

PLANNING SUB-COMMITTEE A**AGENDA ITEM: B5**

Date:	27 April 2020	NON-EXEMPT
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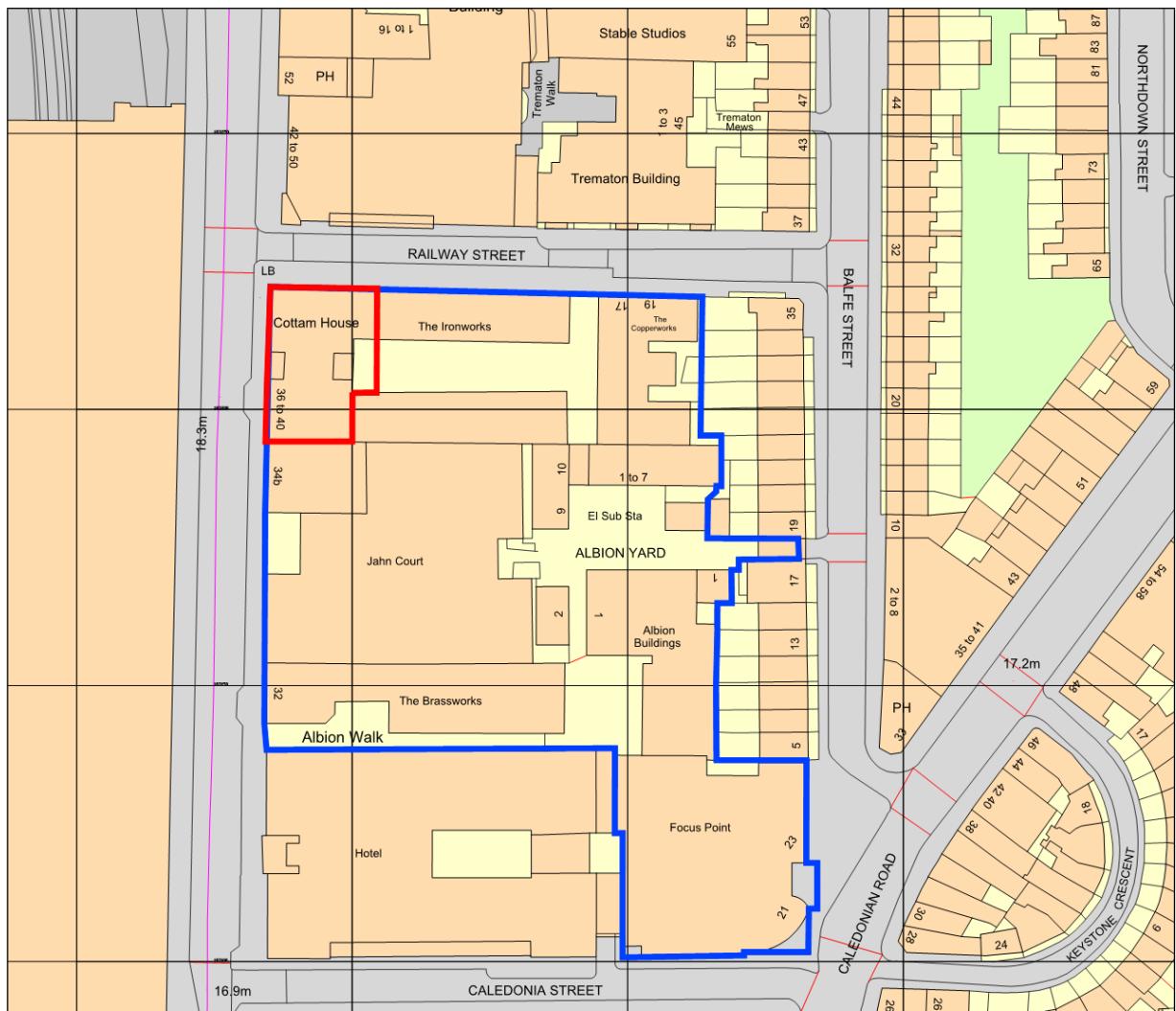
Application numbers	P2019/3552/FUL
Application type	Full Planning Application
Ward	Caledonian
Listed building	Locally listed building (Grade B)
Conservation area	King's Cross Conservation Area (and Article 4 Direction)
Development Plan Context	Core Strategy Key Area – Kings Cross & Pentonville Road Central Activities Zone Employment Growth Area Mayor's Protected Vistas – Parliament Hill summit to St Paul's Cathedral TfL Strategic Road Network Article 4 Direction (A1 to A2 (Rest of Borough)) Article 4 Direction (B1c to C3)
Licensing Implications	None
Site Address	Cottam House, 36-40 York Way, London, N1 9AB
Proposal	Change of use of ground floor from office (Class B1) to clothing manufacturing place and showroom (Sui Generis) for a temporary period of 2 years.

Case Officer	Nathan Stringer
Applicant	Endurance Land LLP
Agent	Gerald Eve – Miss Rosie Cole

1. RECOMMENDATION

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

2. SITE PLAN (SITE OUTLINED IN RED)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the application site



Image 2: The front elevation of the site as viewed from York Way



Image 3: Railway Street elevation



Image 4: Rear elevation as viewed from courtyard.

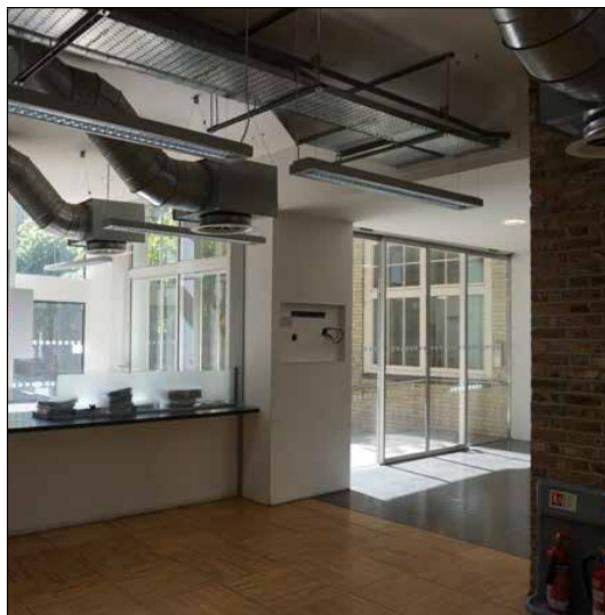


Image 5: Ground floor interior (looking towards rear entrance)

4. SUMMARY

- 4.1 Planning permission is sought for the change of use of the ground floor from office (Class B1) to clothing manufacturing place and showroom (Sui Generis) for a temporary period of 2 years. The unit would be partially used to house small-scale garment recycling system using prototype technology known as ‘Garment-to-Garment’ (“G2G”). This consists of a group of small-scale bespoke machines that collectively provide an end-to-end process of deconstructing existing garments, separating the different fabric types, and then reweaving the fibres into new bespoke garments. The G2G prototype would be the second such machine in the world and the first within the United Kingdom. The remainder of the ground floor unit would be used as a showroom area, where visitors can view examples of the recycled garments that are for sale online.
- 4.2 The G2G processing use is akin to a B1(c) (light industrial) use. ‘Showroom’ is arguably a general term, and officers note that showrooms can fall under a number of different use classes, including A1 (retail). This is discussed further within the report below. Together, the combined proposed uses would constitute a Sui Generis use.
- 4.3 The key considerations in determining the application relate to the land use, including the temporary loss of existing B1 floorspace; the associated impact on neighbouring amenity at adjoining and adjacent residential properties; and delivery and servicing arrangements and resulting impacts upon the safe and efficient operation of the public highway.
- 4.4 The proposal is brought to committee because it has received 8no objections from neighbouring residents, generating a lot of interest in the development. The main concerns from objectors include the impact of the proposed use on neighbouring amenity with regard to noise, odour, waste and safety impacts. The application site is also subject to a concurrent planning application ref: P2020/0021/FUL which seeks permission for a rear infill extension, alterations to front and rear entrances, and replacement plant to roof. The two proposals could be implemented separately but it should be noted that should both applications be approved, then the temporary clothing manufacturing place and showroom (Sui Generis) use of the ground floor would also apply to the extended ground floor area. Both applications are therefore being considered by the Planning Sub-Committee A.
- 4.5 The application site comprises a four-storey former warehouse building constructed c.1856 and located on the western side of York Way at the junction with Railway Street, and opposite Kings Cross Railway Station. The rear of the building faces into a private enclosed courtyard, which is shared with the adjoining and adjacent buildings known as ‘The Ironworks’ and ‘The Copperworks’. The buildings were redeveloped in 2006 and are collectively known as the ‘Regents Quarter’. Cottam House is locally listed at Grade B, and is located within the Kings Cross Conservation Area. Kings Cross Railway Station, directly opposite, is statutorily listed at Grade I. The building immediately adjoining the site to the south at No. 34 York Way is Grade II listed. The site is located within the Central Activities Zone, the Kings Cross & Pentonville Core Strategy Key Area, and an Employment Growth Area.
- 4.6 The proposed development would result in the temporary loss of 353 sqm of dedicated B1 office floorspace for a period of two years. However, it is noted that the proposed G2G light industrial system would be akin to a B1(c) use, and that the showroom element of the unit would support its operation. It is also noted that the proposal would provide a number of benefits, including increased opportunities for education and environmental awareness. Therefore, given the temporary two-year nature of the use, on balance the change of use is considered to be acceptable overall. The proposal is also not considered to cause harm to neighbouring residential amenity, subject to the inclusion of recommended conditions.

The proposal is therefore considered to be acceptable and it is recommended that the application is approved subject to conditions.

5. SITE AND SURROUNDING

- 5.1 The application site at No. 36-40 York Way (known as 'Cottam House') is a four-storey former warehouse building located on the western side of York Way at the junction with Railway Street, and opposite the Kings Cross Railway Station. The building was developed c.1856 and underwent major refurbishment in 2006, and is now in use as offices (B1 use class). The rear of the building faces into a private enclosed courtyard, which is shared with the adjoining and adjacent buildings known as 'The Ironworks' and 'The Copperworks'. The buildings were redeveloped in 2006 and are collectively known as the 'Regents Quarter'.
- 5.2 The building is not statutorily listed, however it is locally listed at Grade B. The site is located within the Kings Cross Conservation Area. Kings Cross Railway Station, directly opposite, is statutorily listed at Grade I. The building immediately adjoining the site to the south at No. 34 York Way is Grade II listed.
- 5.3 The site is also located within the Central Activities Zone, the Kings Cross & Pentonville Core Strategy Key Area, and an Employment Growth Area. This section of York Way is predominantly mixed-use in character, with many commercial and residential buildings, and some ground floor retail/restaurant/bar uses.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks permission for the change of use of the ground floor from office (Class B1) to clothing manufacturing place and showroom (Sui Generis) for a temporary period of 2 years. The unit would be partially used to house small-scale garment recycling system using prototype technology known as 'Garment-to-Garment' ("G2G"). This consists of a group of small-scale bespoke machines that collectively provide an end-to-end process of deconstructing existing garments, separating the different fabric types, and then reweaving the fibres into new bespoke garments. The G2G prototype would be the second such machine in the world and the first within the United Kingdom. The remainder of the ground floor unit would be used as a showroom area, where visitors can view examples of the recycled garments that are for sale online.
- 6.2 The G2G processing use is akin to a B1(c) (light industrial) use. 'Showroom' is arguably a general term, and officers note that showrooms can fall under a number of different use classes, including A1 (retail). This is discussed further within the report below. Together, the combined proposed uses would constitute a Sui Generis use.

7. RELEVANT HISTORY:

Planning Applications

- 7.1 **P2020/0021/FUL:** Installation of new doors to York Way entrance; erection of a ground floor infill extension to rear and installation of new doors to provide additional B1 floorspace; replacement of existing ground floor windows to rear elevation; replacement store room door; replacement of existing rooftop plant equipment; new stepped terrace and platform lift at rear ground floor; and associated works. Decision pending.
- 7.2 **P061086:** Renovation of existing building for use as Class B1. Approved with conditions 21/07/2006

Pre-Applications

- 7.3 **Q2019/1932/MIN:** Temporary change of use of part ground floor from office (Class B1) to light industrial/showroom (Sui Generis).

Officer advice provided: "The proposed temporary Sui Generis use, given the retention of business floorspace for most of the site and noting that the showroom floorspace would be ancillary, is considered to be acceptable for a period of up to two years. Should a longer period be sought, the planning application should be accompanied by marketing evidence to demonstrate that there is no demand for the existing B1 use at the site."

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of adjoining and nearby properties on 15 January 2020. A site notice and press advert were also displayed. The public consultation of the application therefore expired on 9 February 2020, however it is the Council's practice to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report, 8 no. objections had been received from the public with regard to the application. The issues can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- Concern that the proposed use will cause undue harm to neighbouring residential amenity, including through increased noise and vibration disturbance (see paragraphs 10.17-10.41);
- Concern that the information submitted does not adequately address vibration impacts, nor does it identify the operational times of the machinery (see paragraphs 10.21-10.39);
- Concern that the installation and dismantling of the machinery will cause harm to neighbouring residential amenity (see paragraph 10.38);
- Concern that existing bin stores will not be sufficient for proposed use (see paragraph 10.49);
- Concern that any hazardous materials may not be disposed of adequately (see paragraph 10.50);
- Creation of the new rear opening into the courtyard would result in an increase in crime within that private communal area (see paragraph 10.51);
- Concern that the private courtyard at the rear of the building will be used for access, delivery and servicing of Cottam House, resulting in harm to neighbouring amenity and pedestrian safety (see paragraphs 10.42-10.48);
- Concern regarding loss of B1 floorspace (see paragraphs 10.2-10.16); and
- Impact of the proposal upon nearby property values (*Officer note: this is not a material planning matter, and has therefore not been considered in the assessment of the proposal*).

Internal Consultees

- 8.3 **Public Protection (Noise):** does not object to the proposal, however recommends conditions requiring that the new items of fixed plant meet rating level criteria of 5dB(A) below the background noise level identified; the submission of a scheme for structure-borne noise and vibration isolation of the G2G machinery; and a condition limiting the hours of operation of the machinery from 8AM to 7PM Monday to Friday.

External Consultees

8.4 None.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

9.1 Islington Council (Planning Sub-Committee A), 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.)
- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development."

9.3 At paragraph 8 the NPPF states that the planning system has three overarching objectives in achieving sustainable development, being an economic objective, a social objective and an environmental objective.

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

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

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

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

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.8 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.9 The Quality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

- 9.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.11 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013:
- Kings Cross Conservation Area (and Article 4 Direction)
 - Core Strategy Key Area – Kings Cross & Pentonville Road
 - Central Activities Zone
 - Employment Growth Area
 - Mayor's Protected Vistas – Parliament Hill summit to St Paul's Cathedral
 - TfL Strategic Road Network
 - Article 4 Direction (A1 to A2 (Rest of Borough))
 - Article 4 Direction (B1c to C3)
 - Adjoining Grade II listed building at No. 34 York Way
 - Opposite Grade I listed Kings Cross Railway Station

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Emerging Policies

Draft London Plan (Intend to Publish Version, December 2019)

9.13 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State has appointed a Panel to conduct an examination in public ("EIP") this opened on 15 January 2019 and continued until May 2019. The Planning Inspector made several recommendations to the Mayor on the 8th October 2019 and the Mayor responded on the 9th December 2019 with a version which is intended to be published by March 2020. The Secretary of State has now considered the 'Intend to Publish' version and the proposed changes and has made several recommendations, which are referenced in the main body of the Inspector's report. Whilst the draft London Plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration. The emerging London Plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:

- Policy SD4: The Central Activities Zone (CAZ)
- Policy SD5: Offices, other strategic functions and residential development in the CAZ
- Policy E1: Offices
- Policy E2: Providing suitable business space

9.14 It is worth noting that the Secretary of State has written to the Mayor of London setting out various directions to alter aspects of the emerging London Plan. It is not known at this stage what response the Mayor will make to the directions. Given what is proposed in the application, the direction does not alter the assessment in this case.

Draft Islington Local Plan 2019

9.15 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020. Due to the constraints posed by the Covid-19 crisis, it is anticipated that the Examination hearings are likely to take place in September 2020.

9.16 In Line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

9.17 Emerging policies relevant to this application are set out below:

- Policy SP2: King's Cross and Pentonville Road
- Policy B3: Existing business floorspace
- Policy R9: Meanwhile/temporary uses
- Policy ST1: Waste
- Appendix 1: Marketing and vacancy criteria

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Neighbouring Amenity
- Delivery and Servicing
- Refuse and Recycling
- Other Matters

Land Use

Loss of B1 floorspace and creation of temporary light industrial/showroom floorspace (Sui Generis)

10.2 The application site is a four storey B1 office building located on the western side of York Way. The application pertains to the ground floor level of the building. The proposed Sui Generis use would result in the temporary loss for two years of 353 square metres of guaranteed B1 business floorspace at the site.

10.3 The G2G processing use proposed is akin to a B1(c) (light industrial) use. 'Showroom' is arguably a general term, and officers note that showrooms are often used to support other uses including B1. Some showrooms with a predominantly retail function could also fall under the A1 use class (retail). Together, the combined uses as proposed for the ground floor level of Cottam House would constitute a Sui Generis use.

10.4 The Council policy encourages the intensification, renewal and provision of business floorspace within the Central Activities Zone and Employment Growth Area, as well as the Kings Cross & Pentonville Road Core Strategy Key Area. Consideration must be given to all relevant policies with regard to the loss of B1 floorspace. The Central Activities Zone SPD is also relevant and emphasises the importance of office space in this location.

10.5 Therefore, Policy CS13 of the Core Strategy 2011 and Policy DM5.2 of the Development Management Policies 2013 apply. Each seek to safeguard business floorspace throughout the Borough.

10.6 Policy DM5.2 of the Development Management Policies 2013 states:

'A. Proposals that would result in a loss or reduction of business floorspace will be refused unless the applicant can demonstrate exceptional circumstances, including through the submission of clear and robust evidence which shows there is no demand for the floorspace. This evidence must demonstrate that the floorspace has been vacant and continuously marketed for a period of at least two years. In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable.'

B. Within Employment Growth Areas and Town Centres, in addition to the above, the loss or reduction of business floorspace will be resisted where the proposal would have a detrimental individual or cumulative impact on the area's primary economic function (including by constraining future growth of the primary economic function).'

- 10.7 Where policies require marketing evidence to be submitted, Appendix 11 of the Development Management Policies 2013 sets out the details required in order to assess the acceptability, or otherwise, of the information submitted.
- 10.8 As set out in criteria (i) of the policy, no net loss of business floorspace is permitted unless exceptional circumstances can be demonstrated, including that the floorspace has been vacant and continuously marketed for a period of at least two years.
- 10.9 The Applicant has not provided any marketing evidence to support the loss of the existing B1 floorspace, contrary to policy DM5.2 Part A. Whilst officers note that policy DM5.2 still applies in this instance, the proposed primary use of the unit for G2G purposes would be akin to B1(c) (light industrial) floorspace, and the showroom use would be in support of this. As discussed above, the term 'showroom' is arguably a general term used to describe a number of different uses. In this instance, the proposed showroom would provide an area where visitors can view examples of the recycled garments created by the G2G technology that are available for sale online (not at site). The showroom would display the G2G technology in operation, and would also provide spaces for individuals or groups to learn about the garment recycling process. The applicant's intention is that visitors will be able to view both the G2G system and the finished products within the same space.
- 10.10 Overall, officers consider that the showroom space would be used in association with, and in support of, the G2G facilities, which are akin to a B1(c) use. Whilst the overall lawful temporary use of the unit would be Sui Generis, officers must take into consideration the significant element of the use which more closely resembles B1(c), which constitutes a business use in accordance with the Use Classes Order 1987.
- 10.11 Whilst officers note that the light industrial uses and associated showroom are akin to a B1(c) light industrial use, the overall unit would fall under the Sui Generis use class. Therefore, there are some concerns that the proposal would result in the overall loss of business floorspace for a temporary period of 2 years without marketing evidence to demonstrate that there is no demand for business floorspace at the site, contrary to policy DM4.2. This concern must therefore be weighed against the benefits of the proposal.

Benefits gained by the temporary two year Sui Generis use

- 10.12 The supporting information submitted with the application outlines the opportunities to engage with London-wide educational institutions that the temporary G2G use at the site offers. The intended G2G operator, Fabrica, also operates the world's first G2G system in Hong Kong. Fabrica's parent company, the Nan Fung Group, has existing strong connections with the University of Arts (located at nearby Granary Square), and has commenced engagement with both the City and Islington College and London Metropolitan University to create links with those institutions' courses in textiles and fashion. Officers consider that the proposed G2G system would open opportunities for students to learn about innovation and sustainability in a tangible way. Officers note that the G2G operation would also provide employment opportunities. Taking into consideration these employment opportunities, as well as the educational opportunities generated, the proposed development is considered to have a neutral impact on the primary economic function of the Employment Growth Area, in accordance with policy DM5.2 Part B.

- 10.13 The proposed G2G system would also offer the opportunity to raise environmental awareness and promote sustainable lifestyles through the active promotion of recycling of clothes, as an alternative to a disposable textile economy approach. The system would promote waste reduction, reuse, recycling and resource efficiency, over landfill. This approach accords with Part A of Policy CS11 of the Core Strategy 2011, which stipulates that the council will encourage sustainable waste management by promoting waste reduction, re-use, recycling, composting and resource efficiency over landfill.

Conclusion

- 10.14 Officers do hold some concerns regarding the temporary loss of the dedicated B1 unit without marketing evidence to demonstrate that there is no demand for business floorspace in this location. However, it is noted that the proposed G2G light industrial system would be akin to a B1(c) use, and that the showroom element of the unit would support this. It is also noted that the proposal would provide benefits, including increased opportunities for education and environmental awareness.
- 10.15 Whilst the loss of dedicated B1 floorspace is regrettable, given the temporary two-year nature of the use, on balance the proposal is considered to be acceptable overall, subject to the acceptability of the light industrial uses within close proximity to the office floorspace above and the residential properties to the rear of the site (discussed within the Neighbouring Amenity section of this report). It is important to note that, should permanent permission have been sought rather than a temporary two-year permission, the lack of marketing evidence for the loss of business floorspace would likely have weighed heavily against the scheme. Therefore, for the avoidance of doubt, the temporary nature of the use has been secured via condition (recommended Condition 2).
- 10.16 Overall, officers consider that the temporary two-year light industrial/showroom (Sui Generis) uses of the ground floor unit would be acceptable in principle, subject to conditions. Further detail regarding the assessment of the proposal with regard to neighbouring amenity is provided in paragraphs 10.17-10.40.

Neighbouring Amenity

- 10.17 Policy DM2.1 of the Development Management Policies 2013 states that development should not have an adverse impact on neighbouring amenity in terms of noise and vibration, overshadowing, overlooking, privacy, direct sunlight and day light, over-dominance, sense of enclosure and outlook. Policy DM6.1G states that noise generating uses should, where possible, be sited away from noise sensitive uses.
- 10.18 The site adjoins, and lies adjacent to, a number of sensitive receivers. This includes the residential buildings known as 'The Ironworks' (located directly adjacent to the eastern party wall with Cottam House) and 'The Copperworks' (located across the rear courtyard), and the commercial buildings at No. 42 York Way and No. 34 York Way.
- 10.19 No external alterations are proposed as part of the proposal, and therefore the development would not cause undue harm to neighbouring amenity with regard to overshadowing, access to direct sunlight and daylight, over-dominance, sense of enclosure or outlook.
- 10.20 However, concern has been raised by a number of residential occupants of the adjoining and adjacent buildings, with regard to the noise and vibration impacts of both the operation and installation/dismantling phases of the G2G system; as well as concern regarding a potential loss of privacy in the event that the unit is serviced from the rear courtyard.

Noise and Vibration

- 10.21 The applicant has advised that the proposed operating hours of the G2G machinery would be from 10AM until 7PM.
- 10.22 The application is accompanied by a Noise and Vibration Report, which has been prepared by a suitably qualified professional. The report provides an acoustic assessment comprising of an assessment of the impacts of noise and vibration from the G2G machinery against limits applied to the nearby sensitive receptors, as well as the determination of the required building fabric sound insulation specifications to control noise egress. The report takes into account the sensitive receivers outlined above at paragraph 10.18.
- 10.23 Some concerns have been raised by neighbouring residents with regard to the report. This includes concerns relating to the number and positioning of noise monitoring points, lack of detail regarding vibration, as well as a lack of consideration of the local conditions within the courtyard at the rear of Cottam House versus the location of the existing G2G machines in Hong Kong.
- 10.24 The proposed G2G machine will be located at ground floor level, within a double glazed enclosure. The report indicates that the noise egress to the nearest noise-sensitive receptors would be via the enclosure into the ground floor space (outside the enclosure), and then to outdoors via weak points in the building envelope such as windows and vents. The limits on sound of an industrial nature are set out in accordance with BS 4142:2014. Given that the G2G equipment is not yet operating, the report has applied a number of corrections (impulsivity and intermittency) on the expected sound source characteristics when calculating the proposed operational noise rating levels. These are outlined below in **Table 1**.

Location	Time of day	BS 4142:2014 assessment				
		Predicted specific sound level	Acoustic feature correction	Predicted rating level	Rating level limit	Difference and assessment result
42 York Way	Weekday Evening	21 dB LAeq,T	+6 dB	27 dB Lar,Tr	58 dB Lar,Tr	-31 (noise limit achieved)
Ironworks building	Weekday Evening	25 dB LAeq,T	+6 dB	31 dB Lar,Tr	40 dB Lar,Tr	-9 (noise limit achieved)
Copperworks building	Weekday Evening	9 dB LAeq,T	+6 dB	15 dB Lar,Tr	40 dB Lar,Tr	-25 (noise limit achieved)
34 York Way	Weekday Evening	14 dB LAeq,T	+6 dB	20 dB Lar,Tr	58 dB Lar,Tr	-38 (noise limit achieved)

Table 1: predicted specific sound levels due to the G2G machine and BS 4142:2014

- 10.31 The results demonstrate that the predicted rating levels due to the G2G machine alone do not exceed the plant noise limit at the nearest sensitive receptors. It must be noted that this noise limit was set at 5 dB below the representative background sound level, in accordance with the requirements of condition 9 of the planning permission P061086 which granted permission for the renovation of Cottam House and its use for office purposes. Overall, the results demonstrate that sound of an industrial nature from the proposed development would result in a low impact that would achieve the limits set by the Council under planning application ref: P061086.

- 10.32 The report also provides predictions of the room to room sound transitions from the G2G machine within Cottam House itself, including within the G2G showroom on the ground floor, the first floor office directly above, and within the ground floor corridor and the opposite side of the ground floor. It demonstrates that no detrimental effects due to noise intrusion from the G2G showroom are expected.
- 10.33 To achieve the noise level predictions outlined above, the report assumes that the building will be mechanically ventilated and that windows will be closed. The building contains sealed double glazed window units at its eastern elevation, where it adjoins the nearest residential receptors. It also assumes that the door to the G2G machine from the central lobby corridor will be closed. Subject to these assumptions, the report outlines that the G2G process is not expected to result in any adverse effects at nearby noise sensitive properties or within adjacent spaces within Cottam House.
- 10.34 Noting the assumption used in the preparation of the applicant's noise report, officers note that the calculated noise levels partly rely on ensuring that the windows to the unit are closed during operation of the G2G machinery. Therefore, a condition (Condition 6) is recommended to ensure that the windows to the ground floor unit are closed at all times during the operation of the G2G machinery.
- 10.35 The report also provides predictions of vibration levels generated by the G2G machine at the nearest sensitive receptors, as well as the upper floor office levels at Cottam House. The information provided demonstrates that the vibration generated would not exceed the lowest vibration criteria even when operating continuous for the full working day. It concludes that there would be a negligible risk of these vibration thresholds being exceeded within adjacent properties.
- 10.36 However, due to the timber floors internal to Cottam House, the upper floor is considered to be more susceptible to excitation due to vibration. In order to mitigate this, it would be necessary to install a suitable vibration isolation system underneath the G2G system. The report indicates that this could take the form of a floating concrete base on anti-vibration mounts.
- 10.37 The Council's Public Protection (Noise) Officer has reviewed the submitted report, and raises no objections to the criteria or findings outlined within. He notes that the report includes some data from the machinery currently in use in Hong Kong. The predicted noise levels within the G2G showroom is 60dB(A), which would be disruptive to typical office activities. However, the machinery would be located inside a glass enclosure in a room on the ground floor level of the building, and it is noted that the report includes predictions of machine noise at the facades of nearby sensitive buildings which are predicted to be within the Council's noise criteria. In order to avoid significant adverse impacts and minimise noise impacts upon nearby noise sensitive receivers, the officer has advised that a condition (Condition 4) is included to limit the operative cumulative noise level arising from the proposed plant to a rating of at least 5dB(A) below background noise level LAF90 Tbg, when measured or predicted at 1m from the façade of the nearest sensitive noise receiver.
- 10.38 With regard to structure-borne noise and vibration generated by the G2G machinery, the Noise Officer notes that the report includes data from the operational machinery in Hong Kong. However, whilst weight drops within Cottam House have been included, it is noted that the timber floor structure in the building could lead to excitation of the floor and greater vibration within the upper floor. Any installation will need to be effectively isolated from the structure, with a mass-heavy base like a concrete block and anti-vibration mounts designed for the machine. Therefore, a condition has been included (Condition 5) requiring the submission of full particulars and details of the scheme for structure-borne

noise and vibration to be submitted for the approval of the Local Planning Authority within 3 months of the decision notice date.

- 10.39 Concern has also been raised by neighbouring residential occupiers regarding the noise impacts generated by the installation and dismantling of the machinery. However, given the limited timeframe of such works, officers do not consider that the disturbance caused would warrant a reason for the refusal of the application.
- 10.40 Overall, subject to conditions the proposal is considered to be acceptable with regard to noise and vibration impacts.

Overlooking and Privacy

- 10.41 Some concerns have also been raised by neighbouring occupiers that the proposal could lead to the use of the rear courtyard for servicing and delivery, which would adversely affect neighbouring residential privacy levels. Officers do not consider that the change of use would result in a significant increase in servicing or delivery requirements for the unit, as outlined within the Delivery and Servicing section of this report. The proposed use is therefore not considered to cause undue harm to the level of privacy experienced by neighbouring residential occupants.

Conclusion

- 10.42 Overall, subject to conditions, the proposal is considered to be acceptable and would not cause undue harm to the level of amenity experienced by neighbouring residential occupiers, including with regard to noise and vibration, overshadowing, overlooking, privacy, access to sunlight and daylight, over-dominance, sense of enclosure or outlook. The application therefore accords with policy DM2.1 of the Development Management Policies 2013.

Highways, Servicing and Delivery

- 10.43 Policy DM8.6 of the Development Management Policies states that delivery and servicing should be provided off-street, particularly for commercial developments over 200m² gross floor area. Where on-street servicing is proposed details must be submitted to demonstrate the need for on-street provision and that off-street provision is not practical, and that arrangements will be safe and will not cause a traffic obstruction or nuisance.
- 10.44 During the course of the assessment, the applicant has provided a further transport assessment (prepared by RGP and provided 11 March 2020) to address neighbour concerns that the proposal would result in an increase in trips to and from the site, as well as the potential impact of associated delivery activity. The report provides the results of a trip generation assessment, which indicates that the change in use would result in a slight increase in vehicle trips equating to 4 additional two-way movements per day (i.e. 2 arrivals and 2 departures). Officers consider that this demonstrates that the proposal would have a negligible impact upon the local highway network.

- 10.45 With regard to on-street delivery and servicing, the Transport for London (TfL) document 'Kerbside Loading Guidance, Second Edition, January 2017' states:

"Generally, there should be no need to restrict loading activities unless there are significant reasons to do so (for example, high levels of pedestrian activity or security)."

- 10.46 The proposed change of use would also not result in a significant increase in delivery or servicing needs. The information accompanying the application indicates that the current office would generate between 0-1 daily delivery trips, whilst the proposal use would generate in the region of 1-2 deliveries of the course of a typical weekday. Neighbouring residents have advised that deliveries are currently conducted via York Way. The applicant has not disputed this. However, neighbours have raised concerns that the proposal would allow for changes to building's delivery and servicing operations, by allowing for deliveries to be conducted via the rear internal shared courtyard. The rear courtyard is accessed from Railway Street, and these concerns also include any resulting impacts on the safe operation of the public highway at Railway Street and Balfe Street (which connects Railway Street to Caledonian Road).
- 10.47 Officers have reviewed the details approved under planning permission ref: P061086, which permitted the renovation and redevelopment of Cottam House to provide B1 office floorspace. The approved scheme included the use of the rear internal courtyard for all deliveries, to which the Council raised no objection. There are therefore no existing planning restrictions on the use of the rear courtyard for servicing and delivery purposes. Further, officers also note that the replacement of the existing ramp at the rear with stairs would likely make it more difficult for deliveries to be conducted from the courtyard.
- 10.48 York Way is a Transport for London Red Route which incorporates a layby to the front of the application site. Whilst the layby restrictions indicate that no parking is permitted between the hours of 08:30-18:30 (Monday to Friday) and 08:30-13:30 (Saturdays), there are no loading restrictions in place, in accordance with TfL guidance. Therefore, it is possible to continue to service the site from York Way. The applicant has advised that delivery vehicle drivers would be instructed to carry out all loading activity within this layby and not to access the site via Railway Street.
- 10.49 However, officers note that the development would not result in a significant increase in deliveries to the site. Whilst neighbour concerns relating to the use of the rear courtyard for deliveries has been considered, it must be noted that this form of servicing was permitted under the 2006 approved development. Taking into consideration the planning history of the site and the limited increase in delivery movements resulting from the proposed change in use, it is not considered reasonable to include a condition restricting the servicing of the building to the York Way entrance. Overall, the proposal therefore accords with policy DM8.6 of the Development Management Policies 2013.

Refuse and Recycling

- 10.50 The application does not provide details of proposed refuse and recycling management requirements. However, officers consider it likely that the proposed use may result in an increase in waste storage requirements. Therefore, a condition (Condition 7) has been recommended, requiring details of proposed refuse and recycling to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the unit.

10.51 Neighbour concerns have been raised that the proposal may result in the generation of hazardous materials and waste products. The proposed G2G operation would be a light industrial use which produces recycled garments from other clothing material. The applicant has advised that no water, chemicals or dye are required as part of the process, and that any waste generated would be non-hazardous.

Other matters

10.52 Concern has been raised by neighbouring occupiers that the potential use of the rear courtyard for servicing of the unit could result in an increase in crime within that private communal area, noting that there have been issues experienced in the past. Objectors note that the previous tenant of the unit blocked the rear doors into the courtyard in order to address these issues. There is no planning history to verify this. However, officers note that the proposal does not include a new entrance to the yard; it is limited to the change of use of the ground floor unit at Cottam House, and therefore the overall ease of access remains unchanged. This therefore does not warrant a reason for the refusal of the application.

11. SUMMARY AND CONCLUSION

Summary

11.1 A summary of the proposal is set out at section 4 of this report.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Time Limit
	<p>CONDITION: The hereby approved use shall be discontinued on or before two years beyond the date of which it commenced, and shall revert back to the former B1 use.</p> <p>REASON: The use, other than for a temporary period, would prejudice the provision of business floorspace within the Borough, contrary to policy DM5.2 of the Development Management Policies 2013.</p>
2	Approved plans list
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Covering letter dated 10 December 2019; G2G Technology: Report on Noise and Vibration 65201119-ACO-R01 Rev 2; Letter from Gerald Eve dated 11 March 2020 and incorporating letter from Sweco UK Ltd dated 6 March 2020 and RGP Transport Summary ELLP/20/5328/TN01; and drawing numbers: 1923-BG-XX-00-DR-00.100 Rev P01, 1923-BG-XX-00-DR-10.100 Rev P01, 1923-BG-XX-00-DR-A-10.202 Rev P02, and 1923-BG-XX-RF-DR-A-20.222 Rev P02.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Hours of Operation
	<p>CONDITION: The Garment-to-Garment machinery hereby approved shall not operate outside the hours of:</p> <p>Monday to Friday - 08.00am to 07.00pm.</p> <p>REASON: To ensure that the proposed development does not have an unacceptable adverse impact on neighbouring residential amenity.</p>

4	Noise
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq\ Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90\ Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To control plant noise generated by the hereby approved use.</p>
5	Scheme for structure-borne noise and vibration isolation
	<p>CONDITIONS: Full particulars and details of a scheme for structure-borne noise and vibration isolation of the "G2G" machinery and enclosure shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the decision notice date. The scheme shall be designed so as to not exceed the vibration limits within Table 12 of the SWECO report dated 11 December 2019 (document ref 5201119-ACO-R01). The scheme shall include:</p> <ul style="list-style-type: none"> - Installation of anti-vibration mounts and the use of inertia bases where required. - Flexible connections between plant/equipment and ductwork/pipework. - Anti vibration mounts/hangers for all ductwork/pipework <p>The measures shall be carried out strictly in accordance with the details so approved, shall be implemented as hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the proposed development does not cause undue harm to neighbour amenity.</p>
6	Windows to remain shut during operation of G2G machinery
	<p>CONDITION: Notwithstanding the hereby approved plans and documents, the windows to the ground floor level unit shall remain shut at all time during the operation of the "G2G" machinery.</p> <p>REASON: To ensure that the proposed development does not cause undue harm to neighbour amenity.</p>
7	Details of refuse and recycling
	<p>CONDITION: Details of how the refuse and recycling storage requirements of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to the first commencement of the use hereby approved. The approved details shall be implemented in full and retained thereafter.</p> <p>REASON: To ensure the proposal benefits from adequate refuse and recycling facilities.</p>

List of Informatives:

1	Other Legislation
	You are advised that the planning permission hereby approved would be subject to fully complying with other legislation outside the realms of the planning regulations including licensing, environmental acts, building control and fire safety regulations.

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

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

2. Development Plan

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

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

- Policy 4.2 - Offices
- Policy 4.3 – Mixed use development and offices
- Policy 7.2 – An inclusive environment

b. Islington Core Strategy 2011

- Policy CS6 – Kings Cross
- Policy CS13 – Employment Spaces

c. Development Management Policies June 2013

- Policy DM5.2 – Loss of existing business floorspace
- Policy DM8.6 – Delivery and servicing for new developments

3. Designations

- Kings Cross Conservation Area (and Article 4 Direction)
- Core Strategy Key Area – Kings Cross & Pentonville Road
- Central Activities Zone
- Employment Growth Area
- Mayor's Protected Vistas – Parliament Hill summit to St Paul's Cathedral
- TfL Strategic Road Network
- Article 4 Direction (A1 to A2 (Rest of Borough))
- Article 4 Direction (B1c to C3)
- Adjoining Grade II listed building at No. 34 York Way
- Opposite Grade I listed Kings Cross Railway Station

4. SPD/SPGS

- Conservation Area Design Guidelines