



AGENDA FOR THE PLANNING SUB COMMITTEE A

Members of the Planning Sub Committee A are summoned to a meeting, which will be held in on, **25 April 2024 at 7.30 pm.**

Enquiries to : Theo McLean
Tel : 020 7527 6568
E-mail : democracy@islington.gov.uk
Despatched : 17 April 2024

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 North (Chair)	- St Peter's and Canalside;	Councillor Chowdhury	-
Councillor Clarke (Vice-Chair)	- Tufnell Park;	Barnsbury;	
Councillor Convery	- Caledonian;	Councillor Gilgunn	-
Councillor Hamdache	- Highbury;	Tollington;	
Councillor McHugh	- St Mary's and St James';	Councillor Hayes	-
		Clerkenwell;	
		Councillor Ibrahim	- Arsenal;
		Councillor Jegorovas-Armstrong	- Highbury;
		Councillor Kay	- Mildmay;
		Councillor Klute	- St Peter's
		and Canalside;	

Quorum: 3 councillors



A. Formal Matters **Page**

1. Introductions
2. Apologies for Absence
3. Declarations of Substitute Members
4. Declarations of Interest

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

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

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

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

***(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Sponsorship - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

(c) Contracts - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

(d) Land - Any beneficial interest in land which is within the council's area.

(e) Licences- Any licence to occupy land in the council's area for a month or longer.

(f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

(g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

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

5. Order of Business 1 - 2
6. Minutes of Previous Meeting 3 - 8

B. Consideration of Planning Applications **Page**

1. Management Suite, 21 Parkfield Street, London, N1 0PS 9 - 48

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

D. **Urgent non-exempt items (if any)**

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

E. **Exclusion of press and public**

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

F. **Confidential/exempt items** **Page**

G. **Urgent exempt items (if any)**

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

Date of Next Meeting: Planning Sub Committee A, 23 July 2024

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

WEBCASTING NOTICE

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

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

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

If you have any queries regarding webcasting or the recording of meetings by the public, please contact Democratic Services on democracy@islington.gov.uk

PROCEDURES FOR PLANNING SUB-COMMITTEES

Planning Sub-Committee Membership

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

Order of Agenda

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

Consideration of the Application

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

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

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

What Are Relevant Planning Objections?

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

For further information on how the Planning Sub-Committee operates and how to put your views to the Planning Sub-Committee please call Theo McLean on 020 7527 6568. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk.

COMMITTEE AGENDA

1 Management Suite
21 Parkfield Street
London
N1 0PS

1 Management Suite
21 Parkfield Street
London
N1 0PS

Application Number: P2023/0485/FUL
Ward: St Mary's & St James'
Proposed Development: Proposed Change of use of Unit ST-2 from Use Class E to Use Class E and/or Class B8 to allow for the operation of a dark supermarket (rapid grocery delivery- no shop) with associated parking.
Application Type: Full Planning Application
Case Officer: Jake Shiels
Name of Applicant: See Company Name
Recommendation:

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London Borough of Islington

Planning Sub Committee A - 1 February 2024

Minutes of the meeting of the Planning Sub Committee A held at Council Chamber, Town Hall, Upper Street, N1 2UD on 1 February 2024 at 7.30 pm.

Present: **Councillors:** North (Chair), Convery, Hamdache and McHugh

Councillor Toby North in the Chair

25 **INTRODUCTIONS (Item A1)**

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

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

Apologies were received from Councillor Clarke.

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

There were no declarations of substitute members.

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

There were no declarations of interest.

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

The order of business would be as per the agenda.

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

RESOLVED:

That the minutes of the meeting held on 11 July 2023 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

31 **PART BASEMENT (RESTAURANT), 190 CITY APPROACH, CITY ROAD, LONDON, EC1V 2QH (Item B1)**

Section 73 Application to vary Condition 2 of Planning Permission 841340 dated 15 June 1984 to amend the hours of operation to 11:00 to 00:00 Monday to Thursday, Sunday, and Bank Holidays and 11:00 to 01:30 (the following day) Friday and Saturday.

(Planning application number: P2023/2844/S73)

In the discussion the following points were made:

- The application site comprises a basement unit located within a prominent corner building at the junction of City Road, Bath Street and Shepherdess Walk. The building is six stories high on the City Road frontage and drops to five stories with a setback sixth floor to the Bath Street frontage. An additional two stories have been

Planning Sub Committee A - 1 February 2024

recently constructed above the existing building. The building is not statutory nor locally listed but it is located within the Moorfields Conservation Area.

- This section of City Road is predominantly commercial in character with residential accommodation on the upper levels. Moorfields Eye Hospital and Old Street roundabout are located to the east.
- The site also falls within the designated Central Activity Zone, City Fringe Opportunity Area, Archaeological Priority Area and the Licensing Bunhill Cumulative Area.
- The amendments include the extension of hours of operation to 11:00 to 00:00 Monday to Thursday, Sunday, and Bank Holidays and 11:00 to 01:30 (the following day) Friday and Saturday (Increase of 1 extra hour Monday to Thursday and 2 ½ hours on Saturday).
- It is noted that Condition 2 (Hours of operation) of Planning Permission 841340 dated 15 June 1984 erroneously missed mentioning Saturdays. The proposed amendments to the hours of operation would therefore also gives an opportunity to clarify the opening hours for Saturdays.
- Meeting was advised that no objections were received from the Public Protection Division (Noise Team) as the proposed change is additional hour Monday to Thursday and 2.5hrs on Saturday, noting that the premises licence for the previous operator, the Bavarian Beerhouse has permitted opening hours in line with this.
- Also the Designing Out Crime Officer commented that in principle, the proposal does not appear to be contentious from a crime prevention perspective.
- Meeting was reminded that there is currently an extant premises licence in place under the Landlord's name Monopro Limited.
- A noise management plan with guidance on minimising disturbance, antisocial behaviour and noise impacts from patrons' access and egress as well as a complaint procedure has been submitted and it sets out mitigation measures which would involve responsibility for the management controls assumed by the manager, trained staff and event organisers. It was also stated that the external door to the premises will be kept closed during the evening, except when being used for immediate access and egress, in order to minimise noise break-out from the premises. In addition, signs would be prominently displayed by the door and there would be polite notices from staff reminding patrons and smokers of the proximity of neighbours and encouraging them to keep their voices down. Taxis will be encouraged to turn off their engines while waiting and not sound their horns. A phone number and an email address will be provided to nearby residents to allow efficient notification of the premises if noise levels are causing a disturbance.
- It was also noted that previous premises had a sound limiter fitted which was calibrated at 85.2dBA in the main bar area (along with settings for linear sound levels and low frequency bands at 63 and 125Hz), set for where *"music played from within the venue spaces was barely audible at the listening position, and would therefore be considered inaudible within the residences of the closest noise sensitive receivers."* The submitted noise report notes that the proposed operator is London Shuffle and that the *"operator only intends to have background, ambient music in the premises, with no loud or live music."* Due to its ambient nature, the music would be inaudible outside the premises and would not have enough energy to transmit between floors up the building. A further condition has been attached to the application (Condition 5) stipulating that no music or other amplified noise arising from the operation of the part basement unit shall be audible outside the premises, nor transmit between floors up the building and for a sound limiter to be fitted. In view of this the Council's EPPP Team have no objections to the proposed change of hours. This is also taking into account that there is currently a premises licence with a number of related licensing management controls on the license holder.

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- The proposal is considered acceptable subject to suitable conditions as set out in Appendix 2 and it is recommended that the application be approved.
- Whilst the residents' concerns relating to disturbance, noise and antisocial behaviour are acknowledged, the proposed change of the hours of operation is by 1 extra hour Monday to Thursday and 2 ½ hours on Saturday and the EPPP TEAM have no objections. This is also taking into account that there is currently a premises licence with a number of related licensing management controls on the license holder.
- Overall, the proposal is considered acceptable, subject to conditions relating the limitations for music levels at this site and stipulation to follow the noise management plan as set out in Appendix 2, the proposal would not prejudice the residential amenity of the neighbouring amenity and would comply with Policy D14 of the London 2021 and Policies Plan PLAN1 and DH5 of the Islington Strategic Development Management Policies (2023).
- A resident leaseholder was concerned that the venue was inappropriate for this location, that previously there had been issues with disturbance, noise and anti-social behaviour which affected neighbouring amenity. In addition issues such as noise from relocated air filters, consultation letters not received by all residents and that planning statement has incorrect details of floor uses.
- In response the agent informed the meeting that the proposal to increase the hours of operation by 1 extra hour Monday to Thursday and 2.5hrs on Saturday was simply to align it with the licensing conditions and in particular to address the Saturday opening hours.
- Meeting was advised that the scheme would not be viable if the opening hours are not amended within the building.
- In response to a question, Planning Officer stated that no evidence of viability was provided as part of the application by the agent.
- On the issue of smoking and vaping concerns of residents, It was agreed that details in the Operational Management Plan could be strengthened to address this issue, that wording to be delegated to Planning Officers and the Chair.
- Councillor McHugh moved a motion that a temporary planning permission be granted for a year in order to monitor the impact on the residents of the extra opening hours requested by the applicant. This was seconded by Councillor North.

Councillor McHugh proposed a motion to grant temporary planning permission for a year. 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 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 below, the wording of which was delegated to officers.

Revised Condition 4

A detailed operational management plan for the drinking establishment shall be submitted and approved by the Local Planning Authority prior to commencement of the use hereby approved. The Scheme of Management shall include (as appropriate):

- a. sound insulation measures***
- b. a full dispersal policy and procedure;***
- c. a door policy;***

Planning Sub Committee A - 1 February 2024

- d. *signs to request patrons to leave in a quiet manner and not to loiter in the surrounding streets;*
- e. *servicing and delivery times/arrangements;*
- f. *bottling out and waste management noise and times;*
- g. *control and levels of noise from any amplified music within the unit*
- h. *designation and control measures of any noise from any designated smoking & vaping areas;*
- i. *close down policy with amplified music shut-off and increased lighting;*
- j. *security, including any additional proposed CCTV;*
- k. *any additional external or security lighting;*
- l. *capacity;*
- m. *private hire facilities/functions;*

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

REASON: To ensure that the operation of the development does not impact on residential amenity.

Revised condition 2

CONDITION: Notwithstanding the hereby approved plans, the approved hours of operation is granted only for a limited period, being 12 months from the first commencement of the use. The temporary hours of operation approved are as follows

11:00 to 00:00 Monday to Thursday, Sunday, and Bank Holidays and 11:00 to 01:30 (the following day) Friday and Saturday.

12 months after the commencement of the use and associated operating hours a further consent will need to be obtained to operate the use under the above hours for a longer period of time.

Reason: The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (noise and nighttime disruptions) in order to protect amenity of both residential premises that adjoin the site.

32

LAND ADJOINING TURNBULL HOUSE, WINDSOR STREET, LONDON, N1 8QG (Item B2)

Installation of a new generator and erection of associated enclosure with surrounding landscaping to support the operation of the Supported Living Accommodation building approved via planning permission ref: P2017/3493/FUL.

(Planning application number: P2023/2863/FUL)

In the discussion the following points were made:

- The site forms part of the Cumming Estate, made up of 3 x 5-storey residential blocks to the east and a 6-storey residential block to the west. To the south of the site is a terrace of locally listed 3-storey Georgian townhouses with basements and with rear gardens. To the north, on the opposite side of Windsor Street, is a 3-storey building in commercial use.
- Meeting was advised that this is a council owned application.
- The site is located in St Mary's & St James' Ward, does not lie within a Conservation Area however the southern boundary of the site forms the northern most extent of the Duncan Terrace / Colebrooke Road Conservation Area.
- Planning permission is sought for the installation of a new generator enclosure within the Turnbull House estate open space, adjacent to the recently built supported living residential accommodation on Windsor Street. Associated landscaping is also proposed to surround the enclosure.
- Consent for the supported living residential accommodation on Windsor Street was granted under planning permission ref: P2017/3493/FUL, dated 09/05/2018. The approved fire strategy for this development requires a secondary supply to provide power to the wheelchair evacuation lift in the event of an emergency. Given the

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nature of the approved development, the necessity of providing a generator for a fire evacuation lift is recognised.

- The applicant explored a number of options to provide the generator within the site boundary of the supported living development, which were presented to the Local Planning Authority for review. Due to the minimal amount of external amenity space provided within the supported living development, it was advised that the options presented would not be acceptable due to the impact they would have on the residential amenity of future residents. The application therefore seeks permission to install the generator and associated housing outside of the original site boundary, within the Turnbull House estate open space.
- The proposal would install a 19sqm generator enclosure adjacent to the supported living development within the grounds of Turnbull House. This part of the grounds was included within the blue line of the supported living residential development as the site was not large enough for construction site offices to be contained within the red line boundary. There was an agreement in place between Islington's New Build Team and Islington's Estates Services Team that this land could be used to facilitate development. To allow this space to be used for site offices, the removal of three trees and some thick undergrowth was required. The replacement of these trees was required by the Directors' Letter associated with permission ref: P2017/3493/FUL and it was the intention of the New Build Team to provide these alongside new grassland once the site office is removed. A new agreement is in now place between Islington's New Build Team and Islington's Estates Services Team which confirms that this part of the estate open space may be used as the permanent location of the required generator housing.
- To mitigate the loss of area to be returned to open space, the application proposes an enhanced landscaping scheme around the generator housing, which incorporates the three trees already approved to be planted in the space.
- Meeting was advised that the main issues arising from this proposal relate to, land Use policy; design & conservation; landscaping and biodiversity; neighbouring amenity; air quality and energy & sustainability.
- It was noted that the proposed development is small in scale and sufficiently set away from neighbouring residential property
- In terms of land use policy, meeting was advised that the proposals would result in the net loss of 19sqm of estate open space that currently serves Turnbull House. Whilst estate open space is protected under Local Plan Policy G2, the application proposes planting which would result in a greener, more attractive area of landscaping than was previously provided on the site. The proposals are therefore considered to be consistent with land use policy objectives.
- In terms of design and conservation, the proposed generator housing would be timber screening and the structure would largely be obscured by vertical greening and surrounding landscaping. Furthermore, despite the site's adjacency to the Duncan Terrace/Colebrooke Row Conservation Area, it is considered that the proposals would not have a detrimental impact on and would preserve its setting.
- In terms of neighbouring amenity, it is considered that the small size of the proposed structure would not result in any unacceptable impacts to daylight and sunlight, overshadowing, overlooking or outlook.
- The proposal to introduce a generator in this location presents issues of noise and air pollution. However, given the minimal operating times, and subject to the conditions recommended, it is considered that the proposed generator would not have an unacceptable impact in both respects.
- In terms of sustainability, the applicant proposes the use of sustainable materials, and the design maximises opportunities for permeable drainage. Whilst Officers requested that the applicant explore the feasibility of providing a battery powered generator to minimise air quality impacts, the applicant provided satisfactory

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justification for the use of diesel, in the limited cases where the generator being required to be used.

- Although the proposals would result some very minor noise and air pollution impacts, it is considered that these issues can be suitably addressed via conditions. Furthermore, the resulting loss of estate open space is outweighed in the planning balance by the benefits of an enhanced landscaping scheme and the ensured operation of the Windsor Street supported living development fire evacuation lifts in the event of an emergency.
- The application is considered to be acceptable and is recommended for approval subject to conditions.
- Councillor McHugh proposed a motion to grant planning permission. This was seconded by Councillor North and carried.
- Committee agreed to delegate the rewording of condition 7 in relation to the use of the generator to the planning officer- see below

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations planning permission be granted subject to the conditions.

Reworded CONDITION 07: The hereby approved generator shall not be used except in the event of a power cut or for required urgent/emergency testing.

Testing of the hereby approved generator shall not take place between the hours of 1800 and 0800 on any day, and not at any time on Sundays, Bank Holidays or after 1300 on a Saturday.

The duration of the testing is to be commensurate with the test requirements and not to exceed 20 minutes and only twice a year if required.

REASON: To protect the amenity of adjacent properties.

The meeting ended at 8.30 pm

CHAIR

PLANNING COMMITTEE REPORT

 Development Management Service
 Planning and Development Division
 Community Wealth Building Department

PLANNING SUB COMMITTEE A		AGENDA ITEM
Date:	25 th April 2024	
Application number	P2023/0485/FUL	
Application type	Full Planning Application	
Ward	St Mary's and St James'	
Listed building	N/A	
Conservation area	N/A	
Development Plan Context	Archaeological Priority Areas (Islington Village and Manor House) Central Activities Zone (CAZ) Cycle routes (Major) Primary Retail Frontage (Angel) Site within 100m of a TLRN Road (Upper Street) Town Centre (Angel) Within 50m of Conservation Area (Barnsbury) Within 50m of Conservation Area (The Angel)	
Licensing Implications	N/A	
Site Address	Management Suite, 21 Parkfield Street, N1 0PS	
Proposal	Proposed Change of use of Unit ST-2 from Use Class E to Use Class E and/or Class B8 to allow for the operation of a dark supermarket (rapid grocery delivery- no shop) with associated parking.	
Case Officer	Jake Shiels	
Applicant	C/o CBRE	
Agent	Miss Rachel Sayer (CBRE)	

1. RECOMENDATION

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

2. SITE PLAN (site highlighted in red)

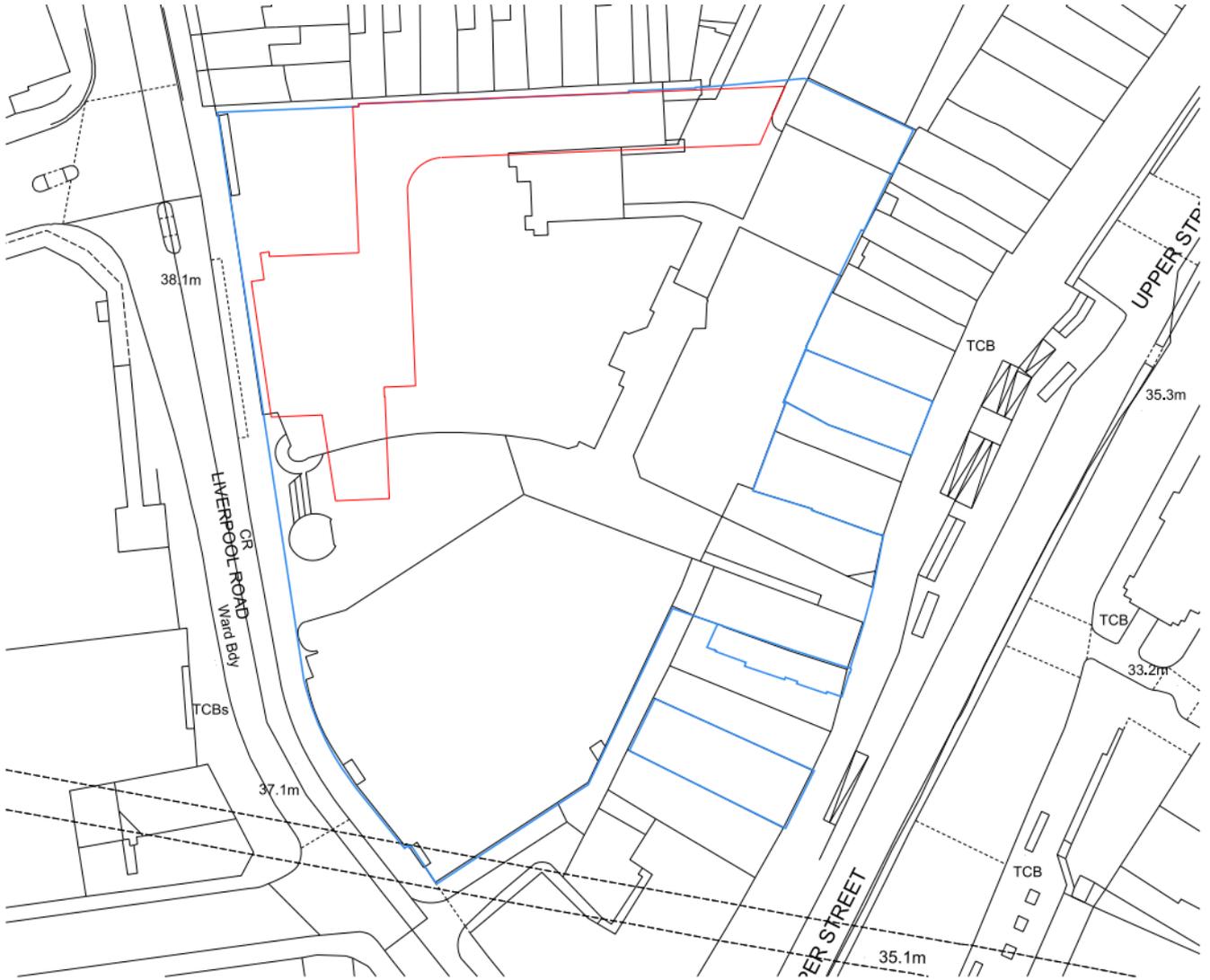


Image 1: Site Plan

3. PHOTOS OF SITE



Image 2: Aerial view



Image 3: Existing site area (internal)

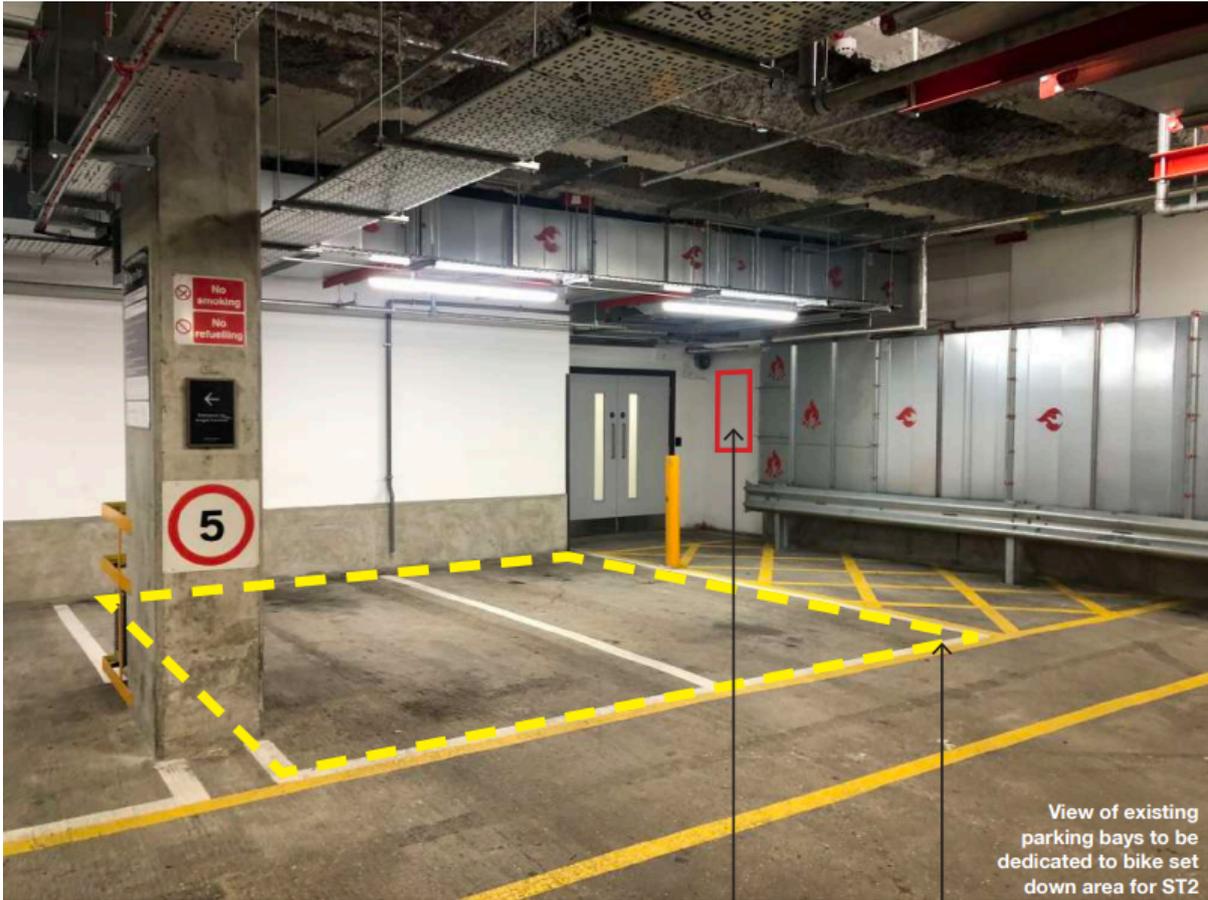


Image 4: Access to unit



Image 5: Service Yard



Image 6: Car Park entrance



Image 7: Car Park ramp entry and exit

4. SUMMARY

- 4.1 The proposal seeks planning permission for the change of use of Unit ST-2 from Use Class E to Use Class E and/or Class B8 to allow for the operation of a dark supermarket (rapid grocery delivery - no shop) with associated parking.
- 4.2 The existing hollow and unfitted out ancillary retail area (365sq.m) at basement level would be converted into a storage space for the distribution of grocery goods for a dark supermarket supplier. The dark supermarket will cater exclusively for online grocery shopping.
- 4.3 Beyond the unit, the two existing customer car parking spaces outside the unit as shown in image 4 would be utilised by electric bike and bike set down associated with the proposed use for 9 cycle parking spaces. A pickup hatch would be formed in the flank wall of the unit to serve goods to drivers. All of which is below street level at the basement level of the shopping centre.
- 4.4 The proposed use would be serviced by the existing off-street delivery and servicing bays at ground/street level with access into the car park area for the proposed unit from the vehicular ramp as existing.
- 4.5 Overall, the proposal is compliant with Policy SD6 of the London Plan (2021) and Policy R2 and Part C of Policy R3 of Islington's Strategic and Development Management Policies (2023).
- 4.6 The proposal, which would primarily include the use of e-bikes or (non-motorised) bikes would not have a detrimental impact on residential amenity from noise and disturbance subject to conditions and would therefore be in compliance with policy PLAN1 of Islington's Strategic and Development Management Policies (2023) in regard to impacts on neighbouring amenity as well as the NPPF (2021).
- 4.7 The proposed use would utilise an existing servicing area off street and involve courier collection at basement level away from the public highway and is considered compliant with policy T1, T4, T7 and of SD7 of the London Plan (2021) and policy T5 of Islington's Strategic and Development Management Policies (2023) as well as the NPPF (2023).
- 4.8 The application is referred to the Planning Sub-committee given the objections received during the application process.

5. SITE AND SURROUNDING

- 5.1 The application site contains a privately managed shopping centre bound to the west by Liverpool Road and to the east by Upper Street, approximately 300m north of Angel Tube Station. From the pedestrian entrance on Liverpool Road, the centre is arranged around a central area of public open space lined on both sides by a mix of shops, cafes and restaurants. Within the open space is a large a public art installation known as the Angel Wings, with a food kiosk underneath.
- 5.2 There is also pedestrian access from Upper Street, formed by a passageway between shops which leads into the same open space, with escalators and lifts to the upper floors (with further restaurants and a cinema).
- 5.3 From the north access to the site is afforded from Parkfield Street, where loading, storage areas are located, along with a vehicular access ramp leading to the basement car park. The basement car park provides parking for 27 cars, including 4 spaces suitable for wheelchair users.

- 5.4 The site is highly accessible and benefits from a Public Transport Accessibility Level (PTAL) rating of 6A. The shopping centre has upper levels, which notably accommodate a cinema, further retail and restaurant space.
- 5.5 The application site area is relevant to Unit ST-2 at basement level only which has a floorspace of 365sq.m and has been vacant since the shopping centre's regeneration completed in 2019. The site and Angel Central has an existing private service yard accessed off Parkfield Street which joins with Berners Road off Upper Street. It is accessed via the existing car park and also internally from the internal lift core areas of the shopping centre from ground floor level, the car park is accessible from the vehicular access ramp from Parkfield Street.

6. PROPOSAL (in Detail)

- 6.1 The application seeks planning permission for the change of use of Unit ST-2 from Use Class E to Use Class E and/or Class B8 to allow for the operation of a dark supermarket (rapid grocery delivery - no shop) with associated parking.
- 6.2 The existing hollow and unfitted out ancillary retail area (365sq.m) as shown within image 3 at basement level would be converted into a space to serve as storage space for the distribution of grocery goods for a dark supermarket supplier. The dark supermarket will cater exclusively for online grocery shopping.
- 6.3 Beyond the unit, the 2 existing customer car parking spaces outside the unit as shown in image 4 would be utilised by electric bike and bike set down associated to the proposed use for 9 cycle parking spaces. A pickup hatch would be formed in the flank wall of the unit to serve goods to drivers.
- 6.4 The proposed use would be serviced by the existing off-street delivery and servicing area and bays with access down to the car park area for the proposed unit.
- 6.5 The dark supermarket would be limited to the use of conventional bicycles and electric bicycles for deliveries to customers and thus would serve a local catchment area of approximately 5km.
- 6.6 The dark supermarket submitted details propose operation hours between 07:00-23:00 for access and trading to cater for the demands of the customers. The number of employees working within the dark supermarket processing goods is expected to be no more than 6 at any one time.
- 6.7 Based on the relevant noise and transport assessments it is proposed that courier's pickup and delivery operate only within the hours of 07:00am-23:00pm.
- 6.8 All deliveries and servicing for the use to be in accordance with condition 13 of application ref: P2017/2964/FUL with additional measures added for the proposed use with deliveries operating on Monday to Saturday only between 08:00am-22:00pm and not on Sundays or bank holidays in order to protect adjacent residential amenity.
- 6.9 During the course of the application, the Transport Statement was revised to ensure the courier pickup and delivery operates between 07:00am-23:00pm as opposed to 06:00am-23:30pm as previously proposed. Details were also provided on how the predicted trip generation was derived. The Statement was revised again in February 2024 to better display the trip generation during peak hours of movement to and from the site.
- 6.10 The Draft Operational Management Plan was also amended to an Operational Management Plan to provide more substantial clarity on procedures in relation to delivery, servicing and the management of couriers/riders which would support the proposed use.

7. RELEVANT HISTORY:

Shopping Centre

7.1 P2020/2881/FUL: Change of use of existing unit from restaurant to flexible use as restaurant and/or bar. **Approved with conditions** on 14/12/2020.

7.2 P2020/0449/AOD: Approval of details pursuant to condition 13 (Delivery and Servicing Management Plan) of planning permission P2017/2964/FUL dated 02/11/2018. **Refused** on 01/10/2020 for the following reason:

REASON: The submitted Delivery and Servicing Management Plan fails to ensure that the deliveries and servicing is limited to between 07.30 hours and 22.30 hours, the proposal would therefore allow deliveries and associated noise and disturbance to occur late at night, resulting in an unduly and unacceptably adverse impact upon neighbouring residential amenity, and is thereby contrary to policy 7.15 of the London Plan (2016) and policies DM2.1 and DM8.6 of Islington Development Management Policies (2013).

Appealed and dismissed on 07/05/21.

7.3 P2020/1385/PRA: Application for Prior Notification of Proposed Telecommunications operations for the installation of 6 no. antenna apertures, 4 no. transmission dishes and 5 no. equipment cabinets on the roof of the building, a meter cabinet at ground-level and development ancillary thereto. **Prior approval refused** on 15/07/2020 for the following reason:

Due to their siting and appearance the proposed antennas, dishes and supporting structures would appear as dominant and discordant additions to the roof of the building within this location, and the nearby Barnsbury Conservation Area including the setting of nearby Grade II listed buildings. The proposal is therefore contrary policies 7.4, 7.6 and 7.8 of the London Plan (2016), policy CS9 of the Islington Core Strategy and policies DM2.1 DM2.3 and DM2.6 of the Development Management Policies 2013 and contrary to the guidance contained within the Urban Design Guide 2017.

Allowed at appeal on 06/05/2021.

7.4 P2019/3230/PRA: Application for Prior Notification of Proposed Telecommunications operations - installation of 6no. antenna apertures, 4no. transmission dishes and 8no. equipment cabinets to the north-eastern roof of the Angel Shopping Centre, and a meter cabinet at ground floor level. **Prior approval refused** on 23/12/2019 for the following reason:

Due to their siting and appearance the proposed antennas and supporting structures would appear as dominant and discordant additions to the roof of the building within this sensitive location, cluttering the roof, and would therefore cause harm to the character and appearance of the host building and the setting of the adjoining conservation areas and associated heritage assets. The proposal is therefore contrary policies 7.4 and 7.6 of the London Plan (2016), policy DM2.1 and DM2.3 of the Development Management Policies (2013) and contrary to the guidance contained within the Urban Design Guide (2017).

7.5 P2019/0343/FUL: Change of use of the existing unit from A4 (Drinking Establishment) to Sui Generis to facilitate use of the unit as a mini-golf leisure facility with associated restaurant and bar. **Approved with conditions** on 03/05/2019.

7.6 P2017/2964/FUL: Erection of a new kiosk and first floor bridge/outdoor restaurant seating area, and extended first floor balcony involving the raising of the Angel Wings by 3 meters. Conversion of existing 100 space basement car park and reconfiguration of ground and basement level floorspace to provide a mix of retail units, including additional 1945sqm of flexible Retail (A1) and Leisure (D2) floorspace, retaining 27 parking spaces. Conversion and

extension to first floor retail unit 5A (A1) to provide restaurant/café (A3). Partial demolition of 2 external staircases. Installation of first floor awnings. Partial external terracotta cladding and projecting windows to west elevation. Replacement hard and soft landscaping, and associated works. **Approved with conditions and legal agreement** (September 2018 Committee) on 02/11/2018.

7.7 99/1433: Amendment to permitted scheme for redevelopment to provide basement car park, shops at ground and part first floor levels, restaurants at first floor level and a nine screen cinema at upper levels and including a creche, public lavatories and management facilities (application reference 98/1487 - issued 16th March, 1999). **Approved with conditions** on 03/05/2000. Amendment entails:

- 1) Extending the basement to include the area below the existing service/loading area, and the area below the Upper Street entrance walkway.
- 2) Part of unit MSU.4 to be changed from retail to live music venue. This will also include part of basement area below the service/loading area referred to above and relocation of the management suite. (Total floorspace for the music venue (approx.1200 sq.m)

7.8 981487: Redevelopment to provide a basement car park, shops at ground and part first floor levels, restaurants at first floor level and a nine screen cinema at upper levels and including a creche, public lavatories and management facilities. **Approved with conditions** on 16/03/1999.

7.9 There have been a number of other applications made in relation to the site, limited to external plant and paraphernalia, advertisement consents, shop front changes, and minor alterations.

Pre-application

7.10 Q2021/2632/MIN: Pre-application: The proposed change of use of the basement area (connected to the ground floor retail unit (Use Class E) to a rapid grocery delivery storage area (Use Class B8). **Completed** on 25/10/2022. Officers response:

Overall, it is considered that there are significant concerns with the loss of the retail space with no justified evidence provided. Proposals must not involve loss of ancillary floorspace (e.g. storage, back office functions) which could compromise the future operation of the retail unit and make the unit less desirable for future occupiers which is of a concern.

The proposed use based on the details provided will result in significant volume of movement upon the highway which will result in impacts to the local highway, pedestrians on neighbouring properties close to the site.

There is significant concern with traffic, noise and disturbance impacts from the significant number of deliveries and trips estimated. Whilst the applicant may seek to use non-motorised vehicles this does not ensure there will be less harmful impacts within the local area and there are little details at this stage to confirm that this would not be the case.

7.11 Q2017/1224/MJR: Refurbishment and extensions to the shopping centre to include. **Completed** on 23/05/17.

CONSULTATION

Public Consultation

- 7.12 Letters were sent to occupants of **160** adjoining and nearby properties on Parkfield Street, Berners Road, Bromfield Street, Liverpool Road and Upper Street on 24/02/2023.
- 7.13 A total of **5** objections were received from the public with regard to the application. The issues raised are summarised below:

OBJECTIONS

External appearance

- It is not clear where the associated parking mentioned in the application would be situated and what potential impact that would have on the area (**Para 9.17-9.21**).

Neighbouring Amenity

- Concern delivery drivers waiting around to work past Angel Centre Street (**Para 9.38**)
- Existing noise level at times are unacceptable with loading throughout the night with engines running (**Para 9.40**)
- The proposal will inevitably increase the amount of vehicles parking up and often with engines running (to be expected with a dark supermarket as well as chilled supply chains require engines to run) and people loitering in the area. All of this will create a noise disturbance and perhaps even safety challenges (**Para 9.40-9.41**)
- Given restrictions on Grade II listed houses on Bromfield Street noise from the street, including conversations between people, can be heard clearly within the houses and cause great disturbance (**para 9.28-9.34**).

Highways/Safety

- Bromfield Street is narrow and is popular as both a through street from Liverpool Street to Upper Street and for parking outside of controlled times (**Para 9.55-9.56**)
- Both roads (Parkfield Street and Bromfield Street) already suffer from significant congestion, including from large delivery vehicles, cars, motor bikes and bicycles (**para 9.66-9.77**)
- Concerns about the increase in traffic and congestion on Parkfield Street (**para 9.66-9.77**)
- Material increase in delivery vans and the addition of substantial traffic from bikes / e-bikes during excessively long hours of operation (and with delivery driver activity focused after 9pm, particularly anti-social) will only make congestions issues worse (**Para 9.39-9.42 and para 9.66-9.77**)
- The noise assessment completed is flawed. It measures 6 e-bikes going past and does not measure the impact of an increase in hundreds of trips, significant van deliveries and the increased level of people that all of this will generate (**Para 9.28-9.42 and para 9.66-9.77**)
- The operational plan is flawed. It is not based on an actual business plan by a potential tenant and operator of the dark supermarket. It is entirely theoretical, does not consider real world practical outcomes, and the reality could be far worse (**Para 9.39-9.42**)
- Will increase motorbike traffic down Broomfield Street and Berners Row (**Para 9.56-9.62**)
- Road already very busy with very large Lorries trying to turn around in a very small space across a pedestrian through way (**Para 9.66 and 9.71**)
- With more deliveries the danger levels increase (**Para 9.81 and 9.83**)
- Bromfield Street is used as a cut through for children going to school or Angel Central and is dangerous with use by motorbikes/moped (**Para 9.72-9.73**)
- Proposal goes against Islington's People Friendly Streets and neighbourhoods that are more environmentally friendly and child safe - this supermarket, and the significant increase in traffic it would bring to a road which is heavily used by pedestrians is going completely in the other direction (**Para 9.61-9.62 and Para 9.91-9.92**)

- Street can become congested with coaches when Carling Academy is in use. When bands are playing, there are often fans waiting along Parkfield Street (Para 9.65).

Sustainability

- Whilst delivery to the customer may be by e-bike in best case scenario, deliveries to the supermarket itself will be by high carbon emitting lorries (Para 9.90-9.93).

Internal Consultees

- 7.14 Acoustics Officer: No objection subject to conditions on operational hours, collection point and final operational management plan (more details included within assessment).
- 7.15 Highways Officer: The application with updated hours is welcomed. The sole use of e bikes or regular cycles is also very much welcome as this fits in with the councils walking and cycling initiatives. There is the cycleway 50 on Liverpool Road which will help in ensuring any additional cycle traffic as a result of the proposed development on that road has a safe segregated cycle lane. Advised that more data is required on trip generation from other dark supermarkets and on existing cycle movement in area. Highways reiterate reservations from the pre-application on trip generation but do not consider concerns warrant a refusal/objection to proposal.
- 7.16 Planning Policy: No marketing evidence required for this change of use in line with newly adopted Local Plan *Islington's Strategic Management Policies (2023)*. As the scheme is in a Town Centre site the proposal will need to be strictly assessed in terms of it's layout, accessibility and the sustainability of the town centre in accordance with Part C of Policy R3.

External Consultees

- 7.17 Crossrail 2: No comment on the application (not within safeguarding area).
- 7.18 Transport for London: No objection – trip generation would not have an adverse impact on the TLRN (Upper Street) and consider the 2 parking bays to provide around 10 spaces would be enough to cater for the maximum predicted demand of 170 driver collections a day.

8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

- 8.1 Islington Council (Planning Sub-Committee), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990).
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance).
- 8.2 National Planning Policy Framework 2023 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 8.3 The National Planning Policy Framework 2023 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 8.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.9 The Development Plan is comprised of the London Plan 2021, Islington Strategic and Development Management Policies (SDMP) 2023, Bunhill and Clerkenwell AAP 2023 and Site Allocations 2023. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 8.10 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use
- Design
- Impact on the amenity of neighbouring residents
- Highways, Transport and Servicing (including car free development, cycle storage and refuse)
- Accessibility
- Sustainability.

Land Use

Policy

9.2 The application site is located within the Angel Spatial Strategy as defined by Policy SP4 (Angel and Upper Street) the Central Activities Zone and Primary Retail Frontage (Angel).

9.3 The site lies within the Angel Town Centre, as defined by Islington's Strategic Management Policies (2023).

9.4 In regard to Town centres and high streets, Policy SD6 of the London Plan (2021) states at Part A that the vitality and viability of London's varied town centres should be promoted and enhanced by:

1) encouraging strong, resilient, accessible and inclusive hubs with a diverse range of uses that meet the needs of Londoners, including main town centre uses, night-time economy, civic, community, social and residential uses

2) identifying locations for mixed-use or housing-led intensification to optimise residential growth potential, securing a high-quality environment and complementing local character and heritage assets

3) delivering sustainable access to a competitive range of services and activities by walking, cycling and public transport

4) strengthening the role of town centres as a main focus for Londoners' sense of place and local identity in the capital

5) ensuring town centres are the primary locations for commercial activity beyond the CAZ and important contributors to the local as well as London-wide economy

6) supporting the role of town centres in building sustainable, healthy and walkable neighbourhoods with the Healthy Streets Approach embedded in their development and management.

9.5 Paragraph 2.6.5 relevant to the policy states that retailing has evolved to become multi-channel, with a mix of physical stores, 'click and collect' points, direct delivery to homes and workplaces, and showrooms for digital businesses. Overall, household expenditure on retail is projected to rise but this demand will be spread unevenly across London's town centres, reflecting trends towards the polarisation of retail space towards the larger and stronger centres in London.

9.6 In regard to impacts on the Primary Shopping Areas, Islington's Strategic and Development Management Policies (2023) policy R2 supporting text paragraph 4.9.2 states that while the

loss of space below and above ground floor level may not trigger Policy R2 where a ground floor use is unaffected, Policy R3 Part C may apply.

9.7 Part C of Policy R3 (Islington’s retail hierarchy) states that any development proposed within a designated Town Centre must:

- (i) ensure adverse impacts on vibrancy, vitality, viability and character of the centre are fully mitigated.
- (ii) provide a frontage which engages positively with local character and the street scene. Where historic shopfronts and features are present, these must be retained.
- (iii) provide a high quality design including meeting policies related to accessibility and sustainability;
- (iv) 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.

Application unit

9.8 The application site is contained within the basement level of the Angel Centre. Existing basement unit ST2 (shown grey in the unit plan below) is currently a vacant space with no live utilities. The space was originally basement car parking that served the original centre but was not used for this purpose once completed. As part of wider refurbishment of the centre, plans were redesigned for the site area to be additional retail space for the retailer H&M. The basement space has however become surplus to requirements of the retailer H&M which trades at ground and first floor level.

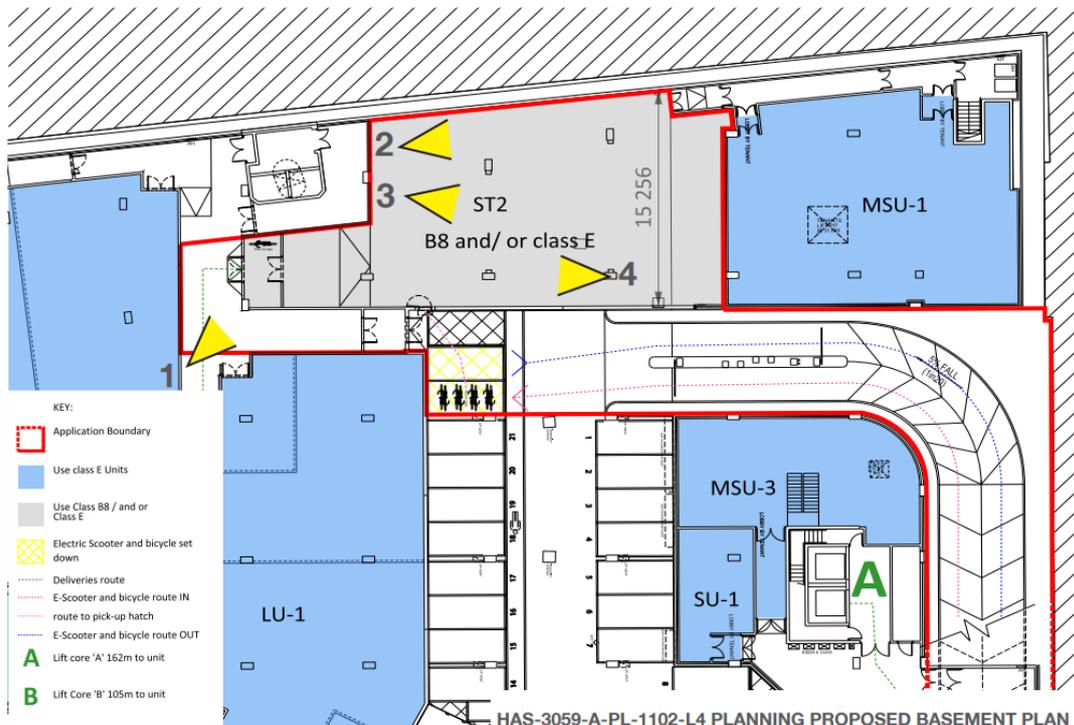


Image 8: Proposed basement plan

9.9 The ST2 unit sits adjacent to the MSU-1 space which is the H&M retailers basement level space. Although located within the Primary Retail frontage, it is a non-street facing unit, not visible from public vantage points and accessible from Parkfield Street for servicing and parking, while also

internally accessible from the lift core areas of the shopping centre. The space has remained vacant since completion and although offered to the ground floor retailer above since 2018 has not been occupied or utilised since its former use as car parking.

Proposed use

- 9.10 The dark supermarket (Use Class B8) will cater exclusively for online shopping with no customers attending the site. The proposal submission considers the proposed use important to the market and locals due to the rise of grocery delivery apps have become more prevalent. There would be a 5m local catchment area for the delivery of groceries to customer doors. The use is not considered a typical main town centre use due to the new and niche nature of the operations and the loss of the existing ancillary retail space for the use proposed will be assessed in the sections below.

Town Centre Impact

- 9.11 As noted by officers at the pre-application stage, marketing evidence was considered necessary to assess the loss of the ancillary retail space in line with now superseded policies under the Development Management Policies Document (2013) and the Draft Local Plan (2019).
- 9.12 However, since the issuing of the pre-application response, the Islington local Plan has been modified and adopted. The relevant policy now no longer requires marketing evidence to be submitted for this proposal.
- 9.13 Notwithstanding this, details of marketing were submitted with the application. In regard to the vacancy period, the unit has been vacant since the wider refurbishment of the centre in 2017. The CBRE marketing information provided note that the unit has been marketed since 2018 which included a Marketing brochure also from *Angel Centre Islington* and also utilised all marketing channels including using digital marketing tools such as the Estate Agents Clearing House (EACH) and Perfect Information Property (PIP) and CBRE website. The marketing details that the site was marketed for previously A1, A3 and D1 until September 2020 where Use Class E was engaged. Detailed commentary on the enquiries received are noted within Appendix 1 of the Marketing details.
- 9.14 The earliest record of marketing has been since June 2017 when the property agent marketed the basement to H&M on upsizing. The site has therefore been marketed and vacant for over 5 years.
- 9.15 Unsurprisingly, given the application unit's lack of natural light and ventilation and siting; the enquiries, viewings and offers received have been from gym occupiers and also dark supermarkets such as Gorillas and Getir. It's considered the utilisation of a fairly large and unused unit within the basement area would be a benefit to the Angel Town Centre, increasing employment and ensuring the vitality and viability of the Angel Central shopping centre is retained in line with Part C of Policy R3.
- 9.16 The access and functionality of the unit at basement level served by an existing vehicular access and loading bay is considered appropriate for the storage and distribution user on land use matters. It is considered a functional and well-connected space within the Town Centre for the dark supermarket supplier. Overall, the proposal is compliant with Policy SD6 of the London Plan (2021) and Policy R2 and Part C of Policy R3 of Islington's Strategic and Development Management Policies (2023).

Design

- 9.17 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should create better places in which to live and work and helps make development acceptable to communities.
- 9.18 Policy PLAN1 of Islington's Strategic and Development Management Policies, amongst other objectives, aims to achieve development that represents a high quality of design that is sustainable and inclusive and that positively contributes to local character, legibility and distinctiveness.
- 9.19 In regard to the impacts on the local area, the proposal would result in no new external development visible from street level.
- 9.20 Within the private car park, 2no. parking bays would be converted to allow for parking of electric bikes and pedal bikes for couriers and a small access hatch made within the flank of the basement area. There would be no idling of drivers externally and there would be no alterations that would harm the character of the local area.
- 9.21 Overall, the proposal is considered compliant with policy PLAN1 of Islington's Strategic and Development Management Policies (2023).

Neighbouring Amenity

- 9.22 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. The proposal is subject to London Plan Policy D6 as well Islington's Strategic and Development Management Policies policy PLAN1 applies to all new developments including alterations and extensions to existing buildings.
- 9.23 Part B(i) of this policy requires compliance with contextual design principle and requires all development to provide a good level of amenity, including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution (such as air, light and noise), fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

9.24 Part G of policy SP4 (Angel and Upper Street) of the Islington's Strategic and Development Management Policies states that Night-time economy uses must be directed to the Town Centre and demonstrate that there is no significant adverse effect on local amenity.



Image 9: Neighbouring properties

9.25 The application site is located towards the end of Parkfield Street and accessed by the car park ramp. Neighbouring properties include The Premier Inn Hotel which directly abuts the site to the north. To the north-west are the four-storey residential terraced properties on Bromfield Street (1-14 and 15-24). Further north is The Tanning Shop and the much larger Angel Business Design Centre and to the north-east abutting the Premier Inn Hotel is 1-6 Berners Road which houses office space. These properties are highlighted above in image 9.

9.26 In regard to the impact on residential amenity, there is no external development from the proposal and therefore there is no adverse impact on outlook, enclosure, privacy and daylight and sunlight. Given the nature of the proposal, resulting in courier movement on the local highways, the main consideration for assessment is noise and disturbance. A number of objections have been received in regard to the potential for noise outbreak.

9.27 The courier pick up and deliveries from the site are proposed to operate between 7am and 11:00pm (no earlier or later than the existing trading for the shopping centre) only using peddle or electric (2 wheeled) bikes. The applicant's originally proposed hours to start operations from 6am has not been accepted as this is beyond the current arrangements for the Angel shopping centre. Motorised courier vehicles are not permitted. All deliveries to the site associated with the use would arrive outside of traditional peak hours of (08:00am-09:00am and 17:00pm-18:00pm) in line with other commercial properties at Angel Central Shopping Centre that utilise the ground floor servicing yard, organised via the shopping centre's site management team and in line with condition 13 of application ref: P2017/2964/FUL between 07:30am-22:30pm on any day.

Noise and Disturbance

- 9.28 A noise assessment has been provided by Quantum Acoustics (January 2023) and an Operational Management Plan has also been submitted.
- 9.29 The existing background noise levels are noted to be local road traffic movements and mechanical services noise emanating from mechanical plant serving the surrounding commercial buildings.
- 9.30 The predictions within the noise report and other submission documents state that based on the predicted movements of cyclists the dark supermarket would generate circa 6 additional cycling trips per hour along Bromfield Street which is the closest residential street to the proposal. This calculation has been based on a worst case scenario of approximately 170 two-way movements (bicycles/e-bikes) between the applicants proposed time of 07:00am-23:00pm on the busiest days for the proposed use which would typically be Fridays and Saturdays (Conditioned to 07:00am-23:00pm). In response to officers' concern at pre-application stage on noise generated by electric bikes, the assessment has also taken on a worse case assessments based on 3 types of electric bike that may be used by the dark supermarket along with an unassisted (non-powered/pedal only) bike (4 types in total). The highest noise level from the 4 bikes has been used to inform the assessment at 54dB in context of the nearest property 5m from the path of the assessed e-bike route. The assessment location has been detailed below:



Image 10: Neighbouring properties

- 9.31 Based on the trip generation, the 4 bike specification passes in a 5-minute night-time period are used for a worse case night time assessment from the nearest affected residential window. Officers consider the worst case period at the busiest time to be a reasonable assessment basis and the trip generation is based on an existing dark supermarket provider. The results show that the noise levels are nearly 10dB below the identified background levels indicating no impact, no effect and no action required in the assessment. When considering the low volume of travel on an hourly basis and the noise emissions from e-bikes and pedal bikes only which are generally low it's considered that the additional trip movement from the proposed use would not have an adverse impact on residential amenity through noise output.

- 9.32 The data from the transport assessment breaks down the split of travel from the peak hours where between 21:00pm-22:00pm a total of 32 two-way trips are anticipated along Parkfield Street / Berners Road and Bromfield Street whilst an additional 40 two-way trips are anticipated between 22:00pm-23:00pm. When split 50/50 between both highway networks (detailed within image 13), which would assume a peak of 20 two-way trips along the residential street of Bromfield Street between 22:00pm-23:00pm.
- 9.33 Whilst officers acknowledge there would be an increase in highway movement, when reviewing the assessment on the cycle movement on the residential street of Bromfield Street the trip generation would amount to an average of 1 cycle passing by every 3 minutes between 22:00-23:00. Within the hour preceding this, the average is closer to 1 cycle passing by every 4 minutes. It is therefore concluded and accepted that the courier deliveries which will be made by cycles or e-bikes at the volume proposed would not have an adverse impact on residential amenity and will utilise a well-established cycle route using non-motorised vehicles.
- 9.34 The noise details have been reviewed by the Council's Acoustics Officer who raises no objection subject to conditions. Firstly, collections and deliveries from the premises to customers shall be carried out by foot, bicycle or electric two wheeled vehicles only and not by any other mode of transport. Additionally, no collection of orders from the premises shall take place by customers at any time. The proposed use would be operated solely via online order and with this as a condition is considered necessary to protect neighbouring amenity in any case.
- 9.35 In regard to operational hours. Collections and deliveries from the premises to customers from bicycle couriers shall only be carried out between the following hours:
- Monday to Saturday - 07:00-23:00 hours
 - Sunday - 08:00-23:00 hours
- 9.36 Deliveries and servicing to the site shall only be carried out to the site between the following hours:
- Monday to Saturday - 08:00 – 22:00 and not on Sundays or bank holidays.
- 9.37 It's considered that the proposed measures for collection and operational hours in line with the previous consent for works at the shopping centre is acceptable based on the details provided.
- 9.38 Concerns during the application process have been raised with drivers loitering streetside and close to properties. It should however be clarified that the proposed use would be serviced by the existing delivery and servicing area at basement level with access down to the car park area. Collections would be made from the 2 car parking bays below street level, and there would be no pickup from street level so as to harm or disturb the amenity of adjacent residential properties.
- 9.39 In regard to the possible disturbance of the operations on the adjacent residential and commercial properties, an operational management plan has been submitted and sets out a number of measures to mitigate harm to neighbouring amenity. This was updated from the draft plan originally submitted and sets out how the management practices have been set out in co-ordination with the Site Manager who will issue written / email instructions to all suppliers who book deliveries. The following has been proposed to minimise harm through delivery and servicing and will be implemented with any future occupier:
- Suppliers to the dark supermarket will be required to indicate a delivery time including details of the type of vehicle that would be used and the scale / nature of goods to be

supplied. This will assist in avoiding multiple deliveries at the same time occurring at the site.

- The Site Manager will explore with employees appropriate controls on personal / non-urgent deliveries.
- Deliveries will be programmed so as to avoid waste/recycling collections.
- Drivers will be informed that vehicles must be switched off whilst goods are being loaded/unloaded (when the vehicle is stationary).
- The Site Manager will be responsible for maintaining a log book, including a record of any accidents or near misses and, if necessary/appropriate, will act accordingly so as to avoid the potential for future problems.
- The Site Manager will be responsible for the transfer of goods from the point of receipt to their ultimate destination.
- Ensure all drivers are aware they are not allowed to loiter.

9.40 The details provided within the submission note also that the deliveries to the site will be taken only within servicing bays well away from the neighbouring properties on Bromfield Street, with engines being off when vehicles are stationary when loading goods as part of the operations. The location is off street within an existing and well used servicing area as existing and as such would not harm the amenity of residents through noise and disturbance. This will limit the extent of potential loitering at the site as drivers will be able to await collection in a covered underground area.

9.41 When considering the bulk of activity is contained at basement level within the car park and within the dedicated existing servicing area for delivery and adequately managed, the level of disturbance is not considered to cause unacceptable harm to neighbouring occupiers. The operational management plan has been updated to a document not in draft form with greater clarity on management processes on delivery procedures and managing couriers. In regard to the management of delivery riders (couriers) that would serve the use, the OMP details that delivery riders will be required to wait at basement level for order(s) which is considered to minimise the impacts on the amenity of the surrounding residents, as all operations are contained within the basement. The OMP states that drivers cannot loiter outside of the site at ground floor level and this will be enforced to all drivers at the site. Overall, it's considered that the details provided are acceptable to manage the impacts on adjacent residential properties and surrounding streets.

9.42 The details included within the OMP will be an approved document and one that is conditioned on any approval to ensure the processes and procedures are adhered too. There is no indication on the plans submitted, however the applicant is advised that any new plant to serve the unit will require planning permission.

Conclusion

9.43 Overall, the proposal would not have a detrimental impact, outlook, privacy, overlooking, daylight and sunlight and noise and disturbance subject to conditions and would therefore be in compliance with policy PLAN1 of Islington's Strategic and Development Management Policies (2023) in regard to impacts on neighbouring amenity.

Highways, Transport and Servicing

9.44 Paragraph 108 of the National Planning Policy Framework (2023) states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

a) the potential impacts of development on transport networks can be addressed;

b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;

c) opportunities to promote walking, cycling and public transport use are identified and pursued;

d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and

e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

9.45 Part A of Policy T1 (Strategic approach to transport) of the London Plan (2021) states that:

Development Plans should support, and development proposals should facilitate:

1) the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041.

9.46 Part B of Policy T4 (Assessing and mitigating transport impacts) of the London Plan (2021) states that:

When required in accordance with national or local guidance, transport assessments/statements should be submitted with development proposals to ensure that impacts on the capacity of the transport network (including impacts on pedestrians and the cycle network), at the local, network-wide and strategic level, are fully assessed...

9.47 Part G of Policy T7 (Deliveries, servicing and construction) of the London Plan (2021) states that:

Development proposals should facilitate safe, clean, and efficient deliveries and servicing. Provision of adequate space for servicing, storage and deliveries should be made off-street, with on-street loading bays only used where this is not possible...

9.48 Part H of Policy T7 (Deliveries, servicing and construction) of the London Plan (2021) states that:

Developments should be designed and managed so that deliveries can be received outside of peak hours and in the evening or night time. Appropriate facilities are required to minimise additional freight trips arising from missed deliveries and thus facilitate efficient online retailing.

9.49 Part D of policy SD7 of the London Plan (2021) which is relevant to development principles and Development plan documents attached to Town centres states that development proposals should:

1) ensure that commercial floorspace relates to the size and the role and function of a town centre and its catchment

2) ensure that commercial space is appropriately located having regard to Part A and B above, and is fit for purpose, with at least basic fit-out and not compromised in terms of layout, street frontage, floor to ceiling heights and servicing

3) support efficient delivery and servicing in town centres including the provision of collection points for business deliveries in a way that minimises negative impacts on the environment, public realm, the safety of all road users, and the amenity of neighbouring residents

4) support the diversity of town centres by providing a range of commercial unit sizes, particularly on larger-scale developments

9.50 Part A of Policy T5 of Islington's Strategic and Development Management Policies (2023) in relation to Delivery, servicing and construction states that:

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 have 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.

9.51 Part B of Policy T5 states that 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.*

9.52 The submission is supported by a Transport Statement (including Servicing and Delivery Plan) by Caneparo Associates (November 2022, minor revision in November 2023 and February 2024) in compliance Part A of Policy T5 of SDMP (2023) and the London Plan (2021).

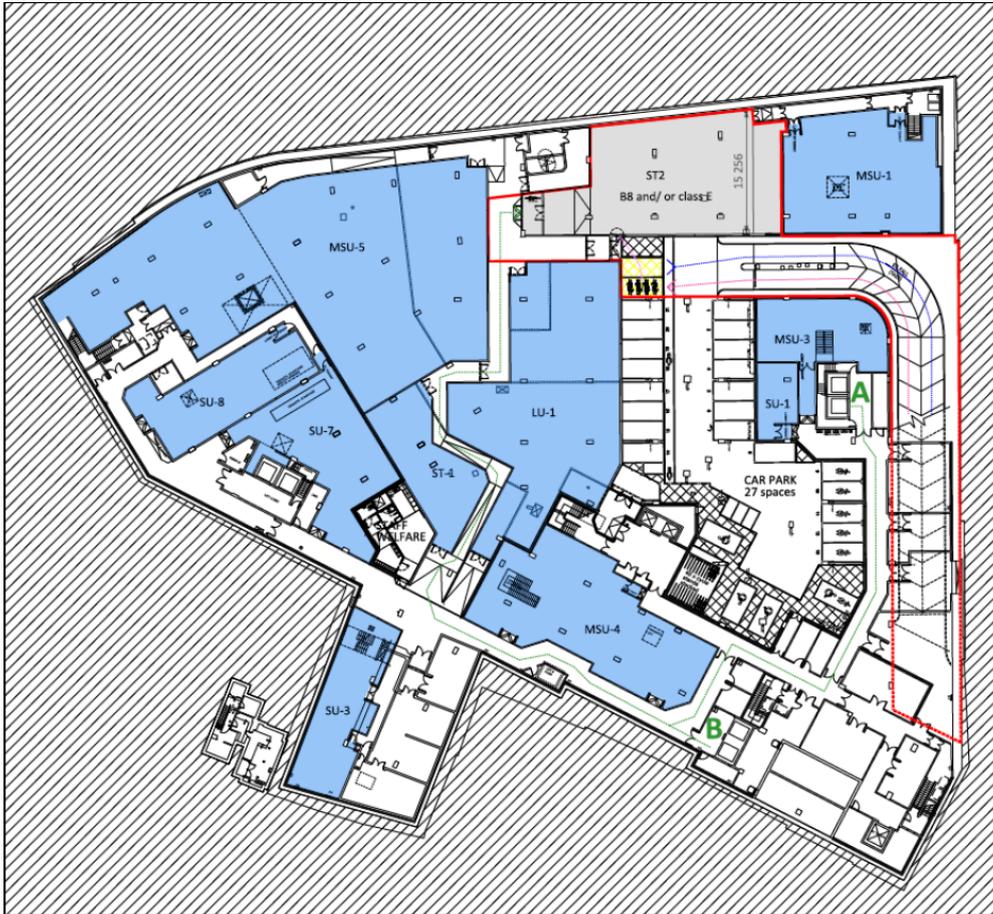


Image 11: Proposed site layout plan

9.53 The site has a PTAL rating of 6A demonstrating an excellent level of accessibility to public transport. The application site and proposal area as noted in previous assessment forms part of Angel Central Shopping Centre and is located within the basement car park accessible via a vehicular ramp connecting to Parkfield Street. This area is not a publicly assessable area on foot.

9.54 Parkfield Street joins with Berners Road to the north of the Site and provides the main vehicle access road to Angel Central Shopping Centre's ground level servicing yard and basement level car park. Both Parkfield Street and Berners Road offer two-way traffic flow which is shared with on-road cyclists. Both sides of the carriageway along Parkfield Street and Berners Road are controlled by double yellow lines preventing parking on-street. Parkfield Street is currently used predominately for vehicular access to the shopping centre. To the north, Berners Road joins with Upper Street which offers two-way traffic flow operating in a predominantly north to south orientation. As existing the Parkfield Street serves the delivery and servicing area and customer car park for Angel Central shopping centre.

9.55 Bromfield Street is the residential street, which spans westwards from Berners Road. There is no vehicular access from Berners Road to Bromfield Street and is a no through road with cyclist direction going from east to west only forming part of a formal cycle network. The cycle network is shown below and would be utilised by the proposed use. The application site is marked in red.

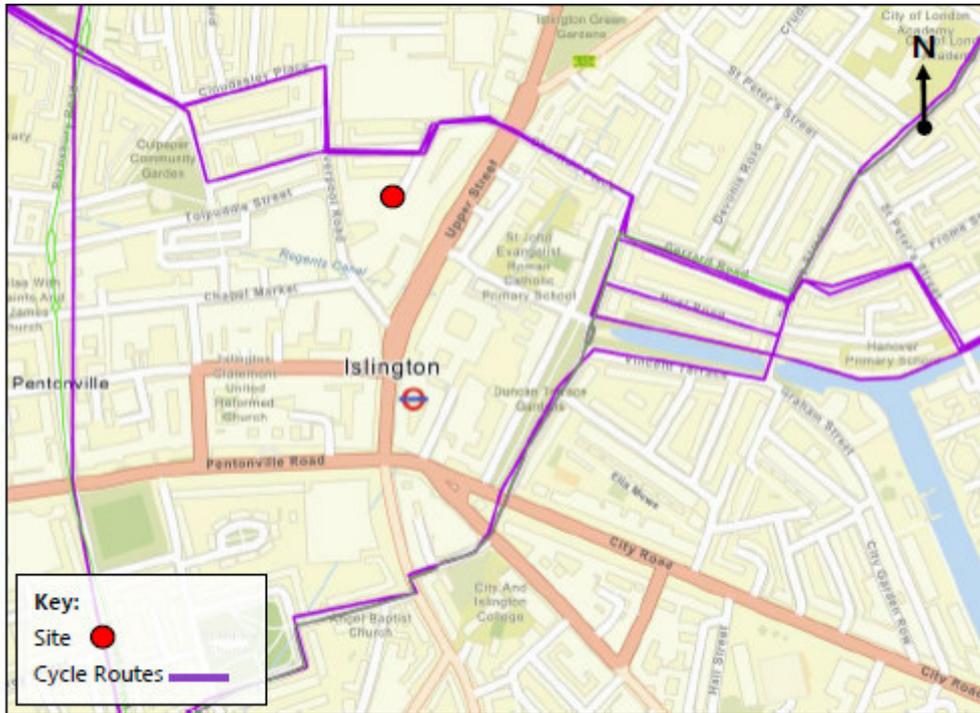


Image 12: Cycle Route

Proposed Courier Movement

- 9.56 The Transport Statement details that the assessment made has been undertaken on the likely routes that bike / e-bike delivery drivers will commonly use to serve the expected 5km catchment area for the dark supermarket. The catchment area identifies areas such as Marleybone, Finsbury Park, South Hackney and Elephant & Castle and as such there are two primary routes from the site that drivers will use to collect and deliver customers shopping which include Parkfield Street/Berners Road and on to Upper Street (north and south) and west towards Bromfield Street and then Liverpool Road. The statement notes that the distribution has been proportioned along the immediate road networks surrounding the site as these will receive the greatest increase of pedal cyclists and e-bicycles when compared with the wider network. This is shown in image 13 below.
- 9.57 The trip generation from collection bikes has been based on information on general trends from dark supermarket sites currently in operation. Further information received during the application process within the updated Transport Statement details that the trip generation data has been derived from operators such as *Weezy*, *Fancy*, *Gorilla* and *Getir*. The transport statement details that operators stated that a range of vehicle numbers per day depend on their specific supply chains and demand. The size of the unit was considered during discussions as the size of the unit will impact the number of orders that can be processed per hour and was factored into the projections.
- 9.58 Transport for London during the application process queried the data provided and the applicant provided the following response which informed their baseline for the site:

The traffic data was provided by a dark supermarket agent based on their client's current experience at other operational units across London and the size and location of the unit in question being in a large residential catchment and existing commercial area. It is understood that certain dark supermarket tenants operate consolidation such that 6 x box vans would be sufficient for the days deliveries, whereas other tenants use smaller electric vans, up to 20 per day depending on the specific supply chains they operates i.e. bespoke / artisan food providers. The number of driver collections can range between 20 to 40 within a peak hour depending on the success and catchment of the dark supermarket. The 170 driver collections per day was provided as an average between the two busiest days (Friday and Saturday) so can be seen

as a maximum but clearly the number of driver collections is subject to the success of the unit and the demand for such a service in the locality.

- 9.59 The dark supermarket will operate 7-days per week between 07:00am-23:00pm and 08:00am-23:00pm (Sundays) (conditioned in line with the shopping centre). The busiest days of the week are predicted to be Fridays and Saturdays, with a peak of 32–40 ‘delivery events’ per hour in line with the above data methodology.
- 9.60 The assessment and applicant consider the busiest time will be between the hours of 21:00pm-22:00pm and 22:00pm-23:00pm and an average of 170 driver collections (employees of the dark supermarket who are schedules to collect customers orders from the site) across the day. Therefore, based on the total future baseline of trips across the day, approximately 170 two-way movements (bicycles / e-bikes) are expected to travel along Parkfield Street / Berners Road and Bromfield Street between 07:00am-23:00pm.

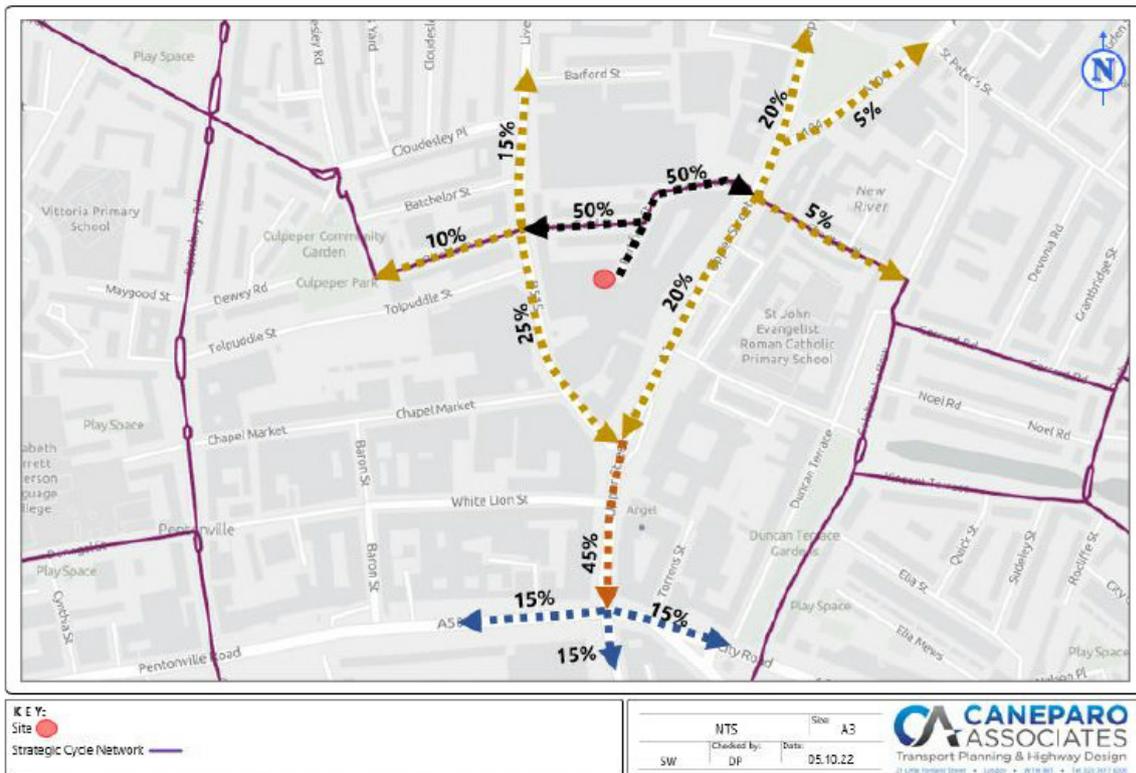


Image 13: Split of courier travel

- 9.61 The data from the transport assessment further breaks down the split of travel from the peak hours above where between 21:00-22:00 a total of 32 two-way trips are anticipated along Parkfield Street / Berners Road and Bromfield Street whilst an additional 40 two-way trips are anticipated between 22:00-23:00. When split 50/50 between both highway networks, this would assume a peak of 20 two-way trips along Bromfield Street between 22:00-23:00.
- 9.62 Whilst officers acknowledge there would be an increase in highway movement, when reviewing the assessment on the cycle movement on the residential street of Bromfield Street the trip generation would amount to an average of 1 cycle passing by every 3 minutes between 22:00-23:00. Within the hour preceding this, the average is closer to 1 cycle passing by every 4 minutes. It is therefore concluded and accepted that the courier deliveries which will be made by cycles or e-bikes at the volume proposed would not have an adverse impact on residential amenity, the local highway or Highway safety and will utilise a well-established cycle route using non-motorised vehicles. The applicant considers also that the assessments provided are on a worst case scenario with a 50/50 split considered, however it is likely that the Parkfield

Street/Berners Road would provide a more direct mode of travel based on it being the shortest journey to connect with the A1 Upper Street that is TRLN (Red Route Network) providing direct routes to the north of the borough and the city which is likely to reduce travel via the residential street of Bromfield Street.

Proposed Delivery and Servicing

- 9.63 The submission notes that supplier deliveries will avoid peak commuting hours (08:00-09:00 and 17:00-18:00). The hours when supplier deliveries are expected to occur are between 06:00-08:00, 09:00-17:00 and 18:00-19:00pm. The applicant has however been reminded that no deliveries will be taking place outside of the hours of Monday to Saturday - 08:00 – 22:00 and not on Sundays or bank holidays and so no deliveries will take place between 06:00am-08:00am as quoted. This would ensure compliance with Part H of Policy T7 (Deliveries, servicing and construction) of the London Plan (2021) in regard to deliveries outside of peak delivery hours.
- 9.64 The data predicts 6-20 delivery movements to the site from transit vans to supply the use, however this could be reduced to 1 HGV. The updated transport provides more information on the predictions submitted and how they are derived. Firstly it acknowledges that this use is still very new therefore the range of 6-20 LGVs is proposed to show the lower and upper threshold of deliveries. It's noted that the range between 6-20 LGVs or 1 HGV reflects varying supply chains and delivery consolidation, if at the worst case of being closer to 20 this will be down to operator sourcing local products from various local suppliers (bakeries, florists, fishmonger etc.) such that consolidation cannot take place and each supplier is required to deliver their product direct to the unit. Whereas the reference to 1 HGV delivery per day reflects the scenario where a more traditional supermarket delivery is undertaken from a consolidation centre directly to the unit which focuses on a single delivery strategy. This prediction based on the above information is considered reasonable justification.
- 9.65 The servicing area is off street, and deliveries would utilise delivery bay A and B as pictured within the design and access statement and in the images below. The servicing would be off street as per the requirements of Part B of Policy T5 of the SMDP (2023) with goods taken down to the unit from the existing goods lift. The capacity assessment provided by Angel Central Centre shows that across both months of March 2022 and April 2022 there were no more than 13 deliveries on a particular day. The servicing of further vehicles from the proposed use would increase by 20 a day at a worst-case scenario if using smaller transit vans. There are 3-4 servicing bays which are considered to provide adequate space and are closely managed by the centre Site Manager as detailed within the Operational Management Plan. There would be no parking on Parkfield Street so as to affect either highways or neighbouring amenity.



Image 14: Service Access

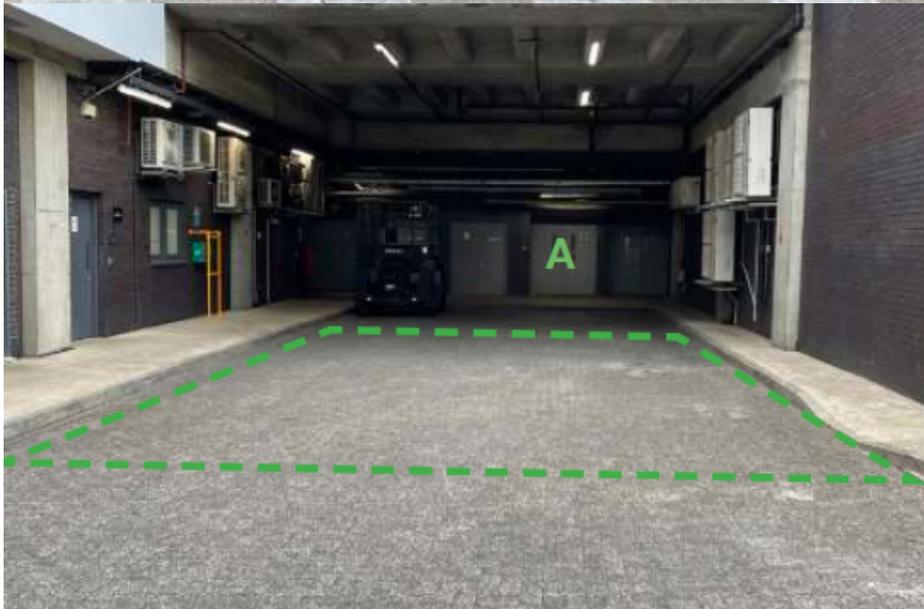
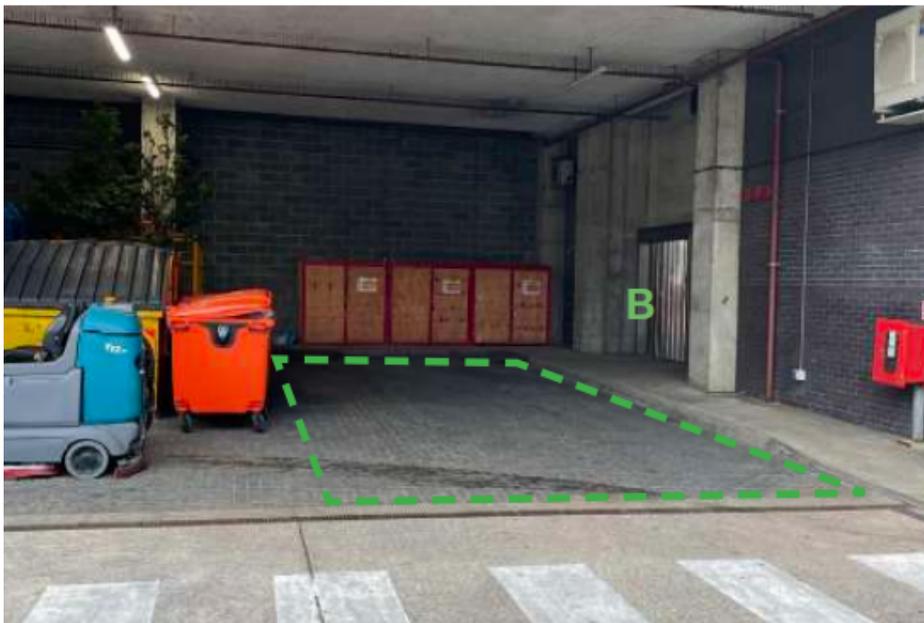


Image 15-16: Service Yard and bays A and B

Impact on Highways

- 9.66 As noted within the pre-application response, concerns were raised with the volume of additional trips on the local highways and how this may impact on highway and public safety and also the operations of the shopping centre from officers including the Highways O. At pre-application stage however, no detailed transport, delivery and servicing plan was provided. This has now been provided with this full planning application.
- 9.67 The transport assessment has included an Automatic Traffic Count (ATC) survey commissioned by an independent survey company on 20th September 2022 for a 7-day period to assess the existing traffic flows along Parkfield Street whereby vehicular movement takes place. The data was broken down between 5-day averages and 7-day averages. Table 6.2 of the traffic flows demonstrated that vehicle movements along Parkfield Street remain similar between the 5-day average (Monday to Friday) and the 7-day average (Monday to Sunday), suggesting that the weekend produces a similar level of vehicle movements to that of an average weekday.
- 9.68 Figure 6.1 within the assessment details the average 7-day total vehicle movements across a 24-hour period for each mode of transport taken from the ATC data. The data identifies that across the day a peak of 39 vehicles were recorded along Parkfield Street between 12:00-13:00 of which the majority were recorded as being cars (15), motorcycles (12) and bicycles (8); only a single HGV vehicle was recorded between 12:00-13:00. Across the 7-day average, 16% of the total vehicles were recorded as pedal cyclists, 27% were motorcyclists and 3% were HGVs.

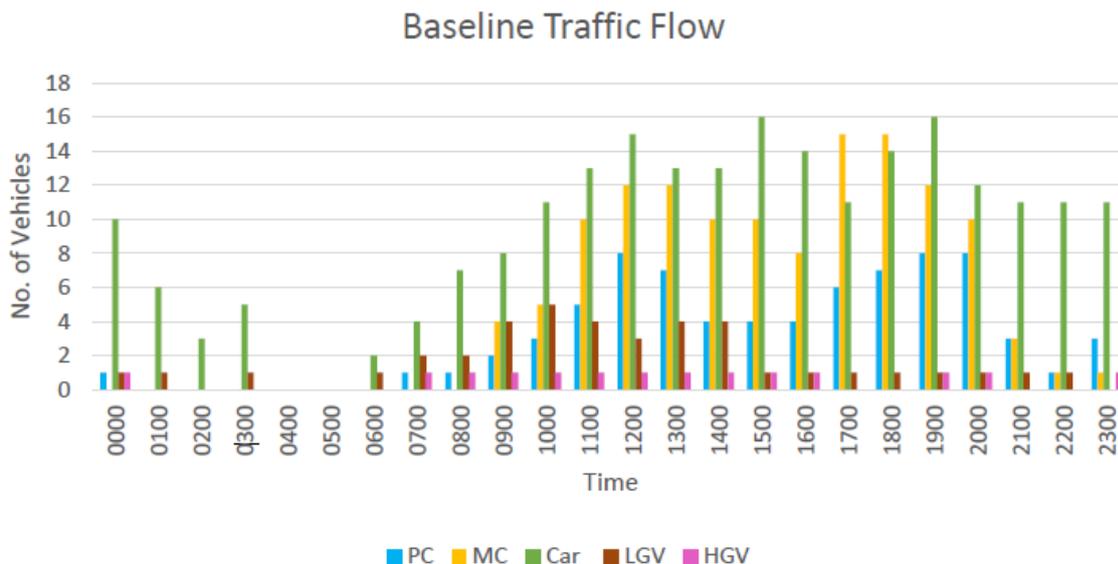


Image 17: Baseline Traffic Flows

- 9.69 In regard to the number and type of vehicle recorded along Parkfield Street during the AM peak (08:00-09:00), PM peak (17:00-18:00) and interpeak hours (12:00-13:00). Table 6.3 within the assessment indicates that across the AM peak a total of 11 vehicles were recorded; the majority of which were cars (7 movements). During the PM peak a total of 33 vehicles were recorded with the majority being motorcyclists (15 movements). The inter peak generated 39 two-way trips of which 3% were HGVs. The majority of vehicles recorded during the interpeak were cars (15 movements).
- 9.70 Overall, the ATC data indicates that Parkfield Street receives a low level of two-way traffic across an average day, with the vast majority of movements recorded as motorcycles and cycles and a low proportion of HGVs indicating that Parkfield Street is generally limited to vehicle activity associated with the Angel Shopping Centre. The total from the baseline assessment as existing is 448 movements (two way) per day.

- 9.71 The proposed increase in traffic from the use on Parkfield Street is predicted at 788 vehicle movements with a peak of 95 vehicles (unrelated vehicles to use and vehicles associated to the use) taking place between 22:00pm-23:00pm. Whilst there is an increase in movement beyond the 2022 baseline of 448 movements it should be noted that 90% of the additional vehicle movements along Parkfield Street will be undertaken by cyclists and e-cyclists associated with collecting and delivering customers shopping. The assessment concludes that the proposed increase in vehicle movements as a result of the development will have a negligible effect on the existing operation of Parkfield Street.
- 9.72 Whilst officers acknowledge the trip generation proposed, crucially the details now provided show trip movement from the details provided at pre-application. When split evenly between two road networks to serve the 5-kilometre catchment area in all directions, Bromfield Street will experience 85 two-way movements, alongside Parkfield Street / Berners Road which will also experience 85 two-way movements. The cyclists would use an existing cycle highway networks as per other users. As such, the overall impact is not considered a justified reason for refusal and the additional movement per hour as detailed from the data (for example 6 additional cycles on Bromfield Street per hour split across the operational hours) would not be highly perceptible or noticeable so as to harm the highways network or be considered as severe to refuse on this basis. As noted within the assessment above regarding impacts on residential amenity from courier movement, when reviewing the assessment on the cycle movement on the residential street of Bromfield Street the trip generation would amount to an average of 1 cycle passing by every 3 minutes between 22:00-23:00. Within the hour preceding this, the average is closer to 1 cycle passing by every 4 minutes. This would be replicated on Parkfield Street/Berners Road based on a worst-case scenario and 50/50 split.
- 9.73 The application site is within a busy town centre location where there is not significant highway movement as existing as shown by the Automatic Traffic Count (ATC) survey. The additional movement with the introduction of a Dark Supermarket at this location will increase the total number of vehicles travelling along Parkfield Street, however, the low level of vehicle activity recorded on this highway and the fact roughly 90% of the additional vehicle activity will be bicycles / e-bikes is considered to not have an adverse impact on the surrounding highway network and the use of sustainable modes of transport is in line with Part B (xvi) of Policy T5 for non-motorised vehicles. With an Operational Management in place with set protocols for driver behaviour and safety and the close monitoring of delivery and servicing from the site manager, it's considered that the use could be well managed and not result in pedestrian safety issues.
- 9.74 The Highways Officer in their latest comments acknowledges some concern with the trip generation proposed from the use, however the updated operational hours (previously 24 hour at pre-application stage) and the sole use of e bikes or regular cycles is also very much welcomed as this meets with the councils walking and cycling initiatives. The officer also considers that the cycleway 50 on Liverpool Road will help in ensuring any additional cycle traffic as a result of the proposed development on that road has a safe segregated cycle lane. Overall, it's not considered by Highways that any concern with the trip generation would not warrant a refusal of the application.
- 9.75 Additionally, the noise assessment provided show limited impact from both pedal bikes and e-bikes whilst the use would utilise existing road networks and servicing areas (off street) which are managed by the shopping centre. It's considered that the conditioning of the use for the hours within conditions 3 and 4 would also protect the local highways and shopping centre servicing yard.
- 9.76 Officers also acknowledge the support of the proposal from TfL based on the data provided by the applicant and the Council's Acoustic Officer which is subject to conditions.

9.77 Overall, the proposal is considered compliant with policy T1, T4, T7 and of SD7 of the London Plan (2021) and policy T5 of Islington's Strategic and Development Management Policies (2023).

Car Free Development

9.78 Policy T3 of the Strategic and Development Management Policies (2023) expects all new developments to be 'car free'. Part C of the policy for non-residential parking is considered relevant which states that Parking will be allowed for non-residential developments where this is essential for operational requirements and therefore integral to the nature of the business or service (e.g. Use Class B8 storage and distribution uses). In such cases, parking will be permitted where an essential need has been demonstrated to the satisfaction of the Council and where the provision of parking would not conflict with other Council policies. Normal staff parking will not be considered essential and will not be permitted.

9.79 No staff parking is proposed and the development will be car free, only motorised vehicles associated to use will be able to park temporarily at the site when making deliveries and servicing.

9.80 Parking spaces would be lost due to the courier collection point and the loss of car parking is considered compliant with current policies for car free development. The Transport assessment notes that the car park is not well used in regard to capacity given the excellent transport links close to the site.

Cycle storage

9.81 Appendix 4 of the Strategic and Development Management Policies (2023) is considered relevant and Policy T2 in relation to cycle parking, whereby 1no. space is required per 500sq.m for B8 (Storage and Distribution). 1no. space is proposed within the unit for the 365sq.m space that is subject to this change of use which is considered acceptable in line with the above policy.

9.82 8no. cycle parking spaces would be accommodated within the 2no. parking spaces which would provide ample space for couriers and is supported by TfL.

9.83 Conditions are attached to receive a detailed plan of the cycle space with the layout of the unit for both the operations and staff storage.

Refuse and recycling

9.84 Waste storage facilities are required to be provided in order to fit current and future collection practices and targets. Part A of the Strategic and Development Management Policies Plan policy ST2 requires Development proposals to provide waste and recycling facilities which:

- (i) fit current and future collection practices and targets;
- (ii) are accessible to all;
- (iii) are designed to provide convenient access for all people, helping to support people to recycle; and
- (iv) provide high quality storage and collection systems in line with Council guidance.

9.85 The details submitted within Transport Statement note that the waste store for the proposed use will accommodate 2 x 1,100 litre Eurobins for a 50:50 split between general waste and recycling associated with the proposal to comply with the LBI Recycling and Refuse Storage Requirements.

9.86 The unit will operate continue to operate the same waste storage requirements as traditional retail utilising the centralised waste store at ground level within the servicing yard.

- 9.87 The details are considered acceptable in principle subject to a condition requiring further details on the layout.

Sustainability

- 9.88 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF.
- 9.89 It is the council's and the Mayor's objective that all developments 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 CO2 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 CO2 emissions.
- 9.90 Policy S1 of Islington's Strategic and Development Management Policies (2023) states that the council will seek to ensure the borough develops in a way that maximises positive effects on the environment and improves quality of life, whilst minimising or avoiding negative impacts. The policy also states that the Council will promote zero carbon development, with the aim that all buildings in Islington will be net zero carbon by 2050 and will work with partners and local communities to improve the energy efficiency of the existing building stock and wider public realm.
- 9.91 Policy T2 the Strategic and Development Management Policies (2023) requires new development to provide sustainable transport choices. Part A requires Development proposals to demonstrate that negative impacts on the safe and efficient operation of existing and planned improvements of sustainable transport infrastructure – e.g. the public realm, cycle lanes (including the TfL Strategic Cycle). Part C also requires new development in the borough to incentivise cycling.
- 9.92 The proposal would result in no external alterations to the Angel Shopping Centre, only a courier collection area within the basement of the car park is proposed. It is noted that the proposed use would contribute to vehicular movement, but 90% of this would be through pedal bike and e-bike vehicles. The data predicts 6-20 delivery movements to the site from transit vans to supply the use, however this could be reduced to 1 HGV depending on the occupier and as such this output would not be considered high or significantly more than other retail or storage user who may have occupied the site instead of the proposed use.
- 9.93 Overall, the details are considered satisfactory for the minor development proposed and a condition is to be applied to ensure the courier vehicles are bicycle or electric two wheeled vehicles only.

Accessibility

- 9.94 Policy PLAN1 of Islington's Strategic and Development Management Policies states at Part B that all developments shall demonstrate that to ensure that the vision and objectives of the Local Plan are realised, all development in Islington must, from the very first iteration of the proposal, comply with four key design principles, one of which includes part iii):
- 9.95 *Inclusive – development must be adaptable, functional and resilient, and able to respond to the spatial, social and economic needs of the borough's increasingly diverse communities and their different and evolving demands. This includes sustaining and reinforcing a variety and mix of uses in line with any relevant land use priorities of the Local Plan.*

9.96 Overall, the proposals would not adversely impact or impede access into the site, with the shopping centre step free and accessible from Upper Street and Liverpool Road. The ramped area down to the site area allows vehicular access only. The proposal would not have a harmful impact on public accessibility to and from the site.

10. SUMMARY AND CONCLUSION

10.1 The proposed change of use from ancillary (Class E) to a storage and distribution (Class BB) for a dark supermarket is considered acceptable to support the change of use and is compliant with Policy SD6 of the London Plan (2021) and Policy R2 and Part C of Policy R3 of Islington's Strategic and Development Management Policies (2023).

10.2 The proposal which would primarily include the use of e-bikes or (non-motorised) bikes would not have a detrimental impact due to noise and disturbance subject to conditions and would therefore be in compliance with policy PLAN1 of Islington's Strategic and Development Management Policies (2023) in regard to impacts on neighbouring amenity as well as the NPPF (2023).

10.3 The proposed use would utilise an existing servicing area off street and involve courier collection at basement level away from the public highway and is considered compliant with policy T1, T4, T7 and of SD7 of the London Plan (2021) and policy T5 of Islington's Strategic and Development Management Policies (2023) as well as the NPPF (2023).

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

APPENDIX 1 - RECOMENDATIONS

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

List of Conditions:

1	COMMENCEMENT (3 YEAR CONSENT PERIOD)
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	APPROVED PLANS LIST (COMPLIANCE)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>HAS-3059-A-PL-1102 Rev L4, HAS-3059-A-PL-1112 Rev L3, Design and Access Statement by Haskoll Architects (November 2022), Planning Statement by CBRE (December 2022), Marketing Addendum by CBRE (August 2023), Operational Management Plan (February 2024), Noise Assessment by Quantum Acoustics (January 2023) Statement of Community Involvement (November 2022) and Transport Statement (including Servicing and Delivery Plan) by Caneparo Associates (February 2024).</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	HOURS OF USE FOR COLLECTION (COMPLIANCE)
	<p>CONDITION: Collections and deliveries from the premises to customers shall only be carried out between the following hours on:</p> <p>Monday to Saturday: 07:00-23:00 hours and Sunday: 08:00-23:00 hours</p> <p>REASON: To protect the amenity of adjacent properties.</p>
4	DELIVERY AND SERVICING HOURS (COMPLIANCE)
	<p>Deliveries and servicing of the site shall only be carried out to the site between the following hours:</p> <p>Monday to Saturday: 08:00-22:00 hours</p> <p>and not on Sundays or bank holidays.</p> <p>REASON: To protect the amenity of adjacent properties.</p>

5	COLLECTIONS (COMPLIANCE)
	<p>CONDITION: Collections and deliveries from the premises to customers shall be carried out by foot, bicycle or electric two wheeled vehicles only and not by any other mode of transport. No collection of orders from the premises shall take place by customers at any time.</p> <p>REASON: To protect the amenity of the adjoining residential properties.</p>
6	BIKE SPACES FOR COURIERS (DETAILS)
	<p>CONDITION: Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) for the courier bikes site shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the hereby approved dark supermarket.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the dance studio, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available for courier vehicles.</p>
7	INTERNAL LAYOUT INCLUDING BIKE STORE (DETAILS)
	<p>CONDITION: Prior to occupation of the hereby approved dark supermarket detailed plans of the unit including bike storage and staff facilities at a scale of 1:100 shall be submitted to 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 shall be maintained as such thereafter unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure adequate welfare and storage facilities are available to staff.</p>
8	OPERATIONAL MANAGEMENT PLAN (COMPLIANCE)
	<p>CONDITION: The use hereby approved shall only be operated in accordance with the Operational Management Plan (February 2024) and no changes shall take place unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: To protect the amenity of residential occupiers.</p>
9	USE (COMPLIANCE)
	<p>CONDITION: The use hereby approved is for a dark supermarket use for the storage and distribution of grocery goods (Class BB) and no permission is given for any other use unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: To protect the amenity of residential occupiers.</p>

List of Informatives:

1	Highways Requirements
	INFORMATIVE: Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk . All agreements relating to the above need to be in place prior to works commencing. Can be gained through streetworks@islington.gov.uk . Section 50 license must be agreed prior to any works commencing. Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk .
2	Highways (Additional)
	The Public footpath should not be obstructed at site entrance.

APPENDIX 2 - RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE

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

1. National and Regional Guidance

The National Planning Policy Framework 2023 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- NPPF (2023)

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 GG1 Building strong and inclusive communities

Policy GG2 Making the best use of land

Policy CG5 Growing a good economy

Policy SD4 The Central Activities Zone

Policy SD6 Town centres and high streets

Policy SD8 Town centre network

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivering good design

Policy D5 Inclusive design

Policy D13 Agent of change

Policy D14 Noise

Policy HC1 Heritage conservation and growth

Policy SD6 Town centres and high streets

Policy T1 Strategic approach to transport

Policy T2 Healthy Streets

Policy T4 Assessing and Mitigating Transport Impacts

Policy T5 Cycling

Policy T6 Car parking

Policy T7 Deliveries, Servicing and Construction

B) Islington Strategic and Development Management Policies September 2023

Policy PLAN1 Site appraisal, design principles and process

Policy SP4 Angel and Upper Street

Policy DH1 Fostering innovation and conserving and enhancing the historic environment

Policy DH2 Heritage assets

Policy R2 Primary Shopping Areas

Policy R3 Islington's retail hierarchy

Policy R4 Islington's Town Centres

Policy R10 Culture and the Night-Time Economy

Policy T3 Car Free Development Parking

Policy T2 Sustainable Transport Choices

Policy T5 Delivery, Servicing and Construction

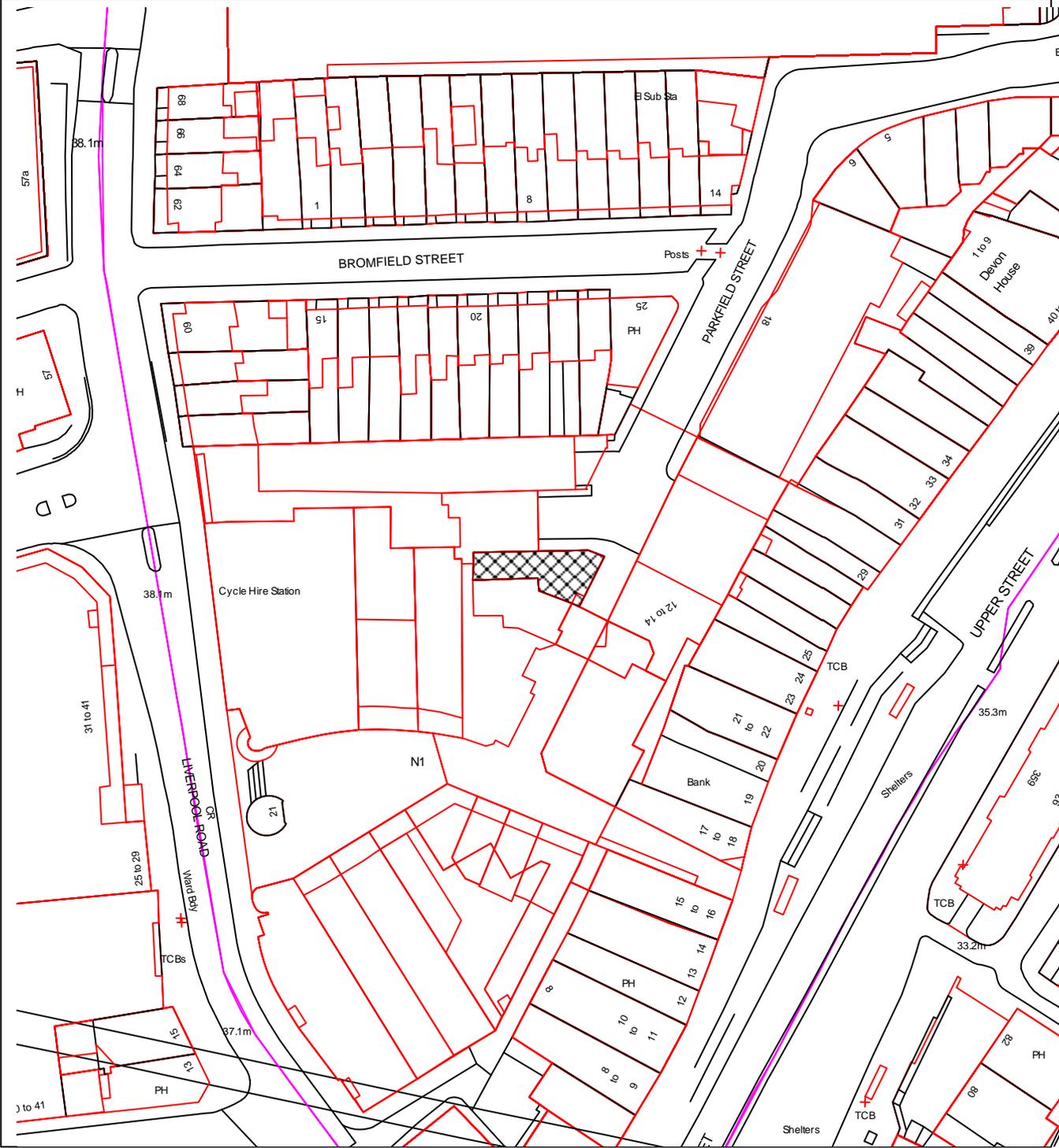
3. Designations

The site has the following designations under the Islington Strategic and Development Management Policies (SDMP) 2023:

- Article 4 Direction B1(c) to C3
- Archaeological Priority Areas (Islington Village and Manor House)
- Central Activities Zone (CAZ)
- Cycle routes (Major)
- Primary Retail Frontage (Angel)
- Site within 100m of a TLRN Road (Upper Street)
- Town Centre (Angel).

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