600,000 and was lettable. In the first **Page 67** the current application, BPS assumed a

a nominal value. The applicant has advised parties that 13 Goodwin Street is actually in good functional order throughout. He occupies that property as an office. This has been observed by the case officer and provides workspaces for at least two people. There is then substantial areas of storage throughout the rest of the ground floor and the first floor. Photographs were provided to BPS of the overall condition. These have been shared with the Council and verified by the officer making a site visit in February 2023.

9.59 Following a reconsideration of potential lettable values, yields and rates, BPS have proposed that the EUV for the employment at 13 Goodwin Street is £470,000 (where previously BPS had assumed nil) and that the whole BLV is £1.588m. This significant difference is reflected in the benchmark land value as shown in the graphic below.

Event	S106M Dec 22	S106M Apr 23	BPS Dec 22	BPS Apr 23
BLV	£2,100,000	£1,912,000	£1,118,000	£1,588,000

9.60 Within their assessment, BPS have assumed the EUV approach to fixing a BLV. They have approached the BLV on an EUV basis which means that the figures for both EUV and BLV are identical.

9.61 Taking into account the change to the EUV which was previously assumed to be nil for 13 Goodwin Street, and the other agreed inputs about values, profit and financing, BPS have proposed that the GDV for the development is £12.003m with net development value at £11,555m. However, the BLV is now £1.588m (up £470,000) and the total costs are £11.703m as opposed to £11.068m. This increase is accrued partly through an uplift in financing from 7.0% to 7.5% and a change in construction costs, while a refixing of the retail rents change the GDV. This brings about a deficit of £148,224 as opposed to the previous surplus of nearly £600,000.

9.62 This means that the scheme is unable to demonstrate viability at this time and is not in a position to generate a contribution to the Council of £50,000 per net additional unit and comply with policy H4 of the emerging Local Plan.

9.63 In acknowledging the finer margins associated with this development insofar as an increase in sales values by just 2.5% or a reduction in construction costs of 2.5%, the scheme would be viable and generate a surplus. On this basis, BPS recommend that a pre-implementation and a late stage review viability assessment should be carried out and thus secured through a Section 106 legal agreement.

10. DESIGN, CONSERVATION AND HERITAGE CONSIDERATIONS (INCLUDING ARCHAEOLOGY)

10.1 London Plan Policy D3 states that development must make the best use of land by following a design led approach that optimises the capacity of sites to ensure that development is of the most appropriate form and land use for the site. The design led approach requires consideration of design options to determine the most appropriate form of development that responds to a site’s context and capacity for growth. It further states that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport walking and cycling.

10.2 In terms of design and heritage considerations, London Plan policy D3 part D states that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale,

appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions; respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character; and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.

- 10.3 London Plan Policy D4 stipulates the importance of design scrutiny of development proposals starting from pre-application stage. It states that the design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising analytical tools, local evidence, and expert advice where appropriate. In addition, boroughs and applicants should make use of the design review process to assess and inform design options early in the planning process.
- 10.4 Core Strategy Policy CS9 requires the borough's unique character to be protected by preserving the historic urban fabric, and new buildings should be sympathetic in scale and appearance and to be complementary to the local identity.
- 10.5 Policy DM2.1 requires all forms of development to be of a high-quality design, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Permission will be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 10.6 Policy DM2.3 requires development to conserve and enhance the borough's heritage assets, in a manner appropriate to their significance. The Council requires new developments within Islington's conservation areas settings to be of high-quality contextual design, and harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Part B ii of the policy goes on to state that the Council will require the retention of all buildings which make a positive contribution to the significance of a conservation area. Part E of the policy relates to non-designated heritage assets (i.e. locally listed buildings) which the Council encourages the retention, repair and reuse of such buildings. Part F of the policy addresses archaeological remains, monuments and archaeological priority areas. The policy states that the Council will ensure the conservation of scheduled monuments and non-designated heritage assets with archaeological interest which are of demonstrably equivalent significance. All planning applications affecting priority areas should be accompanied by assessments. Archaeological remains should be retained in situ.
- 10.7 Draft Local Plan policy DH1 requires development to conserve or enhance Islington's heritage assets – both designated and non-designated - and their settings in a manner appropriate to their significance. Further to this, Policy DH2 requires Development within conservation areas and their settings – including alterations to existing buildings and new development – to conserve and enhance the significance of the area and must be of a high-quality contextual design. Draft policy PLAN1 requires development to be of a high architectural and design quality to reflect the historical context and distinctive local built form and urban form.
- 10.8 Fonthill Road is largely a late 19th Century high street with terraced building stock typically ranging from 3 with mansard to 4 storeys in height. Goodwin Street is a short street formerly comprised of the rear yards of the Fonthill Road terraces and some terraced housing. There is also an early 1900s postal sorting office which is locally listed. Two 1880s terraced

houses had previously existed at 11 and 13 Goodwin Street, however only 13 Goodwin Street with 14-15 Goodwin Street and 129-131 Fonthill Road forming a combined, modern brick building which does not make a positive contribution to the street. 133 Fonthill Road is of a similar age and style to 13 Goodwin Street.

Principle of demolition and redevelopment

- 10.9 In the most part, the proposed development would result in the demolition of an unattractive and utilitarian brick building which occupies a prominent street corner location on the pedestrian route from Fonthill Road to Finsbury Park underground station. While it reflects the massing and detailing of Fonthill Road in general through its height, fenestration and proportions, it fails to enhance the character of the street. Adjoining these building and bookending its facades on both Fonthill Road and Goodwin Street are two Georgian townhouses built of London Stock brick and which retain their original façade features. While both are occupied, they are in poor condition and include a constrained layout which would constrain the ability of the scheme to integrate the properties as proposed. Their loss is therefore accepted.

Bulk, height and massing

- 10.10 It is proposed to erect a four storey building with basement mansard roof accommodation within the Fonthill Road and Goodwin Street elevations. In effect this scheme proposes the replacement of a four storey flat roof building at 129-131 Fonthill Road and a three storey building at 135 Fonthill Road with butterfly roof. At the rear of the site in Goodwin Street, the existing corner property is largely blank at the ground floor level and has three storeys above before dropping down to two storeys at 14 – 15 Goodwin Street. Much of the rear aspect of the site is dominated by the height, massing and extent of the development at City North.
- 10.11 The southern end of Fonthill Road is dominated by Tower House at 139 – 149 Fonthill Road which consists of an imposing four storey building in traditional form in original construction with red brick, groups of pairs and trios of double glazed sash window, soldier courses and a dentile cornice at eaves level and above fascia level. The roof level is shallow hipped and therefore does not include any evident floorspace like that which is proposed to be provided at 129 Fonthill Road.
- 10.12 At present, no building on the site rises to greater than 4 storeys and this is congruous with the wider streetscape. Although redeveloped incrementally over the entirety of the twentieth century, Fonthill Road largely retains a consistent building height and parapet line, giving its massing and townscape a degree of unity, dignity and balance which its individual buildings do not always intrinsically possess. The proposals would increase the overall height of the application site to a maximum of 5 storeys.
- 10.13 The principle of a five storeys (including the roof level accommodation) building was accepted in both the refused planning application (P2020/2722/FUL) and the most recent approval for the site (P2021/1955/FUL). The acceptable height principle of four storeys plus mansard was supported in planning applications for the redevelopment of the adjoining Tower House.
- 10.14 It should be noted that a large part of the remaining terrace has been subject to a planning application for which consent was given for redevelopment most recently through P2019/2563/FUL at Tower House with the main effect being the extension of the roof level from a hipped roof to a mansard roof with roof level accommodation. The proposed development at 129-133 Fonthill is therefore consistent with the built form that has been

consented within the street. This leaves 135 – 137 Fonthill Road outstanding which has not been subject to any form of transformational change in relation to height and design.

10.15 The Urban Design Guide has regard to new street buildings and states the key objectives.

Development should maintain an appropriate height to width ratio between the buildings and the street they flank. Building heights should be considered in terms of their proportion and in relation to the size of the space they define and/or enclose. Development should maintain the prevailing plot width to height ratio. Development should normally retain and/or repair the existing roofline.

5.67 New development should create a scale and form of development that relates to the existing built form and provides a consistent and coherent setting for the space or street that it defines or encloses, while also enhancing and complementing the local identity of an area. The nature of the existing street frontage will therefore normally determine the extent of potential development.

10.16 Adopted Local Plan policy DM2.1 (Design) states various qualities that proposal should possess before it can be considered acceptable. These include efficiency of land/building use, legibility and movement and a positive response to the surrounding area. In addition, proposals should demonstrate how the surrounding context has been addressed. It is considered that this has now been fulfilled. Taking into account the previous applications on the site (P2020/2722/FUL, P2020/2723/FUL and P2021/1955/FUL), which have sought to retain and enhance the negative attributes of development by either extending the unattractive corner property with a similarly bland additional roof level (which was the case in P2020/2722/FUL) or semi retention of the corner building with the insertion of a terrace of three period properties with a poorly designed mansard style extension on the roof of the corner building (which was the case in P2021/1955/FUL, the development proposed now is a comprehensive redevelopment that addresses both the site and the local context holistically. The various components of the site are now stitched in together across various facades and elevations and the scheme also relates to similar buildings which make a positive contribution to the streetscene.

Elevational treatment and materiality

10.17 Paragraphs 5.89 and 5.90 of the UDG provide guidance on elevational treatment including, the need to contribute to an appropriate sense of rhythm, scale and proportion, the relationship with neighbouring properties, to the public realm and with a building's own architectural integrity.

10.18 The proposed public realm facing facades to Fonthill Road and Goodwin Street will be upgraded and enhanced to reflect the more historic near neighbour at 141 – 149 Fonthill Road. The ground floor to both elevations will feature traditionally expressed shopfronts that would enhance the character, vitality and viability of the shopping street, particularly in Goodwin Street which is currently of poor quality. The use of brick, similar soldier courses, dentile cornices and sash double glazed windows with substantial cills and lintels would effectively create a much improved townscape.

10.19 At the rear of the site, the facades overlook both the existing roof levels of properties in Fonthill Road and a service yard which is generally accessible to the wider public. The rear elevations of both the Goodwin Street block and the Fonthill Road terrace will be of a more modern vernacular with larger windows, particularly for the residential element, balconies and terraces.

- 10.20 On the Goodwin Street elevation, two pairs of larger doors will fill the gaps between the new shopfronts which would provide access to a residential lobby and an office floorspace lobby while the other doors would provide access to refuse storage so that this can be accessible straight from the street without undue obligations on those collecting waste and recyclables.
- 10.21 It is recommended that details of materials including elevational materials, construction detailing for balconies, windows, shopfronts and rooftop plant should be secured through planning condition prior to the commencement of development.
- 10.22 It is considered that the proposed development constitutes a significant improvement on the character and appearance of the streetscene. While the scheme does result in the demolition of two original buildings, the scheme does result in the loss of buildings that make a negative contribution. Rather than extend, enlarge and alter these unattractive buildings with an incongruous and visually intrusive roof top extension as has been the case in previous applications, the proposed development is comprehensive and holistic providing a unifying design to the street facing elevations which reflect the positive contextual qualities of other buildings within the street. It is considered, therefore, that this is a positive form of development which should be supported in design, size, scale and massing terms.

Accessibility

- 10.23 Policy D5 of the London Plan 2021 requires all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies 2013, which requires all development to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of development from the outset and over its lifetime.
- 10.24 Policy DH1 (part C) of the emerging Local Plan outlines that all developments must be designed to be inclusive, which should ensure 'ease of use' and versatility.
- 10.25 The application has been subjected to rigorous assessment by the Inclusive Design Officer. In terms of access and egress, the consultee is satisfied that suitable measures have been put in place such as audio-video entry phones for street level entrance points for flats and office floorspace. This will aid the entry into the building for disabled persons. This should be supported by way marking signage and information to assist with navigation within the building given that there is no formal reception, concierge or foyer at the ground floor level. Details to demonstrate this should be proposed to be submitted for approval at the condition discharge stage. The entrances to the shops and café will be clearly discernible from the street by virtue of the signage that will inevitably be installed above the shopfronts (see detailed drawings). The entrances to the flats and upper floor commercial space will be clearly numbered 14 and 16 Goodwin Street respectively. This should be sufficient to enable visitors to find these elements of the scheme. Given the nature and amount of residential and commercial space to be provided, the site's location and the need to maximise the retail element of the development, reception space on the ground floor is not deemed to be necessary or desirable.
- 10.26 In relation to through building circulation, stair lifts to the basement and café spaces can be provided, albeit that these spaces would mainly be for the storage and kitchen. The officer consultee has requested the Page 42 of these. All staircases would have level

landings with the exception of the basement and the uppermost part of the residential element, notwithstanding that these parts of the building will have lifts. These areas will have refuge areas for passing within circulation space.

- 10.27 Toilet facilities within the scheme within the commercial and retail parts are not yet adequate, however, it is considered that these could be secured through planning condition notwithstanding the current set of floorplan drawings. Although these are provided, they are accessible through the commercial lobby on Goodwin Street and require an exit from the Fonthill Road frontage, into Goodwin Street and into the commercial lobby which is indirect.
- 10.28 A concern remains within the scheme for the inclusive design officer, for the cycle parking for the various elements. While the scheme provides adequate numbers of cycle storage units for all the floorspace in area and by unit number, there is a shortfall within the requirements for both accessible bike storage and charging areas for scooters, particularly within the basement area. This will require further amendments to the servicing elements at the ground floor area particularly those areas accessed from Goodwin Street to ensure that there is suitable provision. These details will be requested by planning condition.
- 10.29 London Plan (2021) policy G5 states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high quality landscaping (including trees), green roofs, green walls and nature based sustainable drainage. Further, Islington Policy DM6.5 states that developments must protect, contribute to and enhance the landscape, biodiversity value, and growing conditions of the development site and surrounding area'. Further, developments should maximise the provision of green roofs and the greening of vertical surfaces as far as reasonably possible, and where this can be achieved in a sustainable manner, without excessive water demand. Developments should use all available roof space for green roofs, subject to other planning considerations.
- 10.30 There are no trees on the site as existing. There is one tree on the public pavement which may be affected by development including both the construction period and the operational phase. This tree is located within a pre-existing tree pit in the pavement close to the kerb and the highway in front of 129 Fonthill Road. This tree is neither a TPO tree and is not subject to the protections afforded to it were the site located in a conservation area. There is a presumption against the removal of street trees where they make a positive contribution to the character and appearance of the street as the image below shows.. The crown of the tree does have the potential to conflict with the building envelope. It was planted in the mid to late 2000s. As such, the proposal does not have the potential to be of detriment to existing trees. The Section 106 seeks to impose a bond against damage to the tree that may be caused through construction works which would be established through the CAVAT valuation system. Any resulting damage of the tree would constitute a trigger for a payment to be made equivalent to the impact of the assessed value of the tree. This tree has been valued, and a bond of £15,000 has been suggested. In addition, the tree officer has recommended tree protection measures to be imposed to safeguard the tree during construction work, which would be approved through the discharge of condition.
- 10.31 No trees are proposed within the red line boundary due to the constraints of the site. There would be no undeveloped curtilage within the outline of the development.
- 10.32 The applicant proposes the use of the main roof above the fourth floor, the first floor roof level to the immediate rear and the second floor roof level at the rear of the site to be used as green roof. Combined, this reaches an area of 400sq.m. At the upper most roof level,

the applicant also proposes the creation of a biosolar roof which would ensure that a PV array is also created here. This installation would constitute a significant contribution to the scheme's carbon emissions minimisation under the 'Be Green' strand.

10.33 In terms of urban greening, the applicant proposes to carry out intensive green roof with an area of 400sq.m. When taking into account the specific calculation factor for green roofs, which is 0.8, the greening rate is 320 from the proposed green roof extent. When divided by the site area of 640sq.m, the Urban Greening Factor score for the site as a whole reaches 0.5. Government policy requires residential development to have a UGF of 0.4 and 0.3 for predominantly non-residential development. The demonstration that the site can generate a UGF of 0.5 is welcomed. In the context of PV and other structures at roof level, a green roof details and maintenance condition will be added.

Basement development

- 10.34 The Islington Basement Development SPD was adopted in January 2016 and sets out requirements for the Council's application of planning policies in relation to basements. This includes the need for planning applications to be accompanied by Structural Method Statements (SMS) signed by a chartered Civil Engineer (MICE) or Chartered Structural Engineer (MIStruct.E). It outlines that all basement development will need to be appropriate and proportionate to its site and context.
- 10.35 Policy D10 of the London Plan (2021) states that Boroughs should establish within their Development Plans to address the negative impacts of large-scale basement development beneath existing buildings, where this is identified as an issue locally.
- 10.36 Emerging Local Plan Policy DH4 – 'Basement development' insists basements must be designed to safeguard the structural stability of the existing building, nearby buildings, trees, and any infrastructure.
- 10.37 Structural stability is a material consideration for the Local Planning Authority insofar as the requirement to consider the potential risk and effects a proposal may have upon property, infrastructure and the public, as set out in Planning Practice Guidance. For clarity, this does not require the council to approve a technical solution for a development proposal, but rather to confirm that these issues have been sufficiently evaluated and responded to in a design and ensure that this process has been undertaken by a suitably qualified and experienced professional.
- 10.38 Areas of basement should respond to the scale, function and character of the site and its surrounds. Where large basement extensions are proposed, the resulting intensity of basement use may be out of keeping with the domestic scale, function and character of its context. Basements should be proportionate, subordinate to the above ground building element, and reflect the character of its surrounds.
- 10.39 A basement Impact Assessment and Structural Method Statement prepared by Braemar Structural Design (21171-RP-S-01-001 (December 2022)).
- 10.40 The site currently does not benefit from existing basement levels and the proposal seeks the inclusion of one new level of basement. The basement level would have an NIA area of 435sq.m which reflects the entirety of the footprint of 129 – 133 Fonthill Road, 14 – 15 Goodwin Street and 15 Goodwin Street insofar as its extent to the rear of 129-133 Fonthill Road.
- 10.41 The recently completed development at number 11 Goodwin street (planning permission reference P2016/0745/FUL) has a basement. The much larger nearby City

North development also has a large part single and part double storey basement across the majority of the development. There is low risk of the UXO on the site, however, it is recommended that a preliminary desktop survey is carried out prior to the commencement of groundworks. The nearest railway line is 60m away at Finsbury Park Station, however the site is outside of the TFL asset zone of influence. Redevelopment at City North suggests that the geology here features up to 3m of made ground sitting above at least 10m of London Clay.

- 10.42 The site is located in a critical drainage zone, but is also in Flood Risk Zone 1 with little or no risk of flooding.
- 10.43 Based on the above, and the surrounding developments (see section 8.0 below), it is considered that the site is at low risk of causing any significant diversions to groundwater flows. The depth of the proposed construction will likely extend into the London clay strata which has a very low permeability and will present a minimal risk of significant diversions to any groundwater flows that may be present. However, a suitable internal drainage system within the proposed basements will also be implemented as part of the new development to manage any groundwater flows into the site.
- 10.44 The statement has concluded that:
- The findings of the report show that the proposed basement can be constructed in accordance with best practice and in accordance with ASUC guidance.
 - The report has highlighted no novel or contentious issues.
 - The proposed basement is wholly within the footprint of the proposed development and would not undermine adjoining structures.
 - The underlying geology is of superficial deposits of made ground overlying London Clay.
 - The site is not in an area with raised ground water levels or in a flood risk zone.
 - There are no archaeological deposits or heritage assets.
 - The construction sequence indicated within this document allows for the basement to be constructed in a manner that is safe and economic considering the scale of the proposed building.
- 10.45 The SMS concludes that the proposed works and basement development will not likely detrimentally affect the surface water regime in the local and wider area, and the existing pathway for surface water flows will not be altered by the proposals. The report demonstrates that by adopting the highlighted construction practices the proposed works can be executed in a safe manner minimising any impact on the local amenity. This will be conditioned (21) in the event of permission being granted. On the basis of this, the proposed basement is considered acceptable.

11. NEIGHBOURING AMENITY

Impact on privacy for neighbouring properties.

- 11.1 Policy D3 of the London Plan (Optimising site capacity through the design led approach) states at Section 7 that development proposals should deliver appropriate outlook, privacy

and amenity. Policy D6 (Housing quality and standards) states at Section C that development should demonstrate adequate privacy.

- 11.2 The Housing SPG (2016) sets out a number of housing design and quality standards linked to policies in the London Plan. Standard 28 states that design proposals should demonstrate how habitable rooms within each dwelling will be provided with an adequate level of privacy in relation to neighbouring properties, the street and other public spaces.
- 11.3 Policy DM2.1 (Design) of the Adopted Plan states that development proposals should provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over dominance, sense of enclosure and outlook.
- 11.4 Emerging Policy H4 (Delivering high quality housing) at Section H states that the future occupiers of proposed development should enjoy a good level of privacy and do not experience adverse impacts from overlooking.
- 11.5 The nearest residential property to the site is located at 135 Fonthill Road where there are four flats within the building and 5 Goodwin Street which is separated from the application site by a service yard.
- 11.6 135 Fonthill Road consists of lower level retail floorspace with residential accommodation on the upper floors. Both the ground floor and the first floor project significantly rearward to meet the boundary of 15 Goodwin Street. There are two upper floors above which have not been extended rearwards. While it is unclear what the internal layout of 135 Fonthill Road is, it would appear that there are no habitable rooms within the rear elevation of the first floor level rear projection. Views from the upper level flats would either be too acute to give rise to meaningful overlooking or would be too distant from screen balconies over 12m away.
- 11.7 The other at risk property is a relatively new construction at 5 Goodwin Street separate to but adjacent to 5 City North. However, there are no flank windows to either 13 – 15 Goodwin Street or 5 Goodwin Street and as such there is no conflict between properties regarding overlooking or loss of privacy.
- 11.8 With respect to overlooking between properties within the development, it is considered that adequate screening between balconies is proposed. This would be secured by condition for erection prior to occupation. There are no habitable room windows facing others within the development.

Impact on sense of enclosure for neighbouring properties.

- 11.9 In respect of a sense of enclosure, the only properties that could be unduly affected would be 135 Fonthill Road. While there is a fall back permission that is extant, it is considered that in the case of this application, the proposed development would not result in a harmful impact to the occupiers of this property. It is noted that in their representations, the various occupiers raised an objection pertaining to sense of enclosure.
- 11.10 It should be noted that in considering the likely outlook and sense of enclosure that may be endured by the occupiers of 135 Fonthill Road, that this proposal is very similar to that approved by the Council in 2021 at 129-131 Fonthill Road in December 2021 (P2021/1955/FUL). It should also be noted that the proposed rear elevation of the upper floors of 129 – 131 Fonthill Road projects beyond the rear of 135 Fonthill Road by a distance of just 1.7m which is considered to be acceptable (also reflecting the 2021

permission). It is considered that the new built form built within Goodwin Street is not harmful or contributory to any sense of enclosure.

Daylight, sunlight and overshadowing for neighbouring properties

- 11.11 To assess the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 11.12 The starting point must be an assessment against the BRE guidelines and from there a real understanding of impacts can be gained. Knowing very clearly what the actual impacts are in the first instance is consistent with the judgement made in 'Rainbird vs Tower Hamlets [2018]'. Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 11.13 The 'Effective Use of Land' section in the Government's Planning Practice Guidance (PPG), confirms that consideration is to be given to whether a proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, setting out that all development should maintain acceptable living standards, although what will be appropriate will depend to some extent on the local context. The Guidance cites city centre locations where tall modern buildings predominate as an area where lower daylight levels at some windows may be appropriate if new development is to be in keeping with the general form of its surroundings.

BRE Guidance: Daylight to existing building

- 11.14 The BRE Guidelines stipulate that... "the diffuse daylighting of the existing building may be adversely affected if either:
- The VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value;
 - The area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value." (No Sky Line / Daylight Distribution).
- 11.15 At paragraph 2.2.7 of the BRE Guidelines it states: "If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time." The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 11.16 At paragraph 2.2.10 the BRE Guidelines state: "
- "Where room layouts are known (for example if they are available on the local authority's planning portal), the impact on the daylighting distribution in the existing building should be found by plotting the no sky line in each of the main rooms. For houses this would include living rooms, dining rooms, and kitchens; bedrooms should also be analysed although they are less important. In non-domestic buildings each main room where daylight is expected should be investigated. The no sky line divides points on the working plane which can and cannot see the sky."*

11.17 Paragraph 2.2.13 states:

“Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight. One way to demonstrate this would be to carry out an additional calculation of the VSC and area receiving direct skylight, for both the existing and proposed situations, without the balcony in place. For example, if the proposed VSC with the balcony was under 0.80 times the existing value with the balcony, but the same ratio for the values without the balcony was well over 0.8, this would show that the presence of the balcony, rather than the size of the new obstruction, was the main factor in the relative loss of light.”

11.18 The BRE Guidelines at Appendix F give advice on setting alternative target values for access to skylight and sunlight. Appendix F states that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. An example given is “in a mews development within a historic city centre where a typical obstruction angle from ground floor window level might be close to 40 degrees. This would correspond to a VSC of 18% which could be used as a target value for development in that street if new development is to match the existing layout”.

BRE Guidance: Sunlight to existing buildings

11.19 The BRE Guidelines state in relation to sunlight at paragraph 3.2.13:

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

- *receives less than 25% of annual probable sunlight hours and less than 0.80 times its former annual value; or less than 5% of annual probable sunlight hours between 21 September and 21 March and less than 0.80 times its former value during that period;*
- *and also has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.*

The BRE Guidelines consider orientation at paragraph 3.1.6:

“A south-facing window will, in general, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East- and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90° of due south is likely to be perceived as insufficiently sunlit.

The BRE Guidelines go on to state at paragraph 3.2.3:

“... it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90° of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun.”

Overshadowing Guidance

11.20 The BRE Guidelines state at paragraph 3.3.1:

“Good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between and around buildings has an important impact on the overall appearance and ambience of a development.”

11.21 The open spaces where the availability of sunlight should be checked is listed at paragraph 3.3.3 including gardens, parks and playgrounds.

11.22 The test for adequate sunlight of these spaces is set out at paragraph 3.3.17:

“It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area that can receive two hours of sun on 21 March is less than 0.80 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.”

BRE Guidance Flexibility

11.23 Where the above guidelines are exceeded then daylight, sunlight or overshadowing will be adversely affected. However, light is just one among many important aspects of a successful development and must be weighed in the planning balance. Paragraph 1.6 states:

“Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design. In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.”

Assessment (to neighbouring properties)

11.24 The applicant has submitted a Daylight and Sunlight report prepared by Right of Light Consulting dated December 2022.

11.25 The report has concluded that the properties relevant for assessment are as follows:

- 130 – 140 Fonthill Road
- 127 Fonthill Road
- 4 – 5 Goodwin Street
- 8 – 10 Goodwin Street
- 11 Goodwin Street
- 135 – 149 Fonthill Road
- 233 Seven Sisters Road

11.26 130 – 140 Fonthill Road are properties situated on the western side of Fonthill Road and are arranged from the northwest, west and southwest of the application property. The ground floor of all these properties are retail. The upper floors have all been assumed to be residential. This has been corroborated and confirmed by the Valuation Office Agency which indicates the presence of three flats at 130 Fonthill Road, six flats at 132 – 134 Fonthill Road, two flats at 136 Fonthill Road, one flat at 138 Fonthill Road and five flats at 140-142 Fonthill Road. In the absence of floor plans and layouts, room uses have been assumed. Nevertheless, the results presented by the applicant’s assessment demonstrate a reduction of no more than 2 to 3% with regard to Vertical Sky Component. A large proportion of windows retain a VSC of more than 27% which is deemed to be acceptable in the context of BRE guidance. A further assessment has been carried out in accordance with Daylight Distribution. At 130 Fonthill Road, four out of five rooms have been calculated to forsee a reduction of no more than 4% from its pre-existing condition. One room will

see a reduction of 24% however, its post development value remains at over 51%. At 132 Fonthill Road, very similar values are reported with four out of five rooms unaffected with reductions of less than 20% in proportion of its existing status, with the remaining room suffering a loss of 27% in proportion but retaining a value of 46%. At 134 and 136 Fonthill Road, no room would suffer a loss of more than 20% while virtually all the rooms at 138 and 140 Fonthill Road would suffer no loss at all.

- 11.27 127 Fonthill Road is situated directly opposite the site on the northern side of the same junction of Fonthill Road with Goodwin Street. It is an original property as opposed to the comparatively more recent construction at 129 Fonthill Road. It has a deep flank elevation and a gable end as well as a high number of facing windows. The ground floor contains a wrap around retail frontage, a café and a secondary retail unit. There is a side door at the ground floor level which provides access to the upper floors. The VOA indicates that there are five flats in the building. Four of the upper floor windows face away from the site and will not be affected by the development. There are 10 windows on the first and second floor level that face the site on to Goodwin Street. There are also four site facing windows in an upper floor mansard.
- 11.28 Planning application reference P031935 refused in December 2003, proposed the change of use and conversion of the first, second and third floors as five flats. The application was refused, and given the fact that the use had commenced, enforcement action was taken against the use. The building's previous use was as a public house before being converted into retail with showroom and manufacturing accommodation. It is assumed that this use has persisted.
- 11.29 Four, first floor windows and one second floor window has been demonstrated to fail VSC with reductions from their pre-existing value of more than 20%. However, given that the development is not in residential use, these minor fails are not considered to be significant to amenity.
- 11.30 4 – 5 Goodwin Street is an ornate building at the end of Goodwin Street before the commencement of City North. It has no current discernible use and was constructed in the appearance of a building to service a civic function. All windows facing the frontage to Goodwin Street appear to be obscured or enclosed and, as such, there is no possibility for light to enter into the property. There are three relevant openings to the frontage, all of which would endure a very minor reduction to VSC of less than 13% the former value.
- 11.31 8 – 10 Goodwin Street is the tall cylindrical shaped tower known as City North West. This is separated from the application development by another development at 11 Goodwin Street. This latter building prevents the built form of the proposed development from having any deleterious impact on the daylight amenity of the occupiers of 8 – 10 Goodwin Street. The layouts are known and 20 bedrooms and 36 LKD arrangements have been evaluated, with all showing no reduction of any amount to the VSC in any of these windows and rooms.
- 11.32 11 Goodwin Street which is situated to the eastern side of the access road that separates it from the application site is a building that is heavily influenced by its surroundings. It has no openings on the flank which faces the rear of Fonthill Road. It only has front facing windows and balconies to Goodwin Street and rear facing windows and balconies to the service yard at the rear of Goodwin Street. The rear has an L-shaped footprint with balconies in the recessed element which project from that elevation on three levels, meaning that there may be a limited impact on this part of the building only. However, the three relevant windows at the rear which serve two bedrooms and one LKD would not suffer any reduction in relation to VSC.

- 11.33 135 – 149 Fonthill Road consists of three separate buildings. This include the adjoining neighbour 135 Fonthill Road which includes four flats from which four objections have been received, 137 Fonthill Road which is also residential on the upper floors and a much larger building 139 – 149 Fonthill Road which will be addressed separately. The first property at 135 Fonthill Road would, in principle be the most likely affected development. Its adjoining structures are being demolished and reconstructed with an additional projection beyond the rear elevation and an increase in height of the Goodwin Street frontage to the northeast, which has previously been consented. The layout of the floor plans are available through a 2007 Certificate of Lawfulness permission (P072611). This shows one bedroom window on the rear elevation in a long projecting first floor level, two windows to a living room on the rear elevation at the second floor level and two dormer windows serving a bedroom on the third floor level. An additional flat within the building only has front facing windows to Fonthill Road and is therefore unaffected in this regard. At the first floor level, only a small part of the proposed development would potentially come into conflict with the occupiers of 135 Fonthill Road. The proposed development would not be offset and would not be directly in view from the rear of 135 at first floor level.
- 11.34 The first floor bedroom window has been evaluated for VSC and is demonstrated to show a reduction in VSC of 13% from its existing value. This loss is not considered to be harmful in the context of the BRE guidance. At second floor level the rear elevation windows are far more recessed than the first floor level and as such, the view from these windows reveals a greater expanse of the proposed built form of the application scheme. Two windows serve a lounge with a very small window serving an adjoining bathroom. Under the VSC test, the light lost from the pre-existing scenario is 15% and again, this would not be a failure through this test. Finally on the upper most floor are two windows which the applicant suggests are a kitchen and a bedroom, which endure a reduction of 6% and 12% from their pre-existing values. This demonstrates that the impact on 135 Fonthill Road will be negligible in relation to daylight.
- 11.35 137 Fonthill Road is retail on the ground floor with Prior Approval granted for the use of the first floor as a fitness studio. There is no second floor which is unusual for this terrace between Goodwin Street and Seven Sisters Road. There is no residential use and the rear windows at the first floor level serve a storage and changing room. It is likely therefore that the windows would be obscure glazed. Nevertheless, the applicant has demonstrated that no window would be less than 15% the former value.
- 11.36 139 – 149 Fonthill Road is a large substantial building that forms the biggest curtilage within this streetblock. It includes a four storey building with ground floor retail and what appears to be substantial warehouse to the rear. This site has been subject to a recent planning application which has been described above pursuant to its similarity to the design of the application at 129 Fonthill Road. The original 2019 consent (varied in 2021) was for an extension to provide a fourth floor roof extension and a two storey rear extensions to the front part and rear part to provide mixed use A1, B1/B8 floorspace and four dwellings. The residential element is situated at the northern end of the block adjacent to 137 Fonthill Road and would have outlook to the front and rear only. Lounges are situated to the rear with balcony access. Consented floor plans have been assessed and the reduction in daylight is minimal with one window enduring a reduction of 12% with all remaining windows seeing a reduction of no more than 2%.
- 11.37 Finally, Seven Sisters Road is the furthest away from the application site at the southern end of the street block. It has been included within evaluation despite having three dormer windows in a roof and no other rear facing windows on the frontage building. To its rear is a conjoined larger building with east and west facing roofslopes on which are rooflights that would not be affected and one first floor level rear window and a pyramid rooflight above a ground floor level roof. The building is used as a Muslim Welfare Centre and there

is no formal residential use within the building. In respect of the VSC, no window is reduced to 0.88 its former value and it is considered that there would be no light loss harmful to amenity or function.

Sunlight

- 11.38 In respect of sunlight, a substantial number of windows face within 90 degrees of due south and are therefore required to be tested in relation to Annual Probably Sunlight Hours and Winter Sunlight Hours. The evaluation demonstrates that no windows fail this test.

Overshadowing.

- 11.39 The applicant has identified two external areas of neighbouring properties to be tested for overshadowing. These are a Garden at 11 Goodwin Street and a garden located at 139 Fonthill Road. The former shows that 96% of the garden would receive sunlight over two hours on 21st March while the latter would show no area of the garden would receive more than two hours of sunlight, however, this is no change from the current status.
- 11.40 Officers are content that there would not be any harmful or significant, loss of light, or sunlight to rooms and windows in relevant surrounding buildings.

12. QUALITY OF RESULTING RESIDENTIAL ACCOMMODATION

- 12.1 Paragraph 127 of the NPPF states that development should create places that are safe, inclusive and accessible which promote health and well being with a high standard of amenity for existing and future users.
- 12.2 London Plan Policy D6 states that housing development should be of a high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners. Locally, Development Management Policies DM3.4 and 3.5 require new developments to provide good quality accommodation both internally and externally, which should accord with the principles of good design and provide dual aspect accommodation unless exceptional circumstances are demonstrated.
- 12.3 Policy DM3.4 requires new units to have adequate sizes and layouts, good ceiling heights, sufficient storage space, and functional, useable space. All of the proposed residential units would comply with the sizes detailed within Policy 3.4 and the above standards. All new residential developments are required to meet or exceed the minimum space standards set out in table 3.2.
- 12.4 The size of the units are as follows:

Flat	Type	Floor area (sqm)	Internal storage (sqm)	Main bedroom (sqm)	Bedroom 2 (sqm)	Private amenity (sqm)
1	2-bed/3pers	70[61]	5.1[2.0]	12 (11.5)	8 (7.5)	51.0[6]
2	2-bed/4pers	78[70]	3.0[2.0]	18 (11.5)	12 (11.5)	10.0[7]
3	2-bed/4pers	70[70]	2.7[2.0]	16 (11.5)	13 (11.5)	7.0[7]
4	2-bed/4pers	78[70]	4.3[2.0]	17 (11.5)	12 (11.5)	7.0[7]
5	2-bed/4pers	70[70]	2.7[2.0]	16 (11.5)	13 (11.5)	7.0[7]
6	2-bed/4pers	78[70]	3.4[2.0]	17 (11.5)	13 (11.5)	7.0[7]
7	2-bed/3pers	65[61]	2.7[2.0]	17 (11.5)	10 (7.5)	7.0[6]
8	1-bed/2pers	51[50]	1.8[1.5]	12 (11.5)	-	7.0[6]

12.5 This table above indicates that all of the proposed units exceed the required unit size thresholds. Information is also given in relation to bedroom size including main bedroom and secondary bedroom as well as storage which demonstrates that the scheme meets the relevant requirements.

12.6 Part D of emerging Policy H5 (Private Outdoor Space) states that for 1-2 person dwellings, 5sq.m should be provided for each dwelling with an additional 1sq.m of open space for each additional occupant. Based on this prescribed formula, the proposed development is considered acceptable. In respect of external amenity space, all units with the exception of units 1 and 2 on the first floor provide the adequate amount of external amenity space. Flats 1 and 2 are built at the roof level of the projection from the rear of 129-133 Fonhill Road. As a result, the proposed development is able to provide a more generous quantum of external amenity space with 51sq.m for unit 1 and 10sq.m for unit 2.

Privacy and overlooking

12.7 Policy D3 of the London Plan (Optimising site capacity through the design led approach) states at Section 7 that development proposals should deliver appropriate outlook, privacy and amenity. Policy D6 (Housing quality and standards) states at Section C that development should demonstrate adequate privacy.

12.8 The Housing SPG (2016) sets out a number of housing design and quality standards linked to policies in the London Plan. Standard 28 states that design proposals should demonstrate how habitable rooms within each dwelling were provided with an adequate level of privacy in relation to neighbouring properties, the street and other public spaces.

12.9 Policy DM2.1 (Design) of the Adopted Plan states that development proposals should provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, Pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over dominance, sense of enclosure and outlook.

12.10 Emerging Policy H4 (Delivering high quality housing) at Section H states that the future occupiers of proposed development should enjoy a good level of privacy and do not experience adverse impacts from overlooking.

12.11 The proposed residential units are largely orientated northwest to southeast and do not have any sideways outlook east or west. There are no residential units proposed to be

constructed in the rebuilt 129 – 133 Fonthill Road and no overlooking is possible from this element due to the introduction of an obscure glazed window.

Outlook and sense of enclosure

- 12.12 Taking into consideration the proposed occupiers of the submitted development, the greatest impact on outlook and sense of enclosure would be endured by the occupiers of the first floor level flats. The first floor level rear projection of 135 Fonthill Road would terminate five metres away from the rear elevation of the larger first floor flat. It would run for the whole length of the amenity terrace for unit 1 to a height of 3m. This would enclose the terrace and afford no horizontal view over the roof tops. The rear elevation of the new 129 – 131 Fonthill Road would be 7m to the west. While the view at ground floor is truncated at a distance of approximately 5m, it is considered that this would not unduly or harmfully affect outlook. Upper level units are afforded better outlook facing southeast and are not fettered by developments associated with the City North development.

Noise and vibration

- 12.13 Policy DM3.7 requires all residential development proposals to demonstrate how potential adverse noise impact between dwellings will be mitigated by housing layout, design and materials. Sufficient sound insulation with reasonable resistance shall be installed between dwellings and separated from other noise generating uses.
- 12.14 The proposal is a mixed use development with the first floor residential units sharing a party floor with the ground floor restaurant use. The proposed commercial uses on site and the surrounding development would be likely to generate some level of noise due to the nature of its operations, which would potentially affect the living conditions of the future residents on site. To restrict the sound level generated within the units, the council's Acoustic Officer has recommended the final design of the sound insulation between each uses shall be submitted to and approved by the council prior to the implementation of the scheme.
- 12.15 In terms of the residential use, it is noted that the site is located in close proximity to the Finsbury Park station and is sited within the designated Town Centre boundary, with a high level of commercial operations on site and within the surrounding area. The residential occupiers will be exposed to the ambient sound levels, although the proposed units appear to be large and all dual aspect, they are required to provide good acoustic conditions for the future occupiers, and therefore, it is recommended that details of sound insulation and noise control measures would need to be submitted to demonstrate that the residential units would have an acceptable level of acoustic conditions internally. The noise targets are:

- Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast)
- Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour
- Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour

- 12.16 Officers are satisfied that sufficient safeguards are in place for the safeguarding of amenity for future residents given the active town centre location.

Daylight and sunlight to proposed residential units.

- 12.17 All eight units have been tested in accordance with the revised BRE Guidance which considers whether at least half of any given room meets the target illuminance. Such values vary from room use to room use. Bedrooms require a target threshold of 100 while any room including a kitchen should have a target of at least 200. All rooms achieve

their target of at least 50% of the measured plane meeting the target. All bedrooms exceed 100 while all LKDs exceed 200.

- 12.18 With respect to sunlight, at least one habitable room should meet at least 1.5 hours of sunlight exposure at any point in March. All units benefit from this requirement with first floor benefitting from 4.3 hours and 5.3 hours respectively to bedroom and LKD. This increases on the second and third floor while the fourth floor units have all habitable rooms receiving at least 1.5 hours of sunlight.

Dwelling Mix

- 12.19 Core Strategy policy CS12 (part E) requires residential developments to provide a range of unit sizes to meet identified needs within the borough. The emerging Local Plan (2019) outlines the Council's housing size mix priorities per tenure for new housing development coming forward in the Borough.
- 12.20 The proposed development would comprise of 5no, 2 bed/4 person units, 2no, 2 bed/3 person units and 1no, 1 bed/2 person units. While there is clearly a concentration of 2 bed units within the scheme which differs from an earlier permission that proposed a mixture of 3 bed units and 2 bed units, the Council's new housing mix size priorities within the market (sale and rent) tenure are for 2 bed units. Three of the two bed units have a floor area of 78sq.m which exceeds the threshold for three bed/four person units. However, this would result in significant challenges for the layout of the relevant units to ensure that rooms retained suitable access to outlook, daylight and external amenity.
- 12.21 Nevertheless, this dwelling mix has been considered by the planning policy team who are of the view that this proposed development would not be suitable for a concentration of larger family sized units and it is considered that the ability of the scheme to optimise the provision of employment and retail floorspace is of greater importance.

13. ENERGY EFFICIENCY AND RENEWABLE ENERGY

- 13.1 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and standards relevant to sustainability are set out throughout the NPPF. Paragraph 152, under section 14. 'Meeting the challenge of climate change, flooding and coastal change', highlights that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 13.2 The Council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions.
- 13.3 Islington's Core Strategy policy CS10 (part A) states that all developments should maximise on-site reduction in total (regulated and unregulated) carbon dioxide emissions. The Core Strategy also requires developments to address a number of other sustainability

criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity.

- 13.4 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 Construction Statement SPG.

Carbon Emissions

- 13.5 The London Plan (2021) sets out a CO2 reduction target, for regulated emissions only, of 35% against Building Regulations 2013. The submitted SDCS indicates 81.6% reduction in regulated CO2 emissions against a Building Regulations 2013 baseline, thereby meeting the London Plan target.
- 13.6 Islington's Core Strategy policy CS10 requires onsite total CO2 reduction targets (regulated and unregulated) against Building Regulations 2010 of 40% where connection to a decentralised energy network ('DEN') is possible, and 30% where not possible. These targets have been adjusted for Building Regulations 2013 to of 39% where connection to a decentralised energy network is possible, and 27% where not possible. The submitted Energy Statement confirms a 27.4% reduction in total emissions against a Building Regulation 2013 baseline.
- 13.7 Further work has been undertaken to assess the scheme's performance against Part L (2021). Site wide, the scheme is able to make a saving of 49%
- 13.8 With regard to Zero Carbon policy, the council's Environmental Design SPD states "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". All in this regard means both regulated and unregulated emissions. The Environmental Design SPD states "The calculation of the amount of CO2 to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement". In order to mitigate against the remaining carbon emissions generated by the development, the SDC includes a correctly calculated Carbon Offset contribution of £2221,388 for the 77.2 tonnes of total CO2 emissions. This is to be secured by way of a planning obligation.

Sustainable design standards

- 13.9 Council policy DM 7.4 A states "Major non-residential developments are required to achieve Excellent under the relevant BREEAM or equivalent scheme and make reasonable endeavours to achieve Outstanding". The council's Environmental Design Guide states "Schemes are required to demonstrate that they will achieve the required level of the CSH/BREEAM via a pre-assessment as part of any application and subsequently via certification".
- 13.10 It is currently predicted that the development will achieve a rating of 'Excellent', with an expected score of 71.96%. This is a relatively fine margin of comfort over the 70% threshold for an 'Excellent' rating. The applicant should make all reasonable endeavours to ensure that an 'Excellent' rating is achieved. A condition will be imposed to manage this baseline and to ensure that additional improvements are possible.

Energy Demand Reduction (Be lean)

- 13.11 Council policy DM 7.1(A) states “Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development.” Further, Council policy states “developments are required to demonstrate how the proposed design has maximised incorporation of passive design measures to control heat gain and to deliver passive cooling, following the sequential cooling hierarchy”.
- 13.12 The U-values proposed for roof, floor, windows and walls all compare favourably with The U-values compare favourably with the recommendations of Islington’s Environmental Design SPD. Mechanical ventilation with heat recovery is to be provided to both the residential and commercial elements – and an appropriate air permeability value is specified. Low energy LED lighting is proposed, alongside PIR/presence detection in communal areas. Daylight dimming for the office areas had previously been mentioned, and we recommend that this is also implemented. The Energy and Sustainability Strategy shows the proposed development achieving a 35.1% reduction in Regulated Emissions over a Part L 2013 baseline. This exceeds the London Plan requirement. In the context of Part L 2021, the scheme makes a saving of 14%.
- 13.13 An overheating analysis has been undertaken, targeting the residential and non-residential areas on the top floor. (These are, understandably, considered most at risk of overheating.) The underlying assumptions for the analysis are considered to be reasonable. The analysis shows that none of the residential units are anticipated to overheat under the DSY1 criteria, and this only starts to become a really significant problem under the DSY3 scenario. The overheating analysis shows that the relevant non-residential area is more prone to overheating, and is likely to require active cooling.

Low carbon energy supply (Be clean)

- 13.14 London Plan Policy SI3D states that “major development proposals within Heat Network Priority Areas (covers all of Islington) should have a communal low-temperature heating system” in which the heat source for communal heating system should be selected in the following heating hierarchy: a) connect to local existing or planned heat networks; b) use zero-emission or local secondary heat sources (in conjunction with heat pump, if required); c) use low-emission combined heat and power (CHP) (only where there is a case for CHP to enable the delivery of an area-wide heat network, meet the development’s electricity demand and provide demand response to the local electricity network); d) use ultra-low NOx gas boilers.
- 13.15 It is proposed that heating and hot water (plus cooling to the non-residential element) will be provided via Air Source Heat Pumps. Heating and cooling will be provided to the non-residential element via an associated VRF system. Heat Interface Units will be present in the residential units.
- 13.16 The Energy and Sustainability Strategy shows that there is no existing or committed network within 500m of the proposed development and therefore no feasibility assessment of connection is required. This is accepted.
- 13.17 The Energy and Sustainability Statement indicates that the proposed development will be futureproofed for connection to a future DEN.
- 13.18 A description of how the development will meet the requirements within Appendix 1 of the Environmental Design SPD is provided within the energy statement. Drawings showing how the development will meet the requirement (e.g. heating schematics, plant room layouts with reserved areas etc., protected pipework routes within the building and to the site boundary) should also be provided. The energy statement assesses the potential for

a shared heat network, particularly on the nearby City North development, and the potential for an energy centre within this site to serve a wider local area energy network.

- 13.19 However, this is ruled out on the basis of City North being unable to offer a connection, based on the results of a previous heat network feasibility study. Based on our knowledge of this site and the City North development, we accept that a shared heat network is not feasible at this point in time and nothing further is required at this stage.

Renewable energy supply (be green)

- 13.20 Air source heat pumps are proposed for the development, and are discussed elsewhere in these comments. A solar PV array with outputs of 14.52kWp and 12,500kWh/yr has been proposed. This is supported in principle. This element of the savings schedule sees a reduction of 35% on Part L 2021.

Be seen

- 13.21 The London Plan 2021 states that developments must “be seen: monitor, verify and report on energy performance” and that “The move towards zero-carbon development requires comprehensive monitoring of energy demand and carbon emissions to ensure that planning commitments are being delivered. Major developments are required to monitor and report on energy performance, such as by displaying a Display Energy Certificate (DEC), and reporting to the Mayor for at least five years via an online portal to enable the GLA to identify good practice and report on the operational performance of new development in London.” The Council will also seek to secure this via Section 106 Agreement, based on the template wording used by the GLA.

Green Performance Plan

- 13.22 Applications for major developments are required to include a Green Performance Plan (GPP) detailing measurable outputs for the occupied building, particularly for energy consumption, CO2 emissions and water use, and should set out arrangements for monitoring the progress of the plan over the first years of occupancy. The council’s Environmental Design SPD provides detailed guidance and a contents check-list for a Green Performance Plan.
- 13.23 A draft Green Performance Plan has been submitted as Appendix H to the SDCS which includes measurable targets for electricity, CO2 emissions and water usage. The draft GPP includes details on how the data will be collected and monitored, including arrangements for addressing any underperformance. A finalised Green Performance Plan is to be submitted and is secured through a section 106 agreement.
- 13.24 The emissions savings when rebased to Part L 2021 envisage a reduction of 49%. 225 tonnes are saved overall leading to a financial contribution of £21,388

14. FLOOD RISK, SUDS AND WATER MANAGEMENT

- 14.1 DM Policy DM6.6 is concerned with flood prevention and requires that schemes must be designed to reduce surface water run-off to a ‘greenfield rate’ (8 litres/second/hectare), where feasible. Where it is demonstrated that a greenfield run-off rate is not feasible,

rates should be minimised as far as possible, and the maximum permitted run-off rate will be 50 litres per second per hectare.

- 14.2 Emerging policy S8 states at section B that the site-specific FRA must assess in detail the risk of flooding to and from a proposed development, from all sources but focusing particularly on surface water flooding, taking climate change projections into account. Where a development is located within a Critical Drainage Area (CDA) or Local Flood Risk Zone (LFRZ), or where the site includes a 'High' surface water flood risk area, the site-specific FRA must give particular consideration to extent and impacts of flood risk.
- 14.3 Part C of the same policy states that groundwater flooding must be investigated in detail as part of the site-specific FRA where development is located in an area identified as having potential for groundwater flooding. Part D states that where an FRA is provided, sequential testing should be considered and integrated therein.
- 14.4 Emerging policy S9 requires development to propose an integrated solution to water management within a site including SUDS, water quality and water efficiency (of use). Part B of this policy requires development to align as closely as possible with the London Plan drainage hierarchy. For major developments, the greenfield run off rates of 8 litres per second per hectare should be achieved while a water storage attenuation capacity equivalent to a 1 in 100 year storm event with 40% climate change modified contingency.
- 14.5 A flood risk assessment (FRA) was provided with the application as the site is located in a critical drainage area. However, the FRA has identified that the site is located in an area of low risk of flooding. Groundwater flooding has been satisfactorily demonstrated to not be a risk. While the site is at overall low risk of flooding, no sequential test has been found in the FRA.
- 14.6 Rainwater harvesting is proposed within the scheme. A blue/grey roof is also proposed. Greywater harvesting is not proposed within the scheme at this stage. A planning condition is proposed to secure this within the recommendation for planning permission. The drainage hierarchy is mentioned, and the proposals do make use of blue roofs and rainwater harvesting. It is highlighted that an attenuation tank of 33m³ is required, located in the basement. It is regrettable this is located in the basement as pumping is required to discharge into combined sewer. The runoff for 1 in 100yr + cc for the proposed site using the greenfield runoff Q_{bar} of 0.3 l/s requires an impracticably sized flow control / pump. 3.2 l/s would be the maximum acceptable rate. Due to practicalities relating to blockages 1,5 l/s is the smallest discharge possible, requiring attenuation tank of 33m³. This is accepted.
- 14.7 At this stage, the applicant has not confirmed that the proposed water consumption from the development would be 105 litres per person per day as per the policy requirement. A condition will be imposed to this effect.
- 14.8 Thames Water have also commented on the planning application and raise no objections to the scheme advising that the scheme is in close proximity to a sewer and that piling work should be subject to the approval of a method statement. Thames Water are also keen to understand the quantum of groundwater discharge into the sewer and they have asked for an informative to be imposed which would seek the submission of an agreement with Thames Water of a management plan.
- 14.9 In respect of Surface Water Drainage, Thames Water expects the applicant to follow the sequential approach to the disposal of surface water. Where drainage serves food and drink premises, regard is to be had to the prevention of disposal of cooking fats and oils

to the water and sewage network. Thames Water require a water floor to customers of 1bar and 9litres per minute flow.

15. HIGHWAYS AND TRANSPORTATION

- 15.1 The NPPF para 110 states that applications should ensure that appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location. Development proposals should also ensure that any significant impacts from the development on the transport network or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 15.2 Chapter 10 of the new London Plan (2021) sets out transport policies, with policy T4 (assessing and mitigating transport impacts) outlines that development proposals should consider the cumulative impacts on public transport and the road network capacity including walking and cycling, as well as associated effects on public health. Further, development proposals should not increase road danger.
- 15.3 Development Management Policy DM8.2 requires that proposals meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. Policy T3 of the emerging Local Plan states that all new development will be car free.
- 15.4 The application site has a PTAL of 6b, which is considered 'excellent', due to its proximity to Finsbury Park Public Transport Interchange. This is the highest achievable score for passenger transport accessibility.
- 15.5 Due to this sustainable location, no parking will be provided on site and occupiers will be exempted from being able to obtain parking permits in the locality.
- 15.6 The submitted Transport Statement includes an analysis into the number of additional trips to and from the site which would be undertaken following the development. As stated, the proposals involve the redevelopment of the existing commercial floorspace to provide 8 residential dwellings, retail space at 545sq.m, café space at 225sq.m and office space at 876sq.m. As both the existing and proposed developments do not benefit from their own independent access and egress to the highway network and no curtilage parking, the trip generation is likely to be limit. Nevertheless, the applicant has estimated trip generation to be very similar to the City North development and has extrapolated the per-dwelling trip generation by mode. For City North, it was estimated that in the morning peak, each dwelling would generate 0.17 arriving movements and 0.378 departing movements. This would lead to the residential development generating 3 departing trips in the morning peak of 3 with 1.36 arrivals. The evening peak of 1700 – 1800 would generate 1.73 arrivals and 1.94 departures. Over 75% of all trips would be carried out by overground/tube, bus or on foot.
- 15.7 The proposal is car-free with no on-site car parking provided whilst parking near the site is restricted through controlled parking zones. As such, the vast majority of trips to and from the site would be taken via public transport, such as tube/underground, trains and buses.
- 15.8 The level of overall trips generated by the uplift in floorspace of the proposed development is not considered significant and is not expected to have a material impact on local highways or the public transport network.

Commercial Servicing

- 15.9 Commercial tenants will be responsible for their own refuse collection as per the current arrangements. This may be through a private refuse collection and waste management contract. Fonthill Road is serviced Monday to Sunday from 0730 – 0830 and from 1930 – 2030. This service in Fonthill Road includes the area of the proposed development and it is proposed that the commercial aspect of the development will continue to be served in this way. Designated on street loading bays are positioned along Fonthill Road.
- 15.10 Notwithstanding the above, in Islington loading and unloading of goods is permitted for up to 40 minutes and is allowed on double and single yellow lines (where there are no loading restrictions in place) as well as in resident, shared use and short stay bays. Owing to the above the site is therefore within a short distance of a large number of loading areas which will be readily available to the occupants of the commercial premises as is currently the case.
- 15.11 It is also noted that there is a pay and display car park in Goodwin Street and that Goodwin Street provides vehicular access from Fonthill Road into a basement car park associated with City North.

Residential Servicing

- 15.12 It is proposed that residential waste collection will be addressed through collection at street level in Goodwin Street. Vehicles will be able to pull in and stop in Goodwin Street and then utilise the controlled service route into City North complex and exit in forward gear in Wells Terrace.
- 15.13 Day to day servicing needs (deliveries to households) will be accommodated through the Fonthill Road loading bays that currently exist and permit short term waiting, loading and unloading.
- 15.14 A Travel Plan has been submitted and its operation and update will be secured through the Section 106 agreement.

Cycle parking and storage

- 15.15 London Plan policy T5 (Cycling) suggests that barriers to cycling can be removed and that a healthy environment in which people choose to cycle can be created through appropriate levels of cycle parking which are fit for purpose, secure and well-located.
- 15.16 Islington Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking, cycling and public transport use. The proposal is considered accessible for pedestrians given its entrance onto Bastwick Street, which is accessed from either Goswell Road or Central Street.
- 15.17 The requirements for cycle parking are set out in Policy DM8.4 and Appendix 6 of the Development Management Policies applies to the creation of new office floorspace. Cycle parking is required to be provided at a rate of one space per every 80sqm of office (B1a) floorspace. The store(s) need to be secure, covered, conveniently located and step free. Policy T2 and Appendix 4 of the Draft Islington Local Plan outlines minimum cycle parking provision, in which office floorspace would require one space every 50sqm. Policy T5 of the London Plan (2021) requires cycle parking at a rate of one space per every 75sqm for office floorspace.
- 15.18 The provision is set out as follows for shared cycles on a land use/area basis

Land use	Area (sq.m)	Required cycles (including short stay)	Proposed cycles
Office	890	14	12
Retail	555	13	4
Retail/cafe	164	10	1
Residential	8 dwellings	21	18

- 15.19 There is a shortfall of 21 spaces which is expressed through the short stay parking. Cycle parking provided within the curtilage of the site meets the requirements of both the London Plan and the emerging Local Plan in respect of long stay. However, there is a requirement to provide a significant uplift in visitor short stay space. This includes 2 spaces for the office, 9 for the food and drink premises and 10 for the retail. The residential element has a short term visitor demand of 5 spaces. Four have been provided within the curtilage. There is, therefore, a scheme shortfall of 22 spaces.
- 15.20 As part of the pre-app discussions it was accepted that providing this within the building at ground floor level would conflict with the need to re-provide retail space. It was also agreed that providing Sheffield stands in front of the shop fronts would be unsatisfactory and potentially harmful to pedestrian safety. It is, therefore, proposed that a financial contribution is provided towards the installation of off-site cycle parking for the 19 retail visitor spaces with the 4 residential spaces provided in the dedicated stores.
- 15.21 Given the site constraints in providing short-stay cycle provision within the site or adjoining footway, a contribution towards shortstay cycle provision within the surrounding public realm should be sought. A figure of £14,250 (£750 per additional short stay space) is required and this is included within the planning obligations recommended.
- 15.22 The proposed development is meeting its policy obligation to provide 20% of its long stay cycle parking as accessible cycle parking.

Fire safety

- 15.23 London Plan Policy D12 states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. All major development proposals should be submitted with a Fire Statement which is an independent fire strategy produced by a suitably qualified assessor.
- 15.24 A 'Fire Strategy Report' dated 6 December 2022 has been prepared in which the Applicant's Fire Safety Engineer has put forward an engineered solution to meet relevant Building Regulations for Fire Safety. For the purposes of compliance with Policy D12(b), it is considered that sufficient information has been provided to demonstrate that the fire safety of the development has been considered at the planning stage. Should there be a need for further alterations of the building to meet building regulations (such as internal re-arrangements to accommodate lobbies or the installation of suppression systems) the applicant would need to make further applications or amend this current proposal. Policy compliance is expressed through the following table:

London Plan policy D12(b) requires the following detail	Response:
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<p>1. The building's construction: methods, products and materials used, including manufacturers' details</p>	<p>Materials, including steel, brickwork and cement, will be chosen for fire resistance and limited combustibility.</p>
<p>2. The means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach</p>	<p>The building is one large building over 6 floors including a basement. The development is mixed use consisting of self-contained flats for normal needs housing, offices and retail units. All uses are subdivided by 60 minutes compartmentation with no linkage between the uses. The main issue is that both the offices and flats are accessed by a single staircase and that the retail units have a single means of escape. Therefore fire safety provision including both active and passive measures are critical in protecting the single means of escape. The single staircases are both protected by a fire rated lobby in both cases and both staircases will be provided with a pressurised mechanical system designed to BS EN 12101 Part 6 to protect the staircase from the effects of fire which will need detailing at the next stage. All areas will have a full cover sprinkler provision which will cover all areas of the building including a category 3 BS 9251 system within the flats and a BSEN 12845 system to all other areas. Both staircases also serves a basement level albeit the staircases will be pressurised at all levels and this in our view along with the sprinkler provision will provide compensation along with the fire curtains provided to the lifts at this level designed to BS 8254 to prevent fire spread via the lift. Whilst considered acceptable because of the lobby approach, the sprinklers and the pressurised staircase the use of this space also needs to be controlled by management under the fire risk assessments.</p>
<p>3. Features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans</p>	<p>All flats will have a protected entrance hall and a Grade D LD1 Fire alarm designed to BS 5839 part 6. This will include sounders on the terrace areas. Where the terraces are large 2 diverse means of escape routes will need to be provided back into the flat. The fire alarm system will be contained within each flat to support a stay put strategy. By virtue the upper floor is over 11m and 2 flats from each floor enter the staircase directly the stair will have a mechanical smoke control system provided by pressurisation as above. The smoke</p>

	<p>ventilation will need a back- up electrical supply which needs to be detailed at the next stage. A BS 5839 part 1 fire alarm will be provided within the common areas of the flats with detectors only in the common areas to trigger the smoke ventilation only however as part of the system sounders will be incorporated in the flats so that the fire service can trigger a simultaneous evacuation of the whole building if necessary. The risk profile for both the office area and retail spaces will be considered as B2 due to the sprinkler coverage and this will be considered very worst case. The retail units and the office will each have a self- contained fire alarm designed to BS 5839 Part 1 (L1) which will sound an alarm within the effected area only with alerts sent to the fire alarm panels in all other units. Sprinkler provision designed and installed to BE EN 12845 will be provided to these areas. The fire alarm will be configured such that the fire service can instigate a full evacuation of all areas which will be detailed later in the cause and effect. Both lifts will be designed as evacuation lifts in accordance with BS EN 81-76</p>
<p>4. Access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these</p>	<p>The building is accessible from the public highway externally and both cores will be provided with a dry riser designed to BS 9990 with outlets within the staircase at all levels to ensure all areas are reachable within 45m from an outlet. The basement has smoke ventilation via the lightwells at the rear</p>
<p>5. How provision will be made within the curtilage of the site to enable fire appliances to gain access to the building</p>	<p>The site is accessible by the public highway and dry risers will be provided in both staircases serving the upper floors designed and installed to BS 9990 are reachable within 18m of where a pumped appliance could be parked. See attached site extract</p>
<p>6. Ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.</p>	<p>Any future changes to the building will be undertaken within the context of contemporary fire safety regulation and legislation.</p>

Air Quality

- 15.25 In accordance with Islington's Development Management Policies (2013) Policy DM6.1, developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits. Policy S7 of the draft Islington Local Plan states that proposals should not harm air quality within the Borough.
- 15.26 The whole of the borough has been designated by the council as an Air Quality Management Area. It is recommended that, for the proposed development's construction phase, the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including in relation to air quality, dust, smoke and odour) be secured by condition 12. This would help ensure that the proposal would not detrimentally impact upon the amenity of the neighbouring occupiers with regard to air quality.
- 15.27 The Environmental Health officer has considered the applicants' submitted Air Quality report and raises no specific objections with the exception that the CEMP shall be submitted for approval prior to the commencement of the development.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 15.28 Part 11 of the Community Infrastructure Levy (CIL) Regulations 2010 introduced the requirement that planning obligations under Section 106 must meet 3 statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2019 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.
- 15.29 A Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The necessary Heads of Terms are:
- a) The carrying out of a pre-implementation and late stage viability review of the development in accordance with the procedure set out in the London Plan to determine whether values and costs can facilitate the provision of a payment of £50,000 per unit as required for a small scale residential development.
 - b) A bond/deposit to cover costs of repairs to the footway and for repairs to the highway (total to be confirmed by LBI Highway). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council;
 - c) Facilitation, during the construction phase of the development, of the following number of work placements: 3x. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider will recruit for and monitor placements, with

the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage. If these placements are not provided, LBI will request a fee of: £5,000;

- d) A contribution of £21388 towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently (£920);
- e) Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- f) A financial contribution of £14750 to mitigate the shortfall for short stay cycle parking in the locality
- g) Compliance with the Code of Employment and Training;
- h) Compliance with the Code of Local Procurement;
- i) Compliance with the Code of Construction Practice, including a monitoring fee of: £1,084 and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;
- j) The provision, implementation and monitoring of a green travel plan.
- k) A contribution by way of a bond of £15,000 to safeguard against the loss of or damage to the street tree at the front of the property.
- l) Payment towards employment and training for local residents of a commuted sum of: £14,641; and
- m) Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring, and implementation of the Section 106 agreement.

16. SUMMARY AND CONCLUSION

- 16.1 The site has an extensive planning history relating to its redevelopment including permission for hotel accommodation in the context of the retention of retail. Furthermore, the applicants benefit from a recent planning permission that constitutes a fall back position that has a more than minimal chance of being built out. It is a very similar planning application to that being considered now with the key differences being design and the proposed number of residential units. The mix of uses and the quantum of each use in addition to the proposed layout and function of both of these schemes is very similar. The previous planning consent overcame the reasons for refusal used for previous planning applications which were unsuccessful. This new application cements a design to elevations which are reflective of development elsewhere in the Fonthill Road terrace at 139 – 149. The design, appearance and detailed façade elements are very

similar between schemes and constitute a significant betterment of the terrace as a whole.

- 16.2 The key difference between schemes relates to the provision of new residential development. While this scheme secures an uplift from the previous consent from 6 to 8 units, the scheme viability also changes. From a consent that previously was able to generate sufficient profit to deliver a policy compliant financial contribution for small scale residential developments at £50,000 per unit is now not able to provide such a contribution. Indeed, the scheme is in deficit by almost £150,000. However, this latest application has been supported by comprehensive viability testing which demonstrates that the scheme now has a higher BLV which generates a deficit.
- 16.3 The scheme proposes to demolish and reconstruct the building to provide a modern, enhanced and larger form of mixed use development in a site allocation. The scheme is located in a primary frontage in a town centre and is also a specialist retail area. The proposed development is able to secure an upgrade in retail floorspace and is able to secure an optimum level and increase in employment floorspace which does not impinge on the ability of the retail uses to thrive within active frontages. The site allocation also supports the development of housing which again does not obstruct the rest of the scheme from optimising its employment and retail floorspace.
- 16.4 The eight residential units provide a high quality residential offer in a highly sustainable location close to passenger transport and town centre facilities. All units benefit from above threshold internal floorspace, external amenity space, are dual aspect and do not suffer from adverse sunlight and daylight provision. The scheme has been designed to carefully protect existing residential amenity at 135 Fonthill Road and City North.
- 16.5 The scheme is car free and has been provided with suitable and efficient access to cycle parking and refuse storage, notwithstanding the availability of parking on street in the locality and the proximity of the passenger transport interchange.
- 16.6 While the scheme constitutes a loss of existing buildings, through demolition with the implication of the loss of embedded carbon, the scheme is able to adopt and include the principles of the Mayor's Energy Hierarchy and improve its sustainability credentials.
- 16.7 The planning permission will secure contributions towards training in construction and operation and offsetting carbon emissions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

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

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

RECOMMENDATION B

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

List of Conditions:

1	<p>Commencement</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>1831.OS.201; 1831EX201; 1831EX202; 1831EX203; 183EX204; 1831EX205; 1831EX206; 1831EX207; 1831PP201 rev E; 1831PP202 rev E; 1831PP203 rev C;</p>

	<p>1831PP204 rev C; 1831PP205 rev C; 1831PP206 rev D; 1831PP207 rev D; 1831PP208 rev C; 1831PP209 rev B; 1831PP210 rev C; 1831PP211 rev B; 1831PP212 rev B; 1831PP213 rev C; 1831PP214 rev D; 1831PP215 rev A; 1831PP216 rev C; 183.D.1 rev A; 183.D.2 rev A; 183.D.3 rev A; 183.D.4 rev A; 183.D.5 rev A; 183.D.5; 183.D.7; 183.D.8; 183.D.8 rev A; 183.D.9 rev B; 183.D.9 rev B ; Area Schedule (13/4/2023); Design and Access Statement (Rev C) (Bowen Architects December 2022); Planning Statement (SP Planning December 2022); Planning Obligations Statement (SP Planning December 2022); Affordable Housing Viability Statement (S106M December 2022); Transport Statement and Travel Plan (Paul Mew Associates November 2022); Daylight and sunlight report (Neighbouring Properties) (Right of Light consulting December 2022); Daylight and sunlight report (Within development) (Right of light consulting December 2022); Flood Risk Assessment and SuDS strategy (EB7 December 2022); Basement Impact Assessment And Structural Method Statement (Braemar Structural Design December 2022; Ventilation and Extraction Statement (IC Construction May 2022); HIA Screening Statement (December 2022); Construction and Site Waste Management Plan (IC Construction December 2022); Utilities Statement (EB7 Seneca December 2022); Fire Statement (Salus December 2022); Air Quality Assessment (The PES December 2022); UGF Calculator (SP Planning December 2022); Energy and Sustainability Statement (V3) (The PES April 2023).</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interests of proper planning.</p>
3	<p>Materials</p> <p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Solid brickwork (including brick panels and mortar courses b) Render (including colour, texture, material and method of application. c) Window and door treatment (excluding shopfronts) including sections and reveals d) Shopfront treatments, including materials and design of component parts. e) Roofing materials f) Balustrading treatment including sections g) Any other materials that may be proposed to be used h) Green procurement plan <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>CEMP</p> <p>CONDITION: Notwithstanding the details submitted with the application, a Demolition, Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The DCEMP should be in accordance with the Council's Code of Practice for Construction Sites and shall include details and arrangements regarding:</p>

- a) The notification of neighbours with regard to specific works;
- b) Advance notification of any access way, pavement, or road closures;
- c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period;
- d) Details regarding the planned demolition and construction vehicle routes and access to the site;
- e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;
- f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;
- g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)
- h) Details of any proposed external illumination and/or floodlighting during construction;
- i) Details of measures taken to prevent noise disturbance to surrounding residents;
- j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;
- k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)
- l) Details as to how safe and convenient vehicle access will be maintained for neighbouring sites at all times, including emergency service vehicles;
- m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised;
- n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure;
- o) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area;
- p) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. An inventory of all Non-Road Mobile Machinery (NRMM) must be registered on the NRMM register <https://nrmm.london/usernrmm/register> prior to the commencement of use of any NRMM at the application site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together

	<p>with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.</p> <p>The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the DCEMP.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: This condition is prior to commencement in order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
5	<p>Greywater and rainwater harvesting</p> <p>CONDITION: Details of the rainwater and greywater recycling systems proposed shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of superstructure works. The details shall also identify how the water use target of 105 litres/per person per day, for the residential uses of the site including by incorporating water efficient fixtures and fittings shall be achieved. The approved details shall be installed and operational prior to the first occupation of the relevant section and shall be maintained as such thereafter.</p> <p>REASON: To ensure the sustainable use of water.</p>
6	<p>DSMP</p> <p>CONDITION: Prior to the first occupation of the development hereby approved, a Delivery and Servicing Plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The submitted details shall include details of measures taken to ensure that any vehicles arriving at the properties park, load and unload in the appropriate locations identified and avoid unnecessary manoeuvres in reverse gear.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved and shall be maintained as such thereafter unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In order to secure highway safety and free flow of traffic, local residential amenity and to mitigate the impacts of the development.</p>
7	<p>No plumbing</p> <p>CONDITION: Notwithstanding the plans hereby approved, no plumbing, down pipes, rainwater pipes or foul pipes other than those shown on the approved plans shall be located to the external elevations of buildings hereby approved without obtaining express planning consent unless submitted to and approved in writing by the local planning authority as part of discharging this condition.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would potentially detract from the appearance of the building and undermine the current assessment of the application.</p>

8	Sound insulation (within units)
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets:</p> <ul style="list-style-type: none"> - Bedrooms (23.00-07.00 hrs) 30 dB Laeq,8 hour and 45 dB Lmax (fast) - Living Rooms (07.00-23.00 hrs) 35 dB Laeq, 16 hour - Dining rooms (07.00 –23.00 hrs) 40 dB Laeq, 16 hour <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of protecting residential amenity.</p>
9	Sound insulation (between uses)
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed ground floor Class E use and upper floor accommodation use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of protecting residential amenity.</p>
10	Opening hours (compliance)
	<p>CONDITION: The following non-residential uses of the hereby approved development shall only operated between the following hours and at no other time.</p> <p>Class E(a) Retail use</p> <p>7am – 11pm Monday to Saturday 7am – 8pm Sundays and Bank Holidays</p> <p>Class E(b) Café and restaurant use</p> <p>7am – 11pm Mondays to Saturdays 7am – 9pm Sundays and Bank Holidays</p> <p>Class E(g) Office</p> <p>7am – 10pm Monday to Saturday 9am – 7pm Sundays and Bank Holidays</p> <p>REASON: In the interests of protecting neighbouring residents amenity from unacceptable noise impacts in particular at the quietest times of the day These</p>

	restrictions are necessary in order to secure compliance with London Plan Policy D3 and policy DM2.1 of the Islington Development Management Policies 2013.
11	Plant noise
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014+A1:2019.</p> <p>REASON: To ensure the protection of neighbouring amenity in respect to noise and vibration.</p>
12	Class E restrictions
	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or the provisions of any Order revoking and re-enacting that Order, no change of use of the approved E(g)(i) floorspace to any other use within Class E of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order) or any other uses within any other use Class, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To safeguard the amenities of the adjoining residential units and the area generally, to ensure a sustainable mix of uses, and to allow the Local Planning Authority to assess the impacts that the loss of office floorspace would have on the provision of employment in the wider Borough.</p>
13	Fire safety
	<p>CONDITION: Notwithstanding the plans and documents hereby approved, a revised Fire Statement shall be submitted and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The development shall be carried out in accordance with the details approved and shall be maintained as such thereafter.</p> <p>REASON: This condition is prior to commencement to ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.</p>
14	Refuse
	<p>CONDITION: Details of the delivery & servicing strategy and site-wide waste strategy for the development, shall be submitted to and approved in writing by the Local Planning Authority prior to practical completion of the development hereby approved. The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development and shall be maintained as such thereafter.</p>

	<p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
15	<p>Secured by design</p>
	<p>CONDITION: Prior to superstructure works commencing on site, evidence should be submitted to and approved by the Local Planning Authority that the development achieves Secured by Design accreditation. The development shall be carried out strictly in accordance with the details set out in the accreditation and shall be maintained as such thereafter.</p> <p>REASON: In the interests of safety and security.</p>
16	<p>BREEAM</p>
	<p>CONDITION: The commercial element of the development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
17	<p>Class E to residential prevention</p>
	<p>Notwithstanding the provisions of Schedule 2, Part 3, Class MA the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and reenacting that Order with or without modifications), no change of use from Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) shall take place without obtaining the express planning permission from the Local Planning Authority.</p> <p>REASON: For the avoidance of doubt and to ensure that the Local Planning Authority can restrict the use of the building to this specific use only, in order to protect the supply of office and commercial floorspace in this location. Loss of commercial floorspace within this location will have potential negative impacts on the borough's economy.</p>
18	<p>Inclusive design</p>
	<p>CONDITION: Notwithstanding the plans hereby approved, 7 of the new residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2) and 1 unit shall be constructed to Category 3 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Wheelchair user dwellings' M4 (3).</p> <p>A total of 1 unit shall be provided to Category 3 standards.</p> <p>The development shall be carried out strictly in accordance with the approved details and permanently maintained as such thereafter, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: To secure the provision of visitable, adaptable and wheelchair user accessible homes appropriate to meet diverse and changing needs.</p>
19	<p>Cycle parking</p>

	<p>CONDITION: Notwithstanding the approved plans, details of the bicycle storage, including details of accessible cycle storage, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of superstructure works. The approved bicycle stores shall be provided prior to the completion of works and shall be maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site, to promote sustainable modes of transport and to secure the high quality design of the structures proposed.</p>
20	Small shops
	<p>CONDITION: The development shall be carried out strictly in accordance with the floorplans so approved, and no change therefore shall take place without the prior written consent of the Local Planning Authority. The commercial units on the ground floor of the building shall not be amalgamated or further subdivided unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: The amalgamation or further subdivision of the commercial units is likely to have operational, transportation, aesthetic and amenity implications which would need to be considered under a separate planning application to ensure the provision of premises suitable for small businesses.</p>
21	Green roofs and walls
	<p>CONDITION: Prior to the commencement of superstructure works, details of the biodiversity (green/brown) roofs and walls shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The submitted details shall:</p> <ol style="list-style-type: none"> a) confirm the green roofs are biodiversity based with extensive substrate base (depth 80-150mm); and b) include details of the irrigation and maintenance regime for the proposed green roofs. <p>The biodiversity (green) roofs shall be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roofs should be maximised across the site and shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details as approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
22	BRE Home quality mark
	<p>The development will be designed to be capable of achieving a BRE Home Quality Mark Rating of no less than 'Four Star'. The applicant shall demonstrate this by submitting to the Local Planning Authority a Home Quality Mark Stage 2 Pre-Assessment for each relevant part of the development.</p>

	REASON: In the interest of addressing climate change and to secure sustainable development
23	Bird and bat boxes
	<p>CONDITION: Notwithstanding the approved plans, prior to commencement of superstructure works, details of bird and bat boxes, including swift boxes, shall be submitted to and approved in writing by the Local Planning Authority. The details approved shall be installed prior to the first occupation of the building, and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity</p>
24	Lifts
	<p>CONDITION: All lifts hereby approved shall be installed and operational prior to the first occupation of the floorspace hereby approved. The lifts should be maintained throughout the lifetime of the development.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.</p>
25	SUDS
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems in accordance with the drainage hierarchy and be designed to maximise water quality, amenity and biodiversity benefits. The submitted details shall include the scheme's peak runoff rate and storage volume and how the scheme will aim to achieve a greenfield runoff rate (8L/sec/ha). The details shall demonstrate how the site will manage surface water in excess of the design event, shall set out a clear management plan for the system and confirm whether a pump station is required for the geo-cellular storage tanks. The drainage system shall be installed/operational prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding</p>
26	CCTV
	<p>CONDITION: Details of any general / security lighting and CCTV measures shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Metropolitan Police, prior to the superstructure works commencing on site. The details shall include the location and full specification of: all lamps; light levels/spill lamps and support structures as well as CCTV where appropriate and hours of operation. The general lighting and security measures</p>

	<p>shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that any resulting general or security lighting is appropriately located, designed to not adversely impact neighbouring residential amenity, ensures safety and security, does not adversely affect biodiversity and is appropriate to the overall design of the building.</p>
27	<p>Energy Strategy</p> <p>CONDITION: Prior to the commencement of above ground works an updated Energy Strategy with Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority showing updates to the scheme as appropriate improving the performance of the scheme.</p> <p>Reason: To ensure that the proposed development optimises the reduction of CO2 emissions and promotes sustainable development.</p>
28	<p>Roof level structures</p> <p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts, plant, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of superstructure works. The details shall include, their location, height above roof level, specifications and size and appearance. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding area.</p>
29	<p>Foul drainage</p> <p>CONDITION: No development shall be occupied until confirmation has been provided that either: - all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.</p> <p>REASON: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.</p>
30	<p>Urban Greening Factor</p>

	<p>CONDITION: The biodiversity measures and ecological enhancements identified in the submitted Urban Greening Calculator dated December 2022 shall contribute towards a minimum Urban Greening Factor of 0.3 within the application site and be implemented prior to the occupation of the development hereby approved. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of biodiversity and ecological enhancements.</p>
31	SDCS
	<p>CONDITION: (a) Prior to the commencement of the approved development details of a Sustainable Design and Construction Statement shall be submitted and approved in writing by the Local Planning Authority. (b) The approved document shall be implemented in full prior to the first occupation of the approved residential units and retained thereafter into perpetuity.</p> <p>REASON: To ensure a sustainable development.</p>
32	Piling
	<p>No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement."</p> <p>Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.</p>
33	Tree Protection (Details)
	<p>CONDITION: Prior to the commencement of works, a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ol style="list-style-type: none"> a) Location and installation of services/ utilities/ drainage. b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c) Details of construction within the RPA or that may impact on the retained trees. d) a full specification for the installation of boundary treatment works. e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.

	<ul style="list-style-type: none"> g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. h) a specification for scaffolding and ground protection within tree protection zones. i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires k) Boundary treatments within the RPA l) Methodology and detailed assessment of root pruning m) Reporting of inspection and supervision n) Methods to improve the rooting environment for retained and proposed trees and landscaping o) Veteran and ancient tree protection and management <p>The development thereafter shall be implemented in strict accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.</p>
34	<p>Whole Life Carbon Post-Construction Assessment Report (Details)</p>
	<p>CONDITION: Prior to first occupation of the development hereby approved, a whole life carbon post-construction assessment report shall be submitted to approved by the Local Planning Authority.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
35	<p>Inclusive design</p>
	<p>CONDITION: Notwithstanding the approved plans, prior to the commencement of superstructure work full details of Inclusive Design and Accessibility in accordance with the principles of Inclusive Design, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ul style="list-style-type: none"> a) All entrances to the building must be level, step free and Part M compliant; b) Confirmation that all doors are to be automated; c) Confirmation that all accessible WCs Part M4 compliance; d) All WCs to allow for right hand and left hand transfer on alternating floors; and e) A management plan, including a PEEP. <p>The inclusive design measures shall be retained as such in perpetuity.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
36	<p>LU Safeguarding</p>

	<p>CONDITION: The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground), have been submitted to and approved in writing by the local planning authority which:</p> <p>a) provide demolition and construction details on all structures especially basement at design and construction phases b) provide details on the use of tall plant or equipment to ensure that the collapse radius is not within TfL Structures c) accommodate ground movement arising from the construction thereof- the basement impact assessment submitted with this planning application does not include impact assessment of LU tunnels</p> <p>The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.</p> <p>REASON: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.</p>
37	Extraction vibration isolation
	<p>Full particulars and details of a scheme for structure-borne noise and vibration isolation of the kitchen extraction shall be submitted to and approved in writing by the Local Planning Authority prior to commercial operation of the system. The scheme shall include:</p> <ul style="list-style-type: none"> - Installation of anti-vibration mounts and the use of inertia bases where required - Flexible connections between plant/equipment and ductwork/pipework - Anti vibration mounts/hangers for all ductwork/pipework - sound insulation for the ducting and riser shaft <p>The measures shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To protect neighbouring amenity.</p>

List of Informatives:

1	S106
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	Superstructure
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or</p>

	dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions: These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	Car-Free Development
	INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.
5	Alterations to the highway
	Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer. All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact streetlights@islington.gov.uk Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980. Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980 Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.
6	Signage
	The applicant is advised that fascia signage will require advertisement consent which shall be applied for separately.

7	<p>Water efficiency</p> <p>Developers are encouraged to maximise the water efficiency of the development. Thames Water offer environmental discounts for water efficient development which reduce the connection charges for new residential properties. Further information on these discounts can be found at https://www.thameswater.co.uk/developers/charges</p>
8	<p>Water supply</p> <p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
9	<p>Sewers</p> <p>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes</p>
10	<p>Fats and oils</p> <p>As per Building regulations part H paragraph 2.21, Drainage serving kitchens in commercial hot food premises should be fitted with a grease separator complying with BS EN 1825-:2004 and designed in accordance with BS EN 1825-2:2002 or other effective means of grease removal. Thames Water further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Please refer to our website for further information : www.thameswater.co.uk/help</p>
11	<p>Water management</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes</p>
12	<p>Water management</p>
	<p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk .</p>

	Application forms should be completed on line via www.thameswater.co.uk . Please refer to the Wholesale; Business customers; Groundwater discharges section.
13	Café/restaurant kitchen extraction
	Planning permission is not afforded to any extraction and ventilation system for use in a café or restaurant hereby approved. Details of such a system, including its performance, appearance and siting should be subject to a planning application for its approval.

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

2. Development Plan

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

A) The London Plan 2021 - Spatial Development Strategy for Greater London

Policy GG1 – Building strong and inclusive communities

- Policy GG2 - Making the best use of land
- Policy GG5 – Growing a good economy
- Policy SD10 – Strategic and local regeneration
- Policy D1 - London’s form, character and capacity for growth
- Policy D3 – Optimising site capacity through design-led approach
- Policy D4 - Delivering good design
- Policy D5 - Inclusive design
- Policy D6 – Housing quality and standards
- Policy D8 – Public realm
- Policy D12 – Fire Safety
- Policy D14 – Noise
- Policy E1 - Offices
- Policy E2 - Providing suitable business space
- Policy E7 – Industrial intensification, co-location and substitution
- Policy E9 – Retail, markets and hot food takeaways
- Policy HC1- Heritage conservation and growth
- Policy G1 – Green infrastructure
- Policy G5 – Urban greening
- Policy G6 – Biodiversity and access to nature
- Policy G7 – Trees and woodlands
- Policy SI 2- Minimising greenhouse gas emission
- Policy SI 4 – Managing heat risk
- Policy SI 5 – Water infrastructure
- Policy SI 12 – Flood risk management
- Policy SI 13 – Sustainable drainage
- Policy T2 – Healthy Streets
- Policy T3 – Transport capacity, connectivity and safeguarding
- Policy T4 – Assessing and mitigating transport impacts
- Policy T5 – Cycling
- Policy T6 – Car parking
- Policy T7 – Deliveries, servicing and construction

B) Islington Core Strategy 2011

retain / delete as necessary

Policy CS13 (Employment Spaces)
Policy CS14 (Retail and Services)

Spatial Strategy
Policy CS2 (Finsbury Park) Policy CS8
(Enhancing Islington's Character)

Strategic Policies
Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS12 (Meeting the Housing
Challenge)

C) Development Management Policies June 2013

add or delete as necessary

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

Housing

DM3.1 Mix of housing sizes

DM3.3 Residential conversions and extensions

DM3.4 Housing standards

DM3.5 Private outdoor space

DM3.6 Play space

DM3.7 Noise and vibration (residential uses)

Shops, culture and services

DM4.1 Maintaining and promoting small and independent shops

DM4.2 Entertainment and the night-time economy

DM4.3 Location and concentration of uses

DM4.4 Promoting Islington's Town Centres

DM4.5 Primary and Secondary Frontages

DM4.8 Shopfronts

DM4.9 Markets and specialist shopping areas

Employment

DM5.1 New business floorspace

DM5.2 Loss of existing business floorspace

DM5.4 Size and affordability of workspace

Health and open space

DM6.5 Landscaping, trees and biodiversity

DM6.6 Flood prevention

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.2 Energy efficiency and carbon reduction in minor schemes

DM7.3 Decentralised energy networks

DM7.4 Sustainable design standards

DM7.5 Heating and cooling

Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

D)

E) Site Allocations June 2013

FP2

4. Planning Advice Note/Planning Brief

A Planning Advice Note/ Planning Brief title was published on date ; this note/brief aims to

5. Designations

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

-

-

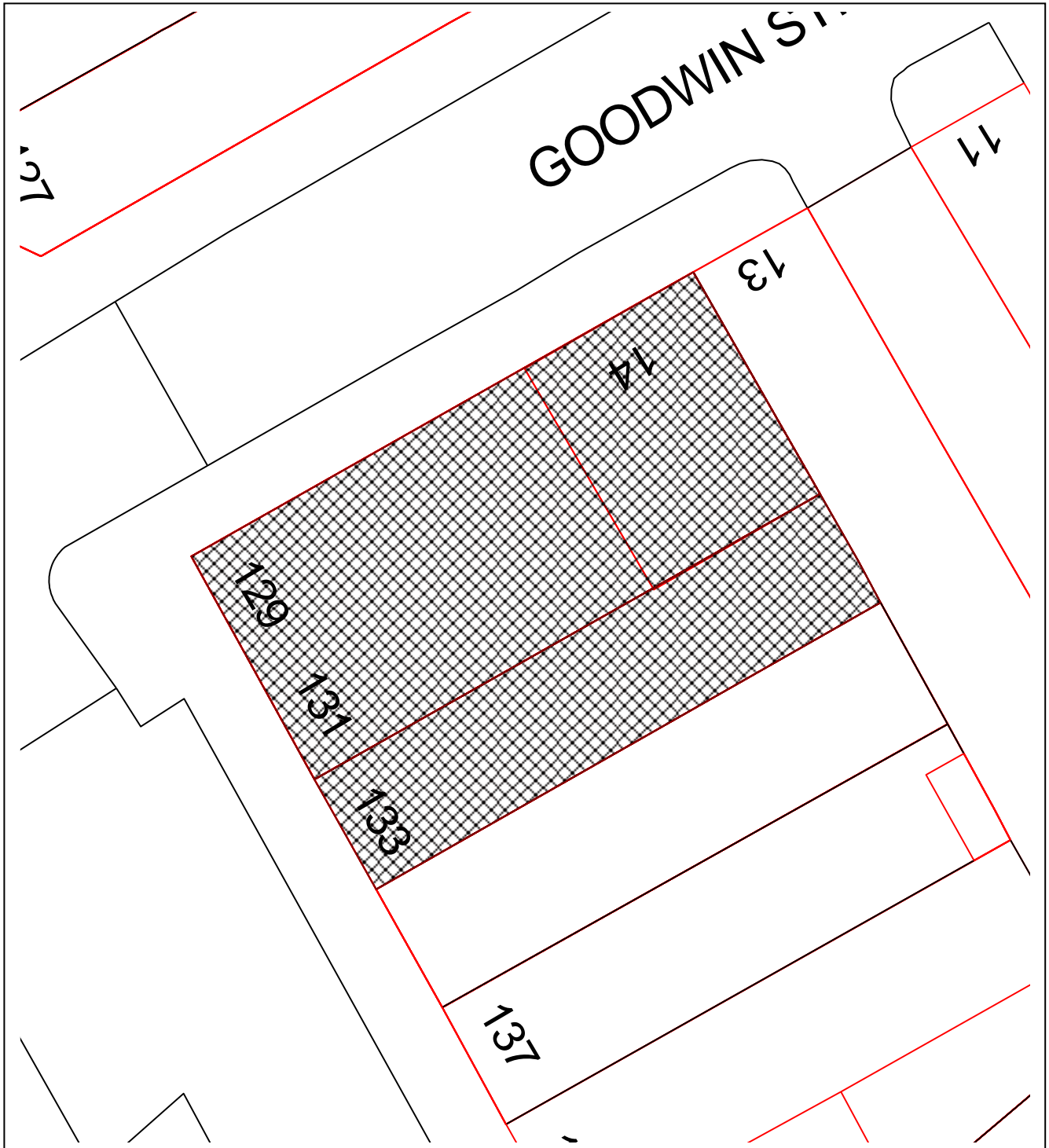
6. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

- | | |
|-----------------------------------|--|
| Islington Local Development Plan | London Plan |
| - Environmental Design | - Accessible London: Achieving and Inclusive Environment |
| - Small Sites Contribution | - Housing |
| - Accessible Housing in Islington | - Sustainable Design & Construction |
| - Planning Obligations and S106 | - |
| - Urban Design Guide | |

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Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Community Wealth Building Department

PLANNING COMMITTEE		AGENDA ITEM NO:	B2
Date:	22 June 2023	NON-EXEMPT	

Application number	P2021/3433/S73
Application type	Removal/Variation of Condition (Section 73)
Ward	St. Marys & St James'
Listed building	N/A
Conservation area	Upper Street North Conservation Area (CA19)
Development Plan Context	Angel & Upper Street Key Area Archaeological Priority Area (Islington Village and Manor House) Site Allocation AUS1 Angel Town Centre
Licensing Implications	N/A
Site Address	Former North London Mail Centre, 116 - 118 Upper St., London, N1 1AA
Proposal	Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to amend condition 16 and condition 17 of planning permission ref: P2018/2463/S73, dated 5 December 2019, that granted: Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to amend condition 2 (approved drawings and documents), condition 1 (plans) of planning permission ref: P2013/2697/S73. (The proposed minor material amendments relate to the amalgamation of 10 units across second, third, fourth and fifth floors resulting in the creation of larger units (and involving the loss of 5 units overall) within Block A, together with layout changes to existing ground floor retail units 5 and 6.)The proposed amendments seek to vary the wording of condition 16 and condition 17 to allow vehicles servicing the commercial tenants of Islington Square to enter and leave the site via the Almeida Street access. The Studd Street access would be used only to access the residential parking at Blocks A and B and for vehicles servicing the apartments on the site.

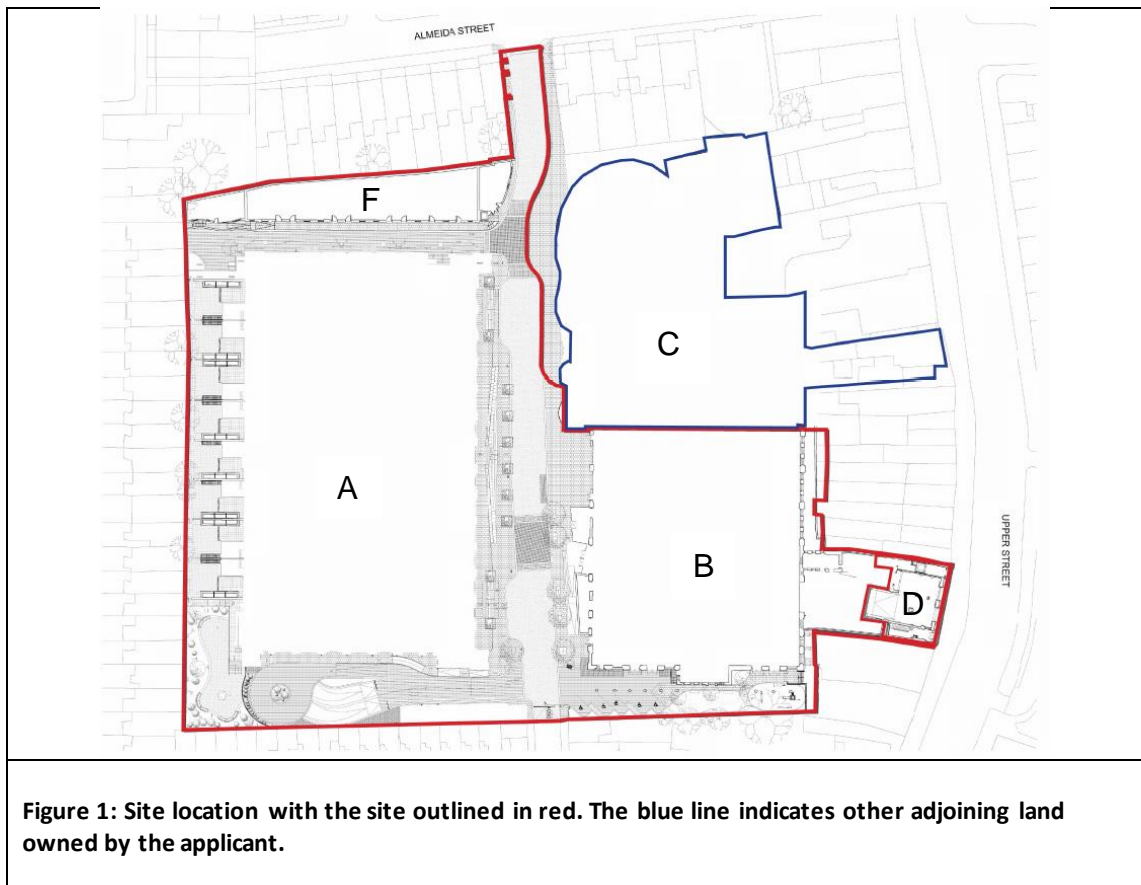
Case Officer	Stefan Kukula
Applicant	Cain International
Agent	Metropolis Planning & Design

1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET

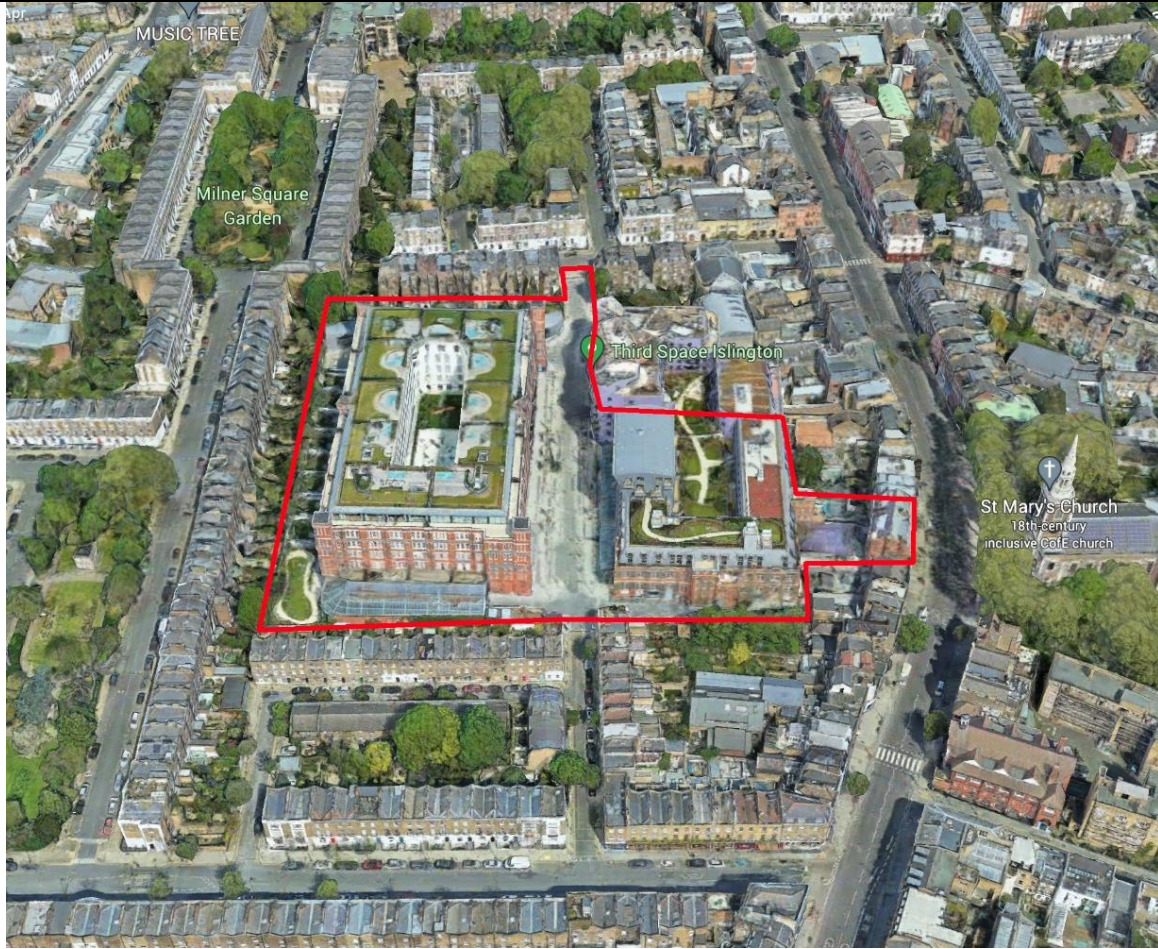


Figure 2: Aerial view of the site from the south

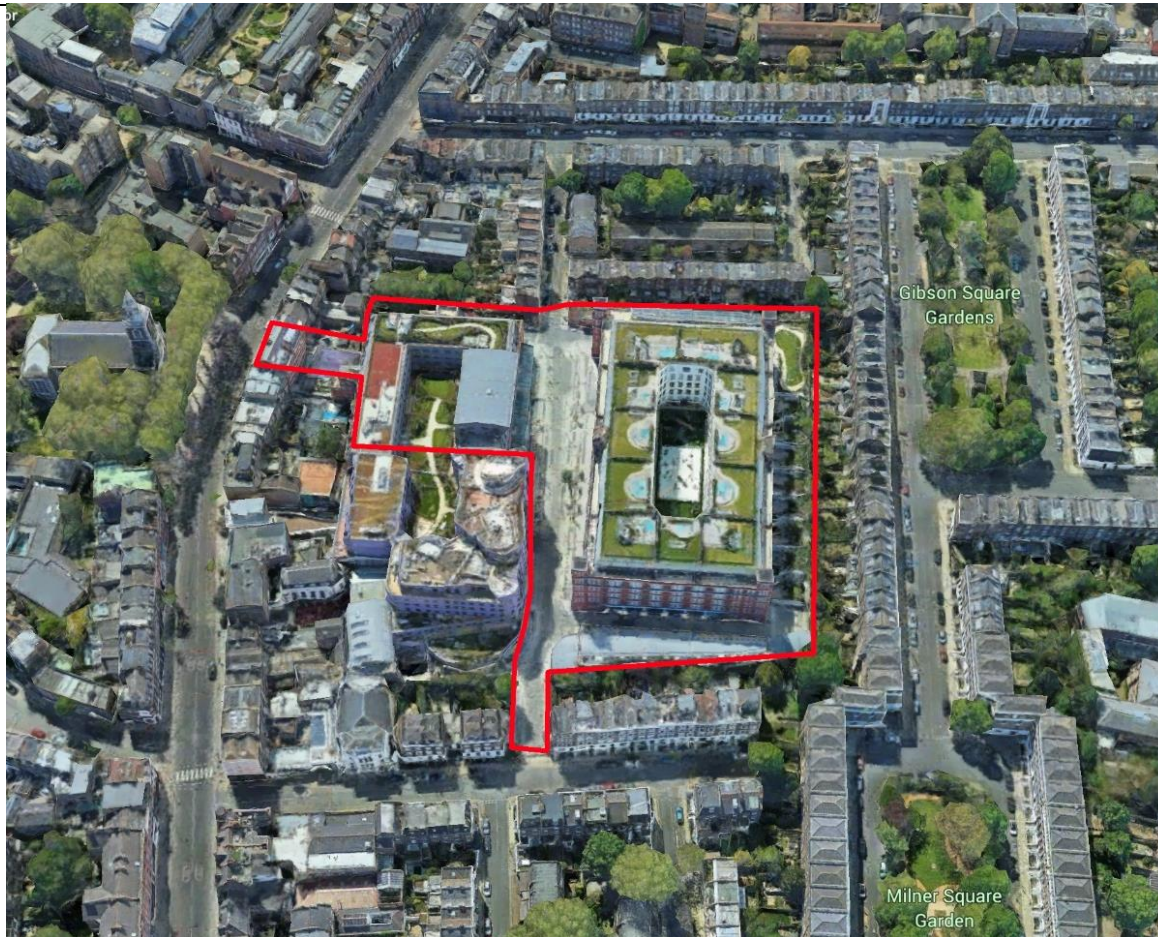


Figure 3: Aerial view of the site from the north



Figure 4: Esther Anne Place looking north



Figure 5: Islington Square main entry access point at Studd Street



Figure 6: Moon Street



Figure 7: Main site exit at Almeida Street

4. SUMMARY

- 4.1 Islington Square is a large mixed-use development comprising of retail, restaurant, business, leisure and residential uses. Condition 16 and Condition 17 attached to planning permission ref: 2018/2463/S73 requires all vehicles entering the site to operate through a one-way system whereby vehicles enter at the south of the site from Studd Street, travel through the site along Esther Anne Place, and leave the site from the north at Almeida Street (see Figure 8). This is effectively a legacy arrangement from the site's previous use as a Royal Mail sorting office and distribution centre.
- 4.2 The application seeks to amend conditions 16 and 17 to allow the segregation of deliveries and vehicle movements to the commercial units from those going to the residential units. The existing 'one-way' vehicle route through the centre of the site would be ended and the access points at Studd Street and Almeida Street would operate as 'two-way'.
- 4.3 The residential deliveries and servicing vehicles as well as private vehicles associated with the occupants of the residential units would continue to enter the site from the south using the existing access at Studd Street. The vehicles associated with the residential units would no longer exit via Almeida Street to the north. Instead these vehicles would leave the site at Studd Street and would have to immediately turn right into Moon Street and continue along the residential road to join Theberton Street.
- 4.4 Vehicle deliveries and movements associated with the site's commercial tenants would only enter and exit the site via the access point at Almeida Street to the north. There would be no vehicles associated with the commercial units entering or leaving the site via Studd Street. The proposed arrangements are shown on figure 9.
- 4.5 Both access points would be subject to barrier control points and marshals to ensure the correct vehicles are using the allocated access point. The proposal is supported by a detailed traffic, delivery and servicing management plan.
- 4.6 Letters of objection have been received from members of the public (including letters from both the Almeida Street Resident's Association) citing concerns in relation to increased noise and disturbance, traffic management and highway safety issues.
- 4.7 The proposed changes to the access arrangements would free up the servicing road through the centre of the site. This would allow the applicant to close Esther Anne Place to vehicle through traffic and to operate a street market on Friday: 12:00-19:00, Saturday: 10:00-17:00, Sunday and Bank Holidays: 11:00-17:00 without breaching conditions. The street market proposal is subject to concurrent planning application ref: P2021/1635/FUL which is being considered alongside the servicing proposals.
- 4.8 The proposed variation of the delivery and servicing strategy has been reviewed by the Public Protection officer and no objections have been raised.
- 4.9 However, concerns have been raised by Highways Officers that the proposed changes could create highway safety issues along Almeida Street/ Upper Street and unduly increase the experiences of noise and disturbance for local residents living to the north of the site. The proposal could also implicate additional residents to the south at Moon Street with undue amenity impacts. Nevertheless, given the existing issues with commercial vehicles arriving at Studd Street, Highways have suggested trialling the proposed access arrangements for a limited period would allow the traffic impacts to be properly monitored and assessed, before a permanent change could be considered.

- 4.10 The proposal is considered acceptable subject to suitable conditions as set out in Appendix 2 and it is recommended that the application be approved for a temporary period until 14th August 2024.

5. SITE AND SURROUNDING

- 5.1 The application site relates to the complex of buildings at the former North London Royal Mail Centre, which occupies a large site with a frontage onto Upper Street. Known as Islington Square, the site comprises mixed-use redevelopment including residential, retail, commercial and leisure uses. There are number of elements which make up the wider Islington Square site, including the former sorting office block (Block A), the former distribution building (Block B) a part-six/part-seven storey new build (Block C), the Grade II listed Post Office fronting Upper Street at No. 116 Upper Street (Block D) and the single storey associated buildings at the northern end of the site (Block F).
- 5.2 All of the buildings are the subject of historic planning approvals for change of use, conversion and extension to provide for a mixed use development.
- 5.3 The site falls within the boundaries of the Upper Street (North) Conservation Area (CA19) while the wider sites northern, southern and western boundaries meet the Barnsbury Conservation Area (CA10).
- 5.4 The surrounding area is mixed use in character and form, with commercial development along Upper Street and residential in the streets to the west of Upper Street, including Studd Street, Moon Street and Almeida Street.
- 5.5 The Old Post Office building (Block D) has a statutory Grade II listing and the Mitre Public House (Block C) is locally listed. All of the terraced houses immediately adjoining the western site boundary at Milner Place and Gibson Square are Grade II listed properties as is the adjoining King's Head Public House.
- 5.6 The site has a PTAL rating of 6a with a number of bus stops located within walking distance. In terms of vehicular access the development is required to operate a one-way system, whereby all vehicular access into the site is from Studd Street to the south. Vehicles are then required to travel through the middle of the site along Esther Anne Place and egress the site onto Almeida Street to the north.

6. PROPOSAL (IN DETAIL)

Background and Original Planning Permissions

- 6.1 The planning history of Islington Square is very complex due to a number of planning permissions that have been obtained to form what is currently known as Blocks A, B, C, D and F within the site. All vehicles entering and exiting the site are required to follow the one-way access route. However, the various blocks are governed by different planning permissions and associated planning conditions which themselves are not always consistent. Restrictions on the hours of delivery/ servicing apply to the commercial tenants but do not apply to any vehicles, servicing, or deliveries to the residential properties.
- 6.2 The redevelopment of the Former North London Mail Centre (now known as Islington Square) was obtained by way of two main sets of planning permissions. The first planning permission ref: P052245 is dated 06 July 2007, which granted:
- 6.3 *“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”.

- 6.4 This planning permission covered the former Mail Centre known as Blocks A, B, D and F and assumed the delivery depot would continue operating from the northern part the site.
- 6.5 The second main part of the redevelopment of the site was achieved in 2012 following the relocation of the delivery depot. As such the north eastern part of the site, known as Block C and the former Mitre Public House, was redeveloped under ref: P090774, dated 30 March 2012 which granted:
- 6.6 *“Demolition of 5-6 Almeida Street and erection of a part 2, 5, 6, 7 and 8-storey building, above two basement levels, providing for 5,137sqm Class A1 (retail) floorspace, 242sqm flexible Class A1/A3 (retail / café-restaurant) floorspace, 208sqm Class A4 (drinking establishment) floorspace, 859sqm Class B1 (business) floorspace and 78 dwellings, together with cycle parking, servicing and 12 disabled car-parking spaces. Erection of a roof extension, part 2, part 4-storey rear extension and basement to 128 and 130 Upper Street together with associated alterations, access and landscaping”.*
- 6.7 When the sites were unified various amendments resulted in the servicing area being located in the basement of Block C, which lies outside of the red edge site area for Blocks A, B, D and F. Nevertheless the servicing routes have been agreed in previous amendments which introduced a joint service bay for the site. As such, vehicle traffic servicing the commercial tenants on site are directed to the basement servicing area.

Current Proposal – Amendments to Conditions 16 and 17

- 6.8 The current application seeks approval for minor material amendments under Section 73 of the Town and Country Planning Act (1990) for the variation of conditions 16 and 17 of planning permission ref: P2018/2463/S73, dated 5 December 2019, that granted:

‘Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to amend condition 2 (approved drawings and documents), condition 1 (plans) of planning permission ref: P2013/2697/S73. (The proposed minor material amendments relate to the amalgamation of 10 units across second, third, fourth and fifth floors resulting in the creation of larger units (and involving the loss of 5 units overall) within Block A, together with layout changes to existing ground floor retail units 5 and 6.)’

- 6.9 Condition 16 of planning permission ref: P2018/2463/S73 states:

CONDITION: All vehicles shall only enter the site from Studd Street and leave the site from Almeida Street.

REASON: To ensure one way traffic flow through the site so as to minimise congestion and aid pedestrian/vehicle safety.

- 6.10 Condition 17 of planning permission ref: P2018/2463/S73 states:

CONDITION: Details of measures to ensure one way traffic flow through the site including signage, barriers etc shall be submitted to and approved in writing by the Local Planning Authority and fully implemented prior to the first occupation of the residential accommodation and so permanently maintained thereafter.

REASON: To ensure one way traffic flow through the site so as to minimise congestion and aid pedestrian/vehicle safety.

The details submitted to the Local Planning Authority on 02 July 2010 pursuant to condition 17 of planning permission reference: P052245 [LBI Ref: 052245(C18)] and approved by the Local Planning Authority on 14 December 2010 are deemed to form the approved details for the purposes of this condition.

Proposed Amendments

- 6.11 The application seeks to amend conditions 16 and 17 to allow the segregation of deliveries and vehicle movements to the commercial units from those going to the residential units. The existing 'one-way' vehicle route through the centre of the site would be ended and the access points at Studd Street and Almeida Street would operate as 'two-way'.
- 6.12 The residential deliveries and servicing vehicles as well as private vehicles associated with the occupants of the residential units would continue to enter the site from the south using the existing access at Studd Street. The vehicles associated with the residential units would no longer exit via Almeida Street to the north. Instead these vehicles would leave the site at Studd Street and would have to immediately turn right into Moon Street and continue along the residential road to join Theberton Street.
- 6.13 Vehicle deliveries and movements associated with the site's commercial tenants would only enter and exit the site via the access point at Almeida Street to the north. There would be no vehicles associated with the commercial units entering or leaving the site via Studd Street.
- 6.14 Both access points would be subject to barrier control points and marshals to ensure the correct vehicles are using the allocated access point. The proposal is supported by a detailed traffic, delivery and servicing management plan.
- 6.15 Following comments from the Council's Director of Climate Change and Transport, the application has been amended to seek consent for a temporary period until 14th August 2024 so that the impacts on highway safety and the amenity of neighbouring residents can be monitored and reviewed before a permanent change to the servicing

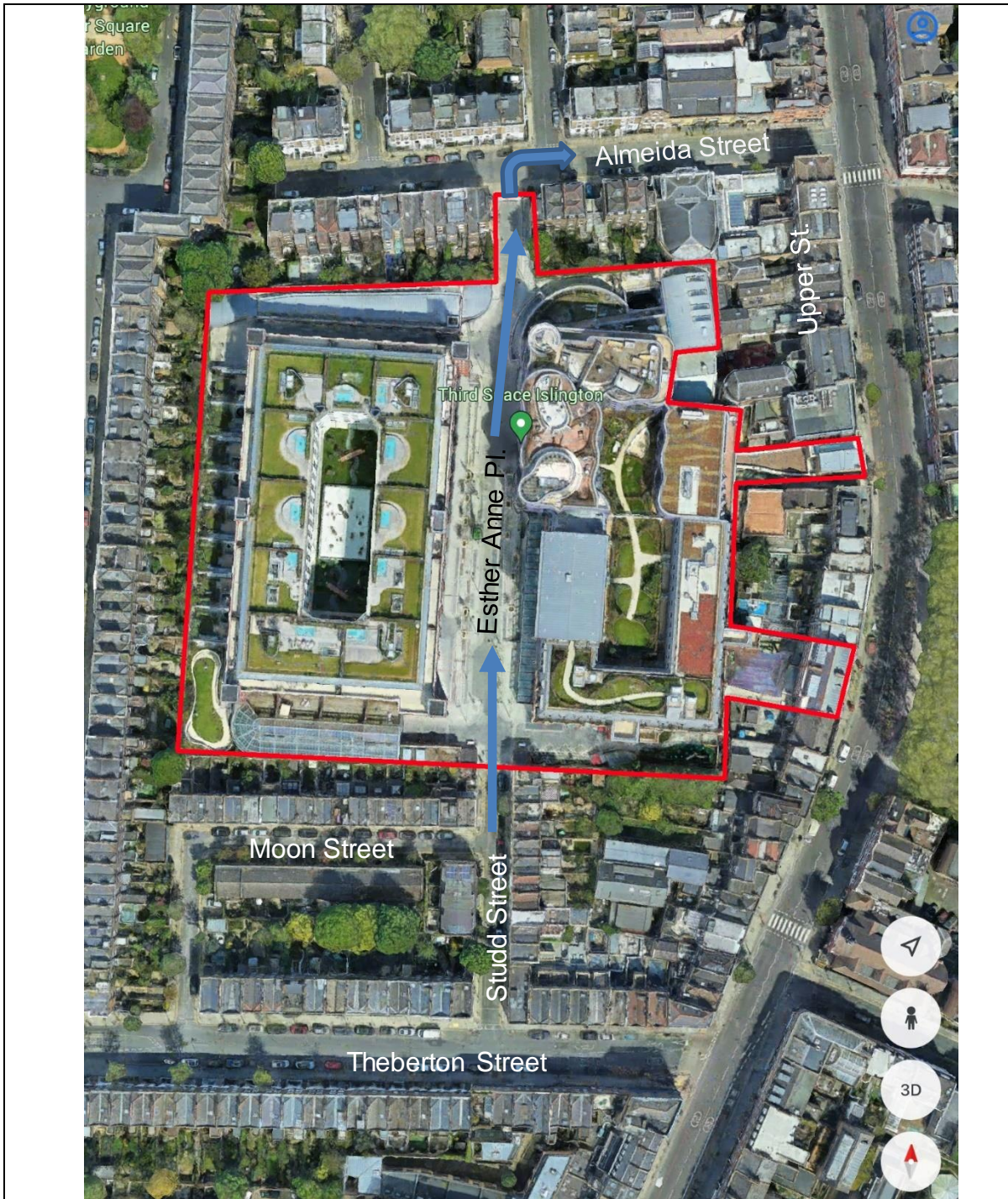


Figure 8: Existing one-way vehicle access arrangements – entry at Studd Street and exit at Almeida Street.

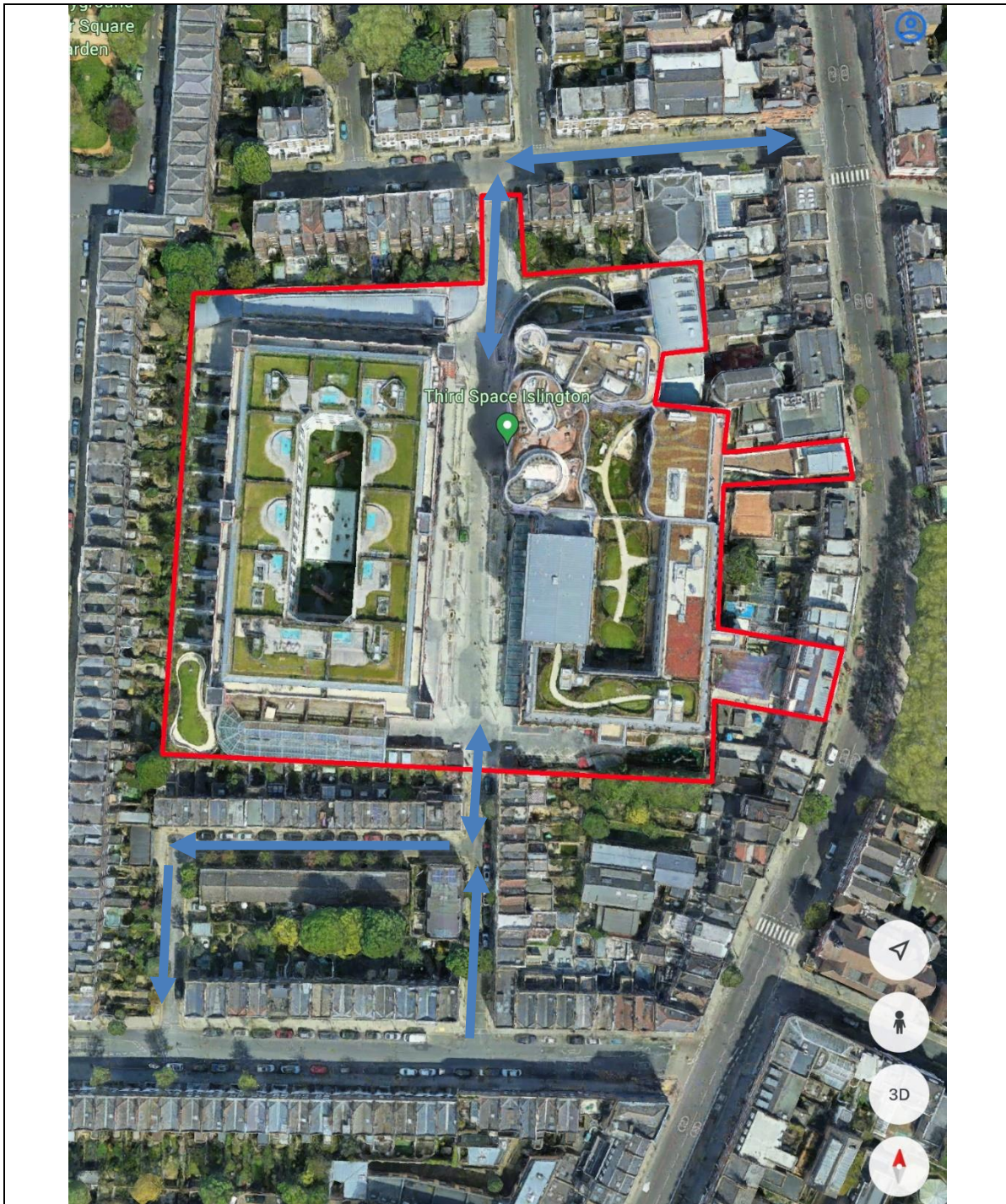


Figure 9. Proposed 'segregated' vehicle access arrangements. Traffic associated with the residential properties would enter and exit via Studd Street. All commercial traffic would enter and exit via Almeida Street.

6.16 It is therefore proposed that condition 16 would be amended as follows:

CONDITION: All vehicles shall only enter the site from Studd Street and leave the site from Almeida Street.

REASON: To ensure one way traffic flow through the site so as to minimise congestion and aid pedestrian/vehicle safety.

CONDITION: All vehicles servicing the commercial tenants of Islington Square shall only enter and leave the site via the Almeida Street access. No traffic associated with the commercial tenants shall use the Studd Street access.

All vehicles associated with the onsite residential accommodation and vehicles servicing the onsite residential accommodation at Islington Square shall only enter and leave the site via the Studd Street access.

Prior to commencement details of the necessary highways changes to ensure two-way traffic is implemented at the northern section of Studd Street adjacent to the site entrance and leading to the junction with Moon Street shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the commencement of the temporary servicing arrangements.

The hereby approved amendments to the site's delivery and servicing arrangements is granted only for a limited period, being until 14th August 2024. After that date, no operation of the amended delivery and servicing arrangements shall take place unless further consent has been obtained from the Local Planning Authority.

REASON: The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that about the site.

6.17 It is therefore proposed that condition 17 would be amended as follows:

~~CONDITION: Details of measures to ensure one way traffic flow through the site including signage, barriers etc shall be submitted to and approved in writing by the Local Planning Authority and fully implemented prior to the first occupation of the residential accommodation and so permanently maintained thereafter.~~

~~REASON: To ensure one way traffic flow through the site so as to minimise congestion and aid pedestrian/vehicle safety.~~

~~The details submitted to the Local Planning Authority on 02 July 2010 pursuant to condition 17 of planning permission reference: P052245 [LBI Ref: 052245(C18)] and approved by the Local Planning Authority on 14 December 2010 are deemed to form the approved details for the purposes of this condition.~~

CONDITION: Details of measures including signage, barriers, traffic lights, intercom and any other relevant measures required to implement the temporary two-way vehicle access arrangements at Studd Street and Almeida Street shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented prior to the commencement of the temporary servicing arrangements set out in Condition 16.

The approved measures shall be in place only for a temporary period, being until 14th August 2024 . After that date, no operation of the amended delivery and servicing arrangements shall take place unless further consent has been obtained from the Local Planning Authority.

REASON: To ensure highway safety and protect residential amenity. The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that about the site.

- 6.18 In order for the amended servicing arrangements to link into the site's basement servicing regime beneath Block C (which technically lies outside of the application site area) the applicant will be required to enter into a separate legal agreement to secure the amended servicing proposals into the existing side wide servicing strategy for Islington Square.

7. RELEVANT HISTORY:

Proposed Boulevard Market

- 7.1 P2021/1635/FUL: The proposal seeks planning permission to continue the use of the Boulevard Market in Esther Anne Place for up to 25 stalls/ concessions selling fresh produce, street food and art and design. The market would only operate on Friday 12:00-19:00, on Saturday 10:00-17:00 and on Sunday and Bank Holidays 11:00-17:00.
- 7.2 This is a concurrent application which is directly linked to the proposed servicing changes. Effectively the proposed amendments to the servicing arrangements set out in the current application would free up the servicing road through the centre of the site and allow the applicant to operate the street market without breaching the existing conditions. Following consultation with Highways and to ensure alignment with the concurrent application, officers have recommended that consent for the market would be limited to a temporary period until 14th August 2024 in order to monitor the market in terms of operating times, waste management control, and traffic and operational management controls.

Background and relevant planning applications

- 7.3 The redevelopment of the Former North London Mail Centre (now known as Islington Square) was obtained by way of two main sets of planning permissions. The first planning permission ref: P052245 is dated 06 July 2007, which granted:

“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”.

- 7.4 This planning permission covered the former Mail Centre known as Blocks A, B, D and F and assumed the delivery depot would continue operating from the northern part the site.

- 7.5 The second main part of the redevelopment of the site was achieved in 2012 following the relocation of the delivery depot. As such, the north eastern part of the site, known as Block C and the former Mitre Public House, was redeveloped under ref: P090774, dated 30 March 2012 which granted:

“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”.

7.6 Over the years the two initial planning permissions have been updated and amended, and there are additional planning permissions which sit alongside these two main permissions, the latest is from December 2019 (ref: P2018/2463/S73, dated 5 December 2019, which is subject to the amendments sought by the current application). Other recent relevant planning applications relating to the site are listed below:

Blocks A, B, D, F (Former North London Mail Centre)

- P2018/2463/S73: Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to amend condition 2 (approved drawings and documents), condition 1 (plans) of planning permission ref: P2013/2697/S73. The proposed minor material amendments relate to the amalgamation of 10 units across second, third, fourth and fifth floors resulting in the creation of larger units (and involving the loss of 5 units overall) within Block A, together with layout changes to existing ground floor retail units 5 and 6. Approved with conditions and a legal agreement, 5 December 2019.
- P2018/1190/S73: Application under Section 73 to make amendments to Condition 2 (Drawing Nos.) pursuant to planning permission P2015/3555/FUL (granted on appeal 28/2/18 Ref: APP/V5570/W/16/163572) to allow provision of lift overrun at eastern end of the building and minor changes to north and east elevations – Approved with conditions, 4 September 2018
- P2016/2471/FUL: Change of use of Unit G7A (Block A) from Use Class A1 (Shops) to flexible Use Class A1 (Shops) or A3 (Restaurant/Cafe), (Associated with Planning Permission Ref: P052245 dated 6 July 2007 and Planning Permission Ref: P2013/2697/S73 dated 4 November 2014) – Approved with conditions, 9 March 2017
- P2015/3555/FUL: Change of use of Block F at basement, ground and first floor levels from Use Class B1 (Offices) to flexible Use Class B1 (Offices) or A1 (Shops), (Associated with Planning Permission Ref: P052245 dated 6 July 2007, Planning Permission Ref: P2013/2697/S73 dated 4 November 2014 and , Planning Permission Ref: P2014/4251/FUL dated 12 March 2015) – Refused, 20 February 2016. Appeal Allowed, 28 February 2018 (Ref: APP/V5570/W/16/163572).
- P2014/4251/FUL: Alterations to the inward facing facade of the retained building (Block F) in northwest corner of the site. (Associated with Planning Permission Ref: P052245 dated 6 July 2007) – Approved with conditions, 12 March 2015.
- P2013/2697/S73: Section 73 (minor material amendment application) to vary condition 2 (approved plans) of planning permission ref: P052245 dated 06 July 2007. The amendment seeks to: replace the ground floor office space (2,155 sq.m.) in 'Block A' with retail; replace the retail at the upper basement level of 'Block B' (1854 sq.m.) with planning use class D2 (Assembly and leisure) space; and, replace the approved servicing area at ground floor level of 'Block B' with retail - Approved with conditions and legal agreement, 4 November 2014.

Block C and the Mitre Public House (5 Almeda Street and 129 Upper Street)

- P2018/2466/S73: Section 73 (minor material amendment application) to vary condition 2 (approved plans) of planning permission ref: P2013/2681/S73 dated 4 November 2014. The amendment seeks to: amalgamate layouts over 4 no. various sized residential units within Block C across sixth and seventh floors resulting in loss of 2 no. units (Total reduction 78 to 76 units) together with various minor elevational alterations

principally relating to rerouting of smoke extract ducting. Approved with conditions and legal agreement, 14 November 2019.

- P2018/2093/FUL: Alterations and extensions to the former Mitre Public House to include A1 and/or A3 and /or A4 uses at ground and basement and 1 x 2 bed and 1 x 3 bed apartments at first to third floor. [amended scheme from that approved by planning permission 2013/2681/S73, 4th November 2014] – Approved with conditions, 21 December 2018.
- P2018/1587/FUL: Amalgamation of two retail (use class A1) units in Block C (known as G16 and G22) and Change of Use of the amalgamated unit to a flexible use being retail (use class A1) or nursery (use class D1) – Approved with conditions, 4 April 2019.
- P2018/2093/FUL: Alterations and extensions to the former Mitre Public House to include A1 and/or A3 and /or A4 uses at ground and basement and 1 x 2 bed and 1 x 3 bed apartments at first to third floor. [amended scheme from that approved by planning permission 2013/2681/S73, 4th November 2014] – Approved with conditions, 21 December 2018.
- P2017/2866/S73: Section 73 (minor material amendment application) to vary condition 2 (approved plans) of planning permission ref: P2013/2681/S73 dated 4 November 2014. The amendment seeks to: amalgamate layouts over 4 no. various sized residential units within Block C across sixth and seventh floors resulting in loss of 2 no. units (Total reduction 78 to 76 units) together with various minor elevational alterations principally relating to rerouting of smoke extract ducting - Approved with conditions and legal agreement dated 24 December 2018.
- P2013/2681/S73: Section 73 (minor material amendment application) to vary conditions 2 (approved plans), 22 (designated Servicing Area), 26 (no amalgamation with Block B at basement levels) and 27 (disabled parking spaces) of planning permission P090774 dated 30 March 2012. The amendments are: relocate servicing level from Lower Basement to Upper Basement (replacing 2,498 sq.m. of retail space); and to introduce a multi purpose rehearsal and performance space (planning use class D2 - Assembly and Leisure) to lower basement level. Approved with conditions and legal agreement, 4 November 2014.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 467 adjoining and nearby properties on Almeida Street, Studd Street, Moon Street, Upper Street, Milner Place, Milner Square, St Mary's Path, Gaskin Street, Theberton Street, Battishill Street, Napier Terrace, Gibson Square, Terret's Place on the 13 December 2021.
- 8.2 A site notice and press notice were displayed on 13 December 2021. The public consultation of the application, therefore, expired on 9 January 2022; however, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.3 At the time of the writing of this report a total of 7 objection letters had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Almeida Street

- Requiring all commercial vehicles to use Almeida Street will overload the road and cause noise and nuisance to local residents. *(response: see paragraphs 10.35 to 10.36, 10.39 to 10.40, 10.43 to 10.47)*
- Would impede pedestrian access to Islington Square from Almeida Street and to the shops and cafes. *(response: see paragraph 10.28)*
- Almeida Street is not wide enough to allow commercial vehicles to pass when both sides of the street are used for parking too narrow for large lorries. *(response: see paragraph 10.12)*
- The pavement on the South side of Almeida Street, is used as a busy thoroughfare all day, and in particular by lots of parents and young children travelling to and from St Mary's, Thornhill and William Tyndale, and local nurseries. An increase in traffic, particularly where there is no security barrier to negotiate would increase the risk to those children. *(response: see paragraph 10.28)*
- There are practical reasons why commercial and tenant servicing traffic should take place from Almeida Street, including; the delivery area is to the north of Esther Anne Place and closer to Almeida Street (rather than Studd Street), which is a wider two lane road; there are areas to the north of Esther Anne Place where large vehicles can wait and manoeuvre.

Studd Street

- Very few vehicles, delivery bikes, taxis (if any) are allowed onto the site and all therefore treat the entrance on Studd Street and the edge of Moon Street as a place to loiter at all times of the day and night with the noise caused by individuals being dropped off and collected particularly awful when it occurs late evening. *(response: see paragraphs 10.35 to 10.38, 10.44 to 10.47)*
- The traffic assessment does not present a true picture of traffic movements in relation to Islington Square and does not pick up traffic that does not reach the entrance to the site, such as taxis, minicabs, and delivery scooters.
- Studd Street is too narrow and allowing traffic to enter and leave through this access would make resident's lives a misery as the area is used as a car park of vehicles seeking to manoeuvre around one another as well as the likely increase in vehicles delivering/ dropping off given the number of residential units on site. *(response: see paragraph 10.40)*
- Taxi pick ups and drop offs in Studd and Moon Streets cause nuisance, with people chatting as they get in and out of vehicles, engines idling, vehicles backing up, reversing noises and on occasions rows between drivers who are blocked in. *(see paragraphs 10.35 to 10.38)*
- Neighbours living on the one way section of Studd Street would lose all commercial traffic and gain no additional residential traffic which would be beneficial to them. They may however gain traffic queuing to enter Islington Square with engines idling causing noise and air pollution if the access to Islington Square is not appropriately managed. *(response: a delivery and servicing plan will be in place to manage vehicle arrival and departures from the site).*
- The Studd Street access via Moon Street would be more suited to commercial access (rather than Almeida Street), being further from the pedestrianised section of Esther Ann Place and also better able to cope having a one way system which then feeds onto Theberton Street.

8.4 Other comments received through the public consultation include:

- Unless very strict conditions are put in place resident's lives will continue to be a misery from unreasonable noise and disturbance.
- There must be adequate visible and prominently displayed signage put in place to ensure traffic is appropriately directed.
- Traffic lights should be installed inside the estate to ensure cars do not meet at the Studd Street entrance.
- All taxi drop-offs and pick-ups for residential properties should be from within Islington Square.
- All taxi drop-offs and pick-ups for the commercial units should be from Upper Street.
- All delivery vehicles, including those for residential properties, should use Almeida Street access.
- The barrier at Studd Street should be changed to allow bikes and scooters to exit and enter on the road rather than use the pavement at the front doors of adjacent houses.

Internal Consultees

Planning Enforcement –

8.5 **Planning Enforcement** – the following comments have been received: The planning enforcement team have been in receipt of a number of complaints with regards to early deliveries outside permitted hours. The complainants are reporting that medium sized commercial vans/lorries when they drive through Islington square entrance they usually cause noise nuisance when reversing into Studd Street with their “bleepers” alarms at early hours they cause undue noise nuisance.

The planning history of what is now known as Islington Square is very complex. This is because a number of planning permissions have been obtained to form what is currently known as Block A, B, C, D & F. Various blocks appear to be governed by different planning permissions and associated planning conditions which themselves are not always consistent with each other resulting in difficulties of investigating them and establishing breaches of planning control. As such, any proposal to address the inconsistent conditions would be welcomed. These should include a tightening up of the delivering times to indicate a consistency throughout the site.

It would appear that the revised S73 planning application aims to alter the permitted ‘one-way system’ that is currently governed by planning condition 16 and 17 of planning permission P2018/2463/S73 dated 05 December 2018. Currently, this indicates that all vehicles are to enter the site via Studd Street and leave from Almeida Street. However, in order to enter Islington Square and exit via Almeida Street, commercial vehicles would need to gain approval from the site management who control vehicle movements by barrier that is lifted to allow them access to the site. Bearing in mind that Studd Street is primarily a one way carriage way and quite a narrow street with residential units on both sides, any improvements must show that there will be benefits to this access point without increased detriment to those living on the street and that the conditions are enforceable.

The current application aims to segregate deliveries/vehicle movements to commercial units from those to residential units. Vehicle deliveries associated with residential units would continue to enter from Studd Street with no longer the possibility to exit via Almeida Street. Whilst vehicle deliveries/movements associated with commercial units (which are restricted to certain hours of the day) can only enter and exit via Almeida Street. As with the current arrangement, it would still be problematic for an enforcement officer to differentiate between which type of van/small lorry would be delivering to the commercial or residential part of the site and thereby confirm which access they should be using. Therefore, concern remains if the proposal results in an improvement to the enforceability of the conditions of the existing permis

8.6

8.7 **Highways:** recommended that a temporary consent is trialled so that the impacts on highway safety and the amenity of neighbouring residents can be monitored and reviewed before a permanent change to the servicing arrangements can be considered. The following comments have been provided:

- Because Studd Street is a narrow one-way street, the proposed changes to access would move part of the vehicle traffic that needs to access the site from inside the development (Esther Anne Place) to outside the development (ie Moon Street) and to a lesser extent to Almeida Street (ie some increase in traffic here too).
- As a one-way street away from the development, Moon Street currently doesn't experience any traffic that needs to access the development. In fact it will experience hardly any traffic as it forms something similar to a cul de sac in combination with Studd Street.
- Furthermore like the current access route Studd Street, the properties on Moon Street are directly bordering a narrow footway without any front garden, impacting on the experience of residents living on Moon Street of passing vehicular traffic.
- Whilst the larger vehicles would access the development in and out via Almeida Street under the requested changes to the access arrangements, the majority of the proposed vehicle access for the residential units from and to the south represents deliveries, likely to be carried out mostly by vans or larger vehicles. There are two sharp turns into and halfway Moon Street, less suitable for larger vehicles.
- For larger vehicles to the residential units (eg for moving home) turning within the site may create space constraints and due to reversing safety issues. And as set out above, if they were able to turn safely, there may be issues for them leaving via narrow Moon Street with sharp turns. An alternative to this would be for these larger vehicles to be guided through Esther Anne Place to exit via Almeida Street. I am not sure how this would be managed, especially when the space is activated with a proposed market.
- As for Almeida Street, the street would see all commercial servicing traffic going in and out; this leads to an increase in the size of vehicles on Almeida Street, and in addition two-way movement of larger vehicles turning into and out of the site. As Costas has set out and as the complaint attached indicates, the width of street is a constraint. It is likely to require removal of parking.
- Lastly, especially in the busier morning period, vehicles accessing the underground commercial loading space may have to wait to access this area. They currently do this on Esther Anne Place (within the development). This may lead to waiting vehicles outside the development; on Almeida Street instead.
- It is for these reasons that it is likely that the access arrangements to the Royal Mail sorting office operated as they did. I don't know the history, but I expect it was built after the homes on Studd Street, Moon Streets and Almeida Street were built, and had to operate within this tight urban context.
- An option may be to trial and monitor the requested access arrangements before a decision is taken to better understand the impacts.

8.8 **Public Protection:** no objections.

8.9 Waste and Recycling: No comments received

9. RELEVANT STATUTORY DUTIES AND DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES

National Guidance

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

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- As the development is within or adjacent to a conservation area(s), the Council has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area (s72(1)).

9.2 National Planning Policy Framework 2021 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.

9.3 The National Planning Policy Framework 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

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

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

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

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

9.7 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights

contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.9 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.
- 9.10 In line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard has been given to the desirability of preserving the adjoining listed buildings, their setting and any of their features of special architectural or historic interest.

Development Plan

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

Designations

- 9.12 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:
- Angel & Upper Street Key Area
 - Archaeological Priority Area (Islington Village and Manor House)
 - Site Allocation AUS1
 - Upper Street (North) Conservation Area (CA19)
 - Angel Town Centre

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Draft Islington Local Plan

- 9.14 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation, with consultation on the Regulation 19 draft taking place from 5 September 2019 to 18 October 2019. The Draft Local Plan was subsequently submitted to the Secretary of State for Independent Examination in February 2020. The Examination Hearings took place between 13 September and 1 October 2021, with consultation on Main Modifications running from 24 June to 30 October 2022.

- 9.15 In line with the NPPF, Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- 9.16 the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- 9.17 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
- 9.18 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).
- 9.19 Given the advanced stage of the draft plan and the conformity of the emerging policies with the Framework it is considered that policies can be afforded moderate to significant weight depending on the significance of objections to main modifications.
- 9.20 Emerging policies relevant to this application are set out below:
- Policy SP4 Angel and Upper Street
 - Policy H1 Thriving Communities
 - Policy R3 Islington's Retail Hierarchy
 - Policy R7 Markets and specialist shopping areas
 - Policy T1 Enhancing the Public Realm and Sustainable Transport
 - Policy T5 Delivery, Servicing and Construction
 - Policy S1 Delivering Sustainable Design

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:
- Whether the proposal would fall within the scope of a “minor material amendment” under Section 73 of the 1990 act.
 - Whether the proposed changes would be acceptable with regards to
 - the operation of the public highway;
 - the impact on neighbouring amenity.
 - Amendments to Previous Conditions
 - Section 106 Agreement Deed of Variation

Scope of the Consideration of the Case Under Section 73 of the Act

- 10.2 Section 73 of the Town and Country Planning Act 1990 concerns the “Determination of [an] application to develop land without compliance with conditions previously attached”, colloquially known as “varying” or “amending” conditions. Section 73 applications must also involve consideration of the conditions subject to which planning permission should be granted. Where an application under S73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.
- 10.3 It is important to note that when assessing S73 applications the previously granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. If the original application has been implemented, or if the permission has not yet expired, the applicant may go ahead and complete the original approved scheme if they wish.

- 10.4 In this case, the applicant can continue to operate the servicing arrangements in accordance with the 2019 planning permission, and this fall-back position is a material consideration to which significant weight must be given.
- 10.5 Alterations to planning policy and other material considerations that may have emerged since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the previous paragraphs and the applicant's ability to complete the originally approved development.

Operation of the Public Highway

- 10.6 Paragraph 108 of the NPPF states that applications should ensure that appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location. Development proposals should also ensure that any significant impacts from the development on the transport network or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 10.7 Policy T4 of the London Plan 2021 states that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. Transport Statement should be submitted with development proposals to ensure that impacts on the capacity of the transport network are fully assessed. Furthermore, part C of this policy states that where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified.
- 10.8 Policy DM8.1 of the Islington Development Management Policies states that the design of the development is required to prioritise the transport needs of pedestrians, public users and cyclists above those of motor vehicles. Further, Policy DM8.2 states that proposals are required to meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. Where the council considers that a development is likely to have a significant negative impact on the operation of transport infrastructure, this impact must be satisfactorily mitigated. Finally, emerging Local Plan Policy T2 requires for all new developments in the borough to be designed to incentivise walking by delivering high quality public realm improvements that are secure, safe, legible, inclusive and create permeable environments.
- 10.9 Draft Local Plan Policy T5 Delivery, servicing and construction states that:

A. Delivery and Servicing Plans will be required for developments that may impact on the operation of the public highway, private roads, the public realm and/or the amenity of residents and businesses, by virtue of likely vehicle movements. These plans must demonstrate how safe, clean and efficient deliveries and servicing has been facilitated and any potential impacts will be mitigated. Delivery and Servicing Plans will be required to assess the ongoing freight impact of the development and minimise and mitigate the impacts of this on the transport system. Use of low-emission vehicles and efficient and sustainable delivery systems which minimise motorised vehicle trips is encouraged.

B. Proposed delivery and servicing arrangements must:

- (i) be provided off street wherever feasible, particularly for commercial developments over 200sqm GEA;*
- (ii) make optimal use of development sites;*
- (iii) demonstrate that servicing and delivery vehicles can enter and exit the site in forward gear;*

- (iv) *submit sufficient information detailing the delivery and servicing needs of developments, including demonstration that all likely adverse impacts have been thoroughly assessed and mitigated/prevented. This includes impact on the amenity of local residents and businesses, for example, vehicle noise impacts from idling and reversing warning mechanisms and impacts due to the size of delivery vehicles;*
- (v) *provide delivery and servicing bays whose use is strictly controlled, clearly signed and only used for the specific agreed purpose;*
- (vi) *ensure that there are no adverse impacts on existing/proposed refuse and recycling facilities;*
- (vii) *Ensure that the cumulative impact on sustainable transport modes is identified and suitably mitigated/prevented; this must include consideration of delivery and servicing requirements of existing, planned and potential development in the area, particularly in Town Centres, designated employment areas and the CAZ; and*
- (viii) *Investigate potential for delivery and servicing by non-motorised sustainable modes, such as cargo cycles and 'clean' vehicles.*

10.10 Esther Anne Place is currently the main 'one-way' through route for all vehicles accessing the site. Vehicles enter the site from Studd Street to the south and exit via Almeida Street to the north.

10.11 All vehicles currently accessing the site from the public highway operate through a 'one-way' system whereby vehicles enter at the south from Studd Street, travel through the site along the private servicing road at Esther Anne Place and leave the site from the north at Almeida Street. This is effectively a legacy arrangement from the site's previous use as a Royal Mail sorting office and distribution centre.

Almeida Street Access – Commercial Vehicles

10.12 Under the proposed amendments the access at Almeida Street would be 'two-way' and managed so that commercial vehicles could drive onto the estate and would not have to wait on Almeida Street before access is granted. Vehicle access would be managed in conjunction with the basement service yard. If a vehicle is exiting from the service yard, any oncoming vehicles would be held at the Almeida Street entrance, to let the existing vehicle pass before entering the estate. The diagram in Figure 10 below sets out the proposed swept path vehicle tracking for a 10m rigid van at the Almeida Street access point. Swept path tracking for a 10m rigid vehicle has also been provided for servicing vehicles negotiating the parking bays along Almeida Street (see Figure 11.)



Figure 10: Proposed Almeida Street access showing swept path vehicle tracking for a 10m rigid van.



Figure 11: Swept path vehicle tracking for a 10m rigid van at the Almeida Street access and negotiating parking bays on Almeida Street.

10.13 The primary location for all commercial goods deliveries are the loading bays in the basement service yard beneath Block C and under the proposed amendments the servicing basement would be accessed via Almeida Street. Where street level loading is required this would be managed by the security team on a case by case basis.

- 10.14 The basement service yard has capacity for 4x 10-meter rigid trucks and 16x other service vehicles and is managed by a dedicated Loading Bay Officer between 7:00 and 19:00. There is a traffic light at the top and bottom of the ramp, which enables the movement of vehicles to be controlled.
- 10.15 The Loading Bay Officer and/or other security officers manage the service yard to optimise capacity and vehicles only enter, move and exit the service yard if instructed. Deliveries are directed to an available bay and the appropriate service route for the relevant commercial unit. Access control fobs for back of house routes would be issued where necessary. There is a designated area for waste collections, which does not impact other delivery vehicles.
- 10.16 The accompanying delivery and servicing plan sets out that all delivery vehicles within the commercial tenants control are to be pre-booked or identified as regular deliveries to the tenants to enable the loading bay officer and security team to manage capacity of the loading bay, while considering other operational issues on the estate.
- 10.17 The delivery and servicing plan sets out that the estate management team would allow commercial goods deliveries onto the estate between 07:00 and 18:00 on Monday to Saturday and between 10:00 and 16:00 on Sunday. Unexpected deliveries arriving outside these times would be accepted into the estate to avoid noise and disturbance to neighbouring residents in the immediate and local area, but a note would be taken and the relevant tenant would be requested to inform their delivery company of the operating hours.
- 10.18 A specific delivery plan would be in place for each unit and tenant, which sets out the delivery and servicing routes, permitted hours, vehicle registration and other processes and key contacts. Larger vehicles would be discouraged through informing tenants in their individual delivery and service plan and through day-to-day management by the estate management team.
- 10.19 Waste collection: all commercial waste would be collected by the estate cleaning team from the individual commercial units using an electric tug and trailer vehicle and brought to the service yard, in preparation for refuse collection by a private contractor. Commercial refuse vehicles would access the site via Almeida Street and come three times a week at varying times.

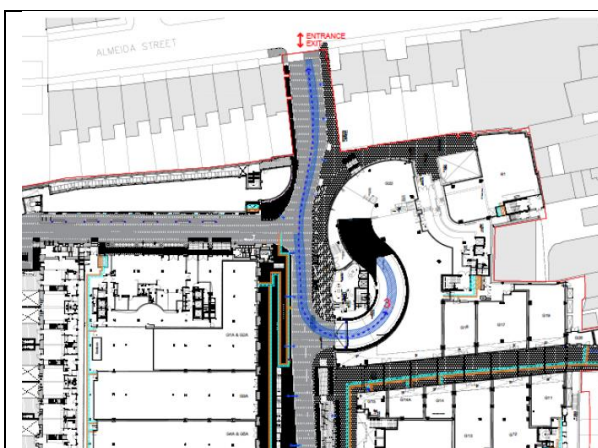


Figure 12: Proposed street level access route to the existing commercial servicing yard in the basement beneath Block C

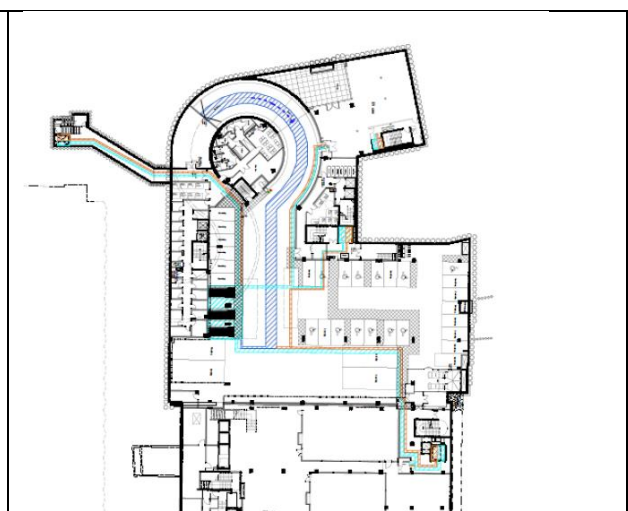


Figure 13: Basement level servicing yard beneath Block C.

10.20 The existing basement servicing yard beneath Block C is outside of the application site relating to the current S73 application and as such will require the applicant to enter into a separate legal agreement to secure its use as part of the proposed amendments to the servicing and delivery strategy.

Studd Street Access - Residential Vehicles

10.21 The Islington Square estate provides 24/7 access for residential vehicles, with the exception of larger vehicle deliveries which are managed to the same hours as the commercial deliveries. The resident's car park is in the basement of Block A and is accessed via a ramp with vehicles entering the site from Studd Street. There are 108 parking spaces (108 at basement level and 5 disabled spaces at ground level) within Islington Square for residents to use and also a total of 263 residential units and 93 serviced apartments on site. To the south of Block A is a turning circle in front of the Block A residential reception, where residential deliveries can unload and taxis pick-up and drop-off. There are additional disabled parking bays on Wicks Place, which are also accessed via Studd Street. Parking spaces are allocated based on the parking rights purchased by residents. Residents are encouraged to register their numberplate to enable automatic access through the Studd Street barrier via the automatic number plate recognition system.

10.22 Under the proposed amendments the Studd Street access would be managed via a barrier with an intercom and traffic light. The automatic number plate recognition system would also allow automatic access to residents. Vehicles entering the Islington Square estate would have priority over those leaving, which will be held.

10.23 Waste collection: the Islington Square estate cleaning team collects the waste from the residential refuse areas around the estate and transfers it to a central collection point in the service yard for collection by Islington Council. The bin collection trucks would access the site from Almeida Street.

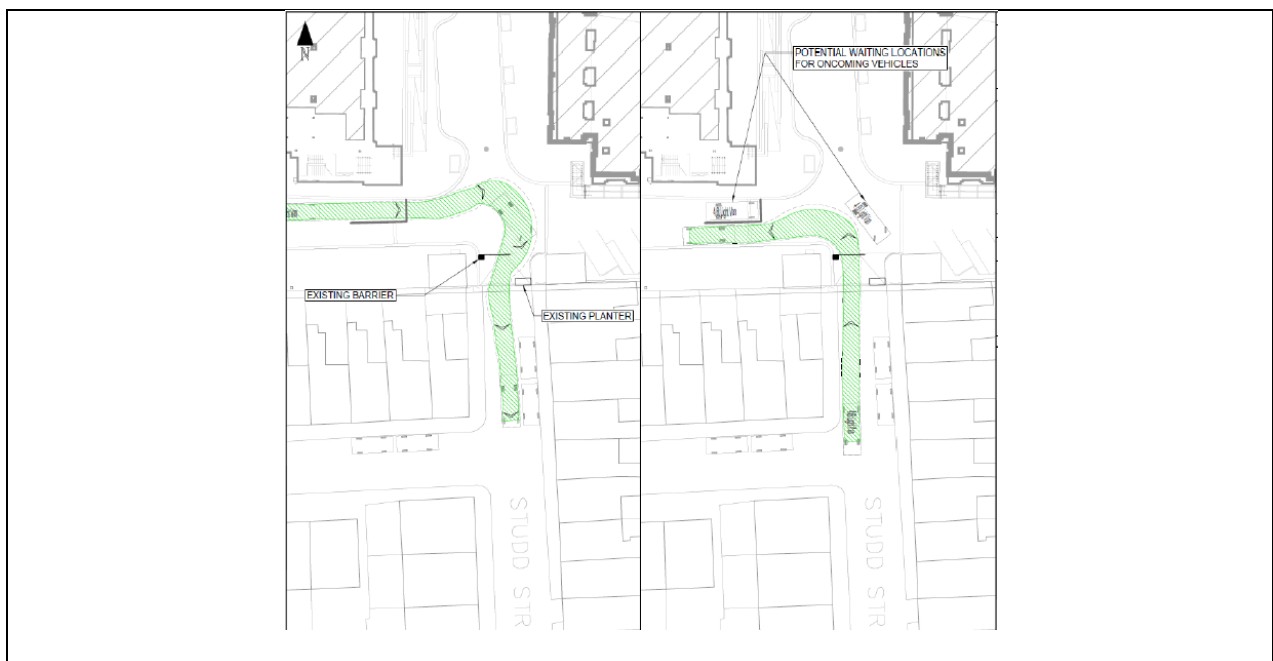


Figure 14X: Proposed Studd Street access showing swept path vehicle tracking for a 4.6t light van.

Emergency Vehicles

10.24 The accompanying delivery and servicing plan sets out that all emergency vehicles attending the site will be given priority.

- 10.25 The London Fire Brigade would be provided with estate addresses and the appropriate entrance to arrive at. Information provided to London Fire Brigade would be reviewed on a regular basis and they are invited to regular familiarisation visits and training exercises. Access to the various Dry Riser outlets would be maintained and any obstructions such as equipment, events or pedestrians would be cleared by the estate security team.
- 10.26 Ambulances that are called to or arrive at the estate from either Studd Street or Almeida Street would be met by the estate security team and given priority to get to the appropriate destination.
- 10.27 Police vehicles attend the estate regularly as part of a community wide working partnership. Police vehicles are parked in the service yard.

Pedestrian Access

- 10.28 The proposed amendments to vehicle routes would not alter the existing pedestrian access arrangements through the site. Barriers and control points will be set up at both the Studd Street and Almeida Street access points to manage vehicle arrivals and departures and ensure onsite traffic is appropriately managed to ensure highway safety and protect pedestrians. The amended Condition 17 requires the submission of details including signage, barriers, traffic lights, intercom and any other relevant measures required to implement the temporary two-way vehicle access arrangements prior to the implementation of the proposed amendments.

Neighbouring Amenity Impacts

- 10.29 Paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments would have a high standard of amenity for existing and future users. All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed.
- 10.30 Part D of policy D3 of the London Plan 2021 states that development proposals should deliver appropriate outlook, privacy and amenity, the design of the development should also help prevent or mitigate the impacts of noise and poor air quality.
- 10.31 Policy DM2.1 of the Development Management Policies Document 2013 states that consideration shall be given to noise and the impact of disturbance and vibration on neighbouring residents. Policy DM4.4 states that development within designated Town Centres is required to not cause detrimental disturbance from noise, odour, fumes or other environmental harm.
- 10.32 Draft Local Plan Policy R3 Islington's Retail Hierarchy sets out that any development proposed in a town centre must provide a good level of amenity for residents and businesses and ensure that adverse impacts from noise, odour, fumes, anti-social behaviour and other potential harms are fully mitigated.
- 10.33 Both of the site's access points at Studd Street and Almeida Street are lined by houses and the upper floors of the buildings within the Islington Square development are mainly flats. As such the impacts of the market on residential amenity must be carefully considered.
- 10.34 The main considerations relate to the following:

- Noise and Disturbance

- Fumes and Pollution
- Parking Congestion and Traffic Management

10.35 The existing vehicle access into and out of Islington Square relies on the use of two residential roads; the entrance at Studd Street to the south and the exit at Almeida Street to the north. Both of these roads are lined with houses and currently experience the comings and goings of the full servicing and delivery requirements for the Islington Square site as well as trips associated with the onsite residential accommodation.

10.36 The site is within the Angel Town Centre as are the houses to the east of Studd Street. The neighbouring properties at Almeida Street and Moon Street are immediately adjacent to the town centre boundary. Due to Angel Town Centre's densely developed, mixed-use nature, a range of uses occur in close proximity to places where people live and the potential amenity impacts of amended servicing and delivery arrangements needs to be carefully assessed.

Impacts on Studd Street and Moon Street residents

10.37 Studd Street is a narrow one-way residential road with parking along one side and terraced houses fronting immediately onto the pavement. Planning Enforcement have received complaints from neighbouring residents around the Studd Street entrance. These relate to noise nuisance due to reversing vehicles from unauthorised early morning/late night deliveries and traffic movement associated with the commercial tenants outside permitted hours. Removing commercial traffic from the narrow Studd Street access would be considered a benefit by some of the residents at Studd Street and the eastern end of Moon Street.

10.38 The proposed two-way movements from the Studd Street access would require vehicles leaving the site to turn right into Moon Street, which currently should not receive traffic associated with the Islington Square development. Like Studd Street, Moon Street is a narrow residential road with terraced houses fronting immediately on to the pavement and parking along one side. The proposal would therefore result in an increase in vehicles using Moon Street, albeit those associated with the residential element (private cars, taxis, delivery vans etc.). Nevertheless, this raises the potential for residents living along Moon Street experiencing noise and disturbance from an increase in traffic.

Impacts on Almeida Street residents

10.39 It is proposed that the Almeida Street access would take all the commercial traffic associated with delivery and serving at the site - which has raised concerns from residents living to the north of the site with regards to increased noise and disturbance. Almeida Street is a wider road in comparison to Studd Street but is also lined with houses and has parking bays along both sides creating a narrow carriageway. There are also on street delivery bays associated with the commercial activity at the junction with Upper Street and the Almeida Theatre. Highways colleagues have raised concerns that Almeida Street is not wide enough to accommodate two-way traffic for large delivery vehicles, which could result in large vehicles either reversing down Almeida Street or reversing back onto Upper Street.

10.40 The Almeida Street access is wider than the Studd Street access and is therefore arguably better equipped to act as a site entrance for frequent commercial traffic and larger commercial vehicles. The more generous width of the Almeida Street entrance road would accommodate an onsite holding bay for a delivery vehicle, rather than vehicles having to back up onto Almeida Street. This access point is also closer to the ramp for the large basement servicing area beneath the site.

Impacts on residents living in Islington Square

- 10.41 The buildings lining Esther Anne Place include residential properties in the upper floors. The proposed amendments would remove the one-way servicing arrangement from Esther Anne Place, resulting in fewer vehicle trips running through the centre of the site past the centrally located residential properties. However, there would be an intensification of vehicle activity at the southern end of Esther Anne Place adjacent to the Studd Street access where vehicles may have to wait briefly before being signalled to move-away. Likewise, the northern end of Esther Anne place would experience potential noise and disturbance from an intensification of commercial vehicles coming and going to the basement servicing yard.
- 10.42 The proposed changes to the access arrangements would also free up the servicing road through the centre of the site and allow the applicant to close Esther Anne Place to hold street markets and potentially other events aimed at increasing footfall and supporting commercial activity within the site.
- 10.43 The planning application for proposed market is being considered through a concurrent planning application (ref: P2021/1635/FUL) and the amenity impacts, and considerations are set out in detail in the accompanying officer report. Given that the proposed servicing changes are inherently linked to the operation of the proposed market the amenity impacts should be given due consideration as part of assessing the servicing and delivery proposals.

Key Considerations

- 10.44 Officers acknowledge that the current one-way servicing and delivery arrangements for the Islington Square development are not without fault, which has been highlighted by the representations received through the public consultation responses as well as complaints received by Planning Enforcement colleagues with regards to the Studd Street access. The narrow road at Studd Street, lined by terraced houses, places local residents in close proximity to the frequent daily commercial traffic associated with the operation of a large commercial complex and presents a pinch point for noise and disturbance issues to occur.
- 10.45 However, concerns have been raised by Highways Officers that the proposed changes could create highway safety issues along Almeida Street/ Upper Street and unduly increase the experiences of noise and disturbance to residents to the north of the site. The proposal could also implicate additional residents to the south at Moon Street with undue amenity impacts from an increase in vehicle traffic.
- 10.46 Nevertheless, Town Centres are the primary focus for retailing in the borough and Policy DM4.4 Promoting Islington's Town Centres states that the council will seek to maintain and enhance the retail and service function of town centres and promote uses in a manner which complement and enhances the vitality, viability and character of Town Centres. The proposed amendments to the servicing arrangements would effectively close off Esther Ann Place to vehicle traffic and allow Islington Square to operate a market on the central Boulevard on Friday, Saturday and Sunday and Bank Holidays (in accordance with the proposals set out in planning application P2021/1635/FUL). There would also be potential scope for other events and activities to be held along the central street. The increased footfall and offer from the market would help to maintain and enhance the retail function of the town centre in accordance with policy.
- 10.47 The site is within a dense urban area and given its mixed character it is considered that neighbouring residents living nearby can reasonably expect to experience a greater degree of noise and disturbance from commercial activity and vehicle movements than those living in a purely residential area. The Proposal has been reviewed by the Public Protection

officer and no objections have been raised to the variation of the condition. As such, taking into consideration the Town Centre location and the issues with the existing servicing arrangements, trialling the proposed changes through a temporary consent is considered to be reasonable in this instance given the specific circumstances. This would enable the impacts on highway safety and the amenity of neighbouring residents to be monitored and reviewed before a permanent change to the servicing arrangements is considered.

Amendments to Previous Conditions

10.48 It is recommended that all of the conditions of the previous planning permission be re-applied to the new decision notice, save for the changes set out below:

16	<p>Vehicle Access Routes</p> <p>CONDITION: All vehicles servicing the commercial tenants of Islington Square shall only enter and leave the site via the Almeida Street access. No traffic associated with the commercial tenants shall use the Studd Street access.</p> <p>All vehicles associated with the onsite residential accommodation and vehicles servicing the onsite residential accommodation at Islington Square shall only enter and leave the site via the Studd Street access.</p> <p>Prior to commencement details of the necessary highways changes to ensure two-way traffic is implemented at the northern section of Studd Street adjacent to the site entrance and leading to the junction with Moon Street shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the commencement of the temporary servicing arrangements.</p> <p>The hereby approved amendments to the site’s delivery and servicing arrangements is granted only for a limited period, being until 14th August 2024. After that date, no operation of the amended delivery and servicing arrangements shall take place unless further consent has been obtained from the Local Planning Authority.</p> <p>REASON: The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that abut the site.</p>
17	<p>Vehicle Access Details</p> <p>CONDITION: Details of measures including signage, barriers, traffic lights, intercom and any other relevant measures required to implement the temporary two-way vehicle access arrangements at Studd Street and Almeida Street shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented prior to the commencement of the temporary servicing arrangements set out in Condition 16.</p> <p>The approved measures shall be in place only for a temporary period, being until 14th August 2024. After that date, no operation of the amended delivery and servicing arrangements shall take place unless further consent has been obtained from the Local Planning Authority.</p>

	<p>REASON: To ensure highway safety and protect residential amenity. The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that abut the site.</p>
48	Temporary Consent (until 14th August 2024)
	<p>CONDITION: The hereby approved amendments to the site's delivery and servicing arrangements is granted only for a limited period, being 14th August 2024. After that date, no operation of the amended delivery and servicing arrangements shall take place unless further consent has been obtained from the Local Planning Authority.</p> <p>REASON: The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that abut the site.</p>
49	Monitoring Impacts over 12 month consent period
	<p>CONDITION: Every 3 months of the temporary consent until 14th August 2024 a monitoring report shall be submitted to the Local Planning Authority detailing all of the following and any other relevant issues:</p> <ul style="list-style-type: none"> - delivery/servicing complaints - incidents of early arrivals - parking/traffic incidents - any other complaints from neighbouring residents - Trip analysis detailing vehicle movements at Studd Street and Almeida Street access points <p>REASON: To ensure that the proposed development can be properly monitored and does not have an adverse impact on neighbouring residential amenity in terms of noise and pollution.</p>

Discharged Conditions

10.49 A number of conditions attached to the original approval notice have already either been fully or partially 'discharged' against the extant planning permission, therefore, the wording of these conditions would be amended to reflect the fact that the conditions have already been discharged and would not be required to be discharged again.

Section 106 Agreement Deed of Variation

10.50 The original planning permission for this site was subject to a Section 106 legal agreement (dated 06 July 2007) securing measures and contributions to mitigate against some of the impacts of the development. The legal agreement has been subject to several separate deed of variation amendments as a result of previous S73 applications at the site. The latest deed of variation to the S106 agreement is dated 07 November 2019.

10.51 As this application requires the issue of a new planning permission the Heads of Terms of the relevant legal agreement will need to be re-applied to the new planning permission.

This is important as it would ensure those obligations originally agreed are met in the case of the implementation of the new permission. The applicant has agreed to re-apply the agreed Heads of Terms of the original S106 agreement to the new planning permission and a deed of variation would be sought.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The application seeks to amend conditions 16 and 17 attached to planning permission ref: P2018/2463/S73 to allow the segregation of deliveries and vehicle movements to the commercial units from those going to the residential units. The existing 'one-way' vehicle route through the centre of the site would be ended and the access points at Studd Street and Almeida Street would operate as 'two-way'.
- 11.2 The residential deliveries and servicing vehicles as well as private vehicles associated with the occupants of the residential units would continue to enter the site from the south using the existing access at Studd Street. The vehicles associated with the residential units would no longer exit via Almeida Street to the north. Instead these vehicles would leave the site at Studd Street and would have to immediately turn right into Moon Street and continue along the residential road to join Theberton Street.
- 11.3 Vehicle deliveries and movements associated with the site's commercial tenants would only enter and exit the site via the access point at Almeida Street to the north. There would be no vehicles associated with the commercial units entering or leaving the site via Studd Street.
- 11.4 Both access points would be subject to barrier control points and marshals to ensure the correct vehicles are using the allocated access point. The proposal is supported by a detailed traffic, delivery and servicing management plan.
- 11.5 Letters of objection have been received from members of the public (including letters from both the Almeida Street Resident's Association) citing concerns in relation to increased noise and disturbance, traffic management and highway safety issues.
- 11.6 A number of letters have also been received from members of the public (including the Moon and Studd Street Resident's Association) in support of the proposed changes to the servicing regime.
- 11.7 The proposed changes to the access arrangements would free up the servicing road through the centre of the site. This would allow the applicant to close Esther Anne Place to vehicle through traffic and to operate a street market on Friday: 12:00-19:00, Saturday: 10:00-17:00, Sunday and Bank Holidays: 11:00-17:00 without breaching conditions. The street market proposal is subject to concurrent planning application ref: P2021/1635/FUL which is being considered alongside the servicing proposals.
- 11.8 The proposed changes to the servicing arrangements have been reviewed by the Public Protection officer and no objections have been raised to the variation of the delivery and servicing strategy.
- 11.9 However, concerns have been raised by Highways Officers that the proposed changes could create highway safety issues along Almeida Street/ Upper Street and unduly increase the experiences of noise and disturbance to residents to the north of the site. The proposal could also implicate additional residents to the south at Moon Street with undue amenity impacts. Nevertheless, given the existing issues with servicing at Studd Street,

Highways have suggested trialling the proposed access arrangements for a limited period would allow the traffic impacts to be properly monitored and assessed.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

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

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

RECOMMENDATION B

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

List of Conditions:

1	<p>Approved Plans</p> <p>1604-ABD-P-000-108 Rev C, 110 Rev C, 111 Rev C; P_PL(00)03 Revision D; P_PL(20) 04 rev B; 05 rev B; 06 rev C; 07 rev B; 08; 09; 009; 10; 11; 12; 13; 14; 15; 16; 17; 18; 26; 27; 28 rev A; 29 rev A; 30 rev A; 31 rev A; 32 rev C; 33; 34; 35 rev C; 36; 37; 38; 39; 40; 41; 42; 43; 44; 45 Rev K; 46; 47; 48; 49; 50; 54; 55; 60; 61; P_PL(20)MO7 Rev B; P_SA_L(20)03; 04; 05; and 06. 1935-00-SK-0036 Rev Co1; 1604-00-SK-0266 Rev D01(Site wide Ground Floor Plan); 1604-10-PL- 0101 Rev D01 (Block A Proposed Ground Floor); 1604-ABD-P-000-0112 Rev C (Proposed Second Floor); 1604-ABD-P-000-0113 Rev C (Proposed Third Floor); 1604- ABD-P-000-0114 Rev C (Proposed Fourth Floor);1604-ABD-P-000-0115 Rev C (Proposed Fifth Floor)</p> <p>Additional plans as approved by non-material amendment application ref.2015/3560/NMA:1604-ABD-P-000-109 rev E</p> <p>Additional plans as approved by Condition 35 ref P2018/3556/AOD: 1604-ABD-P-000-0110 rev H</p> <p>The following documents as approved by planning application P2018/2463/S73:</p>
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	<p>Planning Statement & Conservation Area Assessment; Design Statement Listed Building Statement; Estate Management Report; Retail Impact Report; Archaeological Assessment; Consultation Assessment; Sunlight & Daylight Report; Landscape Statement; Report On Allocation Of Plant Space; Sustainability Design; Travel Plan; Transport Assessment; Statement on vehicle Servicing for the Change of Use application dated 9 April 2013 prepared by SKM Colin Buchanan; Updated Planning, Design and Access Statement (Scheme Revisions) dated July 2013 prepared by Metropolis; Sustainability Statement dated 19 July 2013 prepared by Metropolis.</p> <p>And the following additional documents:</p> <p>Covering letter dated 18 July 2018; Supporting planning Statement dated June 2018; Islington Square Night Time Security Management Plan dated February 2018 and Site location plan (unnumbered).</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
2	Inclusive Design
	<p>CONDITION: Full details showing adequate access and facilities for people with disabilities or those with double buggies shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation each part of the development. The details shall refer to:</p> <p>i) Block A ii) Block B iii) Block D iv) Block F.</p> <p>The access arrangements shall be carried out strictly in accordance with the details so approved and installed prior to the first occupation each block, and shall be maintained as such thereafter to the satisfaction of the Local Planning Authority.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities, in accordance with policy 7.2 of the London Plan 2011, policy CS12 and CS14 of the Islington Core Strategy 2011.</p> <p>The details submitted to the Local Planning Authority on 13 July 2010 pursuant to condition 3 (i - Block A) of planning permission reference: P052245 [LBI ref: P052245(C3)] and approved by the Local Planning Authority on 28 May 2013 are deemed to form the approved details for the purposes of this part of the condition.</p> <p>The details submitted to the Local Planning Authority on 9 September 2015 pursuant to condition 2 (ii - Block B) of planning permission reference: P2013/2697/S73 [LBI ref: P2015/3288/AOD] and approved by the Local Planning Authority on the 16 April 2018 are deemed to form the approved details for the purposes of this part of the condition.</p> <p>The details submitted to the Local Planning Authority on 7th November 2018 pursuant to condition 2 iii (Block D) of planning permission reference 2013/2697/s73 [LBI ref P2018/3727/AOD] and approved by the Local Planning</p>

	<p>Authority on 7th January 2019 are deemed to form the approved details for the purposes of this part of the condition.</p> <p>The details submitted to the Local Planning Authority on 21 January 2019 pursuant to condition 2 iv (Block F) of planning permission reference 2017/2870/s73 [LBI ref P2019/0248/AOD] and approved by the Local Planning Authority on 14 June 2019 are deemed to form the approved details for the purposes of this part of the condition.</p>
3	Lifetime Homes
	<p>CONDITION: All residential units shall be constructed to Lifetime Homes standards. Details drawings and specifications to show this shall be subsequently submitted to and approved in writing by the Local Planning Authority. The details approved shall be implemented prior to occupation of the relevant part of the development and maintained thereafter to the satisfaction of the Local Planning Authority.</p> <p>REASON: To ensure that adequate provision is made for people with disabilities.</p> <p>The details submitted to the Local Planning Authority on 17 July 2009 pursuant to condition 4 of planning permission reference: P052245 [LBI Ref: P052245(C4)] and approved by the Local Planning Authority on 31 August 2010 are deemed to form the approved details for the purposes of this condition.</p>
4	Wheelchair Accessible Housing
	<p>CONDITIONS: Five units shall be constructed to wheelchair standard. Detailed drawings and specifications for the unit(s) to be constructed to wheelchair housing standards shall be subsequently submitted to and approved in writing by the Local Planning Authority. The details approved shall be implemented prior to occupation of any part of the development and maintained thereafter to the satisfaction of the Local Planning Authority.</p> <p>REASON: To ensure satisfactory details and to protect the stock of wheelchair housing for the benefit of people with disabilities.</p> <p>The details submitted to the Local Planning Authority on 25 March 2010 pursuant to condition 5 of planning permission reference: P052245 [LBI Ref: P052245(C5)] and approved by the Local Planning Authority on 30 July 2010 are deemed to form the approved details for the purposes of this condition.</p>
5	Hours of Use
	<p>CONDITION: The use of the A3 premises hereby permitted shall not be open to members of the public other than within the following times:</p> <p>0800 -2300 Sunday to Thursday; 0800 - 0000- Friday and Saturday</p> <p>REASON: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their premises.</p>
6	Block A Sound Insulation

	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the residential units and retail units to Block A hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be installed before the units hereby permitted are occupied, and permanently retained thereafter.</p> <p>REASON: To protect the amenities of the occupiers of residential accommodation.</p> <p>The details submitted to the Local Planning Authority on 12 October 2017 pursuant to condition 6 (Block A) of planning permission reference 2013/2697/s73 [LBI ref P2017/4027/AOD] and approved by the Local Planning Authority on 21 December 2018 are deemed to form the approved details for the purposes of this condition.</p>
7	Refuse and Recycling Storage
	<p>CONDITION: Details plans of refuse storage provision including for recycling facilities shall be submitted to and approved in writing by the Local Planning Authority and the details approved shall be implemented prior to occupation.</p> <p>REASON: To protect the amenities of neighbouring properties.</p> <p>The details submitted to the Local Planning Authority on 25 March 2010 pursuant to condition 8 of planning permission reference: P052245 [LBI Ref: P052245(C8BD)] and approved by the Local Planning Authority on 30 July 2010 are deemed to form the approved details for the purposes of this condition.</p> <p>The details submitted to the Local Planning Authority on 02 July 2010 pursuant to condition 8 of planning permission reference: P052245 [LBI Ref: P052245(C8AF)] and approved by the Local Planning Authority on 26 August 2010 are deemed to form the approved details for the purposes of this condition.</p> <p>On the 15 October 2018 the Local Planning Authority granted planning permission for a new refuse store serving residents in Block B [LBI Ref:2017/4636]. The bin store will complement provisions and arrangements agreed under the above approved details Ref. P052245(C8BD).</p>
8	Facing Materials
	<p>CONDITION: Details and samples of the facing materials including brick panels with mortar courses, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those elements to which those materials relate. The samples of facing materials shall include all new brickwork and roofing materials.</p> <p>REASON: To ensure that the Authority may be satisfied with the external appearance of the building.</p> <p>The details submitted to the Local Planning Authority on 27 July 2010 pursuant to condition 9 (Blocks A & B only) of planning permission reference: P052245 [LBI ref: P052245(C9AB)] and approved by the Local Planning Authority on 22 September 2010 are deemed to form the approved details for the purposes of this part of the condition.</p> <p>The details submitted to the Local Planning Authority on 3 October pursuant to condition 3 (materials) of planning permission reference: P2014/1202/FUL granted 12th</p>

	<p>March 2015 (Block F) (West) [LBI ref: P2017/3884/AOD] and approved by the Local Planning Authority on 3 September 2018 are deemed to form the approved details for the purposes of this part of the condition.</p> <p>The details submitted to the Local Planning Authority on 12 October pursuant to condition 3 (materials) of planning consent ref: P2014/4251/FUL granted 12th March 2015 (Block F) (Midsection) [LBI ref: P2017/3885/AOD] and approved by the Local Planning Authority on 12 September 2018 are deemed to form the approved details for the purposes of this part of the condition.</p> <p>The details submitted to the Local Planning Authority on 3 October pursuant to condition 8 (materials) of planning consent ref: P2013/2697/S73 granted 4 November 2014 (Block F) (East) [LBI ref: P2017/3886/AOD] and approved by the Local Planning Authority on the 26 September 2018 are deemed to form the approved details for the purposes of this part of the condition.</p> <p>The details submitted to the Local Planning Authority on 04 April 2019 pursuant to condition 8 (materials) of planning consent ref: P2017/2870/S73 granted 24/12/2018 (Block D) [LBI ref: P2019/1057/AOD] and approved by the Local Planning Authority on the 30 May 2019 are deemed to form the approved details for the purposes of this part of the condition.</p>
9	Landscaping
	<p>CONDITION: Further details of the agreed landscaping scheme, including trees to be retained and proposed together with details of positions of planned and existing underground services and details of all surface treatment and boundary walls, as appropriate, shall be submitted to and approved by the Local Planning Authority before any part of the development hereby granted permission is commenced. All landscaping in accordance with the approved scheme shall be completed during the first planting season after the date on which development in accordance with this permission has been completed. This landscaping and tree planting must have a two year maintenance/ watering provision following planting. Trees or shrubs which die within five years of completion of the development shall be replaced to the satisfaction of the Local Planning Authority with the same species or an approved alternative.</p> <p>REASON: To ensure that a satisfactory standard of visual amenity is provided and maintained.</p> <p>The details submitted to the Local Planning Authority on 27 July 2007 pursuant to condition 10 of planning permission reference: P052245 [LBI Ref: P071923] and approved by the Local Planning Authority on 10 November 2007 are deemed to form the approved details for the purposes of this condition.</p> <p>The details submitted to the Local Planning Authority on 10th July 2017 pursuant to condition 9 of planning permission reference 2017/2870/s73 [LBI ref P2018/2724/AOD] and approved by the Local Planning Authority on 26th March 2019 are deemed to form the approved details for the purposes of this part of the condition.</p>
10	Detailed Landscaping Scheme
	<p>CONDITION: The detailed landscaping scheme should include the following details:-</p>

	<p>i) treatment of trees to be retained and new tree planting including species and size;</p> <p>ii) earthworks, ground finishes, topsoiling with both conserved and imported topsoils, levels, drainage including falls and drain types;</p> <p>iii) enclosures including types, dimensions and treatment of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>iv) hard ground surfaces including kerbs, edges, rigid and flexible pavings, unit pavings, driveways, steps and, if applicable, synthetic surfaces;</p> <p>v) soft plantings including grass and turf areas, shrub and herbaceous areas and trims;</p> <p>vi) recreation, playground and sports facilities should include layout, dimensions, surfaces, finishes and equipment types;</p> <p>vii) water features should include types, construction details, equipment, aquatic plantings and other features;</p> <p>viii) furniture should include type of outdoor furniture, dimensions, size, location, lighting type - columns, floodlighting and other types of illuminations;</p> <p>ix) planting schemes should favour the use of native species of trees, shrubs and herbaceous plants to foster wildlife interest;</p> <p>x) position of planned and existing underground service, gas, electricity, sewage, drainage and telecommunications (including cable television).</p> <p>REASON: To ensure that a satisfactory standard of visual amenity is provided and maintained.</p> <p>The details submitted to the Local Planning Authority on 27 July 2007 pursuant to condition 11 of planning permission reference: P052245 [LBI Ref: P071923] and approved by the Local Planning Authority on 10 November 2007 are deemed to form the approved details for the purposes of this condition.</p> <p>The details submitted to the Local Planning Authority on 21 September 2018 pursuant to condition 10 (viii) of planning permission reference 2017/2870/s73 [LBI ref P2018/3154/AOD] and approved by the Local Planning Authority on 5 April 2019 are deemed to form the approved details for the purposes of this part of the condition.</p>
11	Tree Protection
	<p>CONDITION: All trees and tree root systems bordering and adjacent to the site shall be retained and adequately protected in accordance with Table 1 of BS 5837, 1991 'Trees in Relation to Construction', using rigid 1.8 metre high sterling board hoarding. The defined vigour of the tree for the purposes of Table 1 shall be agreed in writing with the Local Planning Authority prior to the erection of this hoarding.</p> <p>REASON: To protect the health and stability of trees to be retained on the site, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p> <p>The details submitted to the Local Planning Authority on 27 July 2007 pursuant to condition 12 of planning permission reference: P052245 [LBI Ref: P071923] and approved by the Local Planning Authority on 10 November 2007 are deemed to form the approved details for the purposes of this condition.</p>
12	Restaurant Entry and Exit
	<p>CONDITION: Entrance or exit from the hereby approved mall area including A3 units after 22.00 hours on any day shall be from Upper Street only.</p>

	REASON: In order to protect residential amenity.
13	Ventilation Systems, Flues and Plant
	<p>CONDITION: Details of all ventilation systems, flues, plant etc and details of all such elements shall be submitted to and approved in writing by the Local Planning Authority prior to any of the commercial uses commencing.</p> <p>REASON: In order to protect residential amenity.</p> <p>[The details submitted to the Local Planning Authority on 21st July 2017 pursuant to condition 13 of planning permission reference 2013/2697/s73 [LBI ref P2017/2880/AOD] and approved by the Local Planning Authority on 23rd November 2018 are deemed to form the approved details for the purposes of this part of the condition.]</p> <p>[The details submitted to the Local Planning Authority on 28th November 2018 pursuant to condition 13 of planning permission reference 2013/2697/s73 [LBI ref P2018/4003/AOD] and approved by the Local Planning Authority on 10th January 2019 are deemed to form the approved details for the purposes of this part of the condition.]</p>
14	External Shutters
	<p>CONDITION: Details of any proposed external shutters to hereby approved retail units and internal shutters required to the listed post office building shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing.</p> <p>REASON: In order to ensure satisfactory external appearance.</p>
15	Loading, Turning and Vehicular Access
	<p>CONDITION: No part of any block (A, B, D, F) shall be occupied or used before the loading, turning and vehicular access facilities shown in the submitted plans for Block B, or as an alternative the servicing facilities located within Block C as approved by Planning Permission Ref: P2012/0256/FUL dated 27th November 2013 (or any subsequently approved section 73 application), shall have been constructed and such facilities shall thereafter be retained for the purposes so approved unless otherwise previously agreed by the Local Planning Authority. If the servicing facilities are proposed to be provided in Block C further details of the access arrangements for servicing the premises in Block B from the Block C servicing area shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the Block C basement.</p> <p>REASON: To ensure that the traffic generated by the proposed development does not prejudice the free flow of traffic nor public safety along the neighbouring highway.</p> <p>The details submitted to the Local Planning Authority on 07 December 2018 pursuant to condition 15 of planning permission reference: P2013/2697/s73 [LBI Ref: P2018/4116/AOD] and approved by the Local Planning Authority on 23</p>

	January 2019 are deemed to form the approved details for the purposes of this condition.
16	Vehicle Access Routes
	<p>CONDITION: All vehicles servicing the commercial tenants of Islington Square shall only enter and leave the site via the Almeida Street access. No traffic associated with the commercial tenants shall use the Studd Street access.</p> <p>All vehicles associated with the onsite residential accommodation and vehicles servicing the onsite residential accommodation at Islington Square shall only enter and leave the site via the Studd Street access.</p> <p>Prior to commencement details of the necessary highways changes to ensure two-way traffic is implemented at the northern section of Studd Street adjacent to the site entrance and leading to the junction with Moon Street shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the commencement of the temporary servicing arrangements.</p> <p>The hereby approved amendments to the site's delivery and servicing arrangements is granted only for a limited period, being until 14th August 2024. After that date, no operation of the amended delivery and servicing arrangements shall take place unless further consent has been obtained from the Local Planning Authority.</p> <p>REASON: The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that abut the site.</p>
17	Vehicle Access Details
	<p>CONDITION: Details of measures including signage, barriers, traffic lights, intercom and any other relevant measures required to implement the temporary two-way vehicle access arrangements at Studd Street and Almeida Street shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented prior to the commencement of the temporary servicing arrangements set out in Condition 16.</p> <p>The approved measures shall be in place only for a temporary period, being until 14th August 2024. After that date, no operation of the amended delivery and servicing arrangements shall take place unless further consent has been obtained from the Local Planning Authority.</p> <p>REASON: To ensure highway safety and protect residential amenity. The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that abut the site.</p>
18	Block A Glass Roof
	<p>CONDITION: Notwithstanding the hereby approved plans further details of the glass roof enclosure to the south side of Block A shall be submitted to and</p>

	<p>approved in writing by the Local Planning Authority prior to development commencing on Block A.</p> <p>REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building.</p> <p>The details submitted to the Local Planning Authority on 17 May 2010 as part of planning permission reference: P100837 and approved by the Local Planning Authority on 26 July 2010 are deemed to form the approved details for the purposes of this part of the condition.</p>
19	<p>Delivery and Servicing Hours</p> <p>CONDITION: All deliveries/collections within the control of the commercial tenants of Block A shall be restricted to within the following time periods: Monday to Saturday 08.00 to 18.00 hours, Sunday and Bank Holidays 11.00 hours to 14.00 hours.</p> <p>REASON: In order to protect residential amenity.</p>
20	<p>Internal Partitions</p> <p>CONDITION: Notwithstanding the hereby approved plans further details of the junction between the proposed internal partitions and the windows and floors to Blocks A and B shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing on each block.</p> <p>REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building.</p> <p>The details submitted to the Local Planning Authority on 21 January 2014 pursuant to condition 21 of planning permission reference: P052245 [LBI ref: P2014/0270/AOD] and approved by the Local Planning Authority on 09 May 2014 are deemed to form the approved details for the purposes of this part of the condition.</p>
21	<p>Internal Noise Levels</p> <p>CONDITION: Internal noise levels for residential accommodation in the development due to external noise or noise from within other parts of the development should not exceed the following. All measurements are fast weighting unless otherwise stated. All time intervals are one hour.</p> <p>Bedrooms (23.00-07.00 hours) 30 dB LAeq, 45 dB LAm_{ax}. Living rooms (07.00-23.00 hours) 35 dB LAeq. Kitchens, bathrooms, WC compartments and utility rooms (07.00-23.00 hours) 45 dB LAeq.</p> <p>REASON: In order to protect residential amenity.</p>
22	<p>Block B Lift and Machinery Noise</p> <p>CONDITION: Noise from the use of the lifts and associated machinery in Block B shall not exceed NR 30 within bedrooms or NR 40 within living rooms.</p>

	<p>REASON: In order to protect residential amenity.</p>
23	<p>Block A and B Windows and Doors Treatment</p> <p>CONDITION: Further details of the treatment of the existing windows and doors to Blocks A and B shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing on each block. The details shall refer to:</p> <p>i) Block A windows ii) Block A doors iii) Block B windows iv) Block B doors.</p> <p>REASON: To ensure that the Authority may be satisfied with the external appearance of the building.</p> <p>The details submitted to the Local Planning Authority on 20 November 2012 pursuant to condition 24 (Block B only) of planning permission reference: P052245 [LBI ref: P2012/0150/AOD] and approved by the Local Planning Authority on 05 September 2013 are deemed to form the approved details for the purposes of this part of the condition.</p> <p>The details submitted to the Local Planning Authority on 21 January 2014 pursuant to condition 24 (Block A only) of planning permission reference: P052245 [LBI ref: P2014/0271/AOD] and approved by the Local Planning Authority on 09 May 2014 are deemed to form the approved details for the purposes of this part of the condition.</p> <p>The details submitted to the Local Planning Authority on 18th August 2017 pursuant to condition 23 (parts ii & iv) of planning permission reference 2013/2697/s73 [LBI ref P2017/3254/AOD] and approved by the Local Planning Authority on 26th November 2018 are deemed to form the approved details for the purposes of this part of the condition.</p>
24	<p>Block F Eastern Building Line</p> <p>CONDITION: Notwithstanding the hereby approved plans, further details of the eastern building line of Block F shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>REASON: In order to ensure that the scale of development here is acceptable to the Local Planning Authority.</p> <p>The details submitted to the Local Planning Authority on 08 April 2014 pursuant to condition 25 of planning permission reference: P052245 [LBI Ref: P2014/1212/AOD] and approved by the Local Planning Authority on 17 October 2014 are deemed to form the approved details for the purposes of this condition.</p>
25	<p>Block B Lower Basement Fixed Plant</p> <p>CONDITION: The design and installation of new items of fixed plant in the lower basement floor of Block B shall be such that, when operating, the cumulative noise</p>

	<p>level LAeq Tr arising from the proposed plant, measured or predicted at one metre from the facade of the nearest noise sensitive premises, shall be a rating level of 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in line with BS4141:1997.</p> <p>REASON: In order to protect residential amenity.</p>
26	<p>Block B First Floor Fixed Plant</p> <p>CONDITION: The design and installation of new items of fixed plant in the first floor of Block B shall be such that, when operating, the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at one metre from the facade of the nearest noise sensitive premises, shall be a rating level of 5dB(A) below the background noise level LAF90Tbg. The measurement and/or prediction of the noise should be carried out in line with BS4142:1997.</p> <p>REASON: In order to protect residential amenity.</p>
27	<p>Block B Internal Vibration Levels</p> <p>CONDITION: Internal vibration levels within residential dwellings to Block B shall not exceed the category of 'low probability of adverse comment' in Table 7 of Appendix A of BS6472:1992.</p> <p>REASON: In order to protect residential amenity.</p>
28	<p>Block B Commercial Deliveries/ Collections</p> <p>CONDITION: All deliveries/collections within the control of commercial tenants of Block B shall be restricted to within the following time periods: Monday to Saturday 08.00 to 18.00 hours, Sundays and Bank Holiday 11.00 to 14.00 hours.</p> <p>REASON: In order to protect residential amenity.</p>
29	<p>Sound Insulation</p> <p>CONDITION: Written details of a proposed sound insulation scheme between the ground and first floor loading bay and goods handling area including goods lift, to the second floor residential accommodation and details to protect residential amenity for the use of the loading bay to Block B must be provided to the Local Planning Authority for approved, prior to the commencement of the development on Block B. The development must not proceed unless written approval of the proposed scheme has first been issued by the Local Planning Authority. The approved scheme must be installed and retained thereafter.</p> <p>REASON: In order to protect residential amenity.</p> <p>The details submitted to the Local Planning Authority on 27 July 2007 pursuant to condition 30 of planning permission reference: P052245 [LBI Ref: P071935] and approved by the Local Planning Authority on 01 September 2007 are deemed to form the approved details for the purposes of this condition.</p>
30	<p>Fixed Plant Noise Levels</p>

	<p>CONDITION: The design and installation of new items fixed plant on the fifth floor plant room shall be such that, when operating, the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at one metre from the facade of the nearest noise sensitive premises, shall be a rating level of 5dB(A) below the background noise level LAF 90 Tbg. The measurement and/or protection of the noise should be carried out in line with BS4142:1997.</p> <p>REASON: In order to protect residential amenity.</p>
31	Block B Plant Room Noise Levels
	<p>CONDITION: Noise from the fifth floor plant room in Block B shall not exceed NR30 within bedrooms or NR40 within living rooms of the fourth floor accommodation.</p> <p>REASON: In order to protect residential amenity.</p>
32	Vibration Levels
	<p>CONDITION: Internal vibration levels within residential dwellings shall not exceed the category of 'low probability of adverse comment' in Table 7 of Appendix A of BS6472:1992.</p> <p>REASON: In order to protect residential amenity.</p>
33	Noise from Lifts and Machinery – Block B
	<p>CONDITION: Noise from the use of lifts and associated machinery in Block B shall not exceed NR30 within bedrooms or NR40 within living rooms.</p> <p>REASON: In order to protect residential amenity.</p>
34	Green Roof - Block A
	<p>CONDITION: Notwithstanding the approved plans further details of the green roof shown to Block A shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing on Block A. The green roof shall be installed prior to occupation and thereafter maintained.</p> <p>REASON: In the interests of sustainability.</p> <p>The details submitted to the Local Planning Authority on 27 July 2007 pursuant to condition 35 of planning permission reference: P052245 [LBI Ref: P071923] and approved by the Local Planning Authority on 10 November 2007 are deemed to form the approved details for the purposes of this condition.</p>
35	Retail Unit Layout
	<p>CONDITION: The retail units shall be laid out exactly as shown on the hereby approved plans and shall not be amalgamated or sub-divided without the prior and express written consent of the Local Planning Authority.</p>

	<p>REASON: In order to protect the vitality and viability of the Angel and Nag's Head Town Centre.</p> <p>The details submitted to the Local Planning Authority on 25 October 2018 pursuant to condition 35 of planning permission reference: 2017/2870/s73 [LBI Ref: P2018/3556/AOD] and approved by the Local Planning Authority on 15 April 2019 are deemed to form the approved details for the purposes of this condition.</p>
36	<p>Serviced Apartments</p> <p>CONDITION: The hereby approved serviced apartments shall only be used as temporary sleeping accommodation as defined by the Greater London Act 1973 (as amended).</p> <p>REASON: In order to safeguard residential amenity from the operation of a hotel use as defined by Class C1 of the Town and Country Planning (Use Class Order) Act (as amended) 2005.</p>
37	<p>Salvage Artifacts</p> <p>CONDITION: Details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition of any part of the buildings, to show the salvage of good quality architectural detailing and to give details of the reuse (wherever possible) of such salvage artefacts within the development.</p> <p>REASON: To protect the character of the development and the heritage of the Conservation Area.</p> <p>The details submitted to the Local Planning Authority on 30 July 2007 pursuant to condition 38 of planning permission reference: P052245 [LBI Ref: P071973] and approved by the Local Planning Authority on 19 September 2007 are deemed to form the approved details for the purposes of this condition.</p>
38	<p>Management Plan</p> <p>CONDITION: The terms of the management plan submitted, as part of this application shall be implemented in the management of this development when completed and thereafter except as agreed in writing by the Local Planning Authority.</p> <p>REASON: To protect the amenities of neighbours as well as future residents.</p>
39	<p>Distribution of Car Parking Spaces</p> <p>CONDITION: Car parking spaces for the residential units shall be proportionally split between the private and affordable housing units, as per the residential split unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: So that the Local Planning Authority may be satisfied that there is an equal distribution of car spaces between tenures.</p>
40	<p>Green Roof</p>

	<p>CONDITION: A green roof as indicated in the approved drawings, shall be incorporated within the development site, comprising of an extensive sub-straight base (5- 7cm in depth of crushed aggregate mixed with organic fines or a similar method) with wild flowers sown in and maintained thereafter to the satisfaction of the Local Planning Authority.</p> <p>REASON: In the interests of sustainability and biodiversity.</p>
41	<p>Cycle Storage</p> <p>CONDITION: The developer shall ensure that there are a minimum of 213 secure cycle storage spaces available on site at no cost to residents of the scheme, save for the cost of maintenance.</p> <p>REASON: In the interests of green travel.</p>
42	<p>Sustainability Statement</p> <p>CONDITION: The developer shall provide in writing a sustainability statement and an independent audit to the efforts made to comply with this to the Local Planning Authority prior to the relevant commencement of works.</p> <p>REASON: In the interests of sustainability and biodiversity.</p> <p>The details submitted to the Local Planning Authority on 27 July 2007 pursuant to condition 43 of planning permission reference: P052245 [LBI Ref: P071972] and approved by the Local Planning Authority on 02 October 2007 are deemed to form the approved details for the purposes of this condition.</p>
43	<p>Public Access</p> <p>CONDITION: The developer shall provide public access to pedestrians and cyclists through the site at all times except for maintenance and health and safety compliance.</p> <p>REASON: In order to integrate the development into the surrounding area.</p>
44	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the exact location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to the first occupation of any use other than Use Class C3 hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on the free-flow of traffic and highways safety implications.</p>

	<p>The details submitted to the Local Planning Authority on 04 March 2019 pursuant to condition 44 of planning permission reference: 2017/2870/s73 [LBI Ref: P2019/0679/AOD] and approved by the Local Planning Authority on 22 October 2019 are deemed to form the approved details for the purposes of this condition.</p>
45	<p>Gym Hours of Use</p> <p>CONDITION: The use of the premises (for D2 use as a gym) hereby permitted shall not be open to members of the public other than within the following times:</p> <p>0700 -2300 Sunday to Thursday; 0700 - 0000 Friday and Saturday</p> <p>Unless otherwise agreed in writing by the Local Planning Authority staff shall not occupy the premises more than 1 hour before or after opening hours set out above.</p> <p>REASON: To ensure that no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers or users of the area generally.</p>
46	<p>Block A Car Parking Spaces</p> <p>CONDITION: The car parking spaces located within Block A shall not be used for the purposes of customers/clients using and frequenting the retail (A1) and cafe/restaurant (A3) uses.</p> <p>REASON: In order to protect the vitality and viability of the Angel and Nag's Head Town Centre.</p>
47	<p>Cinema Hours of Use</p> <p>CONDITION: The use of the premises (for D2 use as a cinema) hereby permitted shall not be open to members of the public other than within the following times:</p> <p>08.00 - 23.00 Sunday; 08.00 - 23.30 Monday to Thursday 08.00 Friday to 0100 Saturday 0800 Saturday to 0100 Sunday.</p> <p>Unless otherwise agreed in writing by the Local Planning Authority staff shall not occupy the premises more than 1 hour before or after opening hours set out above.</p> <p>REASON: To ensure that no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers or users of the area generally</p>
48	<p>Temporary Consent (until 14th August 2024)</p> <p>CONDITION: The hereby approved amendments to the site's delivery and servicing arrangements is granted only for a limited period, being until 14th August 2024. After that date, no operation of the amended delivery and servicing arrangements shall take place unless further consent has been obtained from the Local Planning Authority.</p> <p>REASON: The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste</p>

	management; deliveries) in order to protect amenity of both residential and commercial premises that abut the site.
--	---

List of Informatives:

1	S106 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	Street Naming and Numbering Will this development result in changes to any postal address or addresses on the site? If so, you will need to apply to the Council's Street Naming and Numbering section to get the property re-addressed. Failure to do so can result in delays to conveyancing, the connection of services or the initiation of postal deliveries. Application forms can be obtained by writing to:- Islington Street Naming and Numbering, PO Box 3333, London N1 1YA. Or by phoning:- 0207-527-2245/2611 Or downloading from the Council's web site at www.islington.co.uk
3	Environmental Health and Consumer Protection The Head of Public Protection, 159-167 Upper Street, Islington, N1 1RE (Tel: 020-7527-7150 or 7168) should be consulted on: 1) the need to comply with the provision of the Food Act, the General Food Hygiene Regulations and other food legislation, including the labelling/ composition of food; 2) the necessity for premises kept open for public refreshments after 10.00pm or for places of public entertainment to be licensed or registered. You should also contact Building Control Services for technical advice.
4	Highways The Assistant Director (Traffic and Transport), PO Box 3333, 222 Upper Street, London, N1 1YA (Tel: 020-7527-2676, Fax: 020-7527-2134) must be consulted for: 1) the need to comply with the Highways Act 1980 in relation to the erection of hoardings and scaffolds, construction of temporary crossovers and the depositing of building materials or use of skips on the road; 2) the need to comply with the Highways Act 1980 for any maintenance, repair or reinstatement works on and under the public highway. * An estimate will be provided as the basis of the deposit for all necessary reinstatements or reconstructions. The estimate will be subject to normal price fluctuations and the remainder of any deposit will be returned to the applicant upon completion. 'The works' shall include all construction or refurbishment works undertaken adjacent to the public highways by the applicant.

5	Trees
	Any trees which are the subject of a Tree Preservation Order may not be lopped, topped, felled, uprooted or wilfully damaged without permission under the Order except as provided in the Order or as immediately required for the purposes of carrying out the development for which permission is given. The same protection is accorded to all trees in Conservation Areas and six weeks notice in writing is required before commencing any works to these trees.
6	Storage and Collection of Refuse
	The Council's Waste Management Service 36 North Road, London, N7 9TU (Tel: 020-7527-5000) should be consulted about refuse storage arrangements, full details of proposals should be included on all plans submitted and advice can be obtained from the Waste Management Service at any stage during design works. A document is available from the Waste Management service giving details of Council Requirements for storage and collection of refuse. Also consult the Council's Building Control Division.
7	Nuisance from Construction Work
	Nuisance from demolition and construction works is subject to control under the Control of Pollution Act 1974. The normal approved noisy working hours are 08.00 to 18.00 Mondays to Fridays and 09.00 to 13.00 Saturdays with no working on Sundays or Bank Holidays. You are advised to consult the Council's Assistant Director (Public Protection), 159-167 Upper Street, N1 1RE or to seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within normal working hours and by means that would minimise disturbance to adjoining premises.
8	Rubbish Disposal
	The Council is becoming increasingly worried by the amount of rubbish and trade refuse left in the streets and I would appreciate your making every effort to keep the street clear of litter arising from your business. If you have any difficulty in making arrangements for the removal of refuse please contact the Council's Waste Management Service, 36 North Road, N7 9TU (Tel: 020-7527-5000).
9	Entertainment Licence
	The use of premises for public entertainment (e.g. music, dancing, plays, indoor sports) or films requires a licence. You should make application to the Assistant Director (Public Protection), 159/167 Upper Street, N1 1RE (Tel: 020-7527-3233). Also consult Building Control Service for all technical matters relating to the licence.
10	The Buildings Act and Building Regulations
	Building Control Division, Development House, 8A Barnsbury Park, London, N1 1QQ (Tel: 020-7527-5999; Fax: 020-7527- 5989) should be consulted regarding the application of the Buildings Acts and Building Regulations to any intended building works in relation to: - The erection of a building or structure, extension to a building, change of use of a building, alteration to a building, installation of services, underpinning works and fire precaution (fire safety/ means of escape) works.

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.

- National Planning Policy Framework 2021
- National Planning Practice Guidance (on-line and regularly updated)

2. Development Plan

The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2021 - Spatial Development Strategy for Greater London

Policy D4 Delivering good design
Policy D14 Noise
Policy E9 Retail, markets and hot food takeaways
Policy T1 Strategic Approach to Transport
Policy T2 Healthy Streets
Policy T3 Transport capacity, connectivity and safeguarding
Policy T4 Assessing and Mitigating Transport Impacts
Policy T7 Deliveries, Servicing and Construction

B) Islington Core Strategy 2011

Spatial Strategy	Policy CS14 (Retail and Services)
Policy CS5 (Angel and Upper Street)	
Policy CS8 (Enhancing Islington's Character)	Infrastructure and Implementation Policy CS18 (Delivery and Infrastructure)
Strategic Policies	
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)	
Policy CS10 (Sustainable Design)	
Policy CS11 (Waste)	

C) Development Management Policies June 2013

Design and Heritage

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

Shops, culture and services

- DM4.1 Maintaining and promoting small and independent shops
- DM4.2 Entertainment and the night-time economy

DM4.3 Location and concentration of uses

- DM4.4 Promoting Islington's Town Centres
- DM4.9 Markets and specialist shopping areas

Health and open space

- DM6.1 Healthy development

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

5. Designations

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

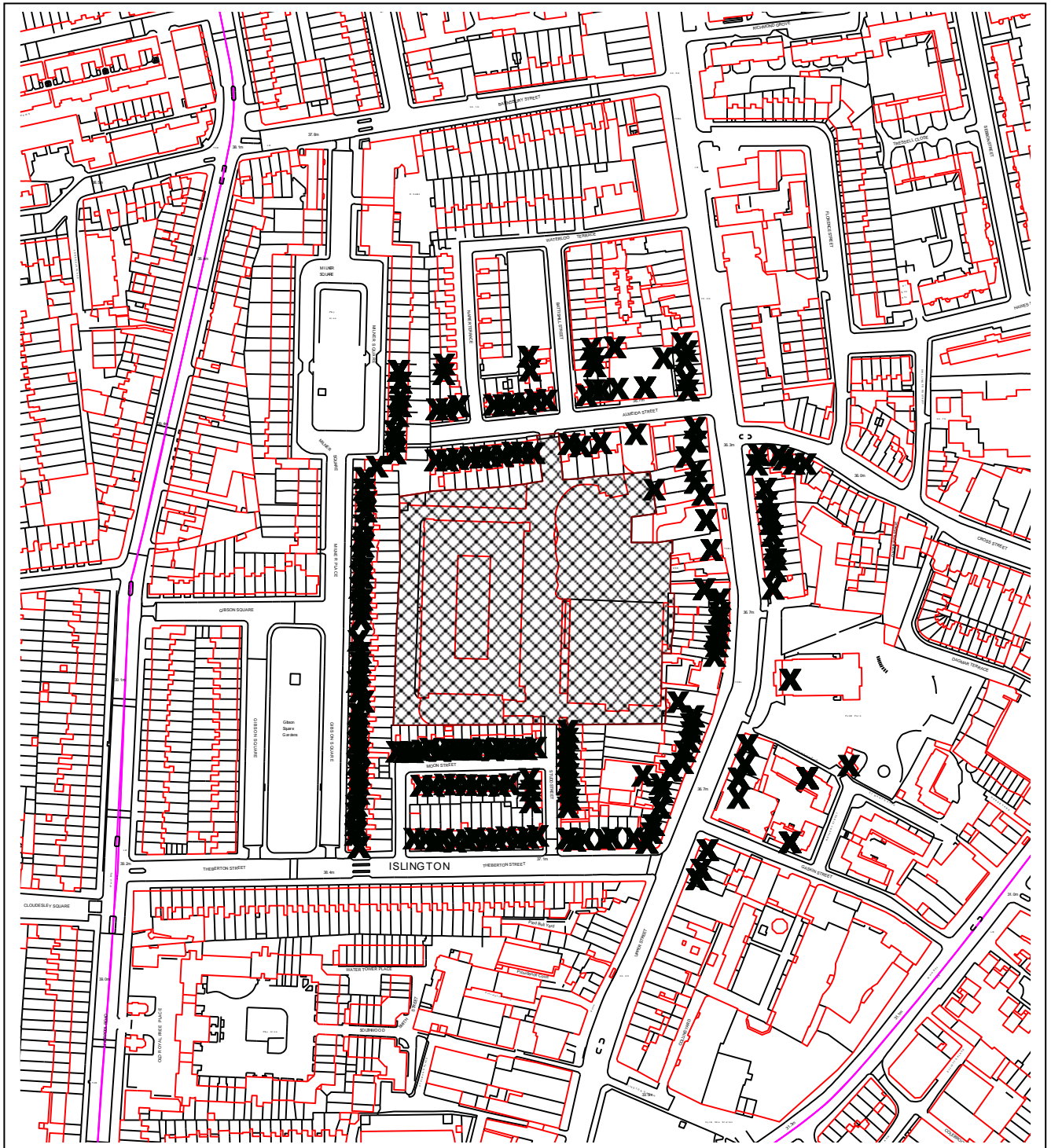
- Angel & Upper Street Key Area
- Archaeological Priority Area (Islington Village and Manor House)
- Site Allocation AUS1
- Upper Street (North) Conservation Area (CA19)
- Angel Town Centre

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

The following SPGs and/or SPDs are relevant:

- | | |
|---------------------------------------|---|
| Islington Local Development Plan | London Plan |
| - Conservation Area Design Guidelines | - Accessible London: Achieving an Inclusive Environment |
| - Inclusive Design | - Sustainable Design & Construction |
| - Planning Obligations and S106 | - Planning for Equality and Diversity in London |
| - Urban Design Guide | |

Islington SE GIS Print Template



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P2021/3433/S73

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Community Wealth Building Department

PLANNING COMMITTEE		AGENDA ITEM NO:	B3
Date:	22 June 2023	NON-EXEMPT	

Application number	P2021/1635/FUL
Application type	Full Planning Application
Ward	St. Marys & St James'
Listed building	N/A
Conservation area	Upper Street North Conservation Area (CA19)
Development Plan Context	Angel & Upper Street Key Area Archaeological Priority Area (Islington Village and Manor House) Site Allocation AUS1 Angel Town Centre
Licensing Implications	N/A
Site Address	Islington Square, Esther Anne Place, London, N1 1WL
Proposal	Operation of the Boulevard Market in Esther Anne Place (the piazza) of Islington Square on Fridays Saturdays and Sundays and Bank Holidays.

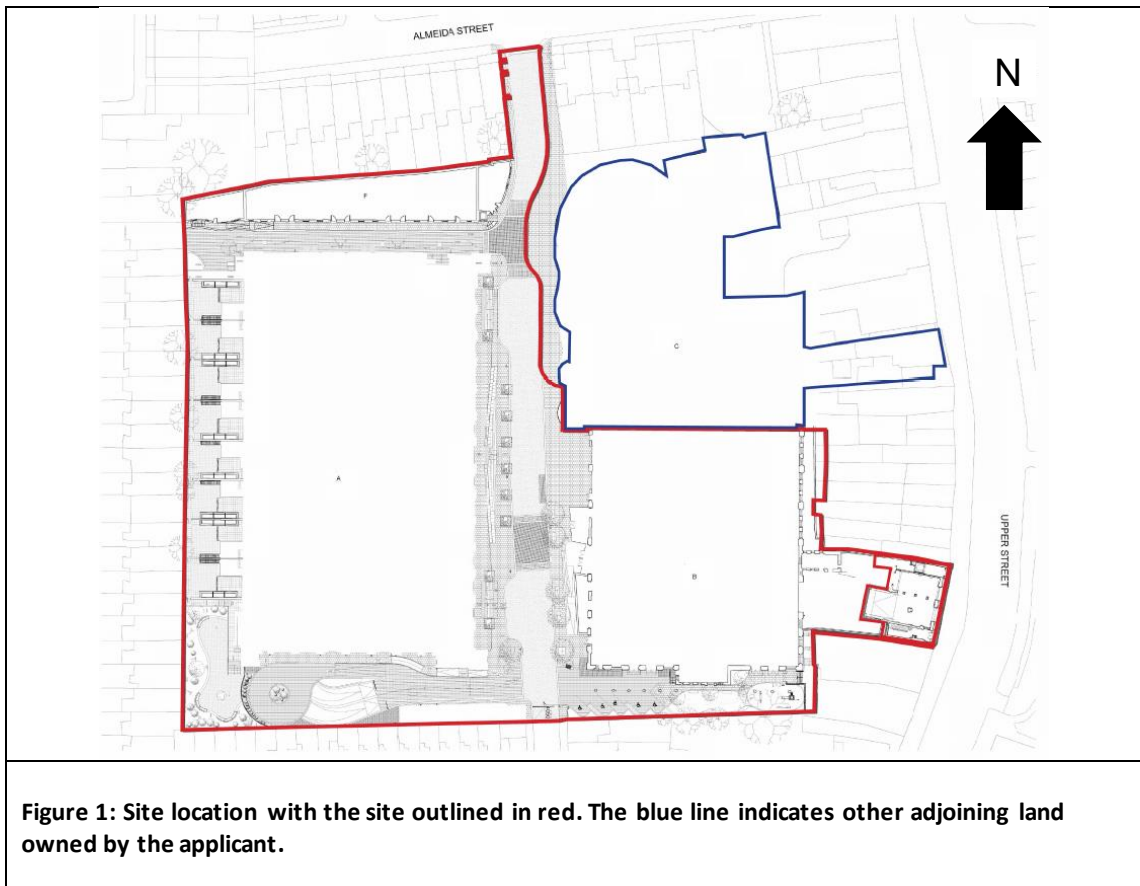
Case Officer	Stefan Kukula
Applicant	Cain International
Agent	Metropolis Planning & Design

1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Figure 2: Aerial view of the site from the south

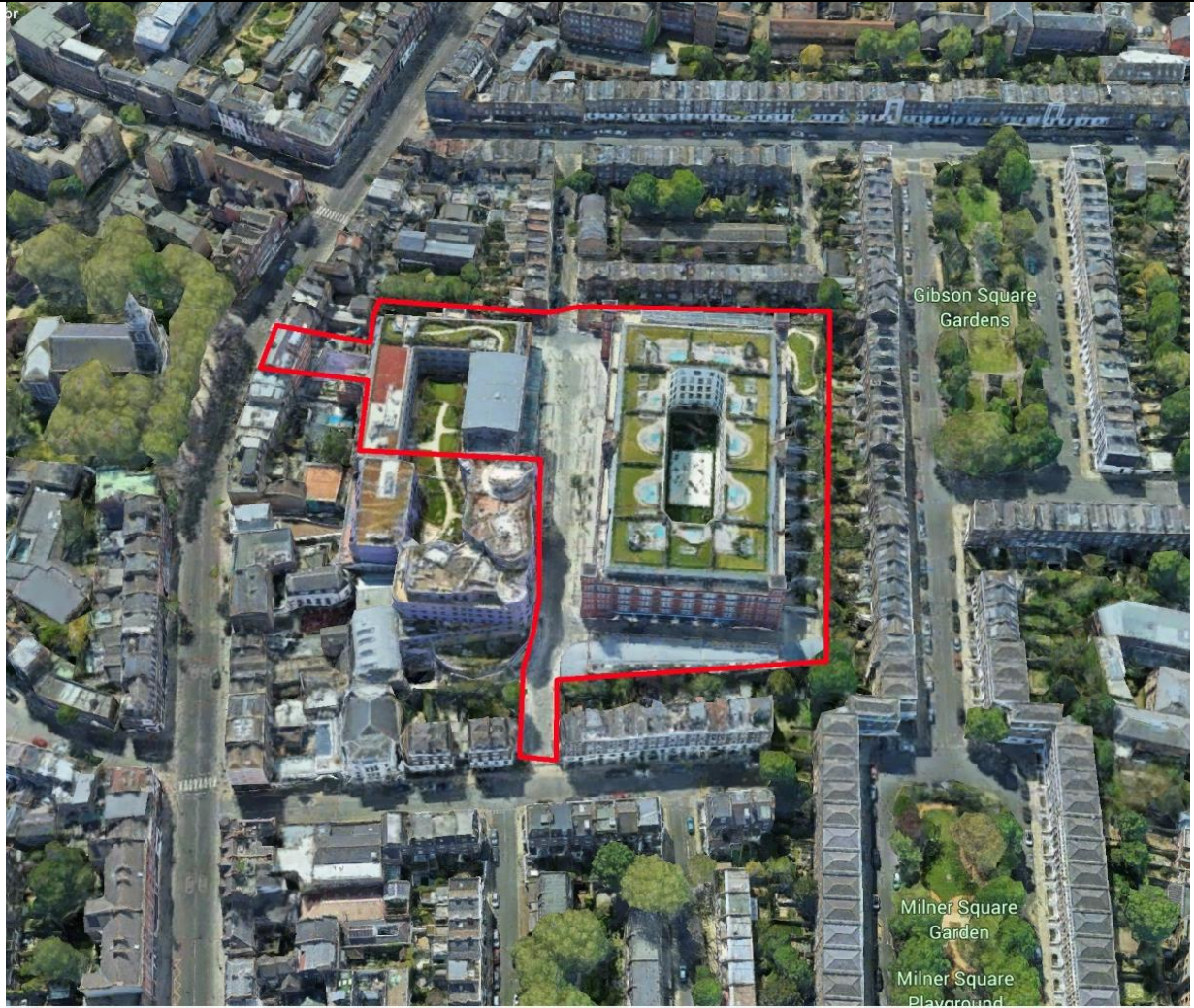


Figure 3: Aerial view of the site from the north



Figure 4: Esther Anne Place looking north



Figure 5: Esther Anne Place

4. SUMMARY

- 4.1 Islington Square is a large mixed-use development comprising of retail, restaurant, business, leisure and residential uses. Planning permission is sought to continue the use of the Boulevard Market in Esther Anne Place (the external linear plaza that runs north to south through the centre of Islington Square) for up to 25 stalls/ concessions selling fresh produce, street food and art. The market would operate on Friday between 12:00-19:00, on Saturday between 10:00-17:00 and on Sunday and Bank Holidays between 11:00-17:00.
- 4.2 Letters of objection have been received from members of the public (including letters from both the Almeida Street Resident's Association and the Moon and Studd Street Resident's Association) citing concerns in relation to noise and disturbance, parking congestion and traffic management issues and a negative economic impact on other local businesses.
- 4.3 A number of letters have also been received from members of the public in support of the proposed market, citing the market as a positive addition to the area, offering benefits for local businesses and residents, creating a family friendly environment and improving the character and atmosphere of Esther Anne Place.
- 4.4 No objections have been received from the Council's Public Protection Team. The proposed market is considered conducive to the Angel Town Centre location and subject to conditions relating to the control of hours and intensity of use, the proposal would not prejudice the residential amenity of the neighbouring properties insofar of undue noise or disturbance, smells and fumes and traffic impacts and impacts and would comply with Development Management Policy DM2.1 and Draft Local Plan Policy R3 Islington's Retail Hierarchy and Policy R7 Markets and Specialist Shopping Areas.
- 4.5 The market is intended to operate within the amended servicing and access arrangements set out in the concurrent planning application ref: P2021/3433/S73 (full details of this application are given in section 7 of this report). Esther Anne Place is the main 'one-way' through route for all vehicles accessing the site and amendments are required to the site's permitted delivery and servicing arrangements to enable the market to operate without breaching conditions.
- 4.6 Following consultation with LBI Highways, consent for the market would be limited to a temporary period until 14th August 2024 in order to monitor the market in terms of operating times, waste management control, and traffic and operational management controls. The applicant has advised that there is a set up period of approximately two months to get the market ready for operation, allowing a 12 month period of consent for monitoring. This also applies to concurrent application P2021/3433/S73. The proposal is considered acceptable subject to suitable conditions as set out in Appendix 2 and it is recommended that the application be approved for a period until 14th August 2024.

5. SITE AND SURROUNDING

- 5.1 The application site relates to the complex of buildings at the former North London Royal Mail Centre, which occupies a large site with a frontage onto Upper Street. Known as Islington Square, the site comprises mixed-use redevelopment including residential, retail, commercial and leisure uses. There are number of elements which make up the wider Islington Square site, including the former sorting office block (Block A), the former distribution building (Block B) a part-six/part-seven storey new build (Block C), the Grade II listed Post Office fronting Upper Street at No. 116 Upper Street (Block D) and the single storey associated buildings at the northern end of the site (Block F).

- 5.2 All of the buildings are the subject of historic planning approvals for change of use, conversion and extension to provide for a mixed use development.
- 5.3 The site falls within the boundaries of the Upper Street (North) Conservation Area (CA19) while the wider site's northern, southern and western boundaries adjoin the Barnsbury Conservation Area (CA10).
- 5.4 The surrounding area is mixed use in character and form, with commercial development along Upper Street and residential in the streets to the west of Upper Street, including Studd Street, Moon Street and Almeida Street.
- 5.5 The Old Post Office building (Block D) has a statutory Grade II listing and the Mitre Public House is locally listed. All of the terraced houses immediately adjoining the western site boundary at Milner Place and Gibson Square are Grade II listed properties as is the adjoining King's Head Public House.
- 5.6 The site has a PTAL rating of 6a with a number of bus stops located within walking distance. In terms of vehicular access the development is required to operate a one-way system, whereby all vehicular access into the site is from Studd Street to the south. Vehicles are then required to travel through the middle of the site along Esther Anne Place and egress the site onto Almeida Street to the north.

6. PROPOSAL (IN DETAIL)

- 6.1 The proposal seeks planning permission for a Boulevard Market in Esther Anne Place - the external linear access road that runs north to south through the centre of Islington Square - for up to 25 stalls/ concessions selling fresh produce, street food and art and design products. The applicant has set out that the market would complement the existing high-end/premium retail offer and the stalls would be designed to a consistent branding and quality. The market would only operate on Friday 12:00-19:00, on Saturday 10:00-17:00 and on Sunday and Bank Holidays 11:00-17:00. The hours of operation will be controlled by condition.
- 6.2 The applicant intends to set up the market stalls on the Friday morning (after 08:00) and keep the stalls in place until the Sunday/ Bank Holiday evening with all structures dismantled and removed by 18:00. The hours relating to the set up and dismantling of the market would be controlled by conditions. The stalls would be stored on site and the set up of the market would be undertaken by the Islington Square management as a single operation involving an onsite electrical buggy trailer. Each stall plot would measure 3m x 3m (where a gazebo is proposed) and would be positioned to the flanks of the Boulevard to maintain the pedestrian thoroughway access on Esther Anne Place. Following set up all traders vehicles needing to stay on site in association with their stall will be instructed to park their vehicles in the main basement level servicing area beneath Block C.
- 6.3 Islington Square, including the boulevard road at Esther Anne Place, is private land and the applicant has stated that they intend to appoint a market operator, but a contract is not yet in place. However, they are currently tendering with three market operators, who all have experience of running markets in London for several years.
- 6.4 Consent for the market would be limited to a temporary period until 14th August 2024 in order to monitor the market in terms of operating times, waste management control, and traffic and operational management controls.
- 6.5 Islington Square previously held a street market on Esther Anne Place in late 2020 for 2-3 days a week until June 2021, operating under permitted development rights. However,

closing Esther Anne Place to vehicle traffic conflicted with the site's existing traffic management plan. To address this the market is intended to operate within an amended servicing and access arrangement set out in the concurrent planning application ref: P2021/3433/S73.

- 6.6 Esther Anne Place is the main 'one-way' through route for all vehicles accessing the site. Under the proposed amendments set out in the concurrent planning application vehicles and deliveries associated with residential units at Islington Square would continue to enter the site from Studd Street but would no longer exit via Almeida Street. These vehicles would instead exit the site via the northern part of Studd Street and then turn right onto Moon Street. All vehicle deliveries/movements associated with commercial units and commercial activity would only enter and exit the site via the Almeida Street access. This arrangement would enable the market to operate without breaching the site's servicing and delivery conditions.
- 6.1 The Islington Square complex operates as one whole site, but historically the redevelopment of the Former North London Mail Centre was obtained by way of two main sets of planning permissions (see paragraphs 7.4 to 7.7). This resulted in the site's main basement level servicing and delivery area being located beneath Block C, which falls within a separate development plot and outside of the current application's red edged site area - although the adjacent land at Block C is under the same ownership and wider site management (see Figure 1: Site Location Plan, above which details the red line site area and blue line of Block C). As a result, the amended servicing and delivery routes for commercial element of the site's traffic cannot be controlled through the inclusion of a condition.
- 6.2 To address this anomaly and ensure that the proposed amended delivery and servicing arrangements would link into the site's basement servicing regime beneath Block C (including the markets traders' vehicles as well as all servicing and delivery vehicles associated with the market), the applicant will be required to enter into a separate legal agreement. Ensuring that the site's commercial traffic can be required to make use of the main servicing basement for Islington Square is integral to the acceptability of the proposed scheme.

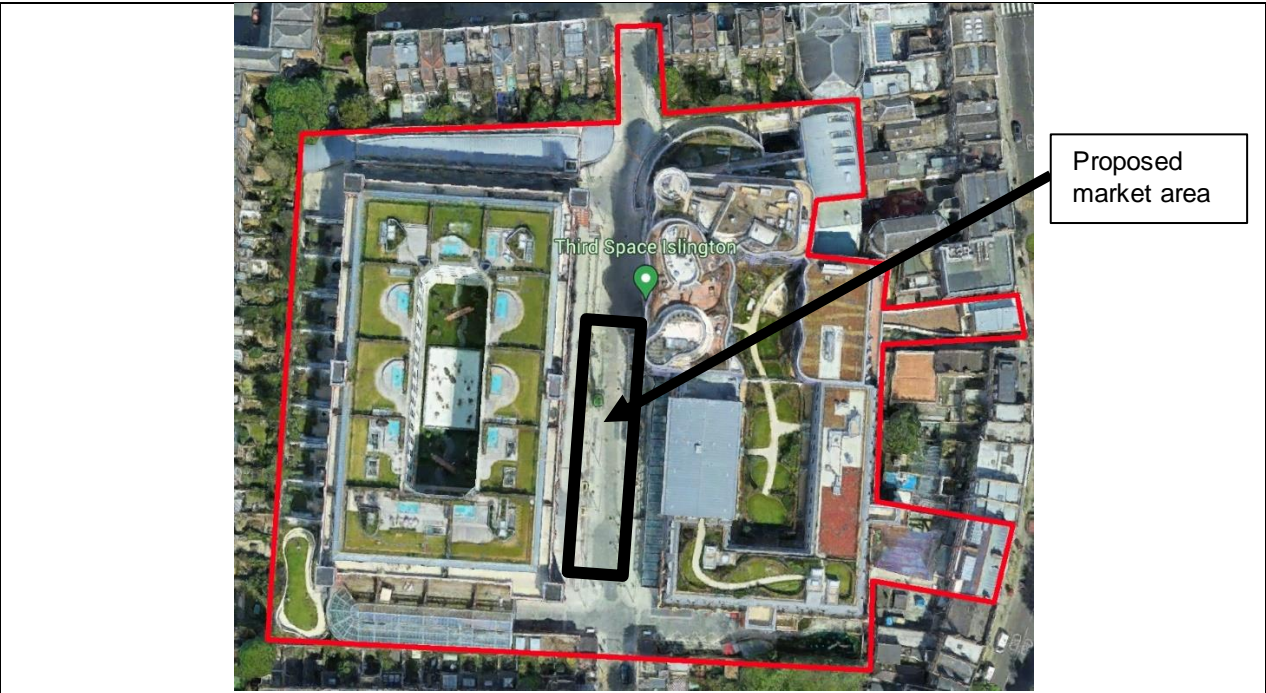


Figure 6: Location of proposed market within the Islington Square development site



Figure 7: Proposed layout of up to 25 market stalls along Esther Anne Place



Figure 8: Photograph of Boulevard Market operating under permitted development circa 2020/21.



Figure 9: Photograph of Boulevard Market operating under permitted development circa 2020/21.

7. RELEVANT HISTORY:

Amendment to Islington Square delivery and servicing routes

- 7.1 P2021/3433/S73: is a concurrent S73 planning application which seeks to amend existing conditions to allow the segregation of deliveries/vehicle movements to the commercial units from those to the residential units with each access point working two-way. Esther Anne Place is currently the main 'one-way' through route for all vehicles accessing the site and amendments are required to the site's permitted delivery and servicing arrangements to enable the market to operate without breaching conditions.
- 7.2 Under the proposed amendment vehicles and deliveries associated with residential units at Islington Square would continue to enter the site from Studd Street but would no longer exit via Almeida Street. These vehicles would instead exit the site via the northern part of Studd Street and then turn right onto Moon Street. All vehicle deliveries/movements associated with commercial units and commercial activity would only enter and exit the site via the Almeida Street access. Both access points would be subject to barrier control points and marshals to ensure the correct vehicles are using the allocated access point.
- 7.3 As is the case with the current market application, the basement level servicing area for Islington Square lies outside of the S73 application site area, but is still within the applicant's ownership. To address this the applicant will be required to enter into a separate legal agreement to secure the amended servicing proposals into the existing side wide basement servicing strategy for Islington Square.

Background and relevant planning applications

- 7.4 The redevelopment of the Former North London Mail Centre (now known as Islington Square) was obtained by way of two main sets of planning permissions. The first planning permission ref: P052245 is dated 06 July 2007, which granted:

“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”.

7.5 This planning permission covered the former Mail Centre known as Blocks A, B, D and F and assumed the delivery depot would continue operating from the northern part the site.

7.6 The second main part of the redevelopment of the site was achieved in 2012 following the relocation of the delivery depot by the developer. Namely the northern part of the site (known as Block C and the former Mitre) was permitted to complete the scheme as it is now under planning permission ref: P090774, dated 30 March 2012 which granted:

“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”.

7.7 Over the years the two initial planning permissions have been updated and amended, and there are additional planning permissions which sit alongside these two main permissions. Other recent relevant planning applications relating to the site are listed below:

Blocks A, B, D, F (Former North London Mail Centre)

- P2018/2463/S73: Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to amend condition 2 (approved drawings and documents), condition 1 (plans) of planning permission ref: P2013/2697/S73. The proposed minor material amendments relate to the amalgamation of 10 units across second, third, fourth and fifth floors resulting in the creation of larger units (and involving the loss of 5 units overall) within Block A, together with layout changes to existing ground floor retail units 5 and 6. Approved with conditions and a legal agreement, 5 December 2019.
- P2018/1190/S73: Application under Section 73 to make amendments to Condition 2 (Drawing Nos.) pursuant to planning permission P2015/3555/FUL (granted on appeal 28/2/18 Ref: APP/V5570/W/16/163572) to allow provision of lift overrun at eastern end of the building and minor changes to north and east elevations – Approved with conditions, 4 September 2018
- P2016/2471/FUL: Change of use of Unit G7A (Block A) from Use Class A1 (Shops) to flexible Use Class A1 (Shops) or A3 (Restaurant/Cafe), (Associated with Planning Permission Ref: P052245 dated 6 July 2007 and Planning Permission Ref: P2013/2697/S73 dated 4 November 2014) – Approved with conditions, 9 March 2017
- P2015/3555/FUL: Change of use of Block F at basement, ground and first floor levels from Use Class B1 (Offices) to flexible Use Class B1 (Offices) or A1 (Shops), (Associated with Planning Permission Ref: P052245 dated 6 July 2007, Planning Permission Ref: P2013/2697/S73 dated 4 November 2014 and , Planning Permission Ref: P2014/4251/FUL dated 12 March 2015) – Refused, 20 February 2016. Appeal Allowed, 28 February 2018 (Ref: APP/V5570/W/16/163572).

- P2014/4251/FUL: Alterations to the inward facing facade of the retained building (Block F) in northwest corner of the site. (Associated with Planning Permission Ref: P052245 dated 6 July 2007) – Approved with conditions, 12 March 2015.
- P2013/2697/S73: Section 73 (minor material amendment application) to vary condition 2 (approved plans) of planning permission ref: P052245 dated 06 July 2007. The amendment seeks to: replace the ground floor office space (2,155 sq.m.) in 'Block A' with retail; replace the retail at the upper basement level of 'Block B' (1854 sq.m.) with planning use class D2 (Assembly and leisure) space; and, replace the approved servicing area at ground floor level of 'Block B' with retail - Approved with conditions and legal agreement, 4 November 2014.

Block C and the Mitre Public House (5 Alameda Street and 129 Upper Street)

- P2018/2466/S73: Section 73 (minor material amendment application) to vary condition 2 (approved plans) of planning permission ref: P2013/2681/S73 dated 4 November 2014. The amendment seeks to: amalgamate layouts over 4 no. various sized residential units within Block C across sixth and seventh floors resulting in loss of 2 no. units (Total reduction 78 to 76 units) together with various minor elevational alterations principally relating to rerouting of smoke extract ducting. Approved with conditions and legal agreement, 14 November 2019.
- P2018/2093/FUL: Alterations and extensions to the former Mitre Public House to include A1 and/or A3 and /or A4 uses at ground and basement and 1 x 2 bed and 1 x 3 bed apartments at first to third floor. [amended scheme from that approved by planning permission 2013/2681/S73, 4th November 2014] – Approved with conditions, 21 December 2018.
- P2018/1587/FUL: Amalgamation of two retail (use class A1) units in Block C (known as G16 and G22) and Change of Use of the amalgamated unit to a flexible use being retail (use class A1) or nursery (use class D1) – Approved with conditions, 4 April 2019.
- P2018/2093/FUL: Alterations and extensions to the former Mitre Public House to include A1 and/or A3 and /or A4 uses at ground and basement and 1 x 2 bed and 1 x 3 bed apartments at first to third floor. [amended scheme from that approved by planning permission 2013/2681/S73, 4th November 2014] – Approved with conditions, 21 December 2018.
- P2017/2866/S73: Section 73 (minor material amendment application) to vary condition 2 (approved plans) of planning permission ref: P2013/2681/S73 dated 4 November 2014. The amendment seeks to: amalgamate layouts over 4 no. various sized residential units within Block C across sixth and seventh floors resulting in loss of 2 no. units (Total reduction 78 to 76 units) together with various minor elevational alterations principally relating to rerouting of smoke extract ducting - Approved with conditions and legal agreement dated 24 December 2018.
- P2013/2681/S73: Section 73 (minor material amendment application) to vary conditions 2 (approved plans), 22 (designated Servicing Area), 26 (no amalgamation with Block B at basement levels) and 27 (disabled parking spaces) of planning permission P090774 dated 30 March 2012. The amendments are: relocate servicing level from Lower Basement to Upper Basement (replacing 2,498 sq.m. of retail space); and to introduce a multi purpose rehearsal and performance space (planning use class

D2 - Assembly and Leisure) to lower basement level. Approved with conditions and legal agreement, 4 November 2014.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 592 adjoining and nearby properties on Almeida Street, Studd Street, Moon Street, Upper Street, Milner Place, Milner Square, St Mary's Path, Gaskin Street, Theberton Street, Battishill Street, Napier Terrace, Gibson Square, Terret's Place on the 17 June 2021. A site notice and press notice were displayed on 17 June 2021.
- 8.2 The adjoining and nearby properties were reconsulted on 03 September 2021. The public consultation of the application, therefore, expired on 17 September 2021; however, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.3 At the time of the writing of this report a total of 7 objection letters had been received from the public with regard to the application, including a letter from The Almeida Street Residents Association and a letter from the Moon and Studd Resident's Association. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Noise and disturbance from the operation of the market. *(see paragraphs 10.1 to 10.5)*
 - Noise and disturbance from setting up and dismantling of stalls. *(see paragraphs 10.1 to 10.5)*
 - Negative economic impact on other local businesses/restaurants. *(see paragraphs 8.11, 10.2 to 10.10)*
 - Parking congestion on neighbouring streets from stall holders parking their vehicles in parking bays outside of restricted hours at weekends, occupying spaces otherwise needed by residents. *(see paragraph 10.23)*
 - A temporary consent period should be considered to monitor and assess the impacts created by the market. *(see paragraph 6.4)*
- 8.4 A further 13 letters of support for the proposed market were also received. The comments raised can be summarised as follows:
- The market is a positive addition to the area and offers compelling benefits for local businesses and local residents.
 - Residents and the community are in favour of a market.
 - Creates a cheerful family friendly environment.
 - Encourages families to visit the area and boosts the local restaurants and bars.
 - The market improves the character and atmosphere of Esther Anne Place.
- 8.5 Given the closely inter-related proposals, representations have also been received in relation to the market through the public consultation on the concurrent S73 planning application (ref: P2021/3433/S73) which seeks to amend existing conditions to allow the segregation of deliveries/vehicle movements to the commercial units from those to the residential units with each access point working two-way. The issues raised can be summarised as follows:
- The increase in vehicles using Studd Street and Moon Street during the market's initial run was significant and caused nuisance and disturbance. *(see paragraphs 10.10 to 10.16)*

External Consultees

8.6 **Metropolitan Police (Crime Prevention):** no comments received.

8.7 **Transport for London:** the following comments have been received:

- Recommends a Delivery and Servicing Plan (DSP) is implemented and secured by condition to help manage the servicing of the stalls, ensuring all deliveries occur outside of peak highway hours. It could be used to code what already happens at present, and adjusting it over time if any problems occur (*see condition 5*). A street trading licence may also be required.
- All vehicles associated with the site must only park and stop in permitted locations and observe the existing on-street parking restrictions and times. (*see condition 9*)
- Cycle parking should also be provided across the market in line with policy T5 (Cycling) of the London Plan. (*see condition 14*)

Internal Consultees

8.8 **Access Officer:** Cycle parking with a proportion of accessible spaces should be provided. In addition, seating options with back and arm rests, allowing people with less strength to sit comfortably. (*see conditions 14 and 15*)

8.9 **Conservation and Design Officer:** no objections, the proposed continuation of the market would preserve the lively retail nature of the area in a manner which policy 18.5 of the Conservation Area Design Guide supports. Market stall operation is one of the oldest forms of retail in the borough, and although this site has only recently become a market, its continuation as such is supported in principle. The operation of the market and its associated structures are not considered to cause harm to the character and appearance of the conservation area, and would not harm the setting of listed buildings. The application is therefore acceptable.

8.10 **Highways and Traffic:** no objections, encouraging more activity and local services such as markets can be supported in principle as this in turn encourages more local journeys and walking and cycling. Esther Anne Place currently provides for a pleasant, open area, promotes walking and cycling as well as provides connectivity. Any proposals will need to properly secure the priority of pedestrians and cyclists and maintain a pleasant area of public realm. Any changes should either comply with existing conditions and obligations or include their amendment so that the development can be within the planning management process. The proposals are unlikely to have a detrimental effect on the operation of the Highway however there are broader transport implications and public safety issues that the planning process should actively manage. The planning permission for the overall development includes Conditions to control servicing and these should be reviewed and updated including any servicing and delivery Obligations such as a servicing and delivery plan to ensure both the mother development and the proposed market can properly function. (*see concurrent planning application P2021/3433/S73 which seeks to amend the servicing and delivery conditions attached to the site's parent consent*)

8.11 **Town Centre Inclusive Economy Officer:** no objections, the proposed market would not be a threat to our existing markets at Chapel Market & Camden Passage. Recommended the inclusion of a condition setting out the type of market permitted to operate and include a restriction on the number of days of operation (*see condition 3*). Would encourage the commodities are high end themed markets and not general markets.

8.12 **Public Protection:** no objections

8.13 **Waste and Recycling:** No comments received

9. RELEVANT POLICIES

National Guidance

- 9.1 Islington Council (Planning Committee), in determining the planning application has the main following statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
 - As the development is within or adjacent to a conservation area(s), the Council has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area (s72(1)).
- 9.2 National Planning Policy Framework 2021 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 9.3 The National Planning Policy Framework 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
- 9.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.7 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.9 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.
- 9.10 In line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard has been given to the desirability of preserving the adjoining listed buildings, their setting and any of their features of special architectural or historic interest.

Development Plan

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

Designations

- 9.12 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:
- Angel & Upper Street Key Area
 - Archaeological Priority Area (Islington Village and Manor House)
 - Site Allocation AUS1
 - Upper Street (North) Conservation Area (CA19)
 - Angel Town Centre

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Draft Islington Local Plan

- 9.14 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation, with consultation on the Regulation 19 draft taking place from 5 September 2019 to 18 October 2019. The Draft Local Plan was subsequently submitted to the Secretary of State for Independent Examination in February 2020. The Examination Hearings took place between 13 September and 1 October 2021, with consultation on Main Modifications running from 24 June to 30 October 2022.
- 9.15 In line with the NPPF, Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- 9.16 the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- 9.17 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
- 9.18 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).
- 9.19 Given the advanced stage of the draft plan and the conformity of the emerging policies with the Framework it is considered that policies can be afforded moderate to significant weight depending on the significance of objections to main modifications.
- 9.20 Emerging policies relevant to this application are set out below:
- Policy SP4 Angel and Upper Street
 - Policy H1 Thriving Communities
 - Policy R3 Islington's Retail Hierarchy
 - Policy R7 Markets and specialist shopping areas
 - Policy T1 Enhancing the Public Realm and Sustainable Transport
 - Policy T5 Delivery, Servicing and Construction
 - Policy S1 Delivering Sustainable Design

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:
- Land Use
 - Design and Conservation
 - Operation Management and Transport Issues
 - Neighbour Amenity

Land Use

- 10.2 Policy E9 of the London Plan 2021 deals specifically with retail, markets and hot food takeaway. Under part C (5) of this policy, it states '*...support London's markets in their full variety, including street markets, covered markets, specialist and farmers' markets, complementing other measures to improve their management, enhance their offer and contribute to local identity and the vitality of town centres and the Central Activities Zone*'.
- 10.3 Street markets add to the character of local areas. Development Management Policy DM4.9 is specific to markets and specialists shopping areas. It states that the council will seek to maintain existing traditional street markets. It highlights markets as popular with shoppers and visitors due to their vibrancy and range of goods to offer. This is also supported by Core Strategy Policy CS14 (Retail and services) which states that Islington will continue to have strong cultural and community provision with a healthy retail and service economy providing a good range of goods and services for the people who live, work and study in the borough.
- 10.4 Draft Local Plan Policy R7 seeks to maintain, and support the enhancement of, existing markets within the borough. It also states that 'New markets are encouraged in Town Centres and appropriate locations in the CAZ, where they support and enhance the function of a specific locality and do not adversely impact any predominant 'bricks-and-

mortar' based uses'. The supportive text for Policy R7 states that: *"Markets are very popular with shoppers and visitors because of their vibrancy and the range and variety of goods on offer. Markets also add to the character of local areas, create employment opportunities, support regeneration and promote social interaction. They can also act as a testing ground for new small businesses. The Council wishes to see markets continue and thrive, and will encourage a co-ordinated approach to development and management of markets in matters such as deployment of signage, pavement furniture and other market infrastructure. New markets must make a positive contribution to character and support the existing function of the proposed location whilst complementing existing shops and services. If markets are poorly designed and managed, they can cause harm to surrounding areas in terms of congestion of local roads and pavements, rubbish and refuse, storage and noise."*

- 10.5 The site is located within the Angel Town Centre. Town centres are recognised as the primary focus for retailing in the borough. Policy DM4.4 Promoting Islington's Town Centres states that the council will seek to maintain and enhance the retail and service function of town centres and promote uses in a manner which complement and enhances the vitality, viability and character of Town Centres.
- 10.6 Draft Local Plan Policy R3 Islington's Retail Hierarchy sets out that the Council will seek to maintain and enhance the retail, service and leisure function of town centres and goes on to state that any development proposed in a town centre must: ensure adverse impacts on vibrancy, vitality, viability and character of the centre are fully mitigated; provide a frontage which engages positively with local character and the street scene; provide a high quality design including meeting policies related to accessibility and sustainability; provide a good level of amenity for residents and businesses and ensure that adverse impacts from noise, odour, fumes, anti-social behaviour and other potential harms are fully mitigated.
- 10.7 The proposed market would occupy a section of Esther Anne Place – the private road that forms the external linear access for vehicles and pedestrians running from Studd Street to the south to Almeida Street to the north through the centre of the Islington Square complex. Esther Anne Place is surrounded by buildings with commercial uses at ground floor and residential above, that enclose the central section of the site.
- 10.8 The proposed market space is privately owned and situated in the Town Centre in an area with recently established retail and commercial activity. Currently Esther Anne Place is used by local residents who live in the buildings nearby, tenants of the retail and commercial units as well as an access route for cyclists and pedestrians passing through. The layout of the stalls would ensure the central route through the site remains uninterrupted for pedestrians and cyclists (cyclists would be asked to dismount). The proposed market would operate 3 days a week (Friday 12:00-19:00, Saturday 10:00-17:00 and Sunday and Bank Holidays 11:00-17:00). This is considered acceptable in terms of days and hours of operation given its location within the Town Centre and retail complex. The applicant has set out that the market would complement the existing high-end/premium retail offer.
- 10.9 In terms of potential competition with the existing established markets within the local area at Chapel Market and Camden Passage, the Council's Inclusive Economy team have met with the applicant to discuss the proposal and have advised that given the Islington Square market's location and retail offer it would not duplicate the offer or draw some traders away from Chapel Market or Camden Passage – and, as such, do not regard the proposal as a commercial risk to the vitality and viability of these existing markets.
- 10.10 It is considered that the increased footfall attracted by the market as well as the offer would help to maintain and enhance the retail function of the town centre in accordance with policy. In this context the market would enhance the longer-term vitality and viability of the

other businesses within the Islington Square development as well as the wider Angel Town Centre. The proposed market would, therefore, support the vibrancy, vitality, viability and character of the Angel Town Centre in accordance with both London Plan and local plan policies.

Design, Conservation and Heritage Considerations

- 10.11 The site is within the Upper Street North Conservation Area and, as such, the proposal is required to pay special regard to the statutory duty (s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990) for the preservation or enhancement of these heritage assets. As such the LPA has a statutory duty to consider the development in the context of a listed building or its setting and to have special regard to preserving or enhancing its visual appearance and its historic character.
- 10.12 In terms of assessing the acceptability of the design of the proposal, it is important to consider the NPPF, Development Management Policies (2013) DM2.1 and DM2.3, Islington Core Strategy (2011) policy CS9, and the guidance found within the Urban Design Guide (UDG) 2017, and the associated Conservation Area Design Guidelines.
- 10.13 Core Strategy Policy CS9 states that ‘high quality architecture and urban design are key to enhancing and protecting Islington’s built environment, making it safer and more inclusive’. Policy DM2.1 states ‘All forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics’.
- 10.14 In relation to heritage, Policy DM2.3 states ‘Islington’s historic environment is an irreplaceable resource, and the council will ensure that the borough’s heritage assets are conserved and enhanced in a manner appropriate to their significance’
- 10.15 The Upper Street North Conservation Area Design Guide (CADG) states:
- “18.4 The Council will operate its land use policies so as to enhance the character and vitality of the area. Planning permission will not be granted to change, expand or intensify uses which would harm the character of the conservation area.*
- 18.5 The predominant uses of the area are retail and related uses, with residential on upper floors. There are protected shopping frontages at 1-49, 213-215, 235-250 and 260-272 Upper Street, 19-25 Canonbury Lane, 27-43 Islington High Street; and a new ‘specialist’ shopping area which aims to prevent loss of retail units from the Camden Passage antiques area. The Council will seek to maintain the lively retail nature of the area and will not normally grant permission for schemes which harm this established mixed use character.”*
- 10.16 The proposed continuation of the market would preserve the lively retail nature of the area in a manner which policy 18.5 of the CADG supports. Market stall operation is one of the oldest forms of retail in the borough, and although this site has only recently become a market, its continuation, as such, is supported by Design and Conservation Officers in principle.
- 10.17 The market would comprise up to 25 stalls provided by the management of Islington Square and would be designed to a consistent branding and quality. The structures would be non-permanent and the use relates to the days of operation of the market.
- 10.18 The Design and Conservation Officer has advised that the operation of the market and its associated structures are not considered to cause harm to the character and appearance

of the conservation area and would not harm the setting of listed buildings. The application is therefore considered to be acceptable.

10.19 In conclusion, the proposal is considered to preserve the visual appearance and historic character and lively retail nature of the area. The market would contribute to the special character and appearance of the conservation area, which stems from its mix of uses and as such preserves the associated heritage assets, including Upper Street North Conservation Area, complying with the design advice within the Urban Design Guide (2017) and Upper Street North Conservation Area Design Guidelines. It is, therefore, considered acceptable in design and heritage terms, and compliant with the design policies within the Development Plan.

10.20 In accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the adjacent conservation area. The proposal is not considered to cause harm to the character nor the appearance of the conservation area as no external alterations are proposed.

Operation Management and Transport Issues

Operating Times and Set Up and Dismantling

10.21 The market would only operate on the following days and hours:

- Friday: 12:00-19:00,
- Saturday: 10:00-17:00
- Sunday and Bank Holidays: 11:00-17:00

10.22 Outside of the operating hours the set up and dismantling of the market stalls would only take place on the following days and hours:

- Friday: 08:00-20:00
- Saturday: 08:00-18:00
- Sunday and Bank Holidays: 09:00-18:00

10.23 The market stalls would be provided by the management of Islington Square and the intention would be to set up the market stalls on the Friday morning and keep the structures in place until the Sunday/ Bank Holiday evening. The stalls would be stored in an area adjacent to the service area in block C and would be taken up to the market area by the use of an onsite electrical buggy trailer as the first action in the stall set up (approximately 5 trips). There would be no on/off site vehicle movements associated with this operation. After setting up all traders vehicles needing to stay on site in association with their stall would be instructed to park their vehicles in the onsite basement level servicing area beneath Block C. The dismantling and clear up of the market would commence at the designated closing time of the market. Prior to this stall holders would be able to commence clearance of their stalls of goods and take these to the service bay parking area via the designated route. Waste and rubbish would be directed to be dealt with as part of the wider sites existing waste management procedures. Following removal of stall goods the stalls would be dismantled and taken down to the basement service area store on the electric trolley buggy (approximately 5 trips). Following removal of all stalls the paved areas would be cleaned with the estate wide cleaning machines and equipment. Dismantling of the market stalls on would be controlled by condition and required to be completed no later than 18:00 Sunday or Bank Holidays.

10.24 The Council's Public Protection Team have been consulted and have raised no objections to the proposal. As such, this timeframe is considered appropriate and would not have an unacceptable impact on the surrounding properties.

Transport Impacts – Changes to Existing Servicing and Delivery Arrangements

10.25 Esther Anne Place is the main 'one-way' through route for all vehicles accessing the site. Holding the proposed market would effectively block through traffic along Esther Anne Place and prevent vehicles from leaving the site via Almeida Street in accordance with the approved traffic management plan. To address this the applicant is seeking to amend to the site's delivery and servicing plan through a concurrent planning application (ref: P2021/3433/S73). This would enable the market to operate without breaching the existing servicing conditions.

10.26 The proposed amendments under planning application ref: P2021/3433/S73 seek to abandon the existing one-way vehicular access system by segregating deliveries/vehicle movements to the commercial units from those to residential units.

10.27 Under the proposals the residential deliveries and servicing vehicles as well as vehicles associated with the occupants of the residential units would continue to enter the site from the south using the existing narrow one-way street at Studd Street. The vehicles associated with the residential units would no longer exit via Almeida Street to the north. Instead vehicles leaving the site at Studd Street would have to immediately turn right into Moon Street and continue along the residential road to join Theberton Street.

10.28 Vehicle deliveries/movements associated with the site's commercial units would only enter and exit the site via Almeida Street to the north. There would be no vehicles associated with the commercial units entering or leaving the site via Studd Street.

10.29 The proposed changes to the access arrangements would free up the servicing road through the centre of the site. This would allow the applicant to close Esther Anne Place to vehicle through traffic and to operate the street market. Islington Square (including the access road at Esther Anne Place) is private land and an operational management plan has been submitted to work alongside the site's established management and security procedures.

Vehicle Trips

10.30 The applicant has provided a Transport Statement that examines the traffic and transportation impacts associated with the proposed market and the changes to the vehicle access arrangements.

10.31 The trip analysis suggests that the proposed change in operation would result in a rebalancing of trips into and out of the site, but the overall number of trips would be unchanged. This would include an overall reduction in vehicle trips along Studd Street, which would only take vehicle trips associated with the residential traffic. Almeida Street would see an increase in vehicle trips as it would take all of the commercial traffic entering and leaving the site.

Waste Management

10.32 With regard to the management of waste from the stalls, the applicant has confirmed that waste and rubbish from the market would be dealt with as part of the wider sites existing waste management procedures which deal specifically with the waste management of the site and boulevard at Esther Anne Place.

10.33 It is illegal to drop litter and whilst there would be a responsibility of control of litter by the management of market, there is an onus on customers to comply by the law and not litter. Islington's Authorised Officers can issue fixed penalty notices to any person that drops litter intentionally. The Street Environment Services Enforcement Strategy (March 2011) states that 'it is the responsibility of every business and individual to comply with the law and it is recognised that most want to do so... we reserve the right to take enforcement action without education and advice on any occasion where offences such as littering are committed' (Para 3.6 & 3.7 Street Environment Services Enforcement Strategy).

10.34 As such, it is considered that sufficient controls, are in place to address refuse associated with the site.

Cycle Parking

10.35 Cycle parking with a proportion of accessible spaces should be provided and condition 14 requires the submission of cycle parking details.

Seating

10.36 Many of those who chose to use the market stalls would be passing through trade, tourists or workers on their lunch break and seating is available along Esther Anne Place, which can accommodate them. However seating options with back and arm rests, allowing people with less strength to sit comfortably would need to be provided and condition 15 requires the submission of accessible seating details.

Operation Management and Transport Conclusions

10.37 Overall, based on the information provided in terms of loading, hours of operation, waste management and supervisor arrangements, it is considered that the proposed market can continue to operate successfully without resulting in unacceptable impacts on the surrounding residents and commercial properties.

Neighbouring Amenity

10.38 Policy DM2.1(x) seeks to ensure developments provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

10.39 Draft Local Plan Policy R3 Islington's Retail Hierarchy sets out that any development proposed in a town centre must provide a good level of amenity for residents and businesses and ensure that adverse impacts from noise, odour, fumes, anti-social behaviour and other potential harms are fully mitigated.

10.40 Both of the site's access points at Studd Street and Almeida Street are lined by houses and the upper floors of the buildings within the Islington Square development are mainly flats. As such, the impacts of the market on residential amenity must be carefully considered.

10.41 The main concerns raised in representations include the following:

- Noise and disturbance
- Smells from Food, Fumes and Pollution
- Parking congestion and Traffic Management

- 10.1 It is noted that the proposed market would bring an intensification of commercial activity to a section of Esther Anne Place which is lined by residential properties in the upper floors of the adjacent buildings. The market set up would take place from 08:00 on Friday and the stalls would be dismantled by 20:00 on Sunday or Bank Holidays.
- 10.2 The most vulnerable times for residential occupants who may be asleep is generally before 7am or late at night (after 11pm) and the market operating times (Friday: 12:00-19:00, Saturday: 10:00-17:00, Sunday and Bank Holidays: 11:00-17:00) would be contained to late morning and early evening. While the proposed operating times include weekends and Bank Holidays, the proposed hours of use are considered to be reasonable for a Town Centre location and appropriate given the ground floor commercial environment at Islington Square.
- 10.3 Conditions will be included to mitigate any adverse amenity impacts including controls on the days/ hours of operation (see condition 3), the hours of set-up and dismantling (see condition 4) and a restriction on the maximum number of market stalls (see condition 6).
- 10.4 The Public Protection Team have been consulted as part of the application and raised no objections to the market.
- 10.5 The site is within a dense urban area and given its mixed character it is considered that neighbouring residents living nearby can reasonably expect to experience a greater degree of noise and disturbance from commercial activity and vehicle movements than those living in a purely residential area. Nevertheless, the proposed location, scale and nature of the market in this instance is not considered to unduly harm the amenity of neighbouring occupiers. As such, taking into consideration the Town Centre location and the relatively limited operational times of the market, the proposal is not considered to have an unacceptable impact on neighbouring occupiers in terms of noise and disturbance in accordance with policy.

Smells from Food, Fumes and Pollution

- 10.6 The market is located in the Angel Town Centre in an area where there is a high volume of restaurants and cafes currently operating. The applicant's supporting statement sets out that the food offers will be 'street food' which will be prepared on site starting after set up but sold only during the market hours and that the demand for hot food would be low until lunchtime. The stalls would have their own customer bins and the site wide refuse system will be operating to clear waste from the site.
- 10.7 Whilst Officers acknowledge that the cooking of food at the proposed market stalls will generate some smells, a condition has been included to limit the cooking time to the operating hours. Subject to this condition, it is considered that the proposal would not result in unacceptable impacts as a result of odour to the neighbouring occupiers.
- 10.8 A condition will be included to ensure the engines of all vehicles operating as a stall within the market shall be turned off at all times whilst the market is in operation (see condition 9).

Parking congestion and Traffic Management

- 10.9 The applicant's supporting statement initially set out that after setting up the traders' vehicles would then leave the site and would be required to make their own arrangements to park their vehicles subject to the parking regime in the local area. An objection has been raised in relation to parking congestion on neighbouring streets from stall holders parking their vehicles in parking bays outside of restricted hours at weekends, occupying spaces

otherwise needed by residents. In order to mitigate the traffic and parking impacts on neighbouring streets the operation management plan for the market has been revised to state that all traders vehicles needing to stay on site in association with their stall would be instructed to park within the onsite underground serving area.

- 10.10 The proposed market will require an amendment to Islington Square's established delivery and servicing regime, which is being considered through a concurrent planning application (ref: P2021/3433/S73). The amenity impacts and considerations are set out in detail in the accompanying officer report. Given that the proposed servicing changes are inherently linked to the operation of the market the amenity impacts should be given due consideration as part of the market proposals.
- 10.11 Studd Street is a narrow one-way residential road with parking along one side and terraced houses fronting immediately onto the pavement. Planning Enforcement have received a number of complaints from neighbouring residents around the Studd Street entrance. These relate to noise nuisance due to reversing vehicles from unauthorised early morning/late night deliveries and traffic movement associated with the commercial tenants outside permitted hours. Removing commercial traffic from the narrow Studd Street access would be considered a benefit by some of the residents at Studd Street.
- 10.12 The proposed two-way movements from the Studd Street access would require vehicles leaving the site to turn right into Moon Street, which currently should not receive traffic associated with the Islington Square development. Like Studd Street, Moon Street is a narrow residential road with terraced houses fronting immediately on to the pavement and parking along one side. The proposal would therefore result in an increase in vehicles using Moon Street, albeit those associated with the residential element (private cars, taxis, delivery vans etc.). Nevertheless, this raises the potential for residents living along Moon Street experiencing increased activity from passing vehicles leaving the site.
- 10.13 It is proposed that the Almeida Street access would take all of the commercial traffic associated with delivery and serving at the site - which has raised concerns from residents living to the north of the site with regards to increased noise and disturbance. Almeida Street is a wider road in comparison to Studd Street but is also lined with houses and has parking bays along both sides creating a narrow carriageway. There are also on street delivery bays associated with the commercial activity at the junction with Upper Street and the Almeida Theatre. Highways colleagues have raised concerns that Almeida Street is not wide enough to accommodate two-way traffic for large delivery vehicles, which could result in large vehicles either reversing down Almeida Street or reversing back onto Upper Street.
- 10.14 The Almeida Street access is wider than the Studd Street access and is therefore arguably better equipped to act as a site entrance for larger commercial vehicles. The more generous width of the Almeida Street entrance road would accommodate an onsite holding bay for a delivery vehicle, rather than vehicles having to back up onto Almeida Street. This access point is also closer to the onsite ramp leading to the large basement servicing area beneath the site.
- 10.15 Officers acknowledge that the existing servicing and delivery arrangements for the wider Islington Square complex are not without fault, which is highlighted by the representations received through the public consultation responses as well as complaints received by Planning Enforcement colleagues with regards to the Studd Street access. However, concerns have been raised by Highways Officers that the proposed changes could create highway safety issues along Almeida Street/ Upper Street and unduly increase the experiences of noise and disturbance to residents to the north of the site. The proposal could also implicate additional residents to the south at Moon Street with undue amenity impacts. Nevertheless, given the existing issues with servicing Highways have suggested

trailing the proposed access arrangements for a limited period would allow the traffic impacts to be properly monitored and assessed.

- 10.16 The proposed changes to the servicing arrangements have been reviewed by the Public Protection officer and no objections have been raised to the variation of the delivery and servicing strategy. As such, taking into consideration the Town Centre location and the issues experienced by local residents with the existing servicing arrangements, trialling the proposed changes through a temporary consent until 14th August 2024 is considered to be reasonable in this instance given the specific circumstances. This would enable the impacts on highway safety and the amenity of neighbouring residents to be closely monitored and reviewed before a permanent change to the servicing arrangements is considered.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 A summary of these proposals is set out within paragraphs 4.1 to 4.6 of this report.
- 11.2 Planning permission is sought to continue the use of the Boulevard Market in Esther Anne Place (the external linear plaza that runs north to south through the centre of Islington Square) for up to 25 stalls/ concessions selling fresh produce, street food and art and design. The market would only operate on Friday between 12:00-19:00, on Saturday between 10:00-17:00 and on Sunday and Bank Holidays between 11:00-17:00.
- 11.3 Letters of objection have been received from members of the public (including letters from both the Almeida Street Resident's Association and the Moon and Studd Street Resident's Association) citing concerns in relation to noise and disturbance, parking congestion and traffic management issues and a negative economic impact on other local businesses.
- 11.4 A number of letters have also been received from members of the public in support of the proposed market, citing the market as a positive addition to the area, offering benefits for local businesses and residents, creating a family friendly environment and improving the character and atmosphere of Esther Anne Place.
- 11.5 No objections have been received from the Council's Street Trading; Environmental Health; Refuse Control' or Pollution Control Teams. The proposed market is considered conducive to the Angel Town Centre location and subject to conditions relating to the control of hours and intensity of use, the proposal would not prejudice the residential amenity of the neighbouring properties insofar of undue noise or disturbance and would comply with Development Management Policy DM2.1 and Draft Local Plan Policy R3 Islington's Retail Hierarchy and Policy R7 Markets and Specialist Shopping Areas.
- 11.6 The market is intended to operate within the amended servicing and access arrangements set out in the concurrent planning application ref: P2021/3433/S73. Esther Anne Place is the main 'one-way' through route for all vehicles accessing the site and amendments are required to the site's permitted delivery and servicing arrangements to enable the market to operate without breaching conditions. Under the proposed amendments set out in the concurrent planning application vehicles and deliveries associated with residential units at Islington Square would continue to enter the site from Studd Street but would no longer exit via Almeida Street. These vehicles would instead exit the site via the northern part of Studd Street and then turn right onto Moon Street. All vehicle deliveries/movements associated with commercial units and commercial activity would only enter and exit the site via the Almeida Street access.

- 11.7 Following consultation with Highways, consent for the market would be limited to a temporary period until 14th August 2024 in order to monitor the market in terms of operating times, waste management control, and traffic and operational management controls. The proposal is considered acceptable subject to suitable conditions as set out in Appendix 2 and it is recommended that the application be approved for a temporary period until 14th August 2024.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

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

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

RECOMMENDATION B

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

List of Conditions:

1	Temporary Consent (until 14th August 2024)
	<p>CONDITION: The hereby approved market is granted only for a limited period, being until 14th August 2024. After that date, no further markets shall run unless further consent has been obtained from the Local Planning Authority.</p> <p>REASON: The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that abut the site.</p>
2	Approved Plans List
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none">- Night Time Security Management – February 2018 – prepared by: CBRE- Market Stall Location Diagram – Rev: 03 – dated: 10 August 2021- Stall Specification – 1/19 to 2/19- Boulevard Market Structure – first design, dated 03.07.20 – prepared by:CHF

	<ul style="list-style-type: none"> - Combined site Ground Floor Plan – drawing number: 1604-00-PL-A-0110 – Revision: P01 – dated: 7 June 2023 - Combined site Ground Floor Plan – Servicing Diagram – drawing number: 1604-00-PL-A-0111 – revision: P01 – dated: 7 June 2023 - Combined site Basement Floor Plan – drawing number: 1604-00-PL-A-0112 – Revision P01 – dated: 7 June 2023 - Outline Operational Plan – Draft: 1.0 - Islington Square Market – Vehicle Movements during set up - Islington Square Market, Revised Supporting Statement – dated: May 2023 <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Hours of Operation
	<p>CONDITION: The market hereby approved shall operate on the following days only:</p> <ul style="list-style-type: none"> - Friday: 12:00-19:00, - Saturday: 10:00-17:00 - Sunday and Bank Holidays: 11:00-17:00 <p>REASON: In the interest of protecting adjoining residents and offices amenity from noise, smells and disturbance.</p>
4	Market set up and dismantling
	<p>CONDITION: The set up and dismantling of the market stalls shall take place on the following days only:</p> <ul style="list-style-type: none"> • Friday: 08:00-20:00 • Saturday: 08:00-18:00 • Sunday and Bank Holidays: 09:00-18:00 <p>No more than 4 stalls shall set up at the same time.</p> <p>On days where the market is not permitted the stalls shall be removed completely.</p> <p>REASON: To mitigate against noisy activities that may lead to noise transfer and ensure that the proposed development does not have an adverse impact on neighbouring amenity.</p>
5	Market Traders
	<p>CONDITION: Market trader preparations and clear up shall take place on the following days only:</p> <ul style="list-style-type: none"> • Friday: 08:00-20:00 • Saturday: 08:00-18:00 • Sunday and Bank Holidays: 09:00-18:00

	<p>No preparations will take place outside these hours and any trader vehicles arriving early will be held in the onsite dedicated servicing basement beneath Block C until the permitted time.</p> <p>Following set up all traders vehicles needing to stay on site in association with their stall will be instructed to park in the onsite dedicated servicing basement beneath Block C for the duration of the market.</p> <p>REASON: To mitigate against noisy activities that may lead to noise transfer and ensure that the proposed development does not have an adverse impact on neighbouring amenity.</p>
6	Number of Stalls (Restrictions)
	<p>CONDITION: The market stalls shall be laid out in accordance with drawing reference 'rev03' – Market Stall Location Drawing'.</p> <p>No more than 25 stalls shall operate or be allowed on site at any one time.</p> <p>REASON: In order to maintain the pedestrian access way (congestion) and maintain the primary function of the private space as area of open space and to protect the amenity of adjoining neighbouring properties.</p>
7	Market Supervisor / Manager
	<p>CONDITION: A market supervisor or manager shall be present during market operation times, including set up and disassembly times, on each day the market is operated. The market supervisor or manager shall be onsite 1.5 hours before traders vehicles arrive for set up on each day the market is operated.</p> <p>REASON: To ensure the operational management of the market complies with the site set up arrangements, waste disposal and to liaise with the adjoining residents on any issues of concern.</p>
8	Servicing, unloading and deliveries
	<p>CONDITION: Servicing, unloading, loading and deliveries to the hereby approved market stall development shall only occur between the hours of:</p> <ul style="list-style-type: none"> • Friday: 08:00-20:00 • Saturday: 08:00-18:00 • Sunday and Bank Holidays: 09:00-18:00 <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
9	Operational Management Plan (Compliance)
	<p>CONDITION: The use of the market shall be managed and operated in accordance with details as described within the Market Operational Management Plan hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity and highways safety and congestion in the surrounding area.</p>

10	Vehicular Access (Details)
	<p>CONDITION: Full details of entrance and circulation of vehicles used for the purpose as a market stall shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of the market hereby approved.</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
11	Vehicle Stalls (compliance)
	<p>CONDITION: Engines of all vehicles operating as a stall within the market hereby approved shall be turned off at all times whilst the market is in operation.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity in terms of noise, odour and pollution.</p>
12	Use of Electrical Generators
	<p>CONDITION: No electrical generators shall be used as part of the market operation.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity in terms of noise.</p>
13	Monitoring Impacts of Market (over temporary consent period)
	<p>CONDITION: Every 3 months of the temporary consent a monitoring report shall be submitted to the Local Planning Authority detailing all of the following and any other relevant issues:</p> <ul style="list-style-type: none"> - delivery/servicing complaints - incidents of early arrivals - parking/traffic incidents - any other complaints from neighbouring residents - Trip analysis detailing vehicle movements at Studd Street and Almeida Street access points <p>REASON: To ensure that the proposed development can be properly monitored and does not have an adverse impact on neighbouring residential amenity in terms of noise, odour and pollution.</p>
14	Cycle Parking
	<p>CONDITION: Prior to the implementation of the temporary market hereby approved details of dedicated cycle parking facilities for market customers and traders shall be submitted and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p>

	REASON: To ensure adequate and suitable bicycle parking is available and easily accessible on site and to promote sustainable modes of transport.
15	Accessible Seating
	<p>CONDITION: Prior to the implementation of the temporary market hereby approved details of accessible seating facilities for market customers and traders shall be submitted and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development is of an inclusive design.</p>

List of Informatives:

1	Legislation compliance
	INFORMATIVE: You are reminded of the need to comply with legislation outside the realms of the planning legislation including Building Regulations, Environmental Regulations (including noise and litter), Inclusive Design etc.
2	Licensing requirement
	INFORMATIVE: You are reminded that a license may be required for the operation of the site and any alcohol sales.
3	Steps/Entrances into private residential/office buildings not to be used as seating
	INFORMATIVE: You are advised to remind customers of the market not to sit on steps or entrances into private residential and office buildings. Whilst it is not a planning issue, it is a third-party civil matter between the owner of the property and the individual.

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.

- National Planning Policy Framework 2021
- National Planning Practice Guidance (on-line and regularly updated)

2. Development Plan

The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2021 - Spatial Development Strategy for Greater London

Policy D4 Delivering good design

Policy D14 Noise

Policy E9 Retail, markets and hot food takeaways

Policy T1 Strategic Approach to Transport

Policy T2 Healthy Streets

Policy T3 Transport capacity, connectivity and safeguarding

Policy T4 Assessing and Mitigating Transport Impacts

Policy T7 Deliveries, 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)

Infrastructure and Implementation
Policy CS18 (Delivery and Infrastructure)

C) Development Management Policies June 2013

Design and Heritage

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

Shops, culture and services

- DM4.1 Maintaining and promoting small and independent shops
- DM4.2 Entertainment and the night-time economy

DM4.3 Location and concentration of uses

- DM4.4 Promoting Islington's Town Centres
- DM4.9 Markets and specialist shopping areas

Health and open space

- DM6.1 Healthy development

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

5. Designations

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

- Angel & Upper Street Key Area
- Archaeological Priority Area (Islington Village and Manor House)
- Site Allocation AUS1
- Upper Street (North) Conservation Area (CA19)
- Angel Town Centre

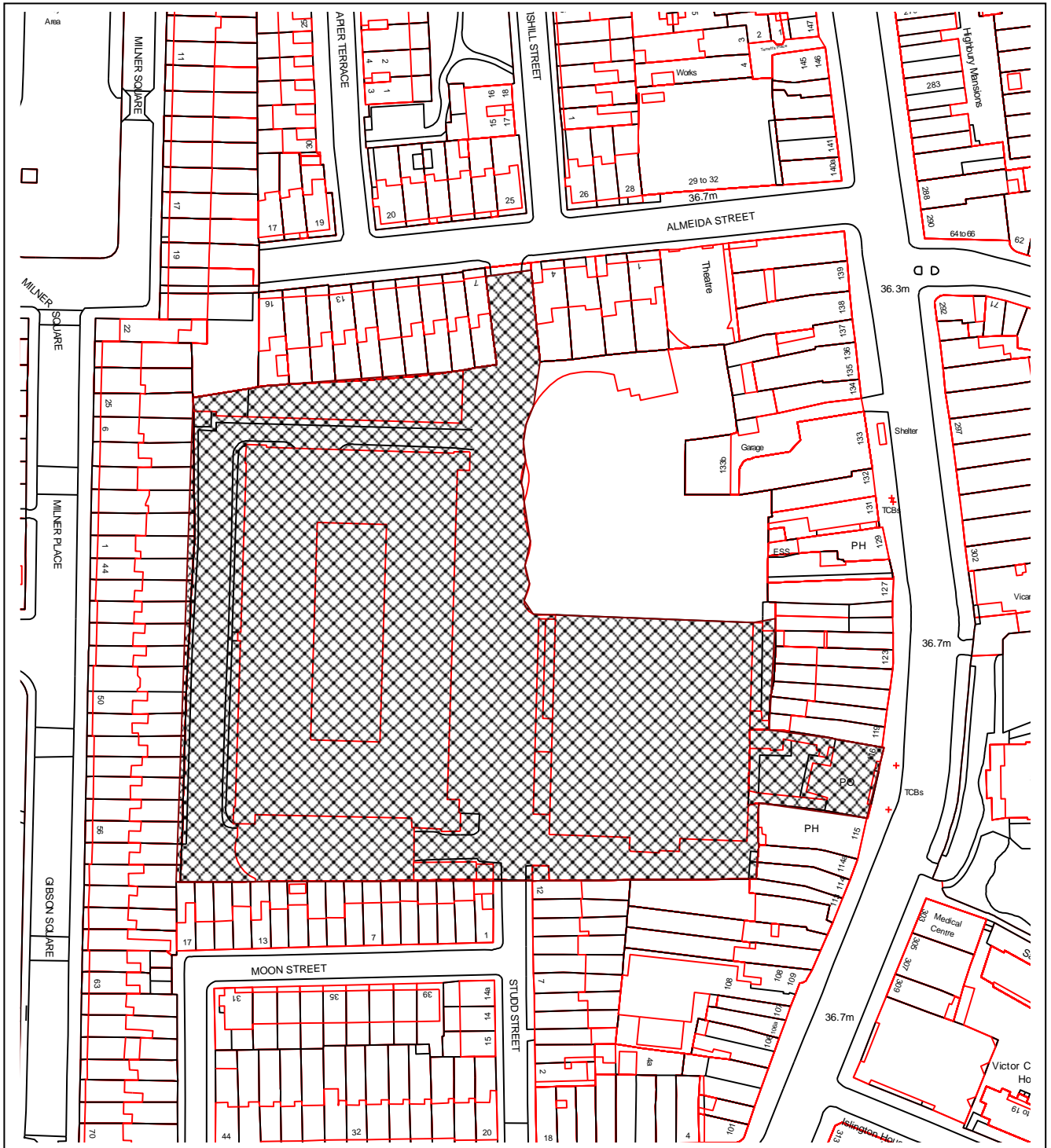
6. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

- | | |
|---------------------------------------|---|
| Islington Local Development Plan | London Plan |
| - Conservation Area Design Guidelines | - Accessible London: Achieving an Inclusive Environment |
| - Inclusive Design | - Sustainable Design & Construction |
| - Planning Obligations and S106 | - Planning for Equality and Diversity in London |
| - Urban Design Guide | |

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