ISLINGTON

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department
PO Box 333
Town Hall
LONDON N1 2UD

PLANNING COMMITTEE		**AGENDA ITEM NO: B4**
Date:	**2nd May 2019**	

Application number	P2018/2462/S73
Application type	Removal/variation of Condition (Section 73)
Ward	St Marys
Listed building	Close to Listed building on the Almeida site (Post Office, 116-118 Upper Street), identified as Block D within development.
Conservation area	Upper Street (North)
Development Plan Context	Upper Street (North) Conservation Area Adjacent to CA10 Barnsbury APA3 Islington Village and Manor House TC1 Angel Town Centre AUS1 Almeida Street Sorting Office and Former North London Mail Centre Archaeological Priority Area Locally listed building (Mitre PH)
Licensing Implications	Section 7 of the report
Site Address	Former Royal Mail Sorting Office 5-6 Almeida Street and 128 & 130 Upper Street N1 1AE
Proposal	Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to vary condition 23 of planning permission ref: P2017/2866/S73. The variation relates to the hours of use and servicing times of Class A1 (Retail) Units and flexible use Class A1/A3 (Retail/Cafe-Restaurant) Units of the Mitre PH.
Case Officer	Dale Jones
Applicant	Cain Inernational UK Services Limited C/O Agent
Agent	Greg Cooper – Metropolis Planning & Design

1. RECOMMENDATION

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

- subject to the conditions set out in Appendix 1;

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

2. SITE PLAN (SITE OUTLINED)

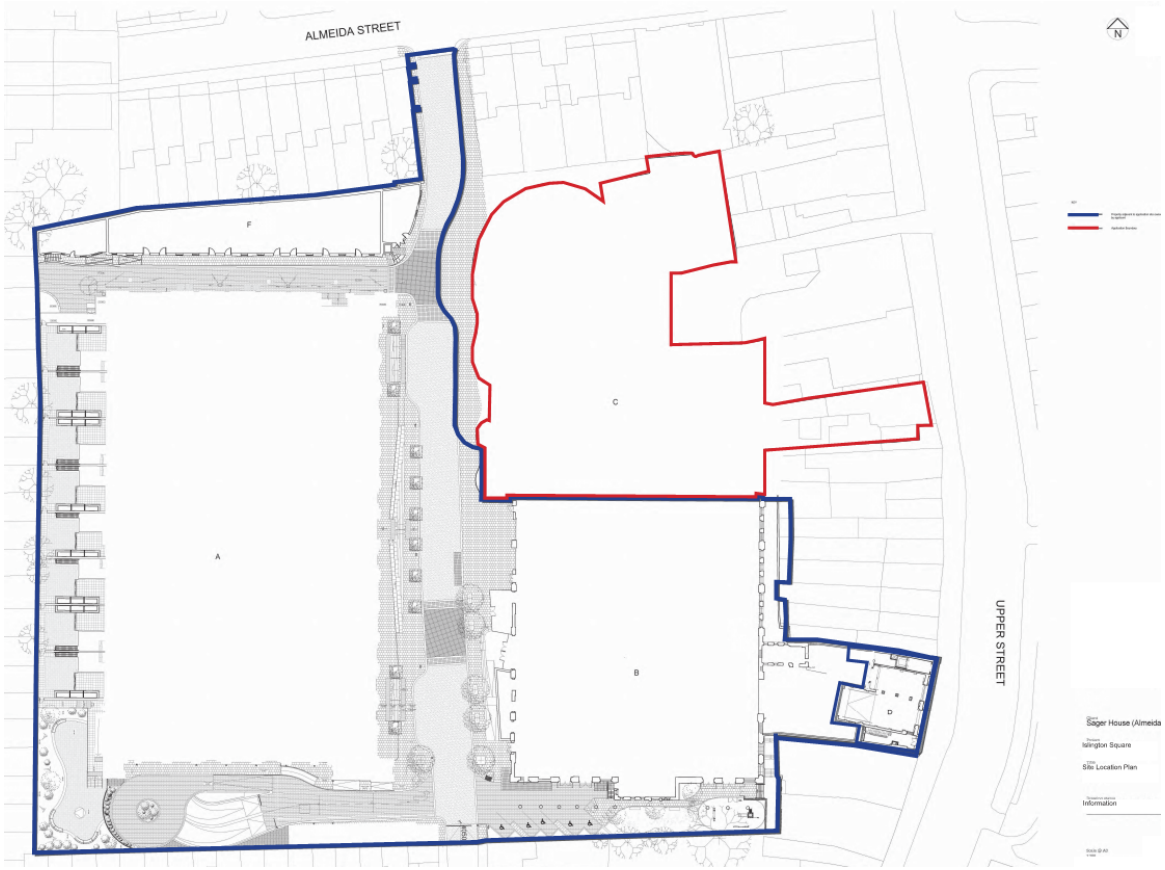

Figure 1: Site Location Plan

3. SUMMARY

3.1 The application seeks permission to vary condition 23 of planning permission ref: P2017/2866/S73 relating to hours of use and servicing times of Class A1 (Retail) Units and flexible use Class A1/A3 (Retail/Cafe-Restaurant) Units of the Mitre PH, Block C of the Islington Square development.

3.2 The proposed variation of hours in this town centre location is supported in planning policy terms in terms of supporting the vitality and viability of Angel Town Centre and more locally that of the Islington Square development. The site fronts Upper street to the east and the internal arcade within the site, and in view of the location and the limited extension to the hours as proposed, it is considered that the proposal would not have a harmful impact on the amenities of neighbours from within the site or on surrounding streets.

3.3 The proposal is not considered to have an unacceptable impact on the visual appearance of the buildings with no external alterations or extensions. In terms of noise, disturbance and privacy, the applicants have submitted a Night-time Security Management Plan (NTSMP) which if permitted will be added to the Estate Management Plan that has already been secured through the section 106 agreement and thereby provide the Council an opportunity for review and monitoring of operations that is not available within the current management regime. A number of measures will ensure that those additional hours sought and servicing would not compromise the amenities of residents within the site or on the surrounding streets. These are explored within the report below.

3.4 In addition, the application is considered to be a sustainable form of development in terms of energy efficiency, waste management, air quality and the provision of sustainable forms of transport which remain as per the previous permissions for the site-wide redevelopment For the reasons given above and explained in more detail in the subsequent sections of this report, the proposal is considered to be acceptable and in accordance with relevant planning policy and is thus recommended for approval subject to conditions and a deed of variation to the extant s106 legal agreement.

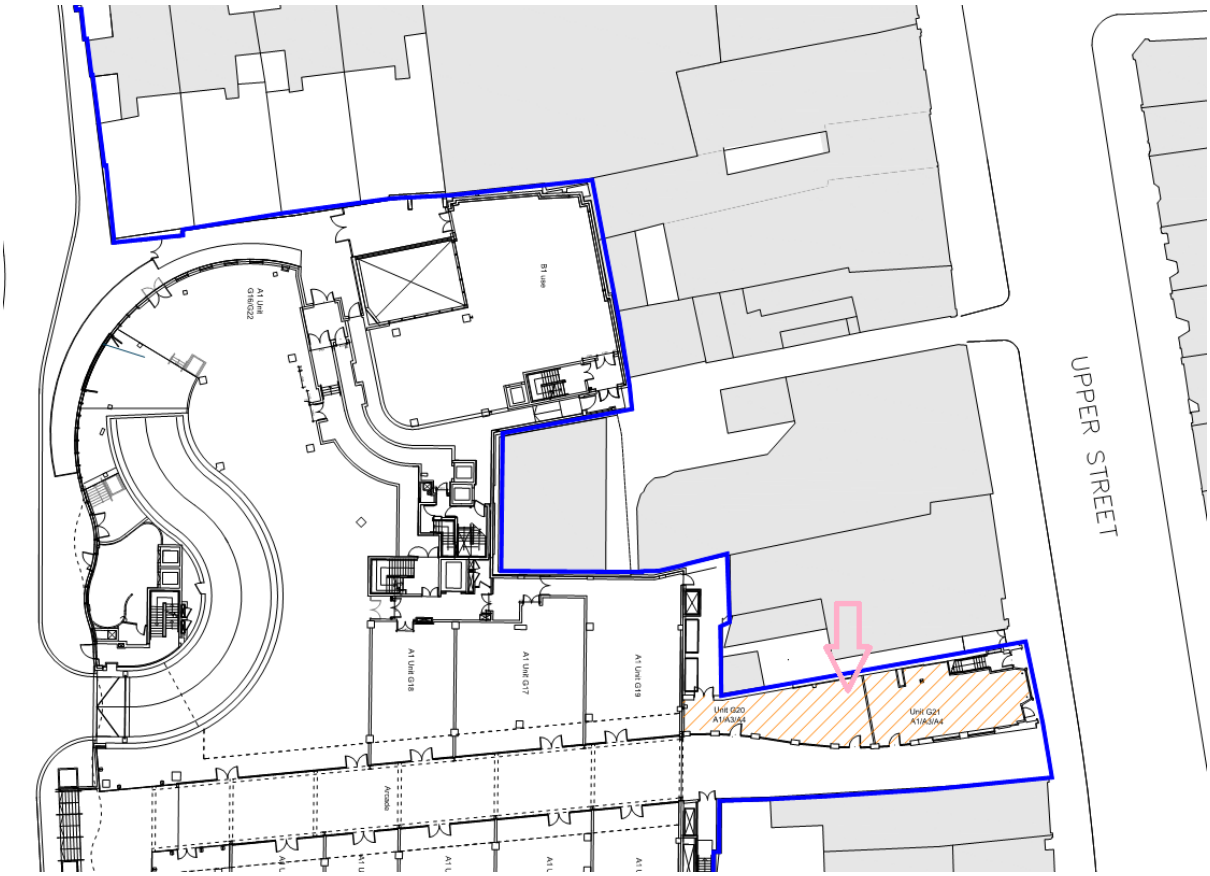

Figure 2: Red arrow indicating the A1/A3 units within the former Mitre PH

4. SITE AND SURROUNDINGS

4.1. The application site relates to part of Block C, within what is a new build element of the "Islington Square" scheme, which is a part-7, part-8 storey building on the west side of Upper Street.

4.2. This application concerns the A1/A3 units within the ground floor of the former Mitre Public House (in Block C) (refer to *Figure 2* above).

4.3. There are a number of other elements which make up the wider development site, notably Block A (the former sorting office), Block B (former distribution building), Block D – the Grade II listed Post office fronting Upper Street at 116 Upper Street and the single storey associated buildings at the northern end of the site (Block F).

4.4. The development is expected to be completed in 2019 with construction in the advanced stages.

4.5. The site falls within the boundaries of the Upper Street (North) Conservation Area (CA19) while the wider sites northern, southern and western boundaries meet the Barnsbury Conservation Area (CA10). It is noted that the Mitre Public House (Block C) is locally listed.

4.6. The surrounding area however is mixed use in character and form, with commercial development along Upper Street and residential in the streets to the west of Upper Street.

5. PROPOSAL (IN DETAIL)

5.1. The application in this case seeks to vary condition 23 of planning permission ref: P2017/2866/S73 relating to hours of use and servicing times of Class A1 (Retail) Units and flexible use Class A1/A3 (Retail/Cafe-Restaurant) Units of the former Mitre PH.

5.2. In this respect, condition 23 relating to the previous approval P2017/2866/S73 dated 24th December 2018 is relevant which stated:

CONDITION 23: The A1 (retail) units and the flexible A1/A3 (retail/cafe-restaurant) units of the Mitre PH hereby approved shall not operate or receive or provide deliveries / be serviced except between the hours of:

07:00 until 23:00 Monday to Saturday; and
10:00 until 16:00 on Sunday and Public Holidays.

REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.

5.3. The varied condition (condition 23) would read:

The A1 (retail) units and the flexible A1/A3 (retail/cafe-restaurant) units of the Mitre PH hereby approved shall not be serviced except between the hours of: 0700-2300 Monday to Saturday; and 1000-1600 on Sunday and Public Holidays unless this is via the service area in the basement of Block C.

The use of the premises hereby permitted shall not be open to members of the public other than within the following times:

- 0800-2300 on Sunday,
- 0700 -2330 Monday to Thursday;
- 0700 - 0000- Friday and Saturday

Unless otherwise agreed in writing by the Local Planning Authority staff shall not occupy the premises more than 1 hour before or after opening hours set out above.

Reason: To ensure that no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers or users of the area generally

5.4. By way of background, the applicants have stated that the purpose of the application is to bring the trading hours of Islington Square closer to those applied in the rest of Angel Town Centre and have confirmed within paragraph 7 of the supporting planning statement that:

“To avoid ambiguity in the meaning of ‘operate’ and how this relates to the times custome rs may be on the premises in A3 unit, it is proposed for this to be amended so that customers shall not be on the premises later than

a) 23:00 on Sunday (no change);
b) 23:30 Monday to Thursday; and
c) 00:00 Friday and Saturday.

These hours are within the Council’s licensing Framework Hours and are designed to be co-ordinated with a licensing regime to re-inforce these arrangements.”

5.5. The “conditional hours’ regime” applied to the Islington square development originates from the first permission in 2007 (Ref. P0052247) approved July 2007 and followed through in the case of block C under ref. P090774. At that time, it is stated that the site was outside of the designated Town Centre and did not have the range of leisure and cultural uses that were later approved in 2014 (Refs. 2013/2697 2013/2681).

5.6. As a result, there are ‘material differences’ in the plan policy context and land use mix today, compared to when those conditions were applied (under the original planning permission covering the part of the Almeida site which contained Blocks A – D (which also contains the unit subject to this application) were limited to operating between the hours of 0800 and 2300 on any day).”

5.7. The applicants have stated that this proposal seeks more reasonable opening times for any A3 units that have a morning trade. It also seeks clear co-ordination between the planning and licensing regime by making it explicit when the outlets are open to customers and time by which they will need to have left the premises. This is in order to allow the license to be tailored to fit the same regime and re-inforce it. The purpose of the application is to bring the trading hours of Islington Square closer to those applied in the rest of Angel Town Centre.

5.8. The units comprising G20 and G21 within the former Mitre PH measure 72.1sqm and G21 is 88.2sqm (combined area: 160.3sqm) as approved.

5.9. The consideration of this application relates solely to the proposed increase in *operational hours* and no external alterations are proposed.

6. RELEVANT PLANNING HISTORY:

PLANNING APPLICATIONS:

6.1 The subject site has a number of planning applications for the redevelopment of the former North London Mail Centre.

6.2 The parent planning permission to the wider Islington Square development site is P090774, granted on 30 March 2012. The description of the approved development was: “*Demolition of 5-6 Almeida Street and erection of a part 2, 5, 6, 7 and 8-storey building, above two basement levels, providing for 5,137sqm Class A1 (retail) floorspace, 242sqm flexible Class A1/A3 (retail / café-restaurant) floorspace, 208sqm Class A4 (drinking establishment) floorspace, 859sqm Class B1 (business) floorspace and 78 dwellings, together with cycle parking, servicing and 12 disabled car-parking spaces. Erection of a roof extension, part 2, part 4-storey rear extension and basement to 128 and 130 Upper Street together with associated alterations, access and landscaping*”.

6.3 Application reference: P2013/2681/S73, which was granted on 04/11/2014, sought a Minor Material Amendment to the original planning permission. The amendments sought the minor material amendment to vary conditions 2 (approved plans), 22 (designated Servicing Area), 26 (no amalgamation with Block B at basement levels) and 27 (disabled parking spaces) of planning permission P090774 dated 30 March 2012. The amendments included: relocate servicing level from Lower Basement to Upper Basement (replacing 2,498 sq.m. of retail space); and to introduce a multi-purpose rehearsal and performance space (planning use class D2 - Assembly and Leisure) to lower basement level.

6.4 A further Minor Material Amendment to the original planning permission, reference: P2017/2866/S73 was granted on 24/12/2018, to vary condition 2 (approved plans) of planning permission ref: P2013/2681/S73, and sought to amalgamate layouts over 4 no. various sized residential units within Block C across sixth and seventh floors resulting in loss of 2 no. units (Total reduction 78 to 76 units) together with various minor elevational alterations principally relating to rerouting of smoke extract ducting.

6.5 Furthermore, it should be noted that there has been numerous 'Discharge of Condition' applications, 's96A (Non-Material Amendment)' applications and further 's73 (Minor Material Amendment)' applications to the above planning permissions which have been approved and currently under consideration.

6.6 This application is one of five section 73 applications relating to commercial units across the site, including within Blocks A and B (as well as this Block C), which are pending determination concurrently with this application.

7. CONSULTATION

Public Consultation

7.1 The application was advertised by way of individual notification letters which were posted to surrounding addresses and the application was also advertised by way of site and press advert(s) which expired on 23.08.2019. A total of 20 representations have been received in response to the Council's public consultation exercise, raising the following comments and objections (in summary below):

- It is inaccurate to suggest that the Islington Square development has become part of Angel Town Centre when these arguments were previously presented in the case of application refs. P2013/2681/S73 and P2013/2697/S73 [officer response: the site became part of the Angel Town Centre in 2015];
- It is not a viable "planning argument" to suggest that the proposed hours of use would reflect that of the town centre [officer response: the site forms part of Angel Town Centre and the commercial hours are comparative with other such uses];
- There is no planning policy objective for opening hours of sites to be unified, each should be taken on its own merits and this site should be read differently to that of the high street owing to its location [officer response: the application has been considered on its own material planning merits and where taken together with the other four s73 applications which are currently pending consideration];
- The quantum and type of submissions (section 73s) is confusing for residents [officer response: each application will be considered on its own merits];
- When the site opens for business, residents will suffer a loss of amenity which would be exacerbated by these latest hours proposed [officer comment: refer to paragraphs 9.8 to 9.28 of the report below];
- Concerns in relation to the function and management of the commercial spaces (and public spaces) which may give rise to nuisance (including noise) and anti-social behaviours [officer comment: refer to paragraphs 9.8 to 9.28 of the report below];
- The policy context to include the site within the town centre should not be justification for the proposals to amend the operational hours in this case [officer comment: the town centre location is one of multiple assessment areas];
- It is important to ensure that the planning and licensing regimes are applied differently as each is controlled and subject to its own separate legislation. This application should be considered on the planning merits [officer comment: the licencing and planning regimes are considered under separate legislation. In addition, no objections have been raised by the Council's licencing officer];
- Problems with associated servicing [officer comment: refer to paragraphs 9.31 to 9.38 of the report below];
- Parking problems would be exacerbated with people parking on nearby streets such as Studd Street and Moon Street to enjoy the amenities of the commercial activities, with the longer operational hours that are proposed [Officer comment: refer to paragraphs 9.8 to 9.28 and 9.31 to 9.35];
- The flow/direction of pedestrians and patrons using the restaurants will not be easily controlled because it is marked as a private land area [Officer comment: refer to paragraphs 9.8 to 9.28];

- The submitted security document does not detail the number of proposed security staff whilst the supervisor and minimum staffing as proposed to manage the site would be insufficient in terms of their numbers [Officer comment: refer to paragraphs 9.8 to 9.28];
- There is silence on the conflict management techniques that such security/management staff would use to control patrons and those who cause any anti-social behaviours and it is not clear how staff will differentiate between patrons and residents of the site [Officer comment: refer to paragraphs 9.8 to 9.28];
- There is a lack of detail in relation to enforcement of people using Studd Street [Officer comment: refer to paragraphs 9.8 to 9.28];
- It is encouraging that the covered arcades may ensure that patrons leave via Upper Street [noted];
- There are doubts that taxi pick-ups will always be from Upper Street, and minimum controls to ensure this which may mean that Studd Street is a pick-up/drop-off point with amenity-related matters as a result [Officer comment: refer to paragraphs 9.8 to 9.28 and 9.31 to 9.38];
- No justification for an extension of the servicing hours [Officer comment: refer to paragraphs 9.4 to 9.8];
- Impact on privacy from patrons, given proximity and relationship with neighbouring dwellings [Officer comment: refer to paragraphs 9.8 to 9.28];
- Increased noise and disturbance would result from the additional opening times, including from the cinemas when people all depart late at the same time [Officer comment: refer to paragraphs 9.8 to 9.28];
- Problems with additional vehicular traffic as a result in the increased opening times, including as a result of headlights shining into neighbouring properties and vehicular noise [Officer comment: refer to paragraphs 9.31 to 9.38].

7.2 A response was also received from a Ward Councillor objecting to the planning application on the grounds that it would have an adverse effect upon the residential amenity of neighbours as a result of increased noise and disturbance. [Officer comment: refer to paragraphs 9.8 to 9.28];

7.3 The Theberton Street Resident's Association has raised the following objections (in summary):

- The hours of use will have a significant negative impact on the amenity of residents due to increased noise and disturbance [Officer comment: refer to paragraphs 9.8 to 9.28];
- The opening should be 06:30 (not 06:00) in-line with other gyms in the area [Officer comment: refer to paragraphs 5.2 to 5.8 and 9.8 to 9.28];
- Concern in relation to the method of the submission and timings of the application [officer comment; this relates to the process of submission rather than the merits of the case];

7.4 The Moon Street and Studd Street Residents Association have made representation to the proposal, with the following objections (in summary):

- The extended hours of use serve to extend the noise from the sites themselves (extractor fans and kitchen noise, for example); staff and customers arriving earlier and departing later create extended noise and disturbance; and service vehicles arriving at increasingly anti-social hours. These all combine to have a tangible and unacceptable adverse effect upon our residential amenity [Officer comment: refer to paragraphs 9.8 to 9.28];
- The application site and the main town centre are different and do not justify the use of earlier/later operational hours as may be found elsewhere in commercial parts of the borough [officer comment: the town centre location is one assessment as part of the wider detailed justification as explored below];

- Unit G7/A is particularly close to houses in Studd and Moon Streets and causes residents great concern. This is why, having listened to the concerns of residents, the Licensing Committee chose to impose more restrictive hours on this site. This current planning application is an attempt to undermine the decision of the licensing committee [Officer comment: refer to paragraphs 9.8 to 9.28];
- In addition, with regard to G7/A, residents have always maintained that this property is unsuitable for a licensed premises due to its proximity to neighbouring houses including young families. The fact that the applicant finds it now "impossible to let" (Supporting Planning Statement s33 p7) due to the restrictions imposed by the licensing committee to minimise inevitable disturbance, does not mean that the hours should be changed and that residents should suffer such disturbance. [Officer comment: the unit G7A is covered by a separate application pending determination concurrently with this application];
- The proposal will cause considerable disturbance to residents from rowdy behaviour, vehicle noise and litter as they return to their vehicles [Officer comment: refer to paragraphs 9.8 to 9.28];
- The management plan is not robust enough to control the patrons of the commercial premises to safeguard amenity [Officer comment: refer to paragraphs 9.62 to 9.64];
- There is the potential for people to use Moon and Studd Street as a thoroughfare without adequate controls and safeguards which again may compromise amenity [officer comment: there would be a gatehouse security team to manage the site effectively];
- The applicants state that the town centre now covers the site, however, this application does not relate to the original permission but to the previous variation applications [officer comment: the planning policy justification is listed below in paragraphs 9.2 – 9.5];
- The application should be considered "as a whole" taking into account not only the hours proposed in the example of these latest s73 applications, but with those other nearby licensed premises, so that the cumulative effect can be considered [officer comment: the scheme has been considered individually and where taken with the other four s73 applications and the amenity section below is relevant].

7.5 The Almeida Residents Association have raised objections which include:

- The already consented hours were granted after changes to the town centre boundary [officer comment: this does not preclude such applications to extend operational hours in-line with similar such uses in the town centre and the policy rationale is listed below];
- The site context is different in this case where compared with the commercial Upper Street, with this area representing a residential enclave, thereby noise sensitive [officer comment: paragraphs 9.8 to 9.28 are relevant];
- There are no guarantees that everyone will exit from Upper Street despite the proposed measures and controls [officer comment: paragraphs 9.8 to 9.28 are relevant];
- Whilst many patrons will use public transport, there will be many who use the private car and thereby exacerbate parking stresses on the nearby surrounding streets to use the leisure facilities such as the extended hours restaurants and gym [officer comment: refer to paragraphs 9.31 to 9.38 relating to parking controls];
- The G7A unit, if impossible to let as A3 use has the fall-back position for A1 use thereby negating the need for these additional hours as proposed [Officer comment: the unit G7A is covered by a separate application pending determination concurrently with this application];
- There is no justification for any additional servicing hours, with all servicing should be required to use the approved service road [officer response: there is no change to the service road which will be undertaken in accordance with the agreed service strategy including the use of the basement area within Block C. The amenity implications and highways matters are covered within paragraphs 9.8 – 9.28 and 9.31 – 9.38 respectively].

7.6 It should be noted that a petition with 22 (twenty-two) signatories accompanied the above letter of objection from the Almeida Residents Association

Internal Consultees

7.7 **Environmental Health (Acoustic Officer)**: The Council's Environmental Health (Acoustics) Officer has assessed the proposals and raises no objections to the extended hours proposed in this case and has also advised that the control on overall plant noise level is sufficient to minimise amenity impacts.

Officer Comment: Conditions 17 and 18 are reattached to this decision notice relating to sound insulation measures and condition 19 will also be reattached relating to the fixed plant and associated background noise levels.

7.8 **Secured by Design Officer:** No objections raised noting that it is not anticipated that the extra hours being introduced would create any extra issues in light of all the other premises under licenced controlled in nearby Upper Street. In addition, the residential blocks are currently looking to achieve 'Secured by Design' accreditation. The MET police designing out crime officer has been on site to review.

7.9 **Licensing (Islington):** raise no objections noting inter alia that there are no concerns in relation to the hours being sought. It is within the suggested framework hours as laid out within our current Licensing Policy.

8. RELEVANT POLICIES

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

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.);

- The National Planning Policy Framework (NPPF) 2019 states that 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 an up to date development plan without delay..."

8.2 The NPPF, 2019 states that sustainable development has an economic, social and environmental role; "*these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*"

8.3 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.

8.4 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.

8.5 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications.

8.6 In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

National Guidance

The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

8.7 The NPPF 2019 states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Decisions and planning policies should define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters.

8.8 Since March 2014 Planning Practice Guidance for England has been published online. Under the Ministerial Statement of 18/12/2014, the Government seeks to increase the weight given to SuDS being delivered in favour of traditional drainage solutions. Further guidance from the DCLG has confirmed that local planning authorities will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).

8.9 **Development Plan**

8.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 (ICS) and Development Management Policies 2013 (DM). The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

8.11 **Designations**

8.12 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013:
Upper Street North Conservation Area
Adjacent to CA10 Barnsbury Conservation Area
Archaeological Priority Area
Site Allocation AUS1 (Almeida Street Sorting Office/Former North London Mail centre)
Angel Town Centre
Locally Listed Building

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9. ASSESSMENT

9.1 Section 73 of the Town and Country Planning Act 1990 concerns the "Determination of [an] application to develop land without compliance with conditions previously attached", colloquially known as "varying" or "amending" conditions. Section 73 applications must also involve consideration of the conditions subject to which planning permission should be granted. Where an application under S73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it.

9.2 The application cannot be used to vary the time limit for implementation.

Land Use

Policy Context

9.3 The application site relates to the retail space A1/A3 at ground floor (within the former Mitre Public House), Block C of the Islington Square scheme. For the purpose of clarity, it should be noted that the quantum of A1/A3 floor space would remain as approved under the previous permissions.

9.4 The principle of the use is established by the existing permission and has therefore been considered appropriate as part of the wider mix of uses across the site as a whole and individually for this location. As such, it is concluded that the proposal will not impact on the retail / leisure element of the wider scheme and in particular the aims of Policy DM4.4 (Promoting Islington's Town Centres).

9.5 Site Allocation AUS1 within the Borough's Local Plan outlines an employment-led mixed-use development to support the wider town centre and functions of the London Central Activities Zone as a strategic business location. It states that future uses "*will need to contribute to the vitality of the town centre - providing opportunities for employment such as offices (B1) and/or the provision of retail (A1)/leisure (A3 and A4) /cultural uses (D1 and D2*)".

9.6 The proposed increase in operational hours would support the viability of the units and thereby support the town centre, and the implementation of the site allocation.

Design & Appearance

9.7 The proposal does not seek to make any external alterations to the building as approved nor extend the internal footprint of the building, as part of this application.

Accessibility and Inclusive Design

9.8 The proposal does not seek to alter the access points to the units that have been previously approved. This access is level with the ground level and is consistent with the extant permissions. The proposal is therefore considered to be in accordance with the aims of the aforementioned policies relating to accessibility and inclusive design.

Neighbouring Amenity

9.9 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. In this regard, the proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality.

9.10 Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.

Noise, disturbance and privacy impacts

9.11 There are noise sensitive residential uses on the upper floors of Blocks C and Block A. However, given the location of this part of the site, it is also appropriate to consider the impact of the proposed extended hours in this case on the residential properties outside of the 'Islington Square' site, including those to the north along Almeida Street, and the properties along the upper floors of the commercial units on Upper Street.

9.12 In addition, the streets to the south, including Studd Street, Moon Street and Theberton Street also need to be taken into account as part of the wider planning assessment. The table below provides a comparison between those hours consented and those proposed by this application:

Consented operation hours	**Proposed operational hours in this case**
07:00 until 23:00 Monday to Saturday	0700-2330 Monday to Thursday; and 0700 and 0000 Friday and Saturday**
10:00 until 16:00 on Sunday and Public Holidays	0800-2300 on Sunday

** The A1 (retail) units and the flexible A1/A3 (retail/cafe-restaurant) units of the Mitre PH hereby approved shall not be serviced except between the hours of: 0700-2300 Monday to Saturday; and 1000-1600 on Sunday and Public Holidays unless this is via the service area in the basement of Block C*

***Unless otherwise agreed in writing by the Local Planning Authority staff shall not occupy the premises more than 1 hour before or after opening hours set out above.*

9.13 This application is accompanied by a Night Time Security Management Plan (herein referred to as the NTSMP) dated February 2018, prepared by CBRE (the managing agents for the site) which sets out the proposed security strategy and operational management plan for the site as a whole. The applicants have advised that this document would be added to the Estate Management Plan that has already been secured through the section 106 agreement and thereby provides the Council an opportunity for review and monitoring of operations that is not available within the current management regime.

9.14 With regard to the over-arching strategy, the Night Time Security Management Plan (NTSMP) seeks to secure a successful pro-active security strategy, acting as a deterrent

to crime, vagrancy, graffiti and any other anti-social behaviours, all of which are prevalent in the immediate area, whilst ensuring that the external space is seen by the neighbours, residents and the public to be a safe and secure environment. The strategy would involve the use of CCTV coverage across the site, active security patrols, incident management, local area liaison such as with the Safer Neighbourhood Team and training.

9.15 Development Management Policy DM2.1 requires for developments to be safe and inclusive, enhance legibility with a clear distinction between public and private space and to include safety in design, such as access, materials and site management strategies.

9.16 In terms of active management, it has been stated that customers of A1/A3 units would (upon leaving the premises) be directed to leave the development site via the arcade entrances serving the site and Upper Street to the east, thereby negating the flow of patrons to the south via Moon Street, Studd Street and Theberton Road, or to the north with Almeida Street.

9.17 In terms of vehicular access, the vehicle bollards to the south would remain controlled by staff to avoid vehicles picking up the customers from within the site, there would be a security presence on site to the south adjacent to Studd Street within the manned security gatehouse to ensure that the customers exit the site in the appropriate directions and to safeguard against and control any incidents of anti-social behaviours.

9.18 To encourage customers to leave via the routes to Upper Street, the Management Document (NTSMP) confirms that there will be:

Wider Management Plan: All of the operators will receive a management plan, detailing the requirements placed on all tenants with restaurant staff required to inform customers of the exit routes as they leave the premises;

Directional Signage: Installed throughout the public realm, visible to all with sufficient lighting for existing customers to follow;

Estate Lighting: To be installed to maintain appropriate levels of lighting throughout the site. The exit routes will direct people towards the arcades serving Upper Street;

Patrolling Security Officer: The dedicated patrol officer will be able to offer assistance to customers regarding directions (including to local transport).

9.19 The security management team for the site would comprise a security manager and 3 x supervisors (the supervisor role is expected to be a 24hr role, with shift patterns of 12hrs shifts. The security gatehouse off the Studd Street entrance will also be a point of contact for residents, from within the development and from the surrounding streets and would be a “front-of-house” presence, manage deliveries, marshal vehicles, liaise with residents and commercial tenants, be a point of contact for emergency services and CCTV monitor. It is considered that the security presence and strategy would represent an effective resource for the site to prevent, monitor and control any incidents of anti-social behaviours whilst also ensuring that residents of the development, including surrounding streets and commercial tenants and customers have a reliable point of contact and assistance.

9.20 It has also been confirmed that during the night, residential occupier pedestrian access would be maintained via Studd Street and Almeida Street only (i.e. no access is available via the arcades) which will be closed. Vehicular access for residents would remain via Studd Street, where bollard and physical security staff will be present in a new gatehouse facility. However, no vehicular access will be permitted onto the estate with the north and south controlled entrance points, therefore taxis will not cause environmental and/or noise pollution within the site.

9.21 In terms of the immediate surrounding streets outside of the development site, it is noted that surrounding residents have also raised concerns as part of the public consultation exercise, including with regard to taxi-pick-ups and other drop–offs and in terms of pedestrian overspill and associated anti-social behaviour. However, the submitted NTSMP states that the gatehouse security team would have a key role that will be the first point of contact for residents, both from within the development and from neighbouring properties outside of the application site, therefore the amenities of residents of nearby streets will also be carefully considered and managed to safeguard amenity.

9.22 In summary, it is considered that the additional hours as proposed (i.e. beyond those previously approved) are not excessive, where assessed individually or where taken together with those additional hours proposed under the concurrent section 73 applications and would not give rise to a harmful loss of amenity for residents within the site and those streets surrounding owing to the limited additional increase in the hours, which would also align in a similar manner to other commercial uses within the Angel Town Centre, whilst the careful management of the uses and overall development controls thorough the NTSMP and the wider Estate Management Plan would also ensure that there are adequate safeguards in place to ensure that neighbouring amenity is protected.

9.23 Furthermore, by way of an economic benefit, the extended hours would also help support a prosperous and viable mixed use local economy in accordance with Paragraphs NPPF 80 and 85 of the NPPF.

9.24 The NTSMP will be added to the Estate Management Plan that is secured via section 106 agreement and would thereby provide the Council with a mechanism for monitoring that is not available within the current regime, therefore such review and monitoring can ensure that resources are appropriate re-directed or systems/processes amended to protect the amenity of residents in the events where incidents are recorded once the development goes live.

9.25 Given the above considerations, the development proposal is considered to adhere with the provisions of policies DM4.2, DM4.2 and DM4.2 of the Council's Development Management Policies (2013) document and with the Site Allocation (AUS1).

Daylight/sunlight and outlook

9.26 The proposal seeks amendments to the operational hours, without any alterations to the external fabric of the building. As such, the proposal would not give rise to a detrimental loss to neighbouring amenity in regards to daylight, sunlight and overshadowing, overlooking and loss to privacy or loss of outlook and sense of enclosure.

Safety / Security

9.27 Development Management Policy DM2.1 requires for developments to be safe and inclusive, enhance legibility with a clear distinction between public and private space and to include safety in design, such as access, materials and site management strategies.

9.28 Notwithstanding the above security management measures such as those proposed in the Night Time Security Management Plan, Block C as approved has security measures such as CCTV, public realm lighting, gates, fencing etc, which has been secured by condition.

Construction

9.29 The extant planning permissions to the site is currently under construction, with the main structure being in place. The proposal does not seek to alter the external or internal layout to a degree which would give rise to impacts on the living environment and

amenities of local residents in terms of noise and disturbance, dust, noise, vibration and construction traffic.

The existing controls for the site

9.30 An Estate Management Report (dated April 2009) for Block C has already been secured through the s106 agreement. The document addresses traffic management for the site, estate security, private residential management and commercial uses management for the site. The Estate Management report, builds on and expands the report submitted for the adjoining development of Blocks A, B, D & F.

9.31 For reference, the key headlines of the report, of relevance to the application in this case include the following:

Access/Egress

9.32 Access to the estate will be controlled and managed by a manned security facility adjacent to the Studd Street entrance and by operation of strategically positioned retractable bollards and boom gates. Egress will be controlled by a boom gate adjacent to the Almeida Street exit.

9.33 The lower basement area houses the service area for the commercial units on the floors above. The ramp is designed to operate in one-way traffic mode with the appropriate traffic control systems being in place to accommodate this.

9.34 The emergency escape doors will be kept closed but internally not locked or obstructed

Parking controls:

9.35 There is to be no on street parking permitted on the estate access road. There are signs to indicate this prior to and within the development. Access to the service lay-bys is controlled by security and management with operable bollards.

9.36 The estate will be covered by 24-hour CCTV monitoring. If a vehicle attempts to park, they will be approached and instructed to move on. In the event that a driver leaves the vehicle before they can be asked to move, the vehicle will be clamped and towed away by a private contractor. Appropriate signs informing of this policy will be provided.

Servicing:

9.37 Delivery and service vehicles will be allowed to access the estate between 0800 and 1800 Monday to Saturday and between 1100 and 1400 on Sunday.

9.38 A coordinated delivery schedule is arranged at the beginning of each week by the estate management in consultation with the commercial tenants. Through this, commercial tenants will be able to book the service bays to receive deliveries.

9.39 Service vehicles will access the estate at coordinated and agreed times. In the rare event that more than three service vehicles arrive on the estate at any one time, Lay-by 1 may be used for vehicles to wait for space to become available. If a particular occupier does not comply with the schedule, the management will reserve the right to refuse them permission to complete their delivery.

9.40 Deliveries via the Studd Street entrance onto Central Avenue are restricted to between the hours of: 0800 - 1800 Monday to Saturday, 1100 - 1400 Sundays

Security:

9.41 The security requirement will vary with each retailer dependant on what level of security they require. There will be a team of Security Officers to cover the retail outlets,

supported by a CCTV monitoring station. These Officers will be trained to meet modern security requirements. Night cover will be supported by Alarm systems. However, due to the close proximity of residential units, silent alarms and rapid security response activity will be required. By the nature of the other unit usage within the Estate, personnel will conduct mobile and foot patrols of the retail outlets by night.

9.42 CCTV cameras strategically positioned at the main entrances to provide additional support to ground operations within the Arcade and linked to the Estate Security. Signage clearly displaying the existence of an all embracing CCTV monitoring system will be provided to re-assure customers that both the Arcade and Estate is secure and protected at all times. Arcade Security will require a uniform which provides customers and staff with reassurance and enables them to be identified instantly. All security personnel will carry ID provided by the Estate Management.

9.43 The Developer and the design team have engaged with the neighbourhood Secure By Design Police Officer to discuss and co-ordinate on-going security and crime prevention measures across the estate. The Arcade Management will be required to set up a proactive relationship with the local Crime Prevention Officer to continue this dialogue and will be encouraged to join a number of security initiatives. Individual retailers will be encouraged to do likewise.

9.44 The Residential Blocks will be managed by the Estate manager with a team of Security / Head Porter / Concierge, who can operate in conjunction with security on other parts of the estate.

S106 linkage

9.45 As referenced above, the current application in this case is supported by a Night Time Security Management Plan (NTSMP) which sets out the proposed security strategy and operational management plan for the site as a whole. The applicants have advised that this document would be added to the Estate Management Plan that has already been secured through the section 106 agreement and thereby provides the Council an opportunity for review and monitoring of operations that is not available within the current management regime. As such, the NTSMP is an additional safeguard in terms of protecting the amenity of residents within and outside of the application site.

Sustainability, Energy Efficiency and Renewable Energy

9.46 The development has almost been substantially completed except for the final fitting out of the relevant units, public realm etc. and the structure reflects the planning requirements at the time permission was granted.

9.47 The proposal is for the change (variation) in operational hours, and does not seek to alter the footprint and fabric of Block C or wider Islington Square development site. As such, the required energy and sustainability mitigation as approved will still need to be adhered to as conditioned, ensuring that the proposal has minimised the CO2 emissions as far as reasonably possible, that efficient lighting and water resource management is proposed and therefore given the constraints of the building being practically complete the proposal is acceptable.

Highways and Transportation

9.48 The application site has a PTAL of 6a, which is considered ‘excellent’, given its close proximity to Upper Street. Angel Station and Highbury & Islington Station are located either end of Upper Street, with numerous bus links in between.

Servicing, deliveries and refuse collection

9.49 A site wide strategy for servicing and deliveries has been secured via the extant planning permissions. The basement level within Block C, below the subject units, is solely for servicing and disabled parking.

9.50 Furthermore, the refuse and recycling areas for Block C are located within the basement, allowing for ease of collection by refuse vehicles. Access to the refuse store is via a service lift or staircase in shared circulation space to the rear of the proposed amalgamated unit.

9.51 All vehicles will be able to enter and exit in forward gear in accordance with Policy DM8.6, as per the approved layout of the basement.

9.52 Given the proposal does not seek to increase the floorspace of Block C, it is not considered that the amended operational hours (including those servicing by the basement level) would give rise to an increase in expected servicing and delivery expectations, which would be maintained from the above locations as previously approved.

Vehicle parking

9.53 The host building, Block C, was approved as a car-free development within the extant planning permissions for the site. The basement to Block allows for servicing parking and disabled parking spaces only.

9.54 In regards to pick-ups and drop-offs, the proposal is not considered to give rise to additional parking stress would be of detriment to the surrounding road network. The site and all of the surrounding streets are within the 'Zone E' Controlled Parking Zone, limiting parking to resident permit holder only and operates 0830 – 1830 throughout Monday to Friday and 0830 – 1330 on Saturdays. Upper Street is part of the Transport for London Road Network (TLRN) 'red route' and as such no stopping permitted between 0700 – 1900 throughout Monday to Saturday, whilst parking is allowed for 30 minutes only outside of 0700 – 1600.

9.55 Given the site has an excellent PTAL rating, the highly accessible area alongside on-street parking restrictions and lack of on-site parking would sufficiently discourage car use to the commercial units within this Block.

Waste Management

9.56 Waste storage facilities are required to be provided in order to fit current and future collection practices and targets. Facilities must be accessible to all in accordance with Islington's Core Strategy policy CS11. Development Management Policy DM8.6 states that, for major developments, details of refuse and recycling collection must be submitted, indicating locations for collection vehicles to wait and locations of refuse and recycling bin stores.

9.57 A site wide waste strategy in regards to refuse and recycling has been approved as part of the extant planning permissions which are substantially constructed. A compliance condition is recommended should planning permission be approved, ensuring that the waste management of the unit accords with the site wide strategy.

Air Quality and Contamination

9.58 The air quality impacts associated with the construction and operation of the proposed mixed-use development have been assessed as part of the original planning permissions, which included requirements for further air quality surveys and mitigation measures to be provided (secured by conditions on the original permissions). The

Council's Public Protection / Pollution Officer has assessed various submissions made by the Applicant to discharge the conditions imposed on the site wide consent and was satisfied that air quality would be acceptable.

Planning Obligations, Community Infrastructure Levy and local finance considerations

9.59 The previous Section 73 planning permission for this site (Block C, P2017/2866/S73) was subject to a Supplemental Section 106 legal agreement. The agreement bound the permission to meet all the requirements that were originally included in the original planning permission P090774.

9.60 Given that this application is a variation of the previous variation application, a deed of variation is required to ensure that the obligations are still secured. This is important as it would ensure those obligations originally agreed are carried through with the implementation of the new permission.

10 SUMMARY AND CONCLUSION

Summary

10.1 The development would provide support for an appropriate service use to the Islington Square development site and wider Angel Town Centre. Subject to conditions and planning obligations, the proposal would not give rise to detrimental disturbance from noise, disturbance, odours, fumes or other environmental harm to neighbouring occupiers.

10.2 For the reasons given above and explained in more detail in the subsequent sections of this report, the proposal is considered to be acceptable and in accordance with relevant planning policy and is thus recommended for approval subject to conditions to secure the necessary mitigation measures.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	**Commencement (Compliance)**
	CONDITION: The development hereby approved shall be carried out in accordance with the following plans as approved by planning application P2018/2462/S73: 1598-3-P-000-001a; 1598-3-E- 004b; 005b; 006b; 007a; 010a; 1598-ABD-P-000-107 Rev B; 1598-ABD-P-000-108 Rev D; 1598-ABD-P-000-109 Rev E; 1598-ABD-P-000-110 Rev C; 1598-ABD-P-000-111 Rev B1; 1598-3-P-200-006c; 007b; 008b; 009c; 013a; 016a; 017a; 018a; 019a; 020a; 021a; 1598-3-S-200-005b; 006b; 007b; 008b; 009b; 010b; 011b; 012b; 013b; 014b; 015b; 016b; 017b; 019b; 022b; 024b; 025b; 026b; 027; 028; 029; 1598-3-D-038-001a; 1604-30-PL-0600 Rev DO4; 1604-30-PL-0601 Rev DO2; 1604-30-PL-0602 Rev DO3; 1604-30-PL-0603 Rev DO2; 1604-30-PL-P-0041 Rev D04; Design and Access Statement dated April 2009, updated by accommodation schedule breakdown dated 10/04/2009; Conservation Area Impact Assessment dated April 2009; Transport Statement dated March 2009; Travel Plan (outline) dated October 2008; Planning Statement dated April 2009; PPG24 Noise Survey dated November 2008; Flood Risk Assessment and Drainage Strategy dated November 2008; Sustainability Statement dated October 2008; Retail Impact Assessment dated April 2009; Archaeological Desktop Assessment dated October 2008; Letter from GVA Schatunowski Brooks dated April 2009; Estate Management Report dated Apr 2009; Landscape Statement dated April 2009; Landscape Planning Package dated April 2009, including drawings: 4175-04-001c; 002c; 005; 006; 007c; 011c; 012b; 021f; 022d; 023f; 024; 031d; 032d; 041c; 042c; 051d; 052d; 061b; 062b; 071b; 101a; 102a; 201; 205; 4175-SK-001a; GLA Stage 1 Report Applicants Response ref: 2062/31-0908MB01; Response to Sustainability Officer Comments 24/09/09 dated October 2009; Response to Access Officer Comments 15/06/09 dated August 2009, including drawings: 1598-4-P-1001; 1002; 1003; email from Matt Bailey dated 23/11/2009 and attached email of Matthew Rosel dated 19/11/2009; 112451/TR/021/1a; 021/2a; 022/1; 022/2; 022/3; 022/3a; 22/4a; Letter from David Bolus, WSP dated December 2009; Renewable Energy Statement dated December 2009, updated by Addendum dated 22/01/2010; two un-numbered (A3 sized) computer generated images; and; eight un-numbered and un-titled plans of the eight wheelchair accessible dwellings received 24/03/2009; Statement on vehicle Servicing for the Change of Use application dated 9 April 2013 prepared by SKM Colin Buchanan; Updated Planning, Design and Access Statement (Scheme Revisions) dated July 2013 prepared by Metropolis; Sustainability Statement dated 19 July 2013 prepared by Metropolis. Additional plans as approved by non-material amendment application ref: 2018/2104/NMA, approved on 13th December 2018: 1604-30-PL--0102/Rev.D01, 1604-30-PL-0402/Rev.D01, 1935-30-DR-0402/Rev.C07. and the following documents Covering letter dated 18 January 2019; Supporting planning Statement dated June 2018; Islington Square Night Time Security Management Plan dated February 2018 and Site Location Plan (unnumbered). REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as

	amended and also for the avoidance of doubt and in the interest of proper planning.
2	**Samples**
	CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work is commenced on site. The details and samples shall include: Block C: a) tile cladding (including colour, texture and method of application); b) window treatment (including sections and reveals); c) roofing materials; d) balustrading treatment (including sections); and e) any other materials to be used. Mitre PH: f) brickwork (including brick panels and mortar courses); g) roofing and set-back roof-extension cladding h) any other materials to be used. Green Procurement: i) a green procurement plan for sourcing the proposed materials. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard. The details submitted to the Local Planning Authority on the 19 October 2015 pursuant to Condition 3 (Details and Samples of Block C and Mitre PH) of planning permission reference P2013/2681/S73 [LBI Ref. P2015/4375/AOD] and approved by the Local Planning Authority on the 7 December 2017 are deemed to form part-approved details for the purposes of this condition (Part [i] - submission of Green Procurement Plan is not part of the approval).
3	Sculptural element
	CONDITION: Notwithstanding the plans hereby approved no permission is granted for the erection/installation of the sculptural element located south of the Mitre PH and which projects into Upper Street. Amended plans shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the hard-landscaping of the route from Upper Street showing the removal of the sculptural element or an acceptable replacement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: The proposed sculptural element due to its design and projection into Upper Street would be out of character within its context and disrupt the established Upper Street building-line.
4	**Ground floor elevations**
	CONDITION: Notwithstanding the plans hereby approved, full details of the ground floor elevations relating to: a) all the communal residential entrances to Block C; and b) ground and first floor glazed elements and entrances to the retail element; shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced on that relevant aspect of the scheme. The details shall include: doors, sections, elevational and threshold treatments, all to be shown in

	context and to a scale of 1:50. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: To ensure that the Authority may be satisfied with the access arrangements and the street level external appearance/interface of the buildings. The details submitted to the Local Planning Authority on the 16 October 2014 pursuant to Condition 5 (Full details of ground floor elevations) of planning permission Reference: P090774 [LBI Ref. P2014/4164/AOD] and approved by the Local Planning Authority on the 12 March 2015 are deemed to form approved details for the purposes of this condition.
5	**Communal entrance details**
	CONDITION: Notwithstanding the plans hereby approved, no permission is granted for the proposed ground floor entrance to the communal residential stair-core of the Mitre PH. Amended plans, which ensure the creation of a safe, convenient and residentially appropriate route to the stair-core shall be submitted to and approved in writing by the Local Planning Authority. The details shall include: doors, sections, elevational and threshold treatments, all to be shown in context and to a scale of 1:50. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: To ensure that the Authority may be satisfied that the resulting access to the residential dwellings within the Mitre PH is safe, secure and appropriate.
6	**Details (plant)**
	CONDITION: Details of any scheme of: a) roof-top plant; b) ancillary enclosures/structure; and c) lift over-run shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure or the lift over-run do not have a harmful impact on the surrounding streetscene or the character and appearance of the Conservation Area. The details submitted to the Local Planning Authority on the 27 June 2014 pursuant to Condition 7 (Full details of roof top plant/ancillary enclosure & lift over-run) of planning permission Reference: P090774 [LBI Ref. P2014/2506/AOD] and approved by the Local Planning Authority on the 16 January 2015 are deemed to form approved details for the purposes of this condition.
7	**Details of** the A1 units, the A4 unit, the flexible A1/A3 units and D2 floorspace
	CONDITION: The A1 units, the A4 unit, the flexible A1/A3 units and D2 floorspace hereby approved shall be laid out/divided as shown on Drawing Nos. 1598-ABD-P-000-107 Rev B; 1598-ABD-P-000-108 Rev D; 1598-ABD-P-000-109 Rev D; 1598-ABD-P-000-110 Rev C; 1598-ABD-P-000-111 Rev B1 and shall not be amalgamated or further subdivided and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

	REASON: The consideration of the acceptability of the A1, flexible A1/A3/A4 and D2 units was based on the proposed size of units as shown on the approved plans; the amalgamation or further subdivision of the units is likely to have operational, transportation, security and amenity implications, which would need to be tested under a separate planning application.
8	**The residential exit/entrance**
	CONDITION: The residential exit/entrance (affordable housing) to the eastern elevation of Block C, which leads to the alleyway between 133 and 134 Upper Street shall not form a general entry point to the affordable housing residential lobby, and shall only be used as an emergency exit in case of emergency or in the case of essential maintenance or repair. Details of a secure gate or door which shall be installed to the eastern elevation of Block C where it meets the laneway between 133 and 134 Upper Street and which prevents any unauthorised access to the undercroft / corridor leading to the above mentioned emergency exit shall be submitted to and approved in writing by the Local Planning Authority, and shall be installed/operational prior to the first occupation of the residential dwellings of Block C. REASON: The use of the exit/entrance which is located between 133 and 134 Upper Street for normal access is likely to give rise to personal security concerns due to its secluded location. The resulting undercroft/corridor access, if left un-gated or open is likely to attract antisocial behaviour. The details submitted to the Local Planning Authority on the 12 June 2014 pursuant to Condition 9 (Full details of Block C eastern elevation gate) of planning permission Reference: P090774 [LBI Ref. P2014/2278/AOD] and approved by the Local Planning Authority on the 21 January 2015 are deemed to form approved details for the purposes of this condition.
9	**Defensible space**
	CONDITION: Notwithstanding the plans hereby approved, areas of defensible space no less than 1.0m deep shall be provided outside the second floor residential windows that face the communal central courtyard amenity space. The defensible space shall be appropriately delineated by low railings and/or walls and/or soft planting. The spaces and associated delineation shall be provided prior to the first occupation of the dwellings which they would serve and shall be maintained as such thereafter. REASON: The landscaping proposal shows indicative areas of defensible space. It is important that these areas be provided so that habitable room windows are adequately divorced from the communal central courtyard and afforded an appropriate level of privacy.
10	**Visual screens**
	CONDTION: Visual screens which prevent mutual overlooking shall be provided along the separation line of the terraces/balconies of the dwellings facing the communal courtyard at the north west corner of Block C at the second, third, fourth and fifth floor levels. The visual screens shall be provided prior to the first occupation of the dwellings to which they form part and shall be maintained as such thereafter. REASON: To prevent undue overlooking between the resulting dwellings.
11	**Residents accesses**
	CONDITION: The two entrances/residents accesses from the residential stair-cores to the second floor communal courtyard amenity space within Block C, as shown on the plans hereby approved, shall be provided prior to the first occupation of the dwellings within Block C, maintained as such thereafter and all future residents of Block C shall be afforded access to that central amenity space.

	REASON: To ensure that all residents of Block C are able to access the second floor communal courtyard amenity spaces.
12	**CCTV, lighting, security lighting**
	CONDTION: Details of any scheme of: a) CCTV; b) general lighting; and/or c) security lighting shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the first occupation of the development. The details shall include the location and full specification of: all lamps; light levels/spill; cameras (detailing view paths); lamps and support structures. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: To ensure that the any resulting general or security lighting and CCTV cameras are appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the building. The details submitted to the Local Planning Authority on 21st September 2018 pursuant to condition 13 of planning permission reference 2013/2681/s73 [LBI ref P2018/3155/AOD] and approved by the Local Planning Authority on 1st March 2019 are deemed to form the approved details for the purposes of this part of the condition.
13	**Security details**
	CONDITION: Security details relating to all the communal residential entrances of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any construction works commencing on the entrances. The security details shall relate to: a) location, access and design of post-boxes; and b) design, location and details of entry systems The development shall be carried out strictly in accordance with the details so approved, maintained as such thereafter and the security systems and postboxes shall be provided prior to the first occupation of the residential dwellings to which they serve. REASON: To ensure that the security details relating to the communal entrances are appropriate and adequately secure the residential component of the development. The details submitted to the Local Planning Authority on 16st October 2018 pursuant to condition 13 of planning permission reference 2017/2866/s73 [LBI ref P2018/3431/AOD] and approved by the Local Planning Authority on 1st March 2019 are deemed to form the approved details for the purposes of this part of the condition.
14	**Lifetime Homes Standards.**
	CONDITION: The residential units hereby approved shall be constructed to the Lifetime Homes Standards. Confirmation that these standards have been met shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site and provided in the following format: a) An accommodation schedule documenting, in relation to each dwelling, how the lifetime homes standards have been met. The development shall be constructed strictly in accordance with the details so approved.

	REASON: To ensure flexible, visitable and adaptable homes appropriate to diverse and changing needs.
15	**Wheelchair adaptable units**
	CONDITION: The eight (8) wheelchair/wheelchair adaptable units hereby approved shall be provided prior to the first occupation of the development. Notwithstanding the plans hereby approved, the layout/design of the wheelchair / wheelchair adaptable units shall be redesigned in accordance with Wheelchair Accessible Housing standards and details shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be provided in the following format: a) Plans (and if necessary elevations) to scale 1:50; and b) a Wheelchair Accessible Units Schedule (WAUS) responding to Islington's 17 Wheelchair Accessible Housing standards. The development shall be constructed strictly in accordance with the details so approved. REASON: To ensure provision of wheelchair accessible units as agreed, in a timely fashion and to: address the backlog of and current unmet accommodation needs; produce a sustainable mix of accommodation; and provide appropriate choices and housing opportunities for wheelchair users and their families. The details submitted to the Local Planning Authority on the 27 June 2014 pursuant to Condition 16 (wheelchair flats) of planning permission Reference: P090774 [LBI Ref. P2014/2507/AOD] and approved by the Local Planning Authority on the 22 January 2015 are deemed to form approved details for the purposes of this condition
16	**Inclusive Design**
	CONDITION: The development shall be designed in accordance with the principles of Inclusive Design. To achieve this the development shall incorporate/install: a) all residential passenger lifts and commercial platform lifts shall be provided as shown on the plans hereby approved and installed and operational prior to the first occupation of Block C to which they form part; b) step free access to all accommodation and level thresholds to private terraces, the central communal courtyard and roof terraces The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: In order to facilitate and promote inclusive and sustainable communities. The details submitted to the Local Planning Authority on 4th June 2014 pursuant to Condition 17 (inclusive design) of planning permission P090774 [LBI Ref P2014/2277/AOD] and approved by the Local Planning Authority on the 22 January 2015 are deemed to form approved details for the purposes of this condition.
17	**Sound insulation**
	CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:1999): Bedrooms (23.00-07.00 hrs) 30 dB LAeq,and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 30 dB LAeq, Kitchens, bathrooms, WC compartments and utility rooms (07.00 ?23.00 hrs) 45 dB LAeq The sound insulation and noise control measures shall be carried out strictly in

	accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved and shall be maintained as such thereafter. REASON: To secure an appropriate internal residential environment. The details submitted to the Local Planning Authority on the 31 May 2016 pursuant to Condition 18 (Sound insulation and noise control measures) of planning permission Reference: P2013/2681/S73 [LBI Ref. P2016/1800/AOD] and approved by the Local Planning Authority on the 20 November 2017 are deemed to form approved details for the purposes of this condition.
18	**Sound insulation 2**
	CONDITION: Full particulars and details of a scheme for sound insulation between the proposed A1 (retail) and C3 (residential) use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved and shall be maintained as such thereafter. REASON: In the interest of protecting future residential amenity against undue noise and nuisance arising from non-residential uses. The details submitted to the Local Planning Authority on the 24 October 2017 pursuant to Condition 19 (Full details of sound insulation between Block C retail and residential) of planning permission Reference: P2013/2681/S73 [LBI Ref. P2017/4026/AOD] and approved by the Local Planning Authority on the 9 November 2017 are deemed to form approved details for the purposes of this condition
19	**Fixed plant**
	CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997. REASON: To ensure that the operation of fixed plant does not impact on residential amenity.
20	**Controlled access arrangements**
	CONDITION: Details of the controlled access arrangements to the one-way vehicular ramp within the basement levels of Block C, which will prevent vehicle conflicts shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the basement levels hereby approved. The controlled access arrangements shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter. REASON: To ensure that the controlled access arrangements proposed to manage the one-way system of the basement level vehicular access are acceptable and adequately removes the potential for vehicle conflicts.
21	**Transport Assessment**
	CONDITION: Notwithstanding the Transport Assessment hereby approved no permission is granted for on-street servicing of the A1 (retail) units within Block C. All servicing/deliveries/collections relating to the A1 units shall only occur within the designated servicing area within the basement (level -1: Drawing No. 1598-ABD-P-000-108 Rev D) of Block C.

	The Block C A1 (retail) units shall only be serviced by vehicles no larger than 10.70m in total length. REASON: The servicing zone within basement (level -1) should accommodate all retail servicing requirements and the maximum length of vehicle capable of accessing the basement is 10.70m. Servicing from a location other than the dedicated servicing bay or by larger/longer vehicles would have a harmful impact on both residential amenity and the free-flow and safety of traffic and the public highways.
22	**Delivery and servicing plan (DSP)**
	CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the exact location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to the first occupation of the development hereby approved. 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 the free-flow of traffic and highways safety implications.
23	**Servicing and Hours (Operational) (as varied)**
	The A1 (retail) units and the flexible A1/A3 (retail/cafe-restaurant) units of the Mitre PH hereby approved shall not be serviced except between the hours of: 0700-2300 Monday to Saturday; and 1000-1600 on Sunday and Public Holidays unless this is via the service area in the basement of Block C. The use of the premises hereby permitted shall not be open to members of the public other than within the following times: • 0800-2300 on Sunday, • 0700 -2330 Monday to Thursday; • 0700 - 0000- Friday and Saturday Unless otherwise agreed in writing by the Local Planning Authority staff shall not occupy the premises more than 1 hour before or after opening hours set out above. Reason: To ensure that no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers or users of the area generally
24	**Car parking limitation**
	CONDITION: Notwithstanding the sections and reports hereby approved, no permission is hereby granted for any car parking anywhere within the Site, other than the twelve (12) disabled parking spaces and the servicing zone shown on Drawing No.: 1598-ABD-P-000-108 Rev D, and no additional car parking spaces shall be provided anywhere within the Site unless details of their location, layout, number of spaces and access arrangements have been submitted to and approved in writing by the Local Planning Authority. The servicing zone layout shall be laid out in accordance with Drawing No.: 1598-ABD-P-000-108 Rev D and shall be maintained as such thereafter. All parking spaces within the servicing zone shall only be used by commercial vehicles and shall not be used for customer or domestic visitor/resident's car parking, and signage shall be displayed to confirm the space designation. REASON: For the avoidance of doubt and to ensure that the development is car-free, to ensure that the correct servicing zone layout is implemented, and to ensure that the use of parking spaces within the servicing zone do not result in domestic / commercial conflicts.
25	**The basement levels of Block C**

	CONDITION: The basement levels of Block C hereby approved with the corresponding basement levels of Block B shall be provided in accordance with Drawing Nos.1598-ABD-P-000-107 Rev B; 1598-ABD-P-000-108 Rev D; 1598-ABD-P-000-109 Rev D. The basement levels shall be laid out, operated and managed in accordance with the details so approved and maintained as such thereafter. REASON: The opening up/amalgamation of the basement levels between Blocks B and C is likely to significantly alter the layout, operation and management of the spaces. Any such alteration may adversely impact on vehicle and pedestrian safety.
26	**Disabled parking spaces**
	CONDITION: The twelve (12) disabled parking spaces shown on Drawing No.: 1598-ABD-P-000-108 Rev D hereby approved shall be provided prior to the first occupation of the residential dwellings of Block C and the disabled parking bays shall be appropriately line-marked and thereafter kept available for the parking of vehicles at all times. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: In the interest of ensuring the provision of an appropriate number and standard of disabled parking spaces.
27	**Bicycle enclosure(s) hereby approved**
	CONDITION: The bicycle enclosure(s) hereby approved, which shall be secure, covered and provide for no less than 138 bicycle spaces shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter. REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.
28	**Visitor cycle parking**
	CONDITION: Notwithstanding the plans hereby approved, visitor cycle parking shall be provided convenient to retail entrances. Details of the visitor cycle parking shall be submitted to and approved in writing by the Local Planning Authority, and installed, prior to the first occupation of the development hereby approved. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: To ensure adequate visitor cycle parking is available and easily accessible on site and to promote sustainable modes of transport.
29	**Dedicated refuse/recycling enclosure**
	CONDITION: Details of the dedicated refuse/recycling enclosure together with a waste management strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite; and the approved enclosure(s) shall be provided/erected prior to the first occupation of the buildings hereby approved. The development shall be carried out strictly in accordance with the details and waste management strategy approved and maintained as such thereafter. REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to. The details submitted to the Local Planning Authority on 19 June 2014 pursuant to Condition 30 of planning permission reference: P090774 [LBI Ref: P2014/2512/AOD] and approved by the Local Planning Authority on 17 October 2014 are deemed to form the approved details for the purposes of this condition.

30	**Basement level energy centre/plant room**
	CONDITION: The basement level energy centre/plant room hereby approved shall be installed and operational prior to the first occupation of Block C and shall serve the entire development thereafter. A heat network supplying the heat loads in the development shall be installed and sized to the space heating and hot water requirements; and the heat pumps for the residential units shall be centralised not on a dwelling level (i.e. the heat supplying the residential units should be in the form of a hot water network, not condenser water loop requiring individual heat pumps for the dwellings). REASON: In the interest of securing the centralised energy centre for the site and its sustainable connection to the various uses within the development and the appropriate provision of a hot water network.
31	**Combined Heat and Power**
	CONDITION: Details of the Combined Heat and Power facility including: a) its location, specification, flue arrangement, operation/management strategy; and b) the method of how the facility shall be designed to allow for the future connection to any neighbouring heating and cooling network shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site and the facility shall be installed/operational prior to the first occupation of the development hereby approved. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: To ensure the facility is provided appropriately and so that it is designed in a manner which allows for the future connection to a district system.
32	**Renewable energy technology**
	CONDITION: The renewable energy technology (ground source heat pumps), which shall provide for no less than 20% on-site C02 reduction as detailed within the 'Renewable Energy Statement' shall be installed and operational prior to the first occupation of the development. Should, following further assessment, the approved renewable energy option be found to be no-longer suitable a revised scheme of renewable energy provision, which shall provide for no less than 20% onsite C02 reduction, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The final agreed scheme shall be installed and operation prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that C02 emission reduction targets by renewable energy are met. The details submitted to the Local Planning Authority on the 19 February 2016 pursuant to Condition 33 (Renewable Energy Details) of planning permission Reference: P2013/2681/S73 [LBI Ref. P2016/0582/AOD] and approved by the Local Planning Authority on the 17 May 2016 are deemed to form approved details for the purposes of this condition.
33	**BREEAM**
	CONDITION: Evidence confirming that the development achieves a BREEAM Office and Retail rating of no less than 'Very Good' and Code of Sustainable Homes rating of

	no less than Level 4 shall be submitted to and approved in writing by the Local Planning Authority. The evidence shall take the form of a post-construction assessment, supported by relevant BRE accreditation certificate(s) and shall be submitted following the practical completion of the development and prior to the first occupation. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: In the interest of addressing climate change and to secure sustainable development.
34	**Sedum based ecological roofs**
	CONDITION: Notwithstanding the plans hereby approved no permission is hereby granted for the provision of solely sedum based ecological roofs. Details of green/brown 'ecological' roofs which shall be: a) biodiversity based with extensive substrate base (depth 50-150mm); b) laid out in accordance with plans 4175-04-011c; 021f; 031d; 041c, 051d and 061b hereby approved; and c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works. shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity. The details submitted to the Local Planning Authority on 04 June 2014 pursuant to Condition 35 of planning permission reference: P090774 [LBI Ref: P2014/2302/AOD] and approved by the Local Planning Authority on 12 September 2014 are deemed to form the approved details for the purposes of this condition.
35	**Landscaping scheme**
	CONDITION: A landscaping scheme for the central communal courtyard and also for the accessible (non-green/brown roof) communal roof terraces shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The detailed landscaping scheme shall include the following details: a) soft plantings: including grass and turf areas, shrub and herbaceous areas; b) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; c) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; d) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges; and e) any other landscaping feature(s) forming part of the scheme. All landscaping in accordance with the approved scheme shall be completed/planted during the first planting season following practical completion of Block C. The landscaping / planting shall have a two-year maintenance / watering provision

	following planting and any trees or shrubs which die within five years of completion of the development shall be replaced with the same species or an approved alternative and to the satisfaction of the Local Planning Authority. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.
36	**Details of all boundary wall, railing and gates**
	CONDITION: Details of all boundary wall, railing and gate treatments together with pavement/footway treatments, shall be submitted to and approved in writing by the Local Planning Authority prior to the practical completion of the development. The details shall relate specifically to the: Boundary wall, railing and gate treatments: a) the boundary treatment to the rears of nos. 1 to 4 Almeida Street, which shall be set built within the application site and separate from listed walls (in consultation with the residents of 1-4 Almeida Street); b) the boundary treatment to the southern side of the through route from Upper Street; and c) both entrance gates at the access route outside the northern elevation of Block C. Pavement/footway treatments: d) front / forecourt area outside the western elevation of Block C; e) the through route from Upper Street adjacent to the Mitre PH; f) the access route outside the northern elevation of Block C; The boundary walls, railings, gates and any hard landscaping shall be installed and/or operational prior to the first occupation of the development and the development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: To ensure that the resulting treatment / fencing is functional, attractive and secure.
37	**Children's playspace**
	CONDITION: Details of the on-site children's playspace provision contained within the second floor communal courtyard, shall be submitted to and approved in writing by the Local Planning Authority prior to any landscaping works commencing on the central communal courtyard and prior to the first occupation of the development. The details shall include the location, layout, design of the playspace and its proposed equipment/features. The children's playspace shall be provided prior to the first occupation of the residential dwellings contained within Block C and shall be provided strictly in accordance with the details so approved and maintained as such thereafter. REASON: To secure the appropriate provision and design of children's playspace. The details submitted to the Local Planning Authority on 16th November 2018 pursuant to condition 38 of planning permission reference 2013/2681/s73 [LBI ref P2018/3862/AOD] and approved by the Local Planning Authority on 6th March 2019 are deemed to form the approved details for the purposes of this part of the condition.
38	**Tree pruning works**
	CONDITION: No development shall be commenced unless and until full details of all proposed tree pruning works to trees which neighbour the development site have

	been submitted to and approved in writing by the Local Planning Authority. Tree pruning shall be carried out strictly in accordance with the details/plans so approved and no change shall take place without prior written approval of the Local Planning Authority. REASON: In the interest of the protection of trees and to safeguard visual amenities. The details submitted to the Local Planning Authority on the 16 October 2014 pursuant to Condition 39 (Full details of tree pruning works) of planning permission Reference: P090774 [LBI Ref. P2014/5095/AOD] and approved by the Local Planning Authority on the 5 March 2015 are deemed to form approved details for the purposes of this condition.
39	**Northern and eastern basement walls/foundations**
	CONDITION: No works (excluding demolition works) shall be commenced unless and until details of the northern and eastern basement walls/foundations including construction methods and tanking arrangements have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed strictly in accordance with the details so approved. REASON: To ensure that the creation of the new basement level does not significantly/adversely impact on the roots, health and vitality of the neighbouring trees. The details submitted to the Local Planning Authority on the 17 February 2016 pursuant to Condition 40 (Northern and eastern basement wall details) of planning permission Reference: P2013/2681/S73 [LBI Ref. P2016/0535/AOD] and approved by the Local Planning Authority on the 18 March 2016 are deemed to form approved details for the purposes of this condition.
40	**Construction and method of scaffolding**
	CONDITION: No works shall commence (excluding demolition works) unless and until details of the proposed construction and method of scaffolding to the northern and eastern elevations of Block C have been submitted to and approved in writing by the Local Planning Authority. The agreed method and construction of scaffolding shall be maintained for the duration of the construction works of Block C. The outer face of the scaffolding shall be covered in debris protective netting for the duration of the construction works. Reason: To ensure there is no additional tree pruning works required other than what is strictly necessary and to protect the long term health of trees neighbouring the site. The details submitted to the Local Planning Authority on the 8 January 2016 pursuant to Condition 41 (Details of construction and scaffolding northern/eastern elevations of Block C) of planning permission Reference: P2013/2681/S73 [LBI Ref. P2015/5379/AOD] and approved by the Local Planning Authority on the 27 January 2016 are deemed to form approved details for the purposes of this condition.
41	**Underground services**
	CONDITION: Details of all existing and proposed underground services including their type, location and relationship to adjoining footpaths and trees shall be submitted to and approved in writing by the local planning authority prior to any works commencing on-site. Any excavations for services within the canopy spread of any tree adjoining the site must be undertaken in accordance with the guidance set out in NJUG Volume 4 Guidelines for the Planning Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2).

	The development shall be carried out strictly in accordance with the details so approved. REASON: To ensure that the development does not have an adverse impact on neighbouring trees. The details submitted to the Local Planning Authority on the 4 February 2015 pursuant to Condition 42 (Details of Underground services) of planning permission Reference: P090774 [LBI Ref. P2105/0449/AOD] and approved by the Local Planning Authority on the 5 March 2015 are deemed to form approved details for the purposes of this condition.
42	**Programme of archaeological works**
	CONDITION: No development shall take place until the applicant, their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. REASON: Important archaeological remains may exist on this site. Accordingly, the planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development. The details submitted to the Local Planning Authority on 21 May 2014 pursuant to Condition 43 of planning permission reference: P090774 [LBI Ref: P2014/2084/AOD] and approved by the Local Planning Authority on 12 September 2014 are deemed to form the approved details for the purposes of this condition.
43	**Land contamination investigation.**
	CONDITION: No development/demolition works shall be commenced unless and until the following assessment shall be submitted to and approved in writing by the Local Planning Authority: a) A land contamination investigation. Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site: b) Any necessary remedial land contamination works arising from the land contamination investigation. The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. REASON: To safeguard the health and safety of future occupants as the site may be contaminated due to the previous use. The details submitted to the Local Planning Authority on the 22 January 2015 and the 27 November 2015 pursuant to Condition 44 Parts A & B (Land Contamination investigation/Scheme of remedial works) of planning permission Reference: P090774 [LBI Ref. P2015/0151/AOD & 2015/4924/AOD] and approved by the Local Planning Authority on the 17 March 2015 and the 8 January 2016 respectively are deemed to form approved details for the purposes of this condition.
44	**D2 usage**
	CONDITION: The hereby approved D2 use shall not operate except between the hours of 08.00 - 23.00 Sunday to Thursday and 08.00 - midnight Friday and Saturday. REASON: To ensure that the proposed development does not have an adverse impact on neighbouring occupiers of their premises and residential amenity.

List of Informatives:

1	**Section 106 Agreement**
	The applicant is reminded that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
2	**Definition of Super Structure**
	A number of conditions attached to this permission have the time restrictions prior to superstructure works commencing on site and/or practical completion. The council considers the definition of superstructure as meaning: the part of a building above its foundations. The council considers the definition of practical completion to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
3	**Block C and the Mitre PH**
	A number of the conditions attached to this permission refer to Block C and/or the Mitre PH. These references are shorthand for the two principle buildings of the development: - Block C: nos. 5-6 Almeida Street, located to the rear of the properties fronting Almeida Street and Upper Street; and - Mitre PH: nos. 128 and 130 Upper Street, known as the Mitre Public House fronting Upper Street. The location of these buildings is confirmed on the annotated Building Location Plan at Appendix 2 of the Committee Report (LBI Ref: P090774).
4	**Listed Building Consent**
	The applicant is advised that a separate listed building consent application relating to the Almeida Theatre Almeida Street is required for the councils formal consideration should the wish to install two proposed doorways between the Theatre and Block C be pursued.
5	**Archeology**
	The development of the site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.
6	**Materials**
	Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BREs Green Guide Specification.
7	**Roller Shutters**
	The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the councils formal consideration.
8	**Thames Water**
	Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. Furthermore, it is recommended, in line with best practice for the disposal of fats, oils and grease, the collection of waste by an oil contractor, particularly to recycle for the production of bio-diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Thames Water requests that the Applicant should incorporate within their proposal protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Thames Water will aim to provide customers with a minimum pressure of 10m head

	(approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
9	**Proactive Working NPPF**
	To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. A pre-application advice service is also offered and encouraged. The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.

APPENDIX 2: RELEVANT POLICIES

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

National Guidance

The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 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

1 Context and strategy
Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places
Policy 2.11 Inner London
Policy 2.15 Town Centres

3 London's people
Policy 3.1 Ensuring equal life chances for all
Policy 3.2 Improving health and addressing health inequalities
Policy 3.16 protection and enhancement of social infrastructure

4 London's economy
Policy 4.7 Retail and town centre development
Policy 4.8 Supporting a successful and diverse retail sector and related facilities and services

5 London's response to climate change
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.11 Green roofs and development site environs
Policy 5.13 Sustainable drainage

6 London's transport
Policy 6.1 Strategic approach
Policy 6.2 Providing public transport capacity and safeguarding land for transport
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.4 Enhancing London's transport connectivity
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.12 Road network capacity

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

8 Implementation, monitoring and review
Policy 8.1 Implementation
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy
Policy CS5 (Angel and Upper Street)

Strategic Policies
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS13 (Employment Space)
Policy CS14 (Retail and services)

Infrastructure and Implementation
Policy CS18 (Delivery and Infrastructure)

C) Development Management Policies June 2013

Design and Heritage
DM2.1 Design
DM2.2 Inclusive Design

Shops, culture and services
DM4.1 Maintaining and promoting small and independent shops
DM4.2 Entertainment and night-time economy
DM4.3 Location and concentration of uses
DM4.4 Promoting Islington's Town Centres
DM4.5 Primary and secondary frontages

Health and open space
DM6.1 Healthy development
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 statements
DM7.2 Energy efficiency and carbon reduction in minor schemes
DM7.4 Sustainable design standards
DM7.5 Heating and cooling

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

Infrastructure
DM9.1 Infrastructure
DM9.2 Planning obligations

Designations

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

- Conservation Area - Upper Street (North)
- Adjacent to CA10 Barnsbury
- APA3 Islington Village and Manor House
- TC1 Angel Town Centre
- AUS1 Almeida Street Sorting Office and Former North London Mail Centre

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan
Environmental Design
Accessible Housing in Islington
Inclusive Landscape Design
Planning Obligations and S106
Urban Design Guide 2017

London Plan
Accessible London 2014
Culture & the night time economy 2017
Social Infrastructure 2015
Sustainable Design & Construction 2014
Town Centres 2014
Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy 2013