



ISLINGTON

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department
 Islington Town Hall
 Upper Street
 LONDON N1 2UD

PLANNING COMMITTEE REPORT

PLANNING COMMITTEE	AGENDA ITEM NO:
DATE: 10 September 2018	NON-EXEMPT

Application number	P2018/2124/FUL
Application type	Full Planning Application
Ward	Barnsbury
Listed building	15-24 Bromfield Street (adjacent to north) are Grade II listed.
Conservation area	Partially within Angel conservation area. Adjoins Barnsbury and Chapel Market/Penton Street conservation areas.
Development Plan Context	Angel Town Centre (primary retail frontage) Core Strategy Key Area: Angel and Upper Street Central Activities Zone Crossrail 2 safeguarding area Protected Vista (Alexandra Palace to St Paul's Cathedral) Open Space OS 111 Archaeological Priority Area
Licensing Implications	Licenses required for Use Class A3 (cafes and restaurants).
Site Address	N1 Centre & Car Park [Basement], Parkfield Street, London N1
Proposal	Conversion of existing 100 space basement car park and reconfiguration of basement and ground level floorspace (resulting in a net increase in lettable floor space of 1,351sqm) to provide a mix of units, including additional Retail (A1) floor space and Leisure (D2) floorspace, retaining 27 car parking spaces. Conversion of unit at first floor level from Retail (A1) to Restaurant and Cafe (A3). Demolition of redundant staircase between first and second floor. Removal and replacement of shopfront on Liverpool Road.
Case Officer	Matt Duigan
Applicant	PEC Parkfield Limited
Agent	CBRE

1 RECOMMENDATION

1.1 The committee is asked to resolve to GRANT planning permission:

1. subject to the conditions set out in Appendix 1; and
2. conditional on 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 set out in Appendix 1.

2 SITE PLANS



Figure 2.1 Site Location Plan

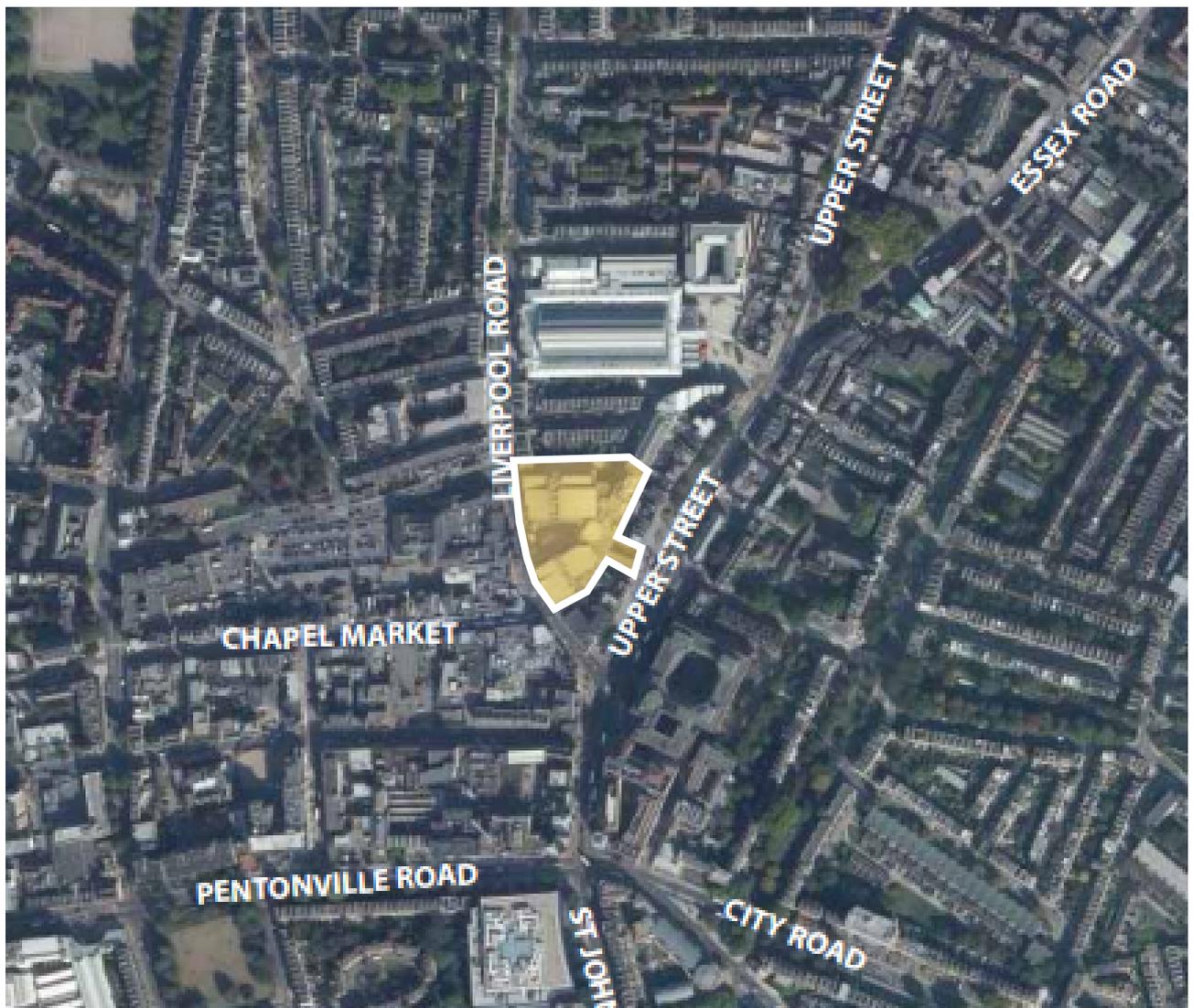


Figure 2.2 Site Context Diagram

3 SUMMARY

- 3.1 This application follows on from another planning application for the same site considered by the Committee on 7 June 2018, namely application ref: P2017/2964/FUL.
- 3.2 Below ground level, the current application (ref: P2018/2124/FUL) is very similar to application ref: P2017/2964/FUL. In particular converting part of the basement car park to be used as retail and leisure (gym) floor space. At the ground floor level, there would also be alterations to the configuration of one retail unit, improving alignment with the street and refreshing the shop front. A new small retail unit is proposed at ground level (to accord with the Council's small shops policy). It is worth noting at this point that the previous application involved small forward extensions to all of the shops fronting the open space area, and this is not proposed in the current application (less additional floor space is being proposed as a result).
- 3.3 This current application also proposes a change of use of one shop at first floor to a Café/restaurant to support the Centre's food and drink offering.
- 3.4 The loss of the basement car parking has been justified and would not result in a shortfall in parking in the town centre, additionally sufficient blue badge parking would be retained in

accordance with development plan policies. There would also be refurbished public toilets and additional cycle parking and electric vehicle charging points.

3.5 The mix of leisure, retail and food-and drink uses are considered to contribute positively to the development of Angel as a major town centre and is compliant with the development plan. Importantly, the additional retail floor space, allows the centre to attract additional occupiers, thereby improving the vitality and viability of the centre, and this part of Angel Town Centre overall.

3.6 This application does not propose any changes to public art and limits above ground works, to those which would not be contentious (for example, no first floor bridge is proposed), the aim being to secure a fall-back position should application ref: P2017/2964/FUL not be approved.

4 SITE AND SURROUNDINGS

4.1 The application site is an existing privately managed shopping centre within Angel town centre. The site is triangular in shape, with three entrances (onto Liverpool Road, Upper Street, and Parkfield Street), and has frontages onto all three of those roads.

4.2 The shopping centre is mostly arranged around a central area of ground level public open space fronting Liverpool Road, which is lined on both sides by a mix of shops, cafes and restaurants.

4.3 There are two pedestrian arcades at ground level; one leading to Upper Street, lined with shops on either side; and one leading to Parkfield Street which is more utilitarian in function and appearance, with public toilets, lift access, and an entrance to a first and second floor live music venue. On Parkfield Street there are also loading and storage areas, along with a vehicular access ramp leading to the basement car park.

4.4 The basement car park currently provides parking for 100 cars, including 10 spaces suitable for wheelchair users.

4.5 At ground level, the predominant use is retail. At first floor there is a mix of retail and restaurants, accessed by external walkways, and an entrance to the second floor nine-screen cinema.

4.6 There is a mix of uses in the surrounding areas, generally with active frontage town centre uses at ground level, and a mix of residential, offices and other employment uses on upper levels.

4.7 The site is within the Central Activities Zone (CAZ); within Angel Town Centre, and forms a key component of the primary retail frontage within the Town Centre. Angel Town Centre is classed as a "Major Town Centre" by the London Plan.

4.8 The site is not subject to a site allocation, but two sites on the other side of Liverpool Road (including the large Sainsbury's store and car park) are within the primary retail frontage and allocated for future redevelopment for town centre uses.

4.9 The site is subject to an Article 4 Direction which introduced the requirement for planning permission for change of use from A1 (retail) to A2 (professional services).

4.10 The site is within a cumulative impact area for licensing purposes.

4.11 The central public space within the site is designated as an open space (OS 111).

- 4.12 The part of the site which fronts Upper Street is located within the Angel conservation area. The site directly adjoins the Barnsbury conservation area to the north, and on the opposite (west) side of Liverpool Road is the Chapel Market/Penton Street conservation area. The row of houses to the north of the site at 15-24 Bromfield Street (and those opposite) are Grade II listed. 25 Bromfield Street, 57 Liverpool Street, and the majority of adjacent units at 1-36 Upper Street are locally listed.
- 4.13 The site is within the Islington Village Archaeological Priority Area.
- 4.14 The site is almost entirely within the viewing corridor for the Mayor's Protected Vista VC1: View from Alexandra Palace viewing terrace to St. Paul's Cathedral (and the part of the site outside the viewing corridor is within the assessment area).
- 4.15 The site is highly accessible and benefits from a Public Transport Accessibility Level (PTAL) of 6A. Liverpool Road and Parkfield Street are part of the Islington highway network, and Upper Street is part of the TFL road network. There are bus routes outside the site on Liverpool Road and Upper Street, and Angel Underground Station is approximately 300m away.
- 4.16 The site is within Environment Agency Flood Risk Zone 1.

PHOTOS OF SITE



Figure 4.1 Central Open Space



Figure 4.2 Typical Shopfront Elevations (Southern side of open space)

5 THE PROPOSAL

- 5.1 At basement level, the existing 100 space car park would be partially converted, retaining 27 parking spaces. Disabled car parking, along with electric vehicle charging points and bicycle storage is proposed in the basement.
- 5.2 The converted car park floorspace would be turned into retail and leisure floor space, resulting in three new units. One unit would be integrated with the unit labelled on the plans as MSU-1 (which is currently occupied by H&M) to create a larger unit. Another unit would be a new leisure unit, for use as a gym within Use Class D2, and would be accessed at basement level via the staircase and lifts in the existing circulation core. The third unit would be integrated with the unit labelled on the plans as MSU 8-9 (currently occupied by GAP) to create a larger retail unit.
- 5.3 The retail space shown on the plans as MSU 8-9 (the ground floor of GAP) would be further subdivided to provide an additional small retail unit (labelled as SU 9 on the plans) at ground level. The Public toilets are to be refurbished
- 5.4 At first floor, retail space currently occupied by GAP would be converted to a separate restaurant/café (A3) unit (labelled as LSU 5A on the plans).
- 5.5 The southern external staircase adjacent to Liverpool Road (which connects the first and second floors) would be removed, and the floor space at first floor, adjacent to Liverpool Road would also be changed from Use Class A1 (retail) to Use Class A3 (restaurants and cafes). There would be two new projecting full height “box” windows to that unit overlooking Liverpool Road, to enliven the façade.
- 5.6 There would be no change to the existing kiosk or to the existing Angel Wings sculpture.

6 RELEVANT HISTORY

Planning applications

- 6.1 Outline Planning Permission 96/1563. Mixed use redevelopment comprising retail, leisure, restaurants, crèche, public lavatories, administration and management facilities and car parking. Approved 15/04/1998.
- 6.2 Planning permission ref: 98/1487 (Redevelopment to provide a basement car park, shops at ground and part first floor levels, restaurants at first floor and nine screen cinema at upper levels and including crèche, public lavatories and management facilities). Approved 16/03/1999.
- 6.3 The consent (conditions 4 and 10) and legal agreement for planning permission ref: 98/1487 require the parking spaces, including disabled parking spaces, to be provided and maintained as such. The legal agreement requires contributions towards the necessary provision of public art.
- 6.4 Amendment application ref. 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 crèche, public lavatories and management facilities. Approved 03/05/2000. The 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. 1,200 sqm)
- 6.5 Planning permission P012431 was granted on 09/04/2002 for "Installation of a retail kiosk with Angel Wings above" and permission P012432 was granted on 26/03/2002 for "Installation of illuminated suspended stainless steel ring"
- 6.6 Application reference P2017/2964/FUL originally proposed the following:
- "Removal of the Angel wings sculpture and kiosk, erection of a new kiosk and first floor bridge/outdoor restaurant seating area, and extended first floor balcony. 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."*
- 6.7 That application was considered at the 7 June 2018 Planning Committee meeting. The Committee deferred determination of the scheme for the following reasons:
- To enable further investigation into the retention of the wings and structural evidence that demonstrated that the bridge could not be provided with the wings remaining

- To require an agreement from applicants that the wings would not be removed until an alternative permanent location within the angel area was identified
- To enable the detailed wording of the s106 to be provided within the officer report (or the agreement appended in support of the application) when the scheme was next presented to the committee.
- There was concern that the existing Angel wings was a local landmark for the area and had obtained a level of cultural significance. They supported the identity and permanent sense of place for the Angel town centre that the Angel wings brought to the site. Their loss would undermine the sense of 'place' and identity established over the 20 years they have been in place. There was additional concern that the original legal agreement secured 1% of development value on public art and that the level of equivalence was not demonstrated by the alternative art strategy. In the event that the wings were justified to be moved (into an alternative location within the Angel) a degree of equivalence of quality of art was currently lacking. Obligations should reflect the requirement for equivalence.

6.8 The Applicant has revised application ref: P2017/2964/FUL, such that it now retains the Angel Wings Sculpture, mounted on raised footings, above the proposed new first floor bridge (which connects the first floor terraced areas).

Pre application advice

6.9 Pre-application advice was given in May 2017. The pre-application advice given by the Council stated that the increase in floorspace for town centre uses would be acceptable in principle. Some loss of parking may also be acceptable in principle, but evidence would be needed to justify the amount of spaces lost with regard to the viability and vitality of other town centre functions, and inclusive design needs.

7 CONSULTATION

7.1 The application was subject to public consultation, in all 950 letters were sent to occupants of adjoining and nearby properties on 05/07/2018, and 21 site and notices were erected near the site 06/09/2017.

7.2 Additionally, the application was advertised in the press.

7.3 The public consultation period ended on 02/08/2018. In practice, representations have been received continually during the lifetime of the application, notwithstanding the 21-day consultation periods. It is the Council's practice to continue to accept representations until the decision date.

7.4 The consultation responses received are summarised as follows.

Public Consultation Objections

7.5 At the time of writing, objections were received from 17 neighbouring occupiers. The issues raised by the public objections are summarised as follows (with officer comments in brackets):

Public Art

7.6 The Angel Wings installation is a place-specific symbol for both the shopping centre and the wider area of the Angel, which is inherent to the character of Angel and should be retained

or replaced elsewhere within the Angel area. The “Angel” and “Halo” complement each other, and there is very little public art in this location. It is important to ensure the Angel Wings Sculpture is not damaged when it is moved. *(For the avoidance of doubt, this application does not propose removal of or any works to the public art).*

Loss of Light to Public Open Space

- 7.7 The proposal will result in the loss of light to the public space. *(For the avoidance of doubt, this application does not propose any works that could result in a loss of light to the open space).*

Anti-Social Behaviour and Crime

- 7.8 The reduction in parking and increase in footfall arising from the proposed development will increase the existing anti-social behaviour. *(The proposed retail and restaurant uses are not likely to materially increase antisocial behaviour, and to minimise opportunities for antisocial behaviour, CCTV is to be secured by the s.106 agreement, and Secured by Design / Secured Environments and Park Mark Certification by condition 8. An informative also reminds the developer that certain uses will require licenses, and will need to demonstrate that the operation of the business would not add to the existing problems as the site is in a “cumulative impact area”).*

Neighbour Amenity

- 7.9 Increased plant noise or light pollution is objected to *(Plant noise is to be controlled by condition 9 and no additional external lighting is proposed).*
- 7.10 The outdoor restaurant seating space will cause noise pollution to nearby residents *(Condition 10 is recommended to limit opening hours of the restaurants to 23:00, including all outdoor restaurant seating to be moved indoors by 23:00)*
- 7.11 The servicing of the existing units causes noise pollution, disruption and conflict between commercial and residential occupiers, and these problems will be increased by the new units. *(Servicing and Deliveries are to be managed via the 4 existing dedicated servicing bays and a Servicing and Delivery plan, to be secured by condition 11).*
- 7.12 There are existing problems with the operation of the O2, with patrons generating noise and disturbance late at night. The proposals will exacerbate issues *(Condition 10 is recommended to limit opening hours of the restaurants to 23:00, the scheme would not bring about an intensification of the live music venue use. The location of the gym use in the basement would prevent noise breakout associated with users of the gym).*

Loss of Parking

- 7.13 Parking spaces are scarce in the locality, and the loss of parking will make it harder to park. *(The reduced amount of parking proposed is considered in the paragraph 9.2 onwards, and paragraph 9.65 onwards. A travel plan is to be secured by the s.106 agreement to reduce rather than displace private vehicle use).*

Land Use

- 7.14 More retail units are unnecessary as there are already shops nearby. *(The proposal would result in additional large retail units for high street retailers, which would increase the diversity of shops in the Town Centre, and the Town Centre is a sustainable location for new shops).*

- 7.15 The proposed kiosk is too small for a shop but could be used as a venue for promoting Islington tourists. *(This application does not propose to change the existing Kiosk in any way).*

Construction Impacts

- 7.16 Increased traffic, noise, pollution, damage to nearby listed buildings, and congestion as a result of construction works. *(Condition 12 is recommended to limit construction impacts, in addition to a s.106 obligation to comply with the Code of Construction Practice).*

Other issues

- 7.17 There is lack of landscaping. *(The limited scope of this application and the nature of the space, which is heavily used by pedestrians, there is limited opportunity for soft landscaping. Observations on site are that the existing hard landscaping is fit for purpose. In view of the situation, no objection is raised in relation to the scheme from a landscaping perspective).*

Responses in support of the proposal

- 7.18 In addition to the concerns raised above, 2 submissions were received in support of the proposal. In summary, the submissions welcomed retention of the Angel Wings Sculpture.

Statutory, Internal and External Consultation Responses

Design and Conservation:

- 7.19 There is no objection to the proposals, subject to the previously recommended conditions that ensure the new shopfronts and balustrading and any new external materials are acceptable.

Greater London Archaeological Advisory Service (GLAAS)

- 7.20 No objection. Although within the Islington Village Archaeological Priority Area, the site is covered by a modern basement across its whole area, and no archaeological remains are likely to survive.

Metropolitan Police

- 7.21 No objection, subject to the recommended conditions.

Transport for London (Crossrail Safeguarding)

- 7.22 No objection.

Transport for London (Road Network Development)

- 7.23 No objection in principle. The proposed number of cycle spaces should comply with the London Plan, and end-of-trip facilities should be provided; the reduction of onsite parking is supported; the reduction of disabled spaces is justified; 10% of parking spaces should include electric charging; the Construction Phase Plan should be updated.

- 7.24 *The footway and road must not be blocked during construction, nor should construction material be stored on the highway. If road closures are required, separate approvals will be required from TfL under the Traffic Management Act 2004.*

- 7.25 *(Condition 13 is recommended requiring 46 cycle parking spaces, which is in excess of the London Plan standards; and end-of-trip facilities. 6 electric charging points are proposed in the car park, to be secured by condition 14. Condition 12 requires a more detailed pre-*

commencement Construction and Environmental Management Plan once contractors and dates are known).

London Underground Infrastructure Protection

7.26 No objection.

London Fire & Emergency Planning Authority

7.27 No objection. *(An informative recommended sprinklers).*

Licensing

7.28 No objection. An informative is recommended, reminding the applicant of the need to apply for the relevant licenses.

Thames Water

7.29 No objection.

Islington Business Improvement District (BID)

7.30 The proposed improvements to the retail offer, increased employment opportunities, change of use from an under-used car-park to increased retail provision, and improved frontages are supported by the BID.

Environmental Pollution (Acoustics)

7.31 The submitted acoustic report includes a background survey, but does not clarify the proposed plant or the impact on residents. Due to the distance between the plant and the residential units, this can be managed by planning conditions. *(As the users are not yet known, it is not possible to approve every item of external plant at this stage. Condition 9 is recommended to impose an absolute limit on noise; and requiring a further assessment to demonstrate compliance prior to occupation of new units, including noise mitigation if required.)*

Environmental Pollution (Construction Impacts)

7.32 No objection, subject to conditions. *(Condition 12 is recommended requiring a Construction and Environmental Management Plan, and the s.106 agreement requires compliance with the Construction Code of Practice).*

Accessible Design

7.33 No objection, subject to acceptable disabled parking spaces, mobility scooter charging and accessible cycle storage. Corduroy paving should be provided adjacent to steps, and benches should have arm rests and backs. The proposed basement units are stepped, and information needs to be provided as to how these will be designed to be accessible. *(4 disabled parking spaces are to be retained, cycle and scooter spaces are to be secured by condition 15, details of the accessibility to the basement units are to be secured by conditions 16 and 17).*

Highways

7.34 No objection raised. A CEMP should be provided (to be secured by condition 12)

Waste Management

7.35 A condition is required to ensure a waste management scheme is secured.

Energy

- 7.36 The proposal will comply with BREEAM Excellent, and a carbon offset payment is required. Further information is requested with regard to further carbon savings; thermal modelling; and the proposed air source heat pumps. (*A revised energy strategy is recommended by condition 6*).

Sustainability

- 7.37 No objection.

8 RELEVANT POLICIES AND LEGISLATION

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

National Guidance

- 8.2 The National Planning Policy Framework (NPPF) 2012 is a material consideration which seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. Since March 2014 Planning Practice Guidance for England has been published online.

Development Plan

- 8.3 The Development Plan is comprised of the London Plan 2016 (amended), Islington's Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The relevant Development Plan policies are listed in Appendix 2.

Designations

- 8.4 The site has the following designations under the London Plan 2016 (amended), Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations June 2013:

- Angel Town Centre (primary retail frontage)
- Core Strategy Key Area: Angel and Upper Street
- Central Activities Zone
- Crossrail 2 safeguarding area
- Protected Vista (Alexandra Palace to St Paul's Cathedral)
- Open Space OS 111
- Archaeological Priority Area

Supplementary Planning Guidance (SPG) / Document (SPD)

- 8.5 The relevant SPGs and SPDs are listed in Appendix 2.

Environmental Impact Assessment (EIA)

- 8.6 No request for an Environmental Impact Assessment (EIA) scoping opinion was submitted, however the site is significantly less than 1 hectare in size and it is not in a sensitive area as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations (2017). As such the proposal is not considered to fall within the development categories of Schedule 1 or 2 of the EIA Regulations and an EIA is not considered necessary.

Statutory Duties

- 8.7 Islington Council (Planning Committee), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 of the Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
 - As the development is within or adjacent to a conservation area, the Council has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990).
- 8.8 National Planning Policy Framework (NPPF): states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means: approving development proposals that accord with the development plan without delay.
- 8.9 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.
- 8.10 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.
- 8.11 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 8.12 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

- 8.13 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9 ASSESSMENT

Key issues

9.1 The key issues are as follows:

- Land Use
- Design
- Highways, transport and loss of car parking
- Sustainability

Land use

Loss of Car Parking

- 9.2 The proposal would partially convert the existing basement car park, resulting in a reduction in car parking from 100 spaces to 27 spaces.
- 9.3 The Angel Central Shopping Centre has exceptional public transport accessibility, being within a central London location close to an underground station, with several bus routes, and in a high density area with a large catchment of local residents.
- 9.4 In recognition of the borough's excellent accessibility, Policy DM8.5 states that parking will only be allowed for non-residential developments where it is essential for operational requirements and therefore integral to the nature of the business or service. In such cases, parking will only 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.
- 9.5 Given the policy steer towards sustainable, car-free development, and the availability of car parking spaces within the surroundings, officers are supportive in principle of the proposed reduction in car parking spaces.
- 9.6 The application was accompanied by a framework Travel Plan, and a Transport Statement including a parking stress survey. These are assessed in more detail in paragraph 9.66 onwards (Highways and Transportation) of this report, but officers are of the view that the reduction would create parking stress or impact on the operational requirements of the town centre.
- 9.7 The proposed reduction in car parking spaces would promote other, more sustainable, forms of transport whilst being compatible with the operational needs of town centre businesses and blue badge holders, and is considered acceptable in principle.

Retail (Use Class A1) Floorspace

- 9.8 The site is located within the Angel Town Centre which is classed as a "Major Town Centre" by the London Plan, and town-centre uses are promoted in this location. Policy CS5

supports the continued function of Angel and Upper Street as the main shopping area, and CS8 supports clusters of retail uses to avoid Islington becoming a dormitory borough.

- 9.9 Policy DM4.4 states that the council will seek to maintain and enhance the retail and service function of Islington's Town Centres. It requires development to contribute positively to the vitality and viability of the town centre, and to provide a variety of different sized retail units.
- 9.10 Within Town Centres, development should contribute positively to the vitality and viability of the centre; provide a variety of different sized retail units; and comply with the council's policies on Inclusive Design.
- 9.11 While the proposal would not result in the construction of additional floor space, it would see the conversion of car parking spaces into retail and gymnasium floor space. Over all there would be an increase of 1,351sqm of lettable area.
- 9.12 The site is within a primary retail frontage, and although Policy DM4.5 of the Development Management Policies (2013) resists changes of use away from retail space in primary retail frontages, the retail floorspace converted to Café space at the first floor level would be more than compensated for by the additional retail space created at basement level. Overall there will be a net increase in retail space, and as such is considered to comply with Policy DM4.5.
- 9.13 The proposed new retail floorspace would in part arise from the amalgamation of retail units to form larger shops at ground and basement level. In certain situations, amalgamation of units is resisted by Policies CS14 and DM4.1; where it would detrimentally affect the character of the local area; or where it would cause unacceptable adverse impacts on the local environment and/or amenity. In this case, the surrounding streets are generally comprised of smaller retail units stretching along Chapel Market, Islington High Street, and Upper Street; and the shopping centre contributes to the town centre's overall balance of unit sizes by providing larger units. The amalgamation of retail units would not result in the loss of small or independent shops, or restrict the supply of small shop units, and in that respect the proposal is considered acceptable.
- 9.14 Policy DM4.1 states that the council places great weight on the retention of small and independent shops, and requires proposals for retail development of less than 2,500sqm (as is the case with the current application) to provide for smaller units.
- 9.15 A retail assessment was submitted in support of the planning application, which show that at present, 5 units out of 26 (19%) can broadly be considered "small" (36-104sqm). Following the development, 6 of 29 units (21%) would be similarly small (33-104sqm). Although 10% of the uplift in floorspace would not be secured as small units, the overall percentage of small units would be increased, and the proposal is therefore considered to enable the retention of small and independent shops in line with Policy DM4.1.
- 9.16 The proposed reconfiguration and extensions to retail floorspace increases the availability of larger units, which act as "anchors" to the town centre and would improve the overall mix of unit sizes within the centre as a whole.
- 9.17 As there are limited opportunities to provide large units elsewhere within the traditional buildings on the adjacent shopping streets, and the proposal would include an additional small unit, officers consider that the increase in both overall floorspace and unit sizes would complement the diversity of the town centre, and would not result in any harm to small and independent retailers.

Restaurants and Cafe (Use Class A3) Floorspace

- 9.18 The proposal would result in one additional restaurant to the existing cluster of first floor restaurants. The proposed restaurant is an appropriate town centre use and is supported by Policy DM4.4.
- 9.19 Policy DM4.3 states that proposals for cafes, restaurants, drinking establishments, nightclubs and other similar uses will be resisted where they would result in negative cumulative impacts due to unacceptable concentrations of uses. The proposed first floor restaurant is not considered likely to result in unacceptable concentration of uses, nor (subject to appropriate conditions) would it cause unacceptable disturbance or detrimentally affect the amenity, character and function of the area. The restaurant use would support the primary function of the shopping centre as a destination, and due to its location within a managed centre and away from residential properties, would not result in unacceptable noise disturbance to neighbours. It would also sit well alongside the existing evening economy uses, the cinema and music venue, at the shopping centre. The proposed restaurant contributes appropriately to the balance of high street uses, in a location which would minimise impacts on neighbour amenity.

Leisure (Use Class D2) Floorspace

- 9.20 At basement level, there would be two new units provided, one for A1 retail in conjunction with the ground level ground floor unit(s), and the other as a gym within Use Class D2. This would be supported by Policy DM4.4 which directs D2 uses to designated Town Centres. Use Class D2 includes a wide range of uses, including music and concert halls and similar facilities used for events; as the impacts of such uses have not been justified within the application, condition 22 is recommended to restrict use to a gym or sports facility within Use Class D2.

Delivery and Infrastructure

- 9.21 Policy CS 18 (Delivery and infrastructure) states that the council will work with its partners to deliver the infrastructure required to support development, and will require contributions from new development to ensure that infrastructure needs are provided for and that the impacts of the development are mitigated. The proposed development would be subject to s.106 obligations to ensure that appropriate education and training opportunities arise from the development, including a local employment and training contribution and a construction training placement.
- 9.22 As there are a number of existing s.106 agreements in place arising from the original shopping centre and alterations over time, there are a number of existing and ongoing planning obligations which should be updated to reflect the alterations to the centre. A s.106 legal agreement has therefore been drafted which carries over and amends previous s.106 obligations where necessary, removes those which are superseded, and introduces additional obligations to ensure the delivery of the schemes' benefits.
- 9.23 Further details of planning obligations are set out in paragraph 9.100 onwards of this report, and as a summarised list in Appendix 1.

Land Use Summary

- 9.24 The proposed development would change basement car parking space to retail and leisure (Gym) uses. At the first floor there would be a change of use of existing retail space to a Café/restaurant space. The scheme would result in rational arrangement of spaces,

prioritising retail at ground level, with restaurants at first floor; and with a mix of retail and leisure uses within the basement.

- 9.25 The loss of car parking to town centre uses is supported by the development plan, and the development would result in sufficient provision for blue badge holders and avoid wider highways impacts. Although the proposal would not provide 10% of the new floorspace as small retail units, large units are inherent to the unique role of the shopping centre within the town centre and an additional small unit would be provided to ensure availability of a mix of unit sizes and retailers.
- 9.26 It is worth noting that since the scheme was considered by the Committee on 7 June 2018, the Government published (on 24 July 2018) a revised National Planning Policy Framework (NPPF). Of particular relevance to this application is that the revised NPPF acknowledges that there are rapid changes affecting the retail sector (namely the effects that changed shopping habits are having on town centres), and that planning policy should allow centres to grow and diversify in response to these changes. This proposal would help the centre to remain competitive and viable, and is considered to be in alignment with the revised NPPF.
- 9.27 The proposed land uses would support the development of Angel town centre as a retail and leisure destination, and are considered acceptable in principle subject to compliance with the other development plan policies.

Design and Conservation

- 9.28 London Plan Policies 7.4, 7.5, 7.6, 7.7 and 7.11 require buildings to make a positive contribution to their public realm and streetscape, to be of the highest architectural quality. These policies are supported locally by Islington Policies CS8 and CS9 which encourage sympathetic building designs, and DM2.1 and DM2.3 which require development to be of high quality contextual design and to conserve or enhance the conservation area's significance (where the proposal would affect the setting of a conservation area). Furthermore, Policy CS5 states that the historic character of the area will be protected and enhanced with high quality design encouraged so that it respects the local context of Angel and Upper Street and its surroundings.
- 9.29 The majority of the site is not within a conservation area, although the entrance onto Upper Street is within the Angel Conservation Area (CA18) as shown in Figure 9.1. As noted in the "Site and Surroundings" section of this report and marked in Figure 9.2, the row of houses to the north of the site at 15-24 Bromfield Street (and those opposite) are Grade II listed and 25 Bromfield Street is locally listed. 57 Liverpool Street, and the majority of adjacent units at 1-36 Upper Street are also locally listed.

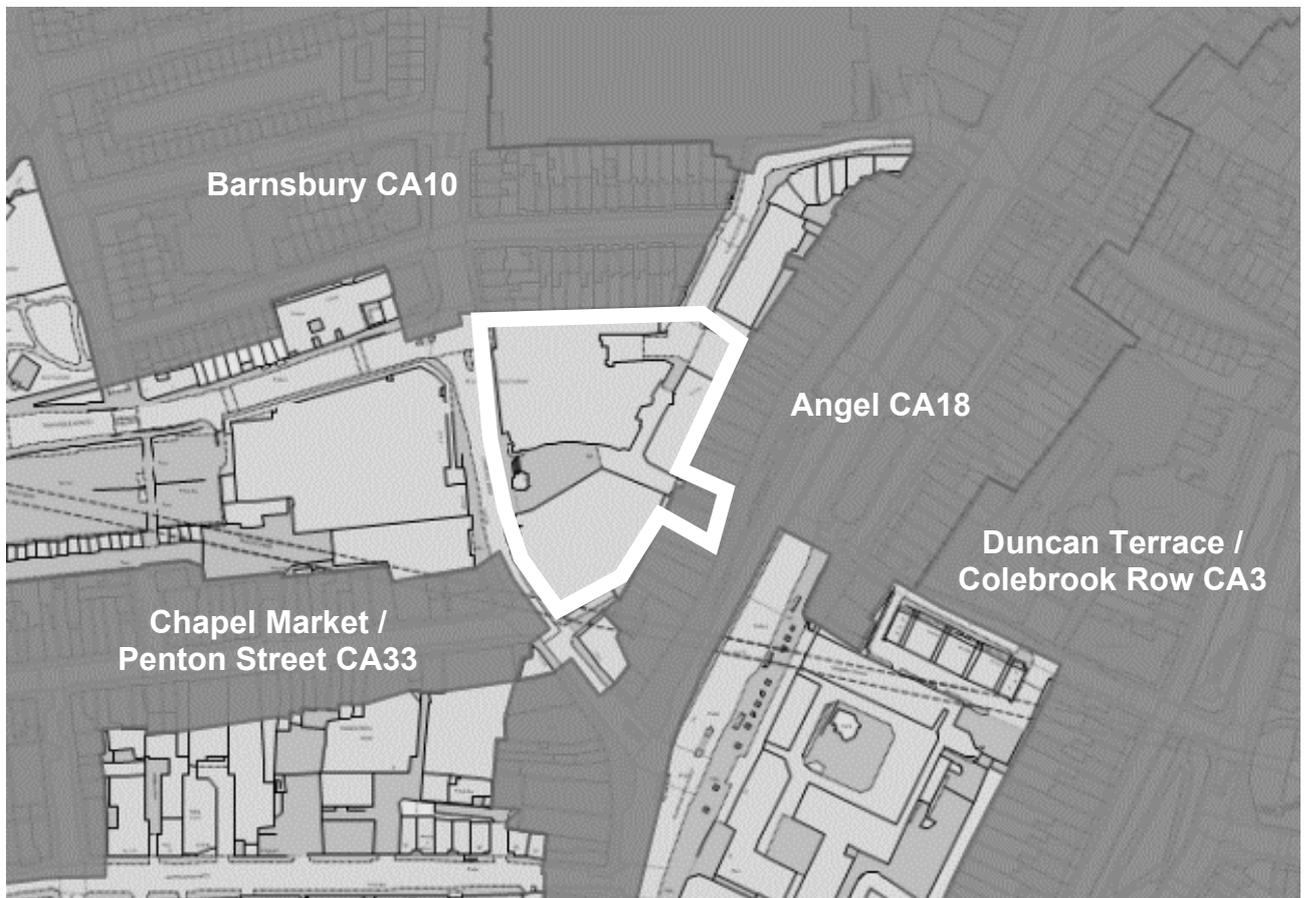


Figure 9.1 Map showing adjacent Conservation Areas (shaded).



Figure 9.2 Map showing nearest listed building (shaded) and locally listed buildings (marked with crosses).

Proposed Demolition

- 9.30 The proposal would demolish an existing redundant stair connecting the first and second floor levels. The stair case is not located within a conservation area and is of little architectural merit. There is no objection raised to its removal.

Further External Alterations

- 9.31 At ground level, the southern frontage of the centre facing onto Liverpool Road has a small (brick and concrete) recessed area. This is to be remodelled and realigned to provide a glazed frontage. The change improves the visibility of the retail store, and enlivens this part of the centre, enhancing the overall appearance, and is supported.
- 9.32 There would be a new shop front created for the proposed small retail unit. The space created by the removal of the external stair connecting the first and second floor levels, would be used to accommodate external seating, providing interest and activity to the dead end balcony. Condition 3 is recommended to ensure the detailed design of the balustrade and shopfront is acceptable.

Heritage and Views

- 9.33 The part of the site which fronts Upper Street is located within the Angel conservation area, and the site adjoins the Barnsbury conservation area to the north, and the Chapel Market/Penton Street conservation area on the opposite (west) side of Liverpool Road. The row of houses to the north of the site at 15-24 Bromfield Street (and those opposite) are Grade II listed. 25 Bromfield Street, 57 Liverpool Street, and the majority of adjacent units at 1-36 Upper Street are locally listed.
- 9.34 In accordance with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF, local planning authorities shall have special regard to the desirability of preserving any listed building or its setting (or any features of special architectural or historic interest which it possesses), and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 9.35 The proposed development is predominantly internal to the site, and would have limited visual impact on the surrounding streets. The only visual impact (external to the site) is on Liverpool Road, and this is limited to the positive alterations at ground and first floor level, where a recess is to be better activated and an external stair is to be removed.
- 9.36 The site is almost entirely within the viewing corridor for the Mayor's Protected Vista VC1: View from Alexandra Palace viewing terrace to St. Paul's Cathedral, and the part of the site which falls outside the viewing corridor is within the assessment area for the same viewing corridor. As there would be no increase in height, the proposal would not affect views of St Paul's Cathedral.
- 9.37 The site is within the Islington Village Archaeological Priority Area, although no excavation is proposed. The consultation response from GLAAS raised no concerns, noting that the site is completely built over, including a modern basement, and archaeological remains of importance are unlikely to remain.
- 9.38 There are further heritage assets within the wider vicinity of the site, but having considered the impacts of the development on its surroundings, officers are of the view that there would be no unacceptable heritage impacts as a result of the proposal.

9.39 The proposal would not result in any harm to the character or setting of any other nearby heritage assets.

Accessibility

9.40 London Plan Policy 7.2 states that development should achieve the highest standards of accessible and inclusive design, by ensuring that developments: (i) can be used safely, easily and with dignity by all members of society; (ii) are welcoming and convenient with no disabling barriers, (iii) are flexible and responsive to peoples' needs and (iv) are realistic, offering more than one solution to future users.

9.41 Islington Policy DM2.2 requires all new developments to demonstrate inclusive design, including that all developments should demonstrate that they provide for ease of and versatility in use, deliver safe, legible and logical environments and produce places and spaces that are convenient and enjoyable to use for everyone. All development needs to be assessed against this policy background to ensure genuinely inclusive design from the outset and for the lifetime of the development.

9.42 The existing centre is relatively accessible, with step-free access to all areas, and the sloped central open space negotiating level changes across the site. There is lift access to all levels and a central escalator, with step-free access to WCs and all units.

9.43 The proposal would result in the net loss of 73 parking spaces, of which 6 are off-street wheelchair parking bays. A parking survey was undertaken which demonstrated that no more than 4 wheelchair spaces would be in use at any one time, and on that basis it is proposed that 4 wheelchair spaces would be retained.

9.44 The council's inclusive design officer provided feedback, and raised no objection but recommended that detailed design measures to address internal layouts, inclusive outdoor seating, WCs and mobility scooter charging are secured (by condition 18).

Neighbour Amenity

9.45 All new developments are subject to an assessment of their impact on neighbouring amenity; including in terms of daylight, sunlight, privacy, increased sense of enclosure, noise and disturbance as required by London Plan Policies 7.14 and 7.15 and Development Management Policy DM2.1.

9.46 The application relates primarily to internal changes (including change of use of the basement). The additional external development proposed includes removal of a stair connecting the first and second floor level (there by making space for a small amount of seating which would be associated with a Café/restaurant adjacent to Liverpool Road). The outdoor seating is opposite two existing large retail units. There are no residential units adjacent to the proposed external seating area, and no residential neighbours would be affected by loss of outlook, privacy, sunlight or daylight as a result of the works.

9.47 It is noted that neighbour objections were received with regard to noise and disturbance. Although anti-social behaviour in the wider town centre and on the surrounding streets is not something that can be completely controlled by the owners of the shopping centre, reasonable steps should be taken to minimise the amenity impacts of the proposed development.

9.48 The Council's environmental health (acoustics) officer considered the application and is of the opinion that externally audible plant noise can be effectively managed by planning

conditions, having had regard to the likely distance between the plant areas and the residential units. It would be appropriate for details of plant to be secured prior to the occupation of the new units. Condition 9 is recommended, imposing an absolute limit on noise, and requiring a further assessment to demonstrate compliance prior to occupation of new units, including noise mitigation if it is required.

- 9.49 As the development would result in busy town centre uses, in a town centre location, some noise and disturbance is to be expected. Subject to the conditions set out in this report, it is considered that the proposed development would not give rise to unacceptable impacts on neighbouring residential amenity. The proposal is thus considered acceptable in accordance with London Plan Policies 7.6, 7.14 and 7.15, and Development Management Policy DM2.1.

Biodiversity, Landscaping and Trees

- 9.50 London Plan Policy 2.18 states that development proposals should incorporate appropriate elements of green infrastructure that are integrated into the wider network, and Islington Policy DM6.5 states that Developments must protect, contribute to and enhance the landscape, biodiversity value, and growing conditions of the development site and surrounding area.

- 9.51 There are no trees on the site, nor between the site and Liverpool Road. The site is completely paved over, with no existing soft landscaping.

Security

- 9.52 Policy DM2.1 requires developments to be designed to be safe and to demonstrate safety in design; including access, materials and site management. Policy DM2.2 requires developments to deliver safe, legible and logical environments.

- 9.53 Given the publically accessible nature of the site, it is recommended that secured by design certification be secured by condition 8, and CCTV secured by the s.106 agreement to ensure a well-designed and safe environment in accordance with the above policies.

Health and Air quality

- 9.54 Policy 7.14 of the London Plan states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs)). The whole borough is an AQMA and Policy DM6.1 requires developments to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote mental well-being; and states that developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.

- 9.55 An air quality assessment was not provided with the application, and in order to ensure that the proposed development would avoid exposing visitors to excessive air pollution, condition 25 is recommended to secure an Air Quality Neutral Assessment and appropriate mitigation against the GLA's Sustainable Design and Construction SPG benchmarks if necessary.

- 9.56 Of additional concern cumulatively in London is the impact of the number of concurrent construction projects underway and the resultant harm to air quality. The proposal is relatively minor as it will not result in major demolition or excavation works, although there will still be construction dust, waste, machinery, material storage and vehicles which all have the potential to negatively impact air quality. The London Plan "Control of Dust and Emissions during Construction and Demolition" SPG requires low emission non-road mobile

machinery (NRMM) to comply with low emissions standards and condition 15 is recommended to secure a Construction and Environmental Management Plan to ensure that the proposal complies with these standards.

Highways and Transportation

- 9.57 The site has a Public Transport Accessibility Level (PTAL) rating of 6A which reflects its excellent accessibility by public transport. Liverpool Road and Parkfield Street are part of the Islington highway network, and Upper Street is part of the TFL road network. There are buses outside the site on Liverpool Road and Upper Street, and Angel Underground Station is approximately 300m away.

Transport Statement and Travel Plan

- 9.58 The application was accompanied by a detailed Transport Statement, and a framework Travel Plan. The baseline data within the Travel Plan identifies very low car private vehicle usage (4%), with walking (45%) and buses (32%) as the main modes. The Travel Plan aims to halve private vehicle and taxi use, and increase cycling, underground and bus use. The results of the Transport Assessment have been considered, and the aims of the framework travel plan are supported by officers, with a full travel plan and monitoring to be secured by the s.106 agreement, as required by the Planning Obligations SPD.

Cycling

- 9.59 The existing site does not provide a substantial amount of cycle storage, with 14 spaces provided within the basement; the site is however adjacent to the TFL cycle hire stand on Liverpool Road. The proposal would introduce 32 additional secure cycle parking spaces at basement level, in accordance with the Islington cycle parking standards (which are more onerous than the London Plan standards). Condition 13 is recommended to secure the additional cycle storage, including accessible cycle stands, and access to end-of trip facilities for staff.

Servicing and refuse

- 9.60 Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200 square metres, delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on street, Policy DM8.6 (Delivery and servicing for new developments), Part B requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.
- 9.61 The site currently has 4 loading bays with space for waste collection and vehicle turning, accessed via Parkfield Street (for which Islington Council is the highways authority). These allow servicing activities from the multiple uses on-site to take place simultaneously without obstructing the highway. There is a site office adjacent to the loading area and courier deliveries are made using the same loading area.
- 9.62 The proposal would continue use of these loading bays for the additional new units. It is noted that the proposed new floorspace would mostly be allocated to existing units to increase their sizes, that vehicle movements overall are likely to reduce as a result of the travel plan and reduction in parking spaces, and that the additional floorspace would be for similar uses to the existing, thereby resulting in similar types of servicing movements.

- 9.63 A response was received from the Council's highways officer and no objection was raised.
- 9.64 Condition 11 is recommended to secure an updated servicing, delivery and waste management plan prior to commencement of use (including hours of activity, trip minimisation etc.) to ensure that the proposed development does not have an undue impact on amenity.

Vehicle parking

- 9.65 The site currently has 100 parking spaces on site, of which 10 (10%) are wheelchair accessible. The proposal would remove 73 parking spaces, retaining 27, of which 4 (15%) would be wheelchair accessible.
- 9.66 The application was accompanied by the results of a parking stress survey of the surrounding streets, and a car park capacity study to ascertain the occupancy rates of the car park.
- 9.67 The capacity study showed that there are times when in excess of 27 parking spaces are in use within the existing car park at any one time.
- 9.68 During the week, the occupancy exceeded 27 cars between 08:00 and 18:00, with the maximum accumulation being 41 vehicles. The local Controlled Parking Zone (CPZ) is operational between 08:30 and 18:30 on weekdays, which coincides with the maximum demand for parking on those days, and although vehicles are able to use other car parks and metered bays, the CPZ would prevent cars simply spilling out into residents parking bays during the week.
- 9.69 The capacity survey also showed that occupancy of car parking spaces exceeds 27 on weekends between 09:00 and 20:00, with the maximum accumulation at 50 vehicles. The maximum "overspill" demand shown by the capacity survey (in excess of the proposed 27 spaces) is therefore for 23 spaces outside the car park. Between 08:30 and 13:30 on Saturdays the CPZ is in operation, again providing a buffer for residents, which means that between 13:30 and 20:00 on Saturdays, and all day on Sundays, there is the potential for vehicles to park within residents' bays on the surrounding streets.
- 9.70 The Transport Assessment included a parking stress survey, which identifies that there are over 700 on-street parking spaces within 500m of Angel Central, with average parking stresses of 59%. The maximum overspill demand for parking identified by the capacity survey, of up to 23 vehicles, would represent less than 3% of the total on-street capacity in the area and given the average local parking stress is unlikely to result in unacceptable impacts on neighbour amenity.
- 9.71 Although impacts on all residents should be considered, the nearest residents who raised concerns about parking are on Bromfield Street and as there is no direct access from the Car Park (for vehicles unable to find a space in the car park) to Bromfield Street, and drivers would have to travel 1km to the nearest space on Bromfield Street (due to the road layout), it is unlikely that the overspill demand for parking arising from the loss of spaces would significantly impact on those residents.
- 9.72 Notwithstanding the results of the parking survey, the Transport Assessment is intended to show a worst case scenario, and as noted above the Travel Plan target is to reduce private car use by users of the Shopping Centre by 50% which would further reduce the demand for parking.

- 9.73 The car park capacity study showed that no more than 2 disabled spaces were in use at any one time. Of the 27 spaces proposed, 4 (15%) would be disabled parking bays, which is considered adequate to accommodate the needs of blue badge holders.
- 9.74 Of the parking spaces retained, and in accordance with the guidance provided by TFL, 6 charging points for electric vehicles are proposed within the car park, to be secured by condition 17.
- 9.75 During the public consultation exercise, responses were received from neighbours objecting to the loss of car parking due to people parking on the surrounding streets and making noise late at night. As the parking surveys showed availability of parking spaces within the car park from 18:00 onwards on weekdays, and 21:00 onwards on Saturdays, it is apparent that late-night antisocial behaviour caused by vehicle occupants on-street is not a direct result of parking capacity at the on-site car park, and the reduction in on-site parking spaces is unlikely to have an impact on antisocial behaviour. Notwithstanding, it is recommended that the previous requirement for CCTV is carried forward into the s.106 agreement.
- 9.76 Given the policy steer towards sustainable, car-free development, and the additional availability of car parking spaces within the surroundings, officers are supportive in principle of the proposed reduction in car parking spaces, and it has been demonstrated that the reduction would not have a harmful impact on parking stress or the operational requirements of the town centre.

Construction impacts

- 9.77 A draft Construction and Environmental Management Plan (CEMP) was submitted, outlining measures for the minimisation of amenity impacts on the surrounding streets. Two options for construction compounds were suggested, both on site. As the CEMP was drafted well in advance of construction works, this outlines headline impacts and intentions for minimisation of impacts, but does not include specific information on wider vehicle movements, dates of deliveries, or reference to other works, which may affect the site depending on timescales. A condition (no.15) is therefore recommended to secure an expanded and up-to-date (at the time of works) CEMP detailing specific measures, and expanded to take account of other nearby developments, highway works, and notification of neighbours.
- 9.78 Any requirement for the repair and re-instatement of the footways and highways adjoining the development which arises from construction impacts, should be resourced by the applicant, and is to be secured by a s.106 obligation.
- 9.79 Subject to compliance with an expanded construction management plan (and recommended condition 12), the proposal would make all reasonable efforts to avoid unacceptable impacts to neighbour amenity, the wider environment, and maintain the safe and efficient operation of the highway network.
- 9.80 In the interest of protecting neighbouring residential amenity during the construction phase of the development (having regard to impacts such as noise and dust) the applicant is also required to comply with the Council's code of construction practice. Compliance would need to be secured as part of a section 106 agreement together with a payment of £1,900 towards monitoring. This payment is considered an acceptable level of contribution having regard to the scale of the development, the proximity of other properties, and likely duration of the construction project.

Highways and Transportation Summary

- 9.81 The application sets out adequate provision for servicing, accessibility, cycle parking, vehicle parking, and includes a framework travel plan which sets out continued measures to promote sustainable modes of transport. The proposal would be acceptable and would comply with Islington Core Strategy (2011) Policies CS11 and CS13; Islington Development Management Policies DM5.1, DM8.2, DM8.5 and 8.6; and the London Plan SPG Land for Industry and Transport (September 2012).

Sustainability, Energy Efficiency and Renewable Energy

- 9.82 Islington Core Strategy Policy CS10 seeks to minimise Islington's contribution to climate change and ensure that the borough develops in a way which respects environmental limits and improves quality of life. This requires all development to achieve the highest feasible sustainability standard. A Sustainable Design and Construction Statement was submitted with the application, followed by an Energy Statement Addendum, which were considered by the Council's sustainability officer and energy officer.

Flooding and Sustainable Urban Drainage Systems (SUDS)

- 9.83 Policy DM6.6 expects all major development to include details to demonstrate that SUDS has been incorporated and will be properly maintained.
- 9.84 The site is located in Flood Zone 1 and has low risk of flooding, and although there is risk of surface water flooding in Islington the site is not within a Critical Drainage Area or within an identified Local Flood Risk Zone. The site is completely built over, including at basement level, and the proposal would not introduce any areas of new roof or outdoor space which are capable of accommodating SUDS. The applicant has explored options of retrofitting SUDS features, none of which are feasible. The Council's sustainability officer has considered the submitted details and agreed that due to the limited physical works and existing constraints there are no increased flood risks, and equally no realistic opportunities for new SUDS features.

Energy Efficiency, CO2 Emissions, and Renewable Energy

- 9.85 London Plan Policy 5.2B sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013.
- 9.86 Islington Policy CS10 A and Section 2 of the Environmental Design SPD set out targets that onsite total CO2 reduction targets (both regulated and unregulated) against Building Regulations 2010 are reduced by 40% where connection to a Decentralised Energy Network (DEN) is possible, and 30% where not possible. These targets have been adjusted for Building Regulations 2013 to reductions of 39% where connection to a DEN is possible, and 27% where not possible.
- 9.87 Policy DM 7.4A states "Major non-residential developments are required to achieve Excellent under the relevant BREEAM or equivalent scheme and make reasonable endeavours to achieve Outstanding". The council's Environmental Design Guide states "Schemes are required to demonstrate that they will achieve the required level of the CSH/BREEAM via a pre-assessment as part of any application and subsequently via certification."
- 9.88 There are no DENs within 500m, and it is accepted that as the centre does not currently benefit from a communal heating system, it would not be possible for it to connect to a

network. Condition 6 requires additional exploration of the feasibility of future connection, to ensure that any necessary futureproofing works can be incorporated into the development.

- 9.89 The proposal would comply with the Building Regulations 2013 CO2 emissions standards, by 0.3% - 0.4%, well short of the policy targets. However, the policy targets are based on new-build standards, and the proposal is for the conversion of an existing underground space within the shopping centre, without opportunities for new external construction or substantial re-building. It would achieve BREEAM Excellent, with a comfortable margin. As the conversion would comply with BREEAM excellent and there is no policy requirement to upgrade the parts of the building which would not be redeveloped, refusal on that basis is not recommended.
- 9.90 In accordance with the Council's zero carbon policy, the council's Environmental Design SPD states that "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". The Environmental Design SPD states "The calculation of the amount of CO2 to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement." As the proposal would not achieve the carbon reduction targets, there is a requirement for the remaining emissions to be offset. The financial contribution has been calculated by the as £80,960 and is to be secured by the s.106 agreement.
- 9.91 The Council's Energy Officer requested further details relating to energy savings, including details of passive cooling and the proposed air source heat pumps. Condition 9 is recommended to secure an updated Energy Statement which maximises any further opportunities for carbon reductions.
- 9.92 The proposal would re-use an existing space; it would comply with BREEAM Excellent, and a financial contribution would be provided to offset the outstanding carbon emissions. On that basis it is considered acceptable in terms of energy efficiency.

Building Fabric

- 9.93 In accordance with Islington Policies CS10 and DM7.4, details on the materials selection based on lifecycle assessment for all major material components of the design should be provided e.g. structure, steel, brick, concrete etc. These details were not supplied with the application, so a green procurement plan is recommended to be required by condition 4.

Contamination

- 9.94 Paragraphs 120-122 of the NPPF state that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Planning decisions need to consider whether the site is suitable for its new use taking account of ground conditions and natural hazards or former activities such as pollution arising from previous uses; and in doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land. London Plan Policy 5.21 states that appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination. Proposals should include an

assessment of existing ground conditions and identify appropriate remedial measures for any contaminated land prior to development commencing.

- 9.95 There is an existing petrol interceptor located at basement level for any light infrequent spills that may pose as a risk to the surface water drainage network. The proposal would reduce the number of parking bays and would reduce the associated risk to the surface water network.
- 9.96 The application was considered by the Council's pollution officer and no objection was made on the basis of land contamination.

Sustainability Summary

- 9.97 In order to ensure that the building performs in accordance with the key sustainability indicators set out within the sustainability statement and energy strategy, a Green Performance Plan (GPP) is to be secured by the s.106 agreement.
- 9.98 No overall objection is raised on sustainability grounds, and as set out above, it is recommended that the relevant sustainability requirements are secured by planning conditions and s.106 obligations.

Fire Safety

- 9.99 Part B of the London Plan policy 7.13 states that development proposals should contribute to the minimisation of potential physical risks, including those arising as a result of fire. The proposal was considered by London Fire Brigade and no objections were raised. A fire safety strategy was provided, and an informative (no.10) has been included in the recommendation to remind the applicant of the need to consider the requirements of the Building Regulations in relation to fire safety at an early stage, with particular regard to the provision of a sprinkler system.

Planning Obligations and CIL

- 9.100 If the application is approved and the development is implemented, a liability to pay the Islington Community Infrastructure Levy (CIL) and Mayor of London CIL will arise. CIL is intended to consolidate financial contributions towards the development's local infrastructure impacts, and additional separate contributions should not be sought towards the same infrastructure unless there is an exceptional and demonstrable need as a direct result of the proposed development.
- 9.101 Any further planning obligations which are not covered by the CIL payment should be sought through a legal agreement under s.106 of the Town and Country Planning Act, (1990, amended) and need to comply with the statutory tests set out in the NPPF and CIL Regulations 2010 (amended) to avoid unjustified double counting.
- 9.102 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development and if specific off-site measures are required to make the development acceptable these should be secured through a s.106 agreement.
- 9.103 The existing shopping centre is subject to a number of planning obligations, some of which have been varied over time and some which would be superseded by the proposed development. A draft s.106 agreement has been prepared which would carry over the required obligations, and in order to mitigate the direct additional impacts of the proposed

development and ensure the application is acceptable in planning terms, would secure the following additional planning obligations.

- Retention of Angel Wings and Halo Sculptures on site.
- Participation in a town centre co-ordinating body (*This is the re-provision of a previous s.106 obligation, and requires co-ordination in a town centre body if one is in place; currently that body is the Angel Business Improvement District*).
- Use of Town Square for Civic Events. (*This is the re-provision of a previous s.106 obligation. The 2004 agreement requires use of the open space for fixed seating, public art, and civic events up to 200 days a year and not on event days; each stall, promotion etc. shall last no more than 3 weeks, and the open aspect is to be maintained at all times. Furthermore, for 12 days per year, the open space can be used by Council or a Council Agency for civic or community events without charge.*)
- Pedestrian Route through site. (*This is the re-provision of a previous s.106 obligation, and requires a pedestrian route to be retained through the site.*)
- Storage of baskets and trolleys within units. (*This is the re-provision of a previous s.106 obligation to prevent external clutter*)
- CCTV. (*This is the re-provision of a previous s.106 obligation*)
- The repair and re-instatement of the footways and highways adjoining the development. Conditions surveys may be required. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways.
- Compliance with the Code of Employment and Training
- Compliance with the Council's Code of Local Procurement
- 2 construction training placements, or if it can be demonstrated that this is not possible, a £10,000 contribution towards placements elsewhere.
- Local employment and training contribution of £21,607.50.
- Compliance with Islington's Code of Practice for Construction Sites and monitoring costs of £1,900.
- Accessible transport contribution of £20,000, and provision of 4 wheelchair accessible parking bays.
- Carbon Offsetting payment of £80,960 (index linked).
- Feasibility Study into District Energy Network (DEN) connection on first replacement of heating/cooling plant.
- Submission of, and compliance with, a Green Performance Plan
- Crossrail funding contribution (to be offset against the Mayoral CIL payment). To be secured in two stages: Payment (1) £120,870 for all new floorspace. Payment (2) for the uplift in A1 floorspace.
- Submission of a draft full Travel Plan for Council approval prior to occupation; full Travel Plan including a travel survey for Council approval 6 months from first occupation of the development; and a Travel Plan update submitted to the Council including a travel survey three years after occupation of the development.

- The Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106 agreement.

10 SUMMARY AND CONCLUSION

Conclusion

- 10.1 As set out in the above assessment, the proposal has been assessed against the development plan and the comments made by residents and consultees.
- 10.2 Consequently, and on balance, the officer recommendation is that the proposed development would broadly comply with the provisions of the relevant national, London Plan, and local planning policies (including the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents), subject to the recommended planning conditions and s.106 obligations.
- 10.3 It is recommended that planning permission is granted subject to conditions and s.106 legal agreement heads of terms as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1: RECOMMENDATIONS

RECOMMENDATION A

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

- Participation in a town centre co-ordinating body
- Use of Town Square for Civic Events.
- Pedestrian Route through site.
- Storage of baskets and trolleys within units.
- CCTV.
- The repair and re-instatement of the footways and highways adjoining the development. Conditions surveys may be required. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways.
- Compliance with the Code of Employment and Training
- Compliance with the Council's Code of Local Procurement
- 2 construction training placements (or if it can be demonstrated that this is not possible, a £10,000 contribution towards placements elsewhere).
- Local employment and training contribution of £21,607.50.
- Compliance with Islington's Code of Practice for Construction Sites and monitoring costs of £1,900.
- Accessible transport contribution of £20,000, and provision of 4 wheelchair accessible parking bays.
- Carbon Offsetting payment of £80,960 (index linked).
- Feasibility Study into District Energy Network (DEN) connection on first replacement of heating/cooling plant.
- Submission of, and compliance with, a Green Performance Plan
- Crossrail funding contribution
- Submission of a draft full Travel Plan for Council approval prior to occupation; full Travel Plan including a travel survey for Council approval 6 months from first occupation of the development; and a Travel Plan update submitted to the Council including a travel survey three years after occupation of the development.
- The Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106 agreement.

That, should the Section 106 Deed of Planning Obligation not be completed within 2 weeks from the date of the Planning committee meeting when a resolution to approve the application is reached (or a future date as agreed by officers and the applicant), the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

RECOMMENDATION B

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

List of Conditions

	Condition
1	<p>Commencement (Compliance)</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list (Compliance)</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Approved Drawings:</p> <p>3059-A-P-0010A Rev P01, 3059-A-P-0102A Rev P01, 3059-A-P-0112A Rev P01, 3059-A-P-0122A Rev P01, 3059-A-P-0132A Rev P01, 3059-A-P-0200A Rev P01, 3059-A-P-0300A Rev P01, 3059-A-P-1102A Rev P01, 3059-A-P-1122A Rev P01, 3059-A-P-1132A Rev P01, 3059-A-P-0530A Rev P01, 3059-A-P-0302A Rev P02, 3059-A-P-0518A Rev P02, 3059-A-P-1112A Rev P02.</p> <p>Approved Documents:</p> <p>External Noise Survey Report Rev: 1 (AECOM dated 21/07/2018), Sustainable Design and Construction Statement Rev: v03a (AECOM dated 22/06/2018), Construction Phase Plan P-MS01A (Group 9 dated 21/08/2017), Statement of Community Involvement (Quatro June 2018), Planning Statement (CBRE June 2018), Framework Travel Plan 23087402 (Steer Davies Gleave June 2018), Retail Assessment (CBRE dated 15/06/2018), Design and Access Statement 3059_A_DAS_5010A_P01 Rev P01 (Haskoll June 2018), Transport Statement 23087402 (Steer Davies Gleave June 2018), HIA Screening, Summary of Amendments (CBRE July 2018).</p>

	<p>The approved plans expressly listed within this condition shall take precedence over any plans referred to or appended to the documents listed in this condition.</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>
<p>3</p>	<p>Materials and Details (Prior to commencement of external works)</p> <p>CONDITION: Details and samples of all detailing and facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of relevant external works hereby approved unless otherwise agreed in writing by the Local Planning Authority. The details and samples shall include large scale drawings, manufacturers details and material samples of the following:</p> <ul style="list-style-type: none"> a) Details of new shop fronts to MSU 6, SU 9 and LSU 7 as identified on plans: 3059AP0200A Rev P01, 3059AP1112A Rev P01, 3059AP1122A Rev P01. b) details of any new louvres, ventilation panels or screens; c) any new external handrails or balustrading; d) Any new external windows, doors and shutters, including to the public toilets; e) All other new external materials to be used above ground level. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development, to avoid detracting from the settings of the adjacent heritage assets, and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<p>4</p>	<p>Green procurement plan (Prior to commencement of external works)</p> <p>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of external works, a green procurement plan for sourcing the proposed materials shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to minimise the environmental impacts of the development.</p>
<p>5</p>	<p>BREEAM (Compliance)</p> <p>CONDITION: The development hereby approved shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<p>6</p>	<p>Energy Strategy (Prior to commencement, excluding demolition)</p>

	<p>CONDITION: Prior to the commencement of development hereby approved, other than demolition, a revised Energy Statement shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The revised Energy Statement shall include evidence covering the following:</p> <ul style="list-style-type: none"> a) Further reductions to CO2 emissions; b) Further improvements to energy efficiency parameters; c) Full results of dynamic thermal modelling and further discussion regarding cooling hierarchy and active cooling; d) Additional information regarding the feasibility of connection to a future District Energy Network; e) Further information regarding heat loads and shared heat networks/ CHP. <p>The energy efficiency measures as outlined within the revised Energy Statement shall be installed and operational prior to the first occupation of the development.</p> <p>Should there be any change to the energy efficiency measures within the approved Energy Strategy, a revised Energy Strategy shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details as approved and shall be maintained as such thereafter unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<p>7</p>	<p>Air Source Heat Pump (Prior to Occupation)</p> <p>CONDITION: Prior to first occupation of the development hereby approved, manufacturers' specifications and a scheme of the detailed designs and layout of the equipment and mechanical systems to be implemented in relation to the proposed air source heat pump(s) and/or any other renewable energy source shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The external plant as approved shall thereafter be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interests of ensuring that the proposed mechanical plant would achieve the performance standards assumed by the approved sustainability statement, to avoid harm to neighbour amenity, to secure sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design.</p>
<p>8</p>	<p>Secured by Design (Compliance)</p>

	<p>CONDITION: The hereby approved development shall achieve Secured by Design (Secured Environments as well as Park Mark accreditation) Certification prior to occupation of the development, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In order to secure safe and secure urban environments and avoid creating new opportunities for crime.</p>
<p>9</p>	<p>Plant Noise (Prior to occupation)</p> <p>CONDITION:</p> <ul style="list-style-type: none"> a) The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of 5dB(A) below the background noise level $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014. b) Prior to occupation of the development hereby approved, a verification report shall be submitted to and approved in writing by the Local Planning Authority. The report shall assess the noise from the installed mechanical plant to demonstrate compliance with the noise limits in part (a) of this condition. c) If noise mitigation measures are required to ensure compliance with the noise limits set out in this condition, they shall be implemented prior to the verification report being submitted to the Council. <p>The development hereby approved shall thereafter operate in adherence with the noise limits in part (a) of this condition, and be maintained as such thereafter.</p> <p>REASON: To ensure that the operation of fixed plant does not impact on residential amenity.</p>
<p>10</p>	<p>Hours of opening (Compliance)</p> <p>CONDITION: Unless otherwise approved in writing by the Local Planning Authority, the hereby approved A1 (shop) uses shall not operate outside the hours of 07:00 – 23:00.</p> <p>All non-fixed outdoor furniture shall be moved indoors and external doors closed by 23:00 each day.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<p>11</p>	<p>Delivery and Servicing Management Plan and Waste Management Plan (Prior to occupation)</p> <p>CONDITION: A Delivery and Servicing Management Plan (DSMP), including a Waste Management Plan (WSP), shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p>

The DSMP shall include details of all servicing and delivery requirements for the various use within the development, including details of how waste (including recyclable waste) would be transferred and collected, and shall confirm the timings of all deliveries and collections from service vehicles.

All servicing/deliveries/collections relating to the development shall only occur within the designated servicing area located on Parkfield Street, and shall not occur from surrounding streets.

The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic, and to ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.

12 Construction and Environmental Management Plan (Prior to Commencement)

CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved development (including demolition).

The CEMP shall include details and arrangements regarding:

- a) The notification of neighbours with regard to specific works;
- b) Advance notification of any access way, pavement, or road closures;
- c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period;
- d) Details regarding the planned demolition and construction vehicle routes and access to the site;
- e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;
- f) Details of waste storage within the site to prevent debris on the surrounding highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;
- g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)

- h) Details of any proposed external illumination and/or floodlighting during construction;
- i) Details of measures taken to prevent noise disturbance to surrounding residents following the guidance of BS5228+A1:2014;
- j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;
- k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)
- l) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and
- m) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.
- n) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration.

The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.

No demolition or development shall begin until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, offloading, parking and turning during the construction period in accordance with the approved details. The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the Method of Construction Statement.

The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.

13 Cycle Parking and End of Trip facilities (Compliance)

CONDITION: Prior to the first occupation of the development, the 46 cycle storage spaces shown on the hereby approved plans, in addition to a wheelchair accessible facility for showering for use by staff of the premises, shall be installed and made available, and shall be maintained as such thereafter.

REASON: To ensure adequate cycle storage and end of trip facilities are available and easily accessible on site and to promote sustainable modes of transport.

<p>14</p>	<p>Electric car charging points (Compliance)</p> <p>CONDITION: 6 electric car charging points shall be provided within the basement car park prior to the first occupation of the development hereby approved, and maintained as such thereafter.</p> <p>REASON: To promote sustainable modes of transport.</p>
<p>15</p>	<p>Wheelchair Accessible Parking (Compliance)</p> <p>CONDITION: 4 wheelchair accessible (blue badge) car parking spaces shall be provided within the basement car park prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate accessibility and inclusive design.</p>
<p>16</p>	<p>Inclusive Design: Units (Prior to occupation)</p> <p>CONDITION: Notwithstanding the approved plans the internal layout, gradients of ramps, and details of the means of providing step-free access to all areas within the unit marked on the approved plans as “New MSU 8-9” shall be submitted to, approved in writing by the Local Planning Authority, and installed prior to first occupation of the same unit.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
<p>17</p>	<p>Inclusive Design: Units (Prior to occupation)</p> <p>CONDITION: Notwithstanding the approved plans the internal layouts, gradients of ramps, and details of the means of providing step-free access to all areas within the unit marked on the approved plans as “New Leisure Unit” shall be submitted to, approved in writing by the Local Planning Authority, and installed prior to first occupation of the same unit.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
<p>18</p>	<p>Inclusive Design: Public Realm (Prior to occupation)</p> <p>CONDITION: Notwithstanding the approved plans the scheme shall be constructed in accordance with the principles of inclusive design, and details of the following inclusive design features shall be submitted to, approved in writing by the Local Planning Authority, and installed prior to first occupation of the approved development.</p> <ul style="list-style-type: none"> a) A facility for the charging of mobility scooters; b) One wheelchair accessible WC. <p>The development shall be carried out strictly in accordance with the details as approved, shall be maintained as such thereafter unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
<p>19</p>	<p>Small Retail Unit (Compliance)</p>

	<p>The hereby approved small retail unit labelled on the approved plans as “New SU 9” shall be provided prior to first occupation or use of the new accommodation hereby approved.</p> <p>That unit shall not be amalgamated nor incorporated into the adjacent retail units unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of ensuring that the proposed development contributes to the viability and vitality of the town centre and specifically supports the ability of small and micro retailers to find suitable accommodation.</p>
<p>20</p>	<p>Removal of PD rights: A1 Retail (Compliance)</p> <p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or the provisions of any Order revoking and re-enacting that Order, no change of use of the units within Use Class A1 here by approved shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.</p> <p>REASON: To safeguard the amenities of the town centre, to ensure a sustainable mix of uses, and to allow the Local Planning Authority to assess the impacts that the loss of floorspace for retail uses would have on the viability and vitality of the town centre.</p>
<p>21</p>	<p>Removal of PD rights: A3 Restaurants and Cafes (Compliance)</p> <p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or the provisions of any Order revoking and re-enacting that Order, no change of use of the units within Use Class A3 here by approved shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.</p> <p>REASON: To safeguard the amenities of the town centre, to ensure a sustainable mix of uses, and to allow the Local Planning Authority to assess the impacts that the loss of floorspace for restaurants and cafes would have on the viability and vitality of the town centre.</p>
<p>22</p>	<p>Gym (Compliance)</p> <p>CONDITION: The hereby approved D2 use unit labelled on the approved plans as “NEW LEISURE UNIT” shall be used only as a Gym within Use Class D2 and no other use within that use class. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or the provisions of any Order revoking and re-enacting that Order, no change of use of the same floorspace other than for a Gym shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.</p> <p>REASON: To safeguard the amenities of the town centre, to ensure a sustainable mix of uses, and to allow the Local Planning Authority to assess the impacts that the loss of floorspace for leisure and retail uses would have on the viability and vitality of the town centre.</p>

23	<p>Public Toilet opening hours (Compliance)</p> <p>CONDITION: The public toilets within the development shall be open and available for use for the duration of the opening hours of the A1 (shops).</p> <p>REASON: In the interests of Inclusive Design, and to promote healthy development.</p>
24	<p>Amplified Noise (Compliance)</p> <p>No music or other amplified noise arising from the hereby approved development shall be audible at nearest residential windows.</p> <p>REASON: To ensure that the operation of the development does not impact on residential amenity.</p>

List of Informatives

1	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	<p>DEFINITION OF ‘SUPERSTRUCTURE’ AND ‘PRACTICAL COMPLETION’</p> <p>A number of conditions attached to this permission have the time restrictions ‘prior to first occupation of the hereby approved development’ or similar.</p> <p>With regard to the development, the Council considers that “first occupation of the hereby approved development” shall be taken to mean the sooner of either:</p> <p>(a) first occupation of any of the new or extended units (for A1, A3, and/or D2 Use), and/or;</p> <p>(b) the first occupation of the approved bridge and extended first floor walkway.</p>

<p>3</p>	<p>COMMUNITY INFRASTRUCTURE LEVY (CIL) (GRANTING CONSENT)</p> <p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>PRE-COMMENCEMENT CONDITIONS:</p> <p>These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
<p>4</p>	<p>ROLLER SHUTTERS</p> <p>The scheme hereby approved does not suggest the installation of external roller shutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external roller shutters to be a material alteration to the scheme and therefore constitute development. Should external roller shutters be proposed, a new planning application must be submitted for the council's formal consideration.</p>
<p>5</p>	<p>EXTERNAL PLANT</p> <p>The applicant is advised that any additional external plant not shown on the approved plans will require a separate planning application.</p>
<p>6</p>	<p>CONSTRUCTION WORKS</p> <p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>

<p>7</p>	<p>HIGHWAYS REQUIREMENTS (1)</p> <p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. <u>All agreements relating to the above need to be in place prior to works commencing.</u></p> <p>Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. <u>Section 50 license must be agreed prior to any works commencing.</u></p> <p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk.</p> <p>Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk.</p>
<p>8</p>	<p>HIGHWAYS REQUIREMENTS (2)</p> <p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>Temporary crossover licenses to be acquired from streetworks@islington.gov.uk. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.</p> <p>Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.</p> <p>Before works commence on the public highway planning applicant must provide Islington Council’s Highways Service with six months’ notice to meet the requirements of the Traffic Management Act, 2004.</p> <p>Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.</p> <p>Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council’s Highways contractors.</p>

<p>9</p>	<p>HIGHWAYS REQUIREMENTS (3)</p> <p>Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer.</p> <p>All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact streetlights@islington.gov.uk</p> <p>Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.</p> <p>Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980</p> <p>Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.</p>
<p>10</p>	<p>CROSSRAIL 2</p> <p>Applicants should refer to the Crossrail 2 Information for Developers available at crossrail2.co.uk. Crossrail 2 will provide guidance in relation to the proposed location of the Crossrail 2 structures and tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the use of the tunnels. Applicants are encouraged to contact the Crossrail2 Safeguarding Engineer in the course of preparing detailed design and method statements.</p> <p>In addition, the latest project developments can be found on the Crossrail 2 website www.crossrail2.co.uk which is updated on a regular basis.</p>
<p>11</p>	<p>FIRE SAFETY</p> <p>It is recommended that you obtain technical advice regarding compliance with the Building Regulations (and/including matters relating to fire safety and evacuation) prior to any further design work commencing and prior to the selection of materials. In particular, you should seek further guidance regarding the design of the external fabric (including windows) to limit the potential for spread of fire to other buildings. Islington's Building Control team has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Islington Building Control may best advise you regarding compliance with relevant (building control) regulations, please contact Andrew Marx on 020 7527 2045 or by email on andrew.marx@islington.gov.uk</p>

12	LICENSING The applicant is advised that any of the units selling alcohol, providing late night food, entertainment, providing special treatments such as nails, beauty, tanning, spas or gambling premises would need the relevant licences from the licensing team. The site is in a cumulative impact area and as such if opening beyond 2300, must be able to prove that the operation of the business would not add to the problems already associated with a very busy area.
13	ADVERTISEMENT CONSENT The applicant is reminded of the need to seek advertisement for external signage and advertisements, in accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).
14	DEVELOPMENT Reference to 'Development' within the wording of the conditions relates to the development set out in the description of development.

APPENDIX 2: RELEVANT POLICIES

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

1. NATIONAL GUIDANCE

The revised National Planning Policy Framework 2018 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals. Since March 2014 planning practice guidance for England has been published online.

2. DEVELOPMENT PLAN

The Development Plan is comprised of the London Plan 2016, Islington's Core Strategy 2011, Islington's Development Management Policies 2013, the Finsbury Local Plan 2013 and Islington's 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

Context and Strategy

1.1 Delivering the strategic vision and objectives for London

London's places

2.9 Inner London

2.10 Central Activities Zone – Strategic

2.11 Central Activities Zone – Strategic Functions

2.15 Town Centres

2.18 Green Infrastructure

London's people

3.1 Ensuring equal life chances for all

3.2 Improving health and addressing health inequalities

3.6 Children and Young People's Play and Informal Recreation Facilities

3.16 Protection and enhancement of social infrastructure

London's economy

4.1 Developing London's economy

4.6 Support for and Enhancement of Arts, Culture, Sport and Entertainment

4.7 Retail and Town Centre Development

4.8 Supporting a Successful and Diverse Retail Sector and Related Facilities and Services

4.9 Small Shops

4.11 Encouraging a Connected Economy

4.12 Improving opportunities for all

London's response to climate change

5.1 Climate change mitigation

5.2 Minimising emissions

5.3 Sustainable design & construction

5.4 Retrofitting

5.5 Decentralised energy networks

5.6 Decentralised energy in development proposals

5.7 Renewable energy

5.8 Innovative energy technologies

5.9 Overheating and cooling

5.10 Urban greening

5.11 Green roofs and development site environs

5.12 Flood risk management

5.13 Sustainable drainage

5.14 Water quality and wastewater infrastructure

5.15 Water use and supplies

5.16 Waste net self-sufficiency

5.17 Waste capacity

5.18 Construction, excavation and demolition waste

5.19 Hazardous Waste

5.20 Aggregates

5.21 Contaminated land

London's transport

6.1 Strategic approach

6.2 Providing public transport capacity and safeguarding land for transport

6.3 Assessing effects of development on transport capacity

6.4 Enhancing connectivity

6.5 Funding Crossrail and other strategically important transport infrastructure

6.7 Better streets and surface transport

6.9 Cycling

6.10 Walking

6.11 Smoothing traffic flow and tackling congestion

6.12 Road Network Capacity

6.13 Parking

B) Islington Core Strategy 2011

CS 5 Angel and Upper Street

CS 8 Enhancing Islington's character

CS 9 Protecting and enhancing Islington's built and historic environment

CS 10 Sustainable design

CS 11 Waste

C) Islington Development Management Policies 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM2.4 Protected Views

DM2.5 Landmarks

Shops, culture and services

DM4.1 Maintaining and promoting small and independent shops

London's living places and spaces

7.1 Lifetime neighbourhoods

7.2 An inclusive environment

7.3 Designing out crime

7.4 Local character

7.5 Public realm

7.6 Architecture

7.8 Heritage assets and archaeology

7.11 London View Management Framework

7.12 Implementing the London View Management Framework

7.13 Safety, security and resilience to emergency

7.14 Improving air quality

7.15 Reducing noise and enhancing soundscapes

7.18 Protecting Open Space and Addressing Deficiency

7.19 Biodiversity and access to nature

Implementation, monitoring and review

8.1 Implementation

8.2 Planning obligations

8.3 Community infrastructure levy

CS 13 Employment spaces

CS 14 Retail and services

CS 15 Open space and green infrastructure

CS 18 Delivery and infrastructure

CS 19 Health Impact Assessment

DM4.2 Entertainment and the night-time economy

DM4.3 Location and concentration of uses

DM4.4 Promoting Islington's Town Centres

DM4.5 Primary and Secondary Frontages

DM4.8 Shopfronts

DM4.9 Markets and specialist shopping areas

DM4.12 Social and strategic infrastructure and cultural facilities

Health and open space

DM6.1 Healthy development

DM6.2 New and improved public open space
DM6.3 Protecting open space
DM6.5 Landscaping, trees and biodiversity
DM6.6 Flood prevention

Energy and Environmental Standards

DM7.1 Sustainable design and construction
DM7.3 Decentralised energy networks
DM7.4 Sustainable design standards
DM7.5 Heating and cooling

3. DESIGNATIONS

The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations June 2013.

- Angel Town Centre (primary retail frontage)
- Core Strategy Key Area: Angel and Upper Street
- Central Activities Zone
- Crossrail 2 safeguarding area
- Protected Vista (Alexandra Palace to St Paul's Cathedral)
- Open Space OS 111
- Archaeological Priority Area

4. SUPPLEMENTARY PLANNING GUIDANCE (SPG) / DOCUMENT (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

Basement Development (January 2016)
Culture and Night Time Economy (Draft SPG April 2017)
Environmental Design (October 2012)
Inclusive Design in Islington (February 2014)
Inclusive Landscape Design (January 2010)
Islington Urban Design Guide (January 2017)
Location and concentration of uses (April 2016)
Planning Obligations (Section 106) (December 2016)
Preventing Wasted Housing Supply (July 2015)
Streetbook (October 2012)

Transport

DM8.1 Movement hierarchy
DM8.2 Managing transport impacts
DM8.3 Public transport
DM8.4 Walking and cycling
DM8.5 Vehicle parking
DM8.6 Delivery and servicing for new developments

Infrastructure

DM9.1 Infrastructure
DM9.2 Planning obligations
DM9.3 Implementation

Student Accommodation Contributions for Bursaries (June 2013)
Vale Royal/Brewery Road LSIS Discussion Paper (2017)

London Plan

Crossrail Funding (March 2016)
Central Activities Zone (March 2016)
Culture & the Night-Time Economy (2017)
Social Infrastructure (May 2015)
Accessible London: Achieving an Inclusive Environment (October 2014)
The control of dust and emissions during construction and demolition (July 2014)
Town Centres (July 2014)
Character and Context (June 2014)

London Planning Statement (May 2014)
Sustainable Design and Construction (April 2014)
Use of planning obligations in the funding of Crossrail, and the Mayoral CIL (April 2013)
Play and Informal Recreation (September 2012)

All London Green Grid (March 2012)
London View Management Framework (March 2012)
London's Foundations (March 2012)
Planning for Equality and Diversity in London (October 2007)