

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration
Department
LONDON N1 1YA

PLANNING SUB-COMMITTEE B		
Date:	27 February 2018	NON-EXEMPT

Application number	P2017/3435/FUL
Application type	Full Planning Application
Ward	St Mary's Ward
Listed building	Not listed
Conservation area	N/A
Development Plan Context	Highbury Corner Employment Growth Area Upper Street Local Shopping Area Highbury Corner and Holloway Road Core Strategy Key Area. This section of Upper Street is a TfL Red Route and forms part of local and strategic Cycle Routes. Article 4 Direction: office to residential Crossrail 2 Safeguarding Area
Licensing Implications	None
Site Address	Northway House, 257 - 258 Upper Street N1 1RU
Proposal	Change of use at ground floor level from Class B1(a) to mixed A1/A3 sandwich bar/café (sui generis use).

Case Officer	Heather Lai
Applicant	Pret a Manger
Agent	Rhys Govier

1. RECOMMENDATION

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

- 1.1 Subject to the conditions set out in Appendix 1;

2. SITE PLAN (SITE OUTLINED IN RED)



3. PHOTOS OF SITE/STREET



Application site

Image 1: Aerial view of the application site



Image 2: View of existing site from Upper Street



Image 3: View of existing site from Highbury Station Road



Image 4: View of side elevation along Highbury Station Road



Image 5: Upper Street looking north towards application site

4. SUMMARY

- 4.1 Planning permission is sought for the change of use at ground floor from Class B1(a) office floorspace to a mixed use (sui generis) Class A1/A3 coffee shop/sandwich bar. The applicant is Pret a Manger. The four storey plus basement building is the former Islington Council housing offices, however the site has been vacant since November 2017. No change of use is sought for the basement or 1-4th floors which remain as office floorspace.

- 4.2 The application is brought to committee because it is a departure from policy, it would result in the loss of office floorspace in an Employment Growth Area outside of a town centre which is contrary to policies DM 5.2 and DM 5.4.
- 4.3 The issues arising from the application are the loss of the Class B1(a) floorspace, the size of the proposed unit outside of a town centre location, and servicing and delivery impacts associated with the proposed use.
- 4.4 The application site is located within the Upper Street Local Shopping Area and is located adjacent Highbury and Islington Station and opposite Highbury Corner roundabout. Works to the Victorian bridge to the front of the Station are to be completed in 2018, and works to the Highbury Corner gyratory are proposed which if agreed will likely to commence later in 2018. The possible scheme option will involve the pedestrianising of the area to the front of the Station and connecting it to the roundabout, creating a more accessible public realm space (see image 6 below).
- 4.5 In the current option proposes the existing road layout would be altered, with two-way traffic in both directions, moving around the eastern side of the roundabout. The area to the front of the application site, as well as the area to the front of the adjoining Weatherspoon (White Swan) and The Famous Cock pubs would be pedestrianised.
- 4.6 The existing ground floor frontage to Northway House is poor quality, inactive frontage which does not relate well nor positively interact with the street scene. Planning permission was granted on 7 November 2017 (P2017/3436/FUL) for shopfront alterations in association with the change of use, which would result in a more active shopfront, including larger sections of glazing to the front and side of the application site.
- 4.7 The proposal would introduce an A1/A3 unit thereby providing an active frontage at ground floor level which Officers consider would contribute to the vitality and viability of Local Shopping Area. Whilst the loss of B1 office space is undesirable, it must be noted that the upper floors and basement would retain their current B1 function. This would thereby provide a mix of A1 (retail)/A3 (restaurant) and B1 (office) space within the building which would correlate with many of the existing buildings in the area which contain A1 (retail)/A2 (Professional and Financial Services)/ A3 (restaurants) at ground floor with B1 Office space on the upper floors. As such, to an extent the proposal satisfies both functions both as a Local Shopping Area and Employment Growth Area (with the retention of basement and upper floors as Office space).
- 4.8 The proposal would not lead to any adverse impact on neighbours' amenity. The Environmental Health Officers and Acoustic Officers have raised no objections to the scheme given its location away from neighbouring residents and its hours of operation. The proposal would also satisfy highway and pedestrian safety concerns. Whilst Transport for London had initial concerns, these have been addressed through additional information (Transport Strategy). A condition is also recommended on the servicing and delivery arrangements (Condition 3).

4.9 Having regard to the poor quality of the existing building and limited activity at ground floor within this Local Shopping Area as well as the options being considered for the Highbury Corner redesign and investment to improve the quality of the public realm, it is considered in this particular instance while the proposal is contrary to policy there are material considerations that weigh in favour of the application, and whilst finely balanced it is therefore recommended for approval in this particular location.



Image 6: Image of option proposal for new layout to public realm improvements to Highbury Corner gyratory.

5. SITE AND SURROUNDING

The Site Context

- 5.1 The application site is located on the western side of Upper Street, opposite Highbury Corner roundabout. It is on the corner of Upper Street and Highbury Station Road. The site is adjacent to Highbury and Islington Station to the north and west. This area of public highway is a TfL red route, which currently includes a bus lane and a cycle lane.
- 5.2 The site is a four storey plus basement 1980s building with a lawful use as Class B1 offices. Until 3 November 2017 it was occupied by Islington Council. It is located outside of, but lies adjacent to the Upper Street Conservation Area. It is not listed and not within a town centre, but is within the Highbury Corner Employment Growth Area and the Upper Street Local Shopping Area.

Background

- 5.3 The originally submitted application was for 'Change of use from Class B1(a) to mixed A1/A3 sandwich bar/cafe (sui generis use). This application proposed a change of use at ground floor and basement levels from offices to a separate mixed use unit operated by Pret a Manger. That application as originally submitted would have resulted in the loss of 527sqm of office floorspace from the Highbury Corner Employment Growth Area.
- 5.4 This application for a change of use from Class B1 to a mixed use Class A1/A3 unit at ground floors was accompanied by an advert application for new fascia and projecting signage and a shopfront application for changes to the front and side elevations. These two applications were approved on 7 November 2017.

Amendments during the course of the application

- 5.5 Objections were received against the initial proposal from the Council's Highways and Policy teams and TfL on the basis of a loss of Class B1 office space, and lack of a servicing and delivery strategy. Concerns were also raised over the size of the proposed unit for this use outside a town centre. Following discussions with the applicants they have removed the basement floor from this proposal. The proposal would now result in the loss of 268sqm of office floorspace.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks permission for a change of use at ground floor from Class B1 office floorspace to a mixed use Class A1/A3 café/sandwich bar. The proposal would involve the loss of 268m² GIA office floorspace.
- 6.2 Planning permission was granted for shopfront alterations on 7 November 2017 (P2017/3436/FUL), which granted approval for a separate entrance for the ground floor sui generis unit. Therefore, the existing entrance door, which serves offices on all floors would be retained for the office use at basement and 1-4th floors.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

7.1 **P2017/3431/ADV:** Installation of three internally illuminated fascia signs, and one externally illuminated projecting sign. Approved on 2 November 2017.

7.2 **P2017/3436/FUL:** Shopfront alterations. Approved on 7 November 2017 (see images 7 and 8 below).

Enforcement:

7.3 None.

Pre Application Advice:

7.4 No pre-application advice was requested.



Image 7: Approved shopfront

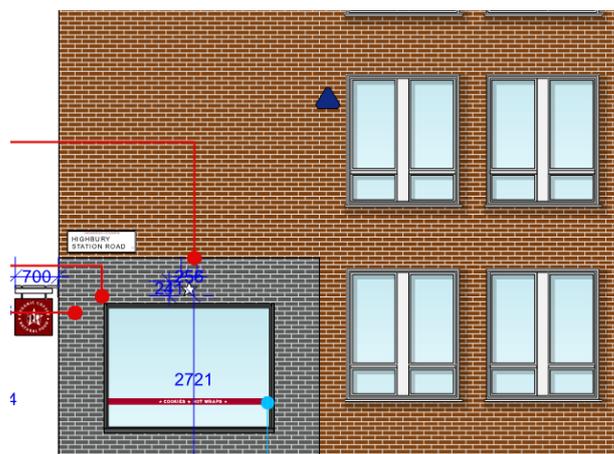


Image 8: Approved side elevation to new shopfront

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 35 adjoining and nearby properties on Upper Street, Hampton Court and Swan Yard on 11 September 2017 when the initial application was received. No responses from the public had been received at the time of writing this report.

Internal Consultees

- 8.2 **Planning Policy:** Represents a loss of Class B1 office floorspace at ground floor which is undesirable, note the removal of the basement floor from the scheme.
- 8.3 **Transport Planning:** No objection.
- 8.4 **Highways:** Following amendments to the proposal including a detailed Servicing and Delivery Strategy, no objection.
- 8.5 **Noise Officer:** Following the removal of the basement floor from the proposal, no objection as this overcomes the need for extraction plant from the basement.
- 8.6 **Refuse and recycling:** No comment.
- 8.7 **Licensing Officer:** No objection.

External Consultees

- 8.8 **TfL:** Objected to the initial proposal based on lack of detailed information regarding servicing and delivery of the site. Following submission of a Transport Strategy they raised concerns that there was still a lack of detail, including regarding the impacts on the planned alterations and improvements to the Highbury Corner gyratory adjacent the site. Following further amendments and submission of detailed information from the applicant, objection is overcome, subject to conditions.
- 8.9 **London Overground:** No response.
- 8.10 **Network Rail:** No objection
- 8.11 **Crossrail 2 (Rail safeguarding):** No objection.

9. RELEVANT POLICIES

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

National Guidance

- 9.1 The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and

PPG are material considerations and have been taken into account as part of the assessment of these proposals.

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:

- Land Use: loss of existing Class B1 office floorspace
- Size of the proposed unit outside a town centre
- Impact of change of use on amenity of neighbouring occupiers
- Highways and transportation impacts of the proposed change of use, including proposed alterations to the Highbury Corner gyratory
- Issues with servicing and delivery to proposed unit, including frequency of deliveries

- 10.2 As the proposal would result in the loss of Class B1 office floorspace in an Employment Growth Area which is also within a Local Shopping Area it is considered contrary to CS13 and CS14 of the Core Strategy and 5.2 of the Development Management Policies and Policies 4.1, 4.2, 4.3 and 4.7 of the London Plan.

Land Use

Loss of office

- 10.3 The application site is a four storey plus basement building located on the corner of Upper Street and Highbury Station Road. The application pertains to the ground floor of the building. The existing ground floor GIA is 306m², however a separate application for shopfront alterations was approved on 7 November 2017 (P2017/3436/FUL) which permitted a separate ground floor entrance for the new unit and therefore the GIA proposed to the mixed use unit would be 268m², resulting in the loss of 268m² Class B1 office floorspace within an Employment Growth Area, which is contrary to DM 5.2 and DM 5.4. The loss of 268m² at ground floor represents approximately 20% of the overall floorspace, however figures for the floor area for the upper floors have not been provided by the applicant.
- 10.4 Policy DM 5.2 of the Development Management Policies (2013) resists the loss or reduction of business floorspace unless exceptional circumstances can be demonstrated, including robust marketing evidence for a period of two years that

shows there is no demand for the floorspace. In addition, in Employment Growth Areas it is required to demonstrate the loss or reduction in floorspace would not have a detrimental impact on the area's primary economic function.

- 10.5 As the unit has only been vacant since November 2017 it has not had a vacancy and marketing period of two years. In lieu of this, the applicants have submitted marketing evidence covering a non-continuous period between April 2016 and July 2017. This supporting evidence includes mailouts that were undertaken and a demonstration of what type of businesses were targeted by the mailouts.
- 10.6 Whilst the applicant has not provided 2 years continuous marketing evidence that demonstrates there is no demand for the office floor space as set out in Appendix 11 of the Development Management Policies, a report has been provided highlighting what level of marketing of the property has been undertaken since April 2016.
- 10.7 The marketing included
 - sending details to registered applicants on the Estate Agents database
 - prominent "To Let" board erected to the front of the building
 - preparation of in-house marketing particulars with site details of building and its location.
 - Weekly lists of available Office Lists sent out in response to telephone and written enquiries from individuals and companies.
 - Marketing particulars sent to registered applicants known to be seeking office space on Estates Agents database
 - Marketing particulars sent to top 500 Central London Commercial Agents (who sought office space)
 - Display on Estate Agents commercial website since April 2017.
 - Property also listed on designated property search engine sites including EGI Property Link, Zoopla, Rightmove and City Agents
- 10.8 The report indicates that the resultant marketing campaign produced 45 enquiries from the mail outs, 22 enquiries from the commercial website, 60 enquiries from property search engine and 120 enquiries from the "To Let" board. Of these, there were 21 resulting viewings with no full offers on market rental value of the premises (£30 per sq ft). Three expression of interest were received however these did not materialise into an offer due to certain issues including cost of upgrading the building; not interested in taken lease of the whole building and the cost of maintaining the building.
- 10.9 The feedback from the enquiries and viewing highlight some of the issues potential tenants have with the building which include

- The building is not very attractive with no character to external or internal appearance
- Facilities dated including lift facilities not compliant with current legislation in terms of size
- Overall size of the building has a set target audience – more demand for individual floors
- Layout would need reconfiguration to meet modern office working environments
- Interest in the basement and ground as a retail function given proximity to transport modes (including underground station)

10.10 Having reviewed the information provided, Officers note that whilst a full two-year marketing campaign has not been fully carried out, substantial efforts have been undertaken to get the building into occupation in its lawful use as a B1 Office. It must also be noted that site is within the Local Shopping Area which would support an active frontage on this building particularly at ground floor. In this specific instance, Officer would argue that part A of Policy DM4.6 of the Development Management Policies (2013) would be as important policy to also consider. This policy seeks to promote an appropriate mix and balance of uses within the Local Shopping Areas. Officers would argue that an active frontage at ground floor level with Office (B1 use) above it provides an appropriate mix that both contributes to the vitality and viability of the Local Shopping Area and also maintains significant employment space at basement and upper floor levels thereby maintaining employment in the vicinity.

10.11 While the application does not demonstrate that there is no demand for the office floorspace, the applicant has made the case that an active retail function to the ground floor would bring other benefits to this site, and to the Upper Street Local Shopping Area which the building is located within. Additionally, the application advises that a workspace provider RNR Property have proposals to refurbish the upper floors to deliver flexible floorspace suited to Small and Medium-sized Enterprises. As the works to the upper floors does not form part of the planning application, nor is permission needed for it, no weight can be attributed to this, nonetheless it does represent an operation that is supported in planning policy terms (CS13 Core Strategy 2011).

10.12 The applicant has advised that Pret would bring 20 full time equivalent (FTE) jobs to the proposed ground floor use. The cover letter refers to an uplift in employment potential from the building overall through the associated refurbishment of the upper floors, however as stated above these floors do not form part of the application site.

10.13 Following amendments to the scheme, the floor area of the proposal is less than 500sqm which is the threshold for employment and training initiatives to be provided to meet policy. As such, no training or development initiatives are to be agreed as part of the application.

Summary Loss of Office space

- 10.14 Whilst the loss of business space is not desirable and a departure from Islington's employment policies (a full 2 years marketing evidence has not been submitted), this must be weighed against the benefits from creating an active frontage within the Local Shopping Area where policy DM4.6 of the Development Management Policies encourages an appropriate mix and balance of uses. The justification provided includes the potential to provide 20 full time jobs within the Highbury Corner Employment Growth Area and also contribute to the vitality and viability of the Local Shopping Area. It also would generally correlate with the character of properties in the area which predominately are mixed developments (retail frontage at ground floor with office or residential spaces above).
- 10.15 Whilst policy DM5.2 (Loss of Business Floor space) has not provided a full 2-year marketing evidence, the marketing report submitted demonstrates significant attempts by the estates agents to lease the property as B1 Office space. In this specific instance, given other retail policies associated with the application sites location, Officers are satisfied that the proposal would provide an appropriate mix and balance of uses thereby complying with DM4.6 of the Development Management Policies (2013). As such, it is considered that the loss of the ground floor business floorspace would be acceptable on balance, given the gain in active retail frontage within the Local Shopping Area. The benefits of the commercial frontage are discussed further in paras 10.20-10.23.

Proposed A1/A3 mixed use

- 10.16 The application site is located within the Upper Street Local Shopping Area, but is outside The Angel Town Centre. The original proposal was for a change of use of two floors to a separate, mixed use planning unit with a GIA of 527.6m². This was considered too large for a mixed A1/A3 use outside a town centre. Following amendments to the scheme which removed the basement floor from the proposal, the change of use only relates to the ground floor of the existing five storey building and the proposed GIA of the mixed use unit would be 268m².
- 10.17 Policy CS 14 (D) of the Core Strategy states that 'Islington will retain the primacy of retail shops in the borough's town centres and shopping areas and actively promote independent retail.' Part F states 'Local shopping areas will be supported by creating coherent pedestrian environments and managing change of use from retail through Development Management Policies.'
- 10.18 Policy DM 4.3 assesses the location and concentration of uses in the borough and considers whether they would result in an unacceptable concentration of such uses in one area or would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area. This policy considers types of use, size of premises, hours of opening, operation and servicing and odour and noise issues and cumulative impacts within 500m radius of the site.
- 10.19 DM4.4 seeks to direct shop units in excess of 80sqm to Town Centre locations. In the event that there are no suitable locations within a Town Centre then Local Shopping Areas are then considered the next most suitable location for greater than 80qm of 'A' class uses.

- 10.20 DM4.6 deals with Local Shopping Areas and advises that only proposals where an appropriate mix and balance of uses, which maintains and enhances the retail and service function of the Local Shopping Area are to be approved. This policy considers that smaller scale Local Shopping Areas complement Islington's Town Centres and play an important role in serving the needs of residents across the borough by providing essential services and also play an important social role for the surrounding community, and contribute to the character and identity of an area.
- 10.21 The Upper Street Local Shopping Area is a long narrow strip, which stretches from Almedia Street in the south to Highbury Corner in the north which includes approximately 113 units along Upper Street, with additional properties on Barnsbury Street, Canonbury Lane, Coopers Yard and Islington Park Street. Therefore, it is considered a sizeable Local Shopping Area.
- 10.22 Policy DM 4.6 seeks to retain retailing within Local Shopping Areas and proposals however the provision of community and/or non-retail commercial uses may be appropriate to support the viability and vitality of the Local Shopping Area (in preference to a change of use to Class C3 residential).
- 10.23 Local Shopping Areas vary significantly in size, character and function. Policy DM4.3 is also considered relevant to securing a mix and balance of uses within each Local Shopping Area and these two policies together work to ensure that an over-concentration of a single type of use does not occur which may harm the vitality or viability of the area.
- 10.24 Whilst Town Centre sites are prioritised for retail units in excess of 80sqm, in this instance the application site is located within a Local Shopping Area and will be located opposite the Highbury Corner roundabout which is under consideration for a significant redesign and improvement, as addressed elsewhere in this report. It is noted that there are a high number of cafes and restaurants along Upper Street, however it is not considered that a retail sandwich shop with an element of seating of 268sqm would be of such a size as to undermine the functioning of the Local Shopping Area, particularly as the application site is currently in business use and therefore does not contribute positively to that shopping area function at present.
- 10.25 The existing building offers an unresponsive façade at ground floor to Upper Street is be considered to detract from the vitality and vibrancy of the Local Shopping Area. In this regard, it is the view of officers that the introduction of a retail / sandwich shop with an element of seating would bring benefits to the appearance of the building and its interaction with the street and also attract a greater degree of vibrancy to this part of Upper Street including having regard to the proposed plans to redesign the Highbury Corner roundabout. In this regard, it is considered that the introduction of an active ground floor use within the Local Shopping Area could be considered in a positive light – to be weighed against other policy non-compliance.

Design and Conservation

- 10.26 Planning permission and advert consent applications for the proposed new shopfront and related adverts were approved on 7 November 2017 (P2017/3431/ADV and P2017/3436/FUL), therefore there are no design issues to consider as part of this current change of use application.

Neighbouring Amenity

- 10.27 The application site fronts a main TfL red route road, Upper Street and is located in a busy commercial area with important local and regional transport links. The surrounding properties include offices, public houses, retail and café/restaurant uses. There are some residential units in the vicinity further to the south on Upper Street, however the immediately adjoining properties appear to have no residential uses associated with them.
- 10.28 The application seeks opening hours of 0600-2200 Monday to Friday, 0630-2100 Saturdays and 0630-2030 on Sundays and Bank Holidays. The Acoustics and Licensing Officers have raised no objection to these opening hours in terms of amenity impacts owing to the commercial nature of the surrounding area.
- 10.29 There is no mechanical extraction or air conditioning plant proposed with the change of use. An informative has been recommended advising the applicants they must apply for planning permission if any associated mechanical plant is required in the future.
- 10.30 The change of use of the ground floor level (268m²) from Class B1 offices to a mixed use A1/A3 unit is not considered to result in any material amenity impacts to neighbouring occupiers, specifically in terms of disturbance caused by the proposed use or extended opening hours. This is compliant with policies DM 2.1 and 4.3.

Highways and Transportation

Servicing and Delivery

- 10.31 Transport for London is the highways authority responsible for Upper Street/Highbury Corner, and are also the authority responsible for Highbury and Islington Station, adjacent to the application site. Highbury and Islington Station is one of the principle stations to accommodate fans travelling to Emirates Stadium and can become very crowded on match days.
- 10.32 The application site, on Upper Street is a TfL red route and is part of a strategic cycle network on Upper Street, and a local cycle network on Highbury Station Road.
- 10.33 This area of the public highway, and the public realm area to the front of the Station are the subject of current works to improve the Victorian Highbury Corner Bridge below the roadway. This scheme, which is understood to be due for completion in 2018 has required the closing of lanes to Upper Street, Highbury Corner and Holloway Road, resulting in congestion for pedestrians, cyclists and vehicles.

- 10.34 While the current disruption to traffic to the highway adjoining the application site is noted, TfL, Crossrail 2 and the Council's Highways team have raised no objection to the impact of the proposed change of use on the cycle networks.
- 10.35 This area of the public highway and public realm around Highbury Corner is the subject of proposed changes to the gyratory and public realm improvement works which will result in a new road layout. Following a consultation period, the Council and TfL are jointly considering these works, which if they go ahead are currently expected to commence in 2018.
- 10.36 The originally submitted documents stated that the existing servicing arrangements were to be retained as part of the change of use. No details of these existing servicing arrangements were provided and TfL and the Highways Team objected stating that a service and delivery plan should be provided for the new unit as it is considered that a mixed A1/A3 use would require more regular servicing than a B1 unit. The Highways Team stated that a servicing and delivery strategy should be provided that considers the proposed changes to the gyratory.
- 10.37 DM 8.6 of the Development Management Policies states that delivery and servicing should be provided off-street, particularly for commercial developments over 200m² gross floor area, that details of the delivery and servicing needs for new developments should be submitted, and that delivery and servicing bays should be strictly controlled. Owing to the constraints of the site on Upper Street, an appropriate off street location for deliveries was not available and therefore the use of a servicing bay outside 242 Upper Street is agreed, subject to condition.
- 10.38 The approved Servicing and Delivery Strategy for this application is an amended document dated February 2018, submitted following discussions between TfL and the applicant.
- 10.39 This document confirms that the existing delivery servicing bay outside 242 Upper Street is located approximately 100m south and would be used once or twice daily between the hours of 0200-0600, in line with restricted hours of no stopping in this area (please see image 6 below). The applicants have also stated that reducing the size of the proposed unit by removing the basement floor will reduce the need for servicing and deliveries to the site. Deliveries will be taken in through the front door at ground floor on the Upper Street elevation.
- 10.40 Refuse collection will be taken by the occupant's private contractor between 1400-1900 daily. While no comments have been received from the Council's waste and recycling team, it is considered given the proposed arrangements confirmed in the Servicing and Delivery Strategy, and that this is to be provided by a private contractor that it is on balance acceptable.
- 10.41 As the basement and first-fourth floors have an existing B1 office use which is to remain unchanged, no proposals to change these servicing arrangements are to be considered as part of this application.
- 10.42 Following the amended Servicing and Delivery Plan, the objections of TfL and the Council's Highways Team have been overcome, subject to condition ensuring noise levels during morning delivery hours (0200-0600) are strictly controlled.

10.43 A condition requiring provision of staff cycle parking has also been recommended (condition 4) to support cycling as part of the change of use.

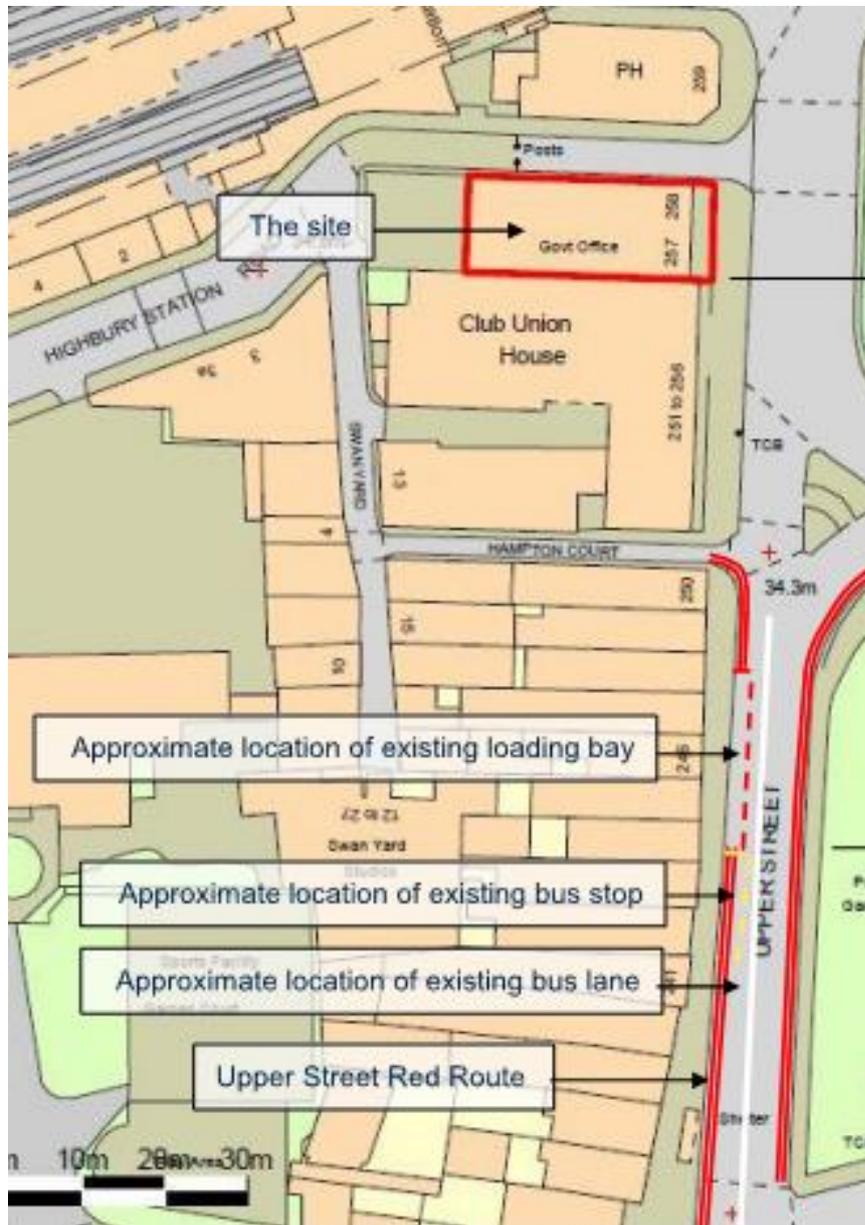


Image 8: Location of servicing bay used currently by Northway House

Proposed changes to Highbury Corner

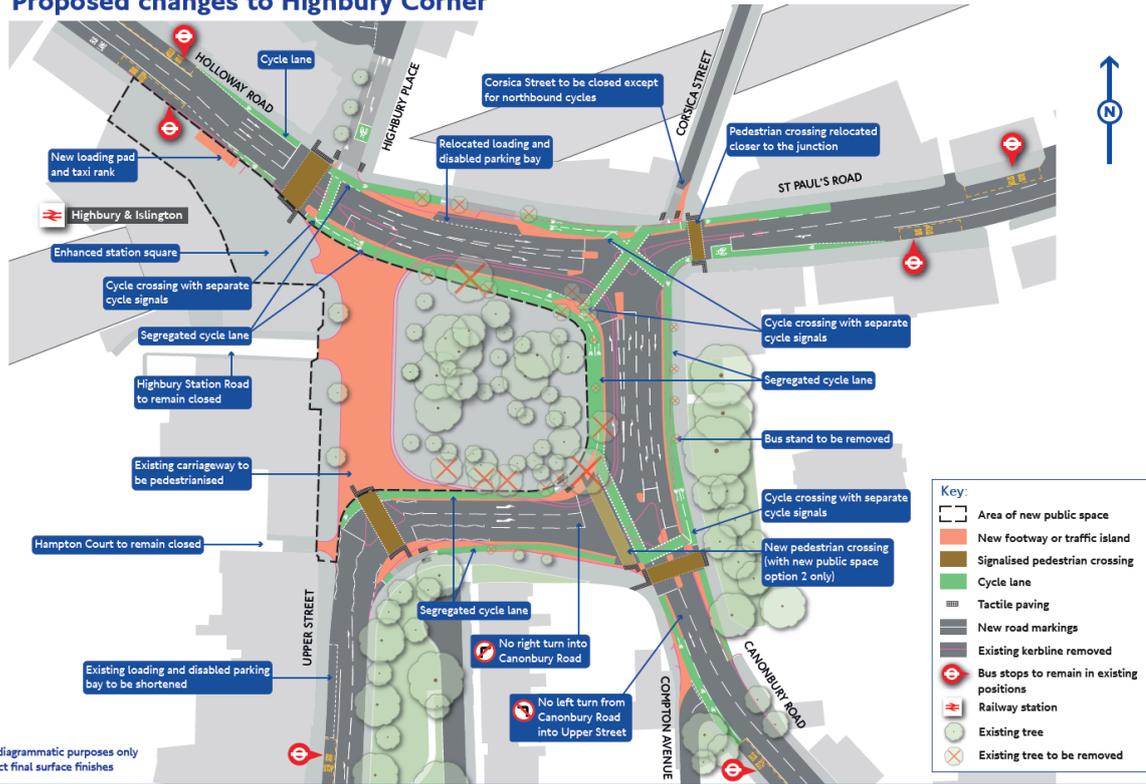


Image 9: Proposed changes to Highbury Corner (TfL image).

11. SUMMARY AND CONCLUSION

Summary

The proposed development has been considered against the relevant policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework. While the proposal has not provided a full 2-year marketing evidence as required by appendix 11 of the DM Policies (2013), significant marketing attempts have been undertaken by the applicant. In this specific instance, the site is in both an Employment Growth Area and also a Local Shopping Area. As such, weight must also be given to the retail policies and function of area in which the site forms a part of.

In this instance policies are pulling in different directions with respect of protecting office floorspace (DM5.2 of Development Management Policy 2013 & London Plan Policy 4.2), but also promoting retail floorspace at ground floor in this specific location (DM4.6 of Development Management Policy 2013). The recommendation is a finely balanced one that is tipped by the greater benefits that an active use would bring to the immediate area with respect of an enhanced public realm and gyratory (subject to the details of this being finalised and agreed). Approval is recommended on a finely balanced basis subject to conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	<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
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Letter dated 21 December 2017, Letter dated 23 January 2018, Delivery and Servicing Management Plan dated December 2017, Planning, Design and Access Statement dated September 2017, Marketing Report and Recommendations dated August 2017, site location plan, NORWAY-Pret-01, NORWAY-Pret-03 Rev. A.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Servicing and Delivery arrangements
	<p>SERVICING ARRANGEMENTS (COMPLIANCE): All service vehicle deliveries /collections/visits to and from the ground floor mixed use unit at Northway House, 257 – 258 Upper Street N1 1RU hereby approved must not take place outside hours of: 0200-0600 daily Noise levels during these times must be kept to a minimum, including avoiding slamming doors, leaving engines running, loud voices and other associated noise creating activities.</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
4	Cycle Parking Provision
	<p>CONDITION: Prior to the use hereby permitted at least four secure bicycle storage spaces shall be provided within the site. These spaces shall be used solely for the benefit of the staff of the ground floor sui generis unit and for no other purpose and shall be permanently retained as such thereafter.</p> <p>Reason: To ensure adequate cycle parking is available and easily accessible on site and promote sustainable modes of transport.</p>

5	Hours of operation
	<p>HOURS OF OPERATION (COMPLIANCE): The ground floor mixed use unit hereby approved shall not operate outside the hours of:</p> <p>0500-2300 Monday-Sunday</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>

List of Informative:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. The LPA and the applicant have worked positively and proactively in a collaborative manner through the application to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>
2	Community infrastructure Levy (CIL)
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>
3	Installation of mechanical plant
	<p>You are advised that the proposed installation of any plant in association with the ground floor sui generis use will require a separate application for planning permission.</p>

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

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

a. **The London Plan 2016** - Spatial Development Strategy for Greater London

Chapter 4: London's Economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.4 Promoting Town Centres

Policy 4.3 Mixed use development and offices

Policy 4.6 Local Shopping Areas

Policy 4.7 Retail and town centre development

Policy 4.9 Small shops

b. **Islington Core Strategy 2011**

Policy CS 4 – Highbury Corner and Holloway Road

Policy CS 13 – Employment Spaces

Policy CS 14 – Retail and services

c. **Development Management Policies June 2013**

- Policy DM4.3 - Location and concentration of uses
- Policy DM 4.4 - Promoting Islington's Town Centres
- Policy DM 4.6 - Local Shopping Areas
- Policy DM5.2- Loss of existing business floorspace
- Policy DM8.2 - Managing transport impacts
- Policy DM8.6 - Delivery and servicing for new developments

3. Designations

- Highbury Corner Employment Growth Area
- Within Highbury Corner and Holloway Road Core Strategy Key Area
- Within Upper Street Local Shopping Area
- Local cycle route (Highbury Station Road)
- Strategic Cycle Route (Highbury Corner roundabout)
- Within Article 4 Direction Area: A1-A2 (Local Shopping Area)

4. SPD/SPGS

N/A