



ISLINGTON

PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE	AGENDA ITEM NO:	B4
Date: 21 st July 2020		

Application number	P2019/2821/FUL
Application type	Full Planning Application
Ward	St. Marys
Listed building	Not listed (Adj. to Grade II Listed Building – former Royal Agricultural Hall)
Conservation area	Angel
Development Plan Context	Core Strategy Key Area: Angel and Upper Street Central Activities Zone (CAZ) Conservation Area – The Angel Cycle routes – Major Mayors Protected Vistas Town Centre – Angel Within 100m of SRN Within 100m of TLRN Within 50m of Conservation Area - Barnsbury
Licensing Implications	N/A
Site Address	Gallery Suite, Business Design Centre, 52 Upper Street, Islington, London N1 0QH
Proposal	Change of use of the Gallery suite from Class B1 (offices) to Class D2 (Gymnasium) with minor external alterations including replacement of existing entrance doors.

Case Officer	David Nip
Applicant	Business Design Centre Ltd
Agent	Urban Agile Ltd – Mr Jonathan Wadcock

1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1;

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Aerial view – key buildings and locations highlighted



Image 1. The entrance of the Business Design Centre. Access to the site would be via the side of the centre, adjacent to the Hilton Hotel.



Image 2. Barford Street looking east, with residential units on the north side (left) and the application site (right)

4. Summary

- 4.1 The application seeks planning permission for the change of use of the first floor of the existing galleria building from office (Use Class B1) to gym (Use Class D2). The proposal also includes minor external works comprising of a replacement door at the ground floor level.
- 4.2 The loss of office accommodation, which has been vacant since June 2016, is considered acceptable following the assessment of the submitted marketing information. It is accepted that the submitted report has robustly and sufficiently demonstrated that there is no realistic prospect of bringing the site back into office use due to the lack of demand for the space shown during the marketing period. Therefore, the council's policies allow consideration of alternative uses which would be suitable for the site and the wider Town Centre. In terms of land use, the proposed gym use is considered to be appropriate for this town centre location, subject to assessment on amenity impact.
- 4.3 The amenity impact of the proposed gym has been assessed in detail, officers have taken into account the concerns raised by the neighbours, particularly in regard to the potential noise and disturbance generated from the operation of the gym use. It is considered that the proposed gym would have an acceptable impact towards neighbouring amenity, subject to its operation and management being controlled by appropriate conditions, particularly towards the residential properties on Barford Street, as well as the neighbours nearby on Liverpool Road.
- 4.4 The proposal also involves the introduction of new cycle storage to the entrance of the site, alongside with a replacement entrance door. Having paid regard to the statutory duties under section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposed external physical works are considered minor in scale and would not have an adverse impact to the appearance of the building, nor the character of the wider conservation area and listed buildings.
- 4.5 The proposal would also provide an opportunity for improvement of the energy efficiency of the building. The proposed development would not involve new buildings or extensions, however, the proposed renovation works to the interior of the building would still provide some levels of improvement to the energy efficiency of the existing building. The proposal is therefore considered to be acceptable in energy terms and conditions are recommended to ensure that the maximum reasonable level of energy efficiency measures be sought for this site to promote sustainable development.
- 4.6 The application is referred to the Planning Committee as the application is a major development.
- 4.7 The proposal is considered to be acceptable and recommended for approval, subject to conditions set out in Appendix 1.

5. Site and Surroundings

- 5.1 The site contains a 4-storey building located on the southern side of Barford Street which forms part of the wider Business Design Centre site. The building was built in the 1990s and the initial permission consisted of a loading area (Ground floor – also referred as level 1), a health club (First floor and the application site – level 2) and exhibition/conference/office/showroom use (Second and third floors – levels 3 and 4). Planning permission was subsequently granted for change of use of the health club to Class B1 offices in 2006. According to the applicant, the first floor area, which is the subject site of this application, has been vacant since June 2016, when the last active use of the site was office (Use Class B1).
- 5.2 The building is faced in red brick with aluminum windows arranged in six sections, the application site is predominately located on the first floor level. The building itself is of limited architectural merit, but is located within The Angel Conservation Area (CA18). The site also sits adjacent to the Barnsbury Conservation Area (CA10).
- 5.3 The building itself covers the majority of the 1,116m² site with little external space. To the east of the site there is a four storey building currently occupied by the Hilton Hotel with the Upper Street car park directly underneath. To the south of the site, is the former Royal Agricultural Hall building, now operating as the Business Design Centre (BDC) which is Grade II Listed. The application site contains linking bridges to the main BDC buildings, as well as the Hilton hotel building to the east of the site on levels 2 and 3 respectively.
- 5.4 The site has the highest possible Public Transport Accessibility Level (PTAL) rating of (6b), it benefits from the excellent public transport provision from Upper Street and the nearby Angel Underground Station. The site is within the periphery of the Central Activities Zone (CAZ), and is located in the Angel Town Centre. Additionally, the site is set within the Angel and Upper Street key area in the Council's Local Plan.

6. Proposal (in Detail)

- 6.1 It is proposed to change the use of the first floor area of the Gallery suite from a use under Class B1 (Office) to Class D2 (Gym). The application site is limited to the first floor area (level 2) and a small section of the ground floor area (level 1) as entrance. The floorspace involved in this change of use proposal is 1,116m². It is worth noting that the proposal only seeks permission for change of use of the existing building and no new floorspace would be created. The site is currently accessed via Berners Road and it is vital to note that no access is proposed from Barford Street.
- 6.2 The external alterations under this application consist of replacement of existing doors with new bi-folding automatic doors on the ground floor. The proposed change would not be visible from the public streetscene (i.e. Upper Street or Barford Street).

- 6.3 The applicant is proposing to operate the site from 0530 (5:30am) to 2300 (11:00pm), seven days a week. This is discussed in the assessment section below.

Key Issues

- 6.4 Whilst the assessment of the application covers all material considerations, a key issue arising from this application relates to the loss of office space in this location. The site is sited within the CAZ and a core strategy key area. Within the Development Plan, there is evidence of increasing demand for business floor space outpacing supply, and as such it is important to determine whether the loss of office space in this location and with this policy protection, is acceptable in principle.
- 6.5 It is then also important to consider whether it is appropriate to allow the provision of a new gym for the application site, as it forms part of the Angel Town Centre and CAZ. It is noted that neighbours have raised concerns in relation to the proposed gym use, as this may result in adverse impacts to the amenity of the neighbouring occupiers. These are material considerations to this planning application and are discussed in the assessment below.

7. Relevant History

7.1 The following applications are considered relevant to the site currently under determination:

962104: Erection of a basement and three storey building to provide a loading area (level 1), a health club (level 2) and exhibition/conference/office/showroom use (levels 3 and 4).

Decision: Approved 12/12/1997

990572: Use as a health club without complying with condition 9 (hours) of planning permission dated 12th December 1997 (ref: 96/2104).

Decision: Approved 20/01/2000

P053014: Change of use of level 2 of Galleria building from health club to B1 office, and construction of link to principal building.

Decision: Approved 17/02/2006

P2020/0786/ADV: 1 x Internally illuminated flex-face sign, 2 x internally illuminated fascia panels, 1 x non-illuminated fascia panel, 1 x pair of replacement non-illuminated panels for fin sign, 2 x non-illuminated directional panels, 2 x vinyl window graphics

Decision: Not determined

7.2 Within the wider BDC site (outside the application site), there is a recent application that has been approved:

P2019/2447/FUL: Change of use of part of the existing office (Use Class B1a) to a part office (Use Class B1a) part (68 sqm) training facility (Sui Generis) No internal or external works are proposed as part of this proposal.

Decision: Approved 26/03/2020

ENFORCEMENT:

7.3 None relevant to the proposal. Representations have been received in relation to some of the existing structures within the BDC including disturbance from plant units, as well as the servicing arrangement on Liverpool Road; the Planning Enforcement Team has been notified in regard to the alleged works.

7.4 Having reviewed the details of the representations, it is considered that those works do not directly affect the proposed development which is confined to the internal areas of the Gallery suite building, which is the application site.

PRE-APPLICATION ADVICE:

7.5 No pre-app advice sought for this proposal.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 310 adjoining and nearby properties at Barford Street, Liverpool Road, Old Royal Free Square, Old Royal Free Place, Batchelor Street, Bromfield Street, Berners Road and Upper Street on 09/12/2019. A site

notice and press advert were displayed on 12/12/2019. The first public consultation on the application therefore expired on 19/01/2020. A re-consultation was carried out following the submission of new information including an updated energy statement and revised floorplan with an amended internal layout; the re-consultation expired on 14 April 2020; however, it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 At the time of the writing of this report 4 objections had been received, the issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- There is already sufficient provision of gyms within this area (**paragraphs 10.18-20**).
- Pure Gym has already started advertising the site, and an advertisement consent application (ref P2020/0786/ADV) has already been submitted in relation to the proposed gym use (**Case officer response**: The submission of advertisement consent application and any site promotion are not material considerations to the assessment of this application. The considerations or approval/refusal of the advert proposal would have no bearing to the assessment of this application)
- The applications were not notified on any lamp posts in the local area (**Case officer response**: site notice was put up on Barford Street)

Noise issue

- The previous gym/health club has caused unacceptable noise issue to the occupiers on Barford Street (**paragraph 10.34**)
- The internal layout could change in the future and could affect the noise level of the gym towards Barford Street, condition should be imposed to restrict future change to internal configurations (**paragraph 10.35**)
- There are large windows fronting Barford Street, they should be obscurely glazed and kept permanently fixed shut with secondary glazing (**Paragraph 10.36**)
- The noise assessment cannot be considered representative for assessing the noise level during weekend and bank holidays (**Paragraphs 10.41 - 10.43**)
- The noise assessment did not cover impact at pavement/road level of Barford Street (**Case officer response**: the assessment focuses on the amenity impact towards the neighbouring occupiers and therefore, the noise assessment covers the properties on Barford Street but would not assess the street/pavement of Barford Street which is open to the public)
- Conditions should be imposed to restrict or prohibit music to be played within the premises (**Paragraphs 10.37 – 10.40**)
- Concerns in relation to the hours of operation, considered that the proposed 5:30am – 11pm is unacceptable (**Paragraphs 10.45 - 10.47**)

Servicing

- Gyms may generate a large amount of laundry, no servicing details provided (**Paragraph 10.62**)
- Concerns raised in relation to the existing servicing arrangement of the site and the wider Business Design Centre site, which resulted to highways risk and disruptions on Liverpool Road (**Paragraphs 10.61 - 10.64**)

Access

- Not entirely clear where and how members and staff will access the proposed gym; Planning condition should be imposed to state that no pedestrian or vehicle access from Barford Street (**Paragraphs 10.56 – 10.58**)

Transportation

- Gym users are more likely to park in the surrounding streets outside parking control times (**Paragraphs 10:59 - 10.60**)

Other matters

- The BDC was sold the land for a peppercorn, which was less than £10,000. It was gifted for others to profit and failed to address the sole purpose it was transferred for, additionally public housing was lost. (**Case officer response:** This is not considered to be a material consideration for this application)

External Consultees

8.3 None.

Internal Consultees

8.4 Highways: No objection to the proposal.

8.5 Public Protection:

Assuming that the plant can be located internally and does not form part of this application then the EPPP team would have no objections subject to the imposition of a condition.

The report assumes noise levels within the gym which are relatively low (a L_{Aeq} of 70dBA for the main gym area and 82 dBA for the studio area). They will need a sound limiter set up to control sound levels to these limits, with the gym operator and any other users aware of the noise limits within the gym and that amplified equipment shall not be brought to site. This should be conditioned (**Condition 5**).

8.6 Design and Conservation: No objection to the proposed external works which are minor in scale and do not harm the setting of the conservation area nor listed buildings.

8.7 Energy: No objection to the submission, it is acknowledged that the proposal is not for a new building. Conditions recommended to seek further improvement to the energy efficiency of the building, including lighting design and luminous efficacy, design and specification of the ventilation and cooling system; to carry

out a dynamic thermal modelling to assess overheating risk; achievement of the highest BREEAM rating feasible to the site, and preparation of a green performance plan.

8.8 Planning Policy: No objection.

8.9 Development Viability: No objection.

8.10 Public Realm, Traffic and Safety Manager: No objection raised.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

9.1 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.)

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 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.

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

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

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

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination

on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

- 9.7 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.
- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of 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.
- 9.9 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.
- 9.10 In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the adjacent Grade II Listed Building, its setting and any of its features of special architectural or historic interest.

Development Plan

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

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.12 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 GG2 Making the best use of land
Policy SD4 The Central Activities Zone (CAZ)
Policy SD5 Offices, other strategic functions and residential redevelopment in the CAZ
Policy SD6 Town centres and high streets
Policy SD7 Town centres: development principles and Development Plan Documents
Policy D1 London’s Form, Character and capacity for Growth
Policy D4 Delivering Good Design
Policy D5 Inclusive Design
Policy D11 Safety, Security and Resilience to Emergency
Policy D13 Agent of Change
Policy D14 Noise
Policy S1 Developing London’s social infrastructure
Policy S5 Sports and recreation facilities
Policy E1 Offices
Policy HC1 Heritage conservation and growth
Policy HC3 Strategic and Local Views
Policy S11 Improving air quality
Policy S12 Minimising greenhouse gas emissions
Policy S13 Energy Infrastructure
Policy S14 Managing heat risk
Policy T4 Assessing and Mitigating Transport Impacts
Policy T5 Cycling
Policy T7 Deliveries, Servicing and Construction

- 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 with the examination process in progress.

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 PLAN1 Site appraisal, design principles and process

Policy SP4 Angel and Upper Street

Policy B3 Existing business floorspace

Policy R1 Retail, Leisure and services, culture and visitor accommodation

Policy R3 Islington's Town Centres

G4 Biodiversity, Landscape Design and Trees

Policy S1 Delivering Sustainable Design

Policy S2 Sustainable Design and Construction

Policy S3 Sustainable Design Standards

Policy S4 Minimising greenhouse gas emissions

Policy S5 Energy Infrastructure

Policy S6 Managing heat risk

Policy T2 Sustainable Transport Choices

Policy T3 Car Free Development

Policy T5 Delivery, Servicing and Construction

Policy DH1 Fostering Innovation and Conservation and Enhancing the Historic Environment

Policy DH2 Heritage Assets

Policy DH5 Agent-of-change, noise and vibration

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land use
- Design and Conservation
- Impact on amenity of neighbouring residents
- Inclusive design
- Highways and Transportation
- Energy and sustainability
- Biodiversity
- Contaminated land and Air quality
- Planning Obligations and CIL
- Other matters

Land use

Loss of office floorspace

- 10.2 The application seeks approval for the change of use of the space on the first floor of the building from a use under Class B1 (office) to a use under Class D2 (gym). More precisely, in accordance with the Town and Country Planning (Use Classes) Order 1987, the existing office use would be under Class B1(a), and the proposed gym use would be under Class D2(e).
- 10.3 In understanding whether or not this loss of office space would be acceptable in principle, reference is made initially to the Central Activities Zone Supplementary Planning Guidance (2016) (CAZ SPG). The CAZ SPG provides guidance on the implementation of policies in the London Plan (2016) related to London's CAZ. As an SPG, the document does not set new policy, but rather explains how policies in the London Plan should be carried through into action. The SPG does not form part of the development plan but has weight as a formal supplement to the London Plan (2016).
- 10.4 London Plan (2016) policy 4.1 (Developing London's Economy) notes that the Mayor will work with partners to promote and enable continued development of a strong, sustainable and diverse economy, ensuring the availability of sufficient and suitable workspaces in terms of type, size, cost and suitable environments for larger employers and small and medium sized enterprises. Policy 4.2 (Offices) supports the development of office provision to improve London's competitiveness and to address the wider objectives of the Plan, including enhancing its varied attractions for businesses of different types and sizes.
- 10.5 Islington's Core Strategy Policy CS5 relates to development in Angel and Upper Street, part C of the policy states that business floor space will be protected from change of use.
- 10.6 The supporting text to Islington's Core Strategy (2011) policy CS13 notes that there is continuing pressure on employment space from other uses and that office space has been lost. Paragraph 3.4.7 of the Core Strategy (2011) notes that inside the CAZ the principle will be to continue to protect a variety of spaces.

- 10.7 Policy CS13 goes on to note that in exceptional circumstances loss of employment floorspace might be acceptable in line with considerations which will be set out in the Development Management Policies. Policy CS13 makes a particular note of protecting units which are suitable for SMEs in terms of their type and size.
- 10.8 Islington's Development Management Policies (2013) policy DM5.2 echoes Core Strategy policy CS13 and is clear that proposals that would result in the loss or reduction of business space 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.
- 10.9 Policy DM5.2 notes that submission of marketing evidence must demonstrate that the floorspace has been vacant and continuously marketed for a period of at least two years. Annex 11 of the Development Management Policies (2013) sets out what is expected in terms of marketing.
- 10.10 The applicant has submitted information in the form of marketing details, to demonstrate that, in this case, exceptional circumstances exist which justify the loss of business floor space.

Marketing report

- 10.11 As has been highlighted, Development Management Policies (2013) policy DM5.2 does not support loss of business floor space unless there is robust evidence (in the form of marketing over a period of 2 year) that there is no demand for the space. To ensure the marketing undertaken is appropriate; the Council has published details of what is expected at Appendix 11 of the Development Management Policies (2013).
- 10.12 The applicant has submitted a marketing report (originally submitted 16 Oct 2019) which was subsequently updated twice during the application stage (Dec 2019 and Jan 2020). It highlights the fact that the site was initially developed as a health club back in the 1990s, it was occupied by Livingwell until 2007 where the space was then converted into office (planning consent ref P053014). According to the evidence, the site has been vacant since June 2016, 3 years before the date of submission of this application.
- 10.13 The marketing report detailed the exercise that has been carried out by the applicant during the vacancy period. It accords with Appendix 11 of the Development Management Policies which states that marketing must be through a commercial agent at a price that genuinely reflects the market value. Active marketing should include all of the following:
1. Contact information posted in a prominent location on site, in the form of an advertising board (subject to advertising consent, if required).
 2. Registration of property with at least one commercial property agent.
 3. Property details / particulars available to inquirers on request.
 4. Property marketed for the appropriate use or uses as defined by the relevant planning policy.

5. Property marketed at a reasonable price, including in relation to use, condition, quality and location of floorspace.
- 10.14 The following documentations have been submitted to the council for considerations:
- Marketing Statement (updated Dec 2019) including copies of advert from a number of estate agents
 - Email correspondence between Business Design Centre and Avison Young in 2018, in regard to pricing of the office unit
 - Emails exchange with prospective tenants who decided not to take up the site
 - Email confirming advertising on Islington Gazette in 2018
 - Comparative sites on Essex Road (extract from Prime Location and Richard Susskind websites)
- 10.15 There is evidence of active marketing with queries received but no offers being made. Email correspondence shows that there was a reduction in asking price in an attempt to attract higher levels of interest. The asking price is considered as reasonable by the Development Viability Officer who has researched the local area.
- 10.16 It is acknowledged that there is evidence submitted demonstrating the marketing campaign which has been carried out for more than 3 years.
- 10.17 Therefore, officers accept the content and findings set out in the marketing statement and in this particular case, it is considered that the evidence presented to the council is sufficient to justify the loss of business floor space at the site.

Provision of gym

- 10.18 Spatial Strategy Policy CS5 states that the Angel area will continue to be the main shopping area but no specific reference is made in regard to gyms. Islington's Town Centre policy DM4.4 is generally supportive of D2 uses as being appropriate within a Town Centre. However, for locations which are also within the Central Activities Zone, the proposal must demonstrate that:
- the development would not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability of Town Centres within Islington or in adjacent boroughs, or prejudice the prospect for further investment needed to safeguard their vitality and viability;
 - the proposed uses can be accommodated without adverse impact on amenity, and;
 - the proposal would support and complement existing clusters of similar uses within or adjacent to the Central Activities Zone, particularly important retail frontages.

- 10.19 The application site lies outside identified primary frontage but within the Angel Town Centre. It is considered that the proposed D2 use is a use which is identified as being generally appropriate to the Town Centre and complementary to the function of the Town Centre as a primary focus for retail. It would not individually or cumulatively have a detrimental impact on the vitality and viability of the Angel Town Centre nor would it result in an over concentration of Class D2 or gym uses within the area, to an extent which would harm the character of the Town Centre.
- 10.20 It is considered appropriate to limit the proposed use of the site to gym only, and not any other classes within Class D2. This would ensure that the council can retain control over any future operation to ensure that uses would only be granted which are appropriate and proportionate to the application site. **(Condition 11)**

Land Use Summary

- 10.21 The proposed gym is considered as a town centre use and thus, there is no land use objection to the provision of gym under this application. The loss of office floorspace has been carefully considered and there is evidence to demonstrate that the loss is justified.

Design and Conservation

- 10.22 Planning policies relevant to design and conservation are set out in chapter 7 of the London Plan (2016). Policies CS8, CS9 and CS10 in Islington's Core Strategy (2013), and policies in chapter 2 of Islington's Development Management Policies (2013), are also relevant.
- 10.23 In accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), the council, when assessing the application, has paid special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.24 Furthermore, the council has also paid special attention to the desirability of preserving or enhancing the character or appearance of that area. This is in line with the requirement under section 72 of the same Act.
- 10.25 A number of heritage assets have been identified nearby, particularly, the site abuts the boundary of two Conservation Areas (The Angel and Barnsbury), and the adjacent former Royal Agricultural Hall (main BDC building) is Grade II Listed. Therefore, it is acknowledged that the site is surrounded by a number of designated and non-designated heritage assets that need to be taken into account in the assessment.
- 10.26 The proposed physical works are considered minimal in relation to the site and surroundings. The main external change is the alteration to the ground floor door which is located on the east elevation, set away from the public views i.e. Barford Street or from the entrance of the Business Design Centre.

- 10.27 Taking into account the existing building and the setting of the area, it is considered that the proposed new door would have no adverse impact towards the appearance of the building, and would be acceptable in the context of the conservation area and the surrounding listed buildings. The Design and Conservation Team raised no objection to the proposal. A condition is recommended to ensure that the proposed work would be carried out in accordance to the plans and details approved. (**Condition 3**)
- 10.28 Therefore, having regard to the site and surroundings, as well as all the heritage assets within the vicinity, the proposal is considered to be acceptable in terms of design, conservation and heritage.

Neighbouring Amenity

- 10.29 London Plan (2016) Policy 7.15 (part Bb) states that development proposals should minimise the existing and potential adverse impacts of noise. Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. Islington's Development Management Policies (2013) policy DM4.4B(ii) requires that the development within the Town Centre can be accommodated without adverse impact on amenity.
- 10.30 The closest neighbouring properties are located on the north side of Barford Street. According to the council's GIS system, the Barford Street properties are approx. 13 – 14m away from the northern elevation of the site. There are also residential properties located on Liverpool Road, even though they are sited slightly further away from the application site.

Overlooking

- 10.31 The proposal would not increase the level of overlooking as the Barford Street elevation (north) would remain unchanged, including the retention of the obscure glazing on the first floor level. Given that the windows already exist and the fact that the application site and the neighbouring properties on Barford Street are separated by the public highway, the proposed change of use of the building would not result in any additional level of overlooking compared to the existing lawful use as office. Furthermore, it is worth noting that the applicant has agreed to keep the windows fixed shut and obscurely glazed, and this would be secured by condition (**Condition 4**). Officers are thus satisfied that the overlooking impact would be appropriately mitigated.

Daylight/sunlight

- 10.32 The proposal does not comprise of extensions of the existing building or creation of new floorspace, and therefore, it is considered that the proposed change of use would not cause harm to the neighbours in terms of access to daylight/sunlight.

Outlook/Enclosure

- 10.33 The proposed development would not extend the host building and therefore, it is considered that the proposal would not cause harm to the outlook of the neighbours who front onto the site, and the proposal would also not result in any increase in sense of enclosure.

Noise

- 10.34 As gyms can generate noise, the proposed gym needs to be assessed in terms of its noise impact towards the neighbours. It is noted that a number of neighbours have raised concerns in relation to the potential noise impact of the proposed development, and reference has been made to the previous health club which formed part of the original development of the site in the 1990s, and the noise and disturbance caused by that operation, until the use of the site was changed to an office in 2005 (planning approval ref P053014). Whilst it cannot be assumed that the proposed gym would cause the same level of noise and disturbance to the neighbours as the previous health club, it is important to assess the potential noise impact of the proposed gym based on the submitted information and the current situation, particularly in relation to the neighbouring properties on Barford Street.
- 10.35 Concerns were also raised in regard to the internal layout, in relation to the location of the studios within the building. To address this concern, officers recommend that the submitted proposed floor plan would form part of the approval and the gym layout. This is secured in **Condition 2**.
- 10.36 A number of residents have mentioned in the representations that when the previous health club was operating on site, the windows on Barford Street were often left open, which led to an unacceptable level of noise and disturbance to the residents. To prevent this issue from happening again, the applicant has confirmed that the windows along the northern elevation will be fixed shut and the existing obscure glazed windows would be retained to mitigate any potential overlooking impact and noise outbreak issue. Officers accept this measure to control the noise impact and the neighbours concerns that relates to the previous health club. With the internal noise limit set out in the submitted document, the case officer and the Acoustic Officer are satisfied that the noise impact from the gym operation can be adequately controlled. The applicant's commitment to keep the Barford Street windows fixed shut and obscure glazed would address the noise issues raised by the neighbours. This is secured in **Condition 4**.
- 10.37 A Music and Activity Noise Egress Assessment was submitted by the applicant (prepared by Red Acoustics) in support of the application. It highlights that there are noise sensitive uses around the site, namely the residential units on the north side of Barford Street, as well as the guests in the Hilton Hotel.
- 10.38 A music limiter has been recommended to allow for site specific commissioning and to ensure set levels cannot be exceeded once commissioned. The noise breakout is not expected to have an adverse impact towards the surrounding neighbours. The assessment was taken on the assumption that the windows on

Barford Street would be closed as the unit would be utilising air handling systems to maintain the temperature and air circulation of the building. The council's Acoustic Officer has reviewed the submitted assessment and no objection has been raised.

- 10.39 In terms of plant equipment, which is another potential source of noise pollution, it has been confirmed by the applicant that plant which serves the gym would be located internally, within the existing building fabric where dedicated plant rooms are located. Provided that the equipment is sited within the internal area of the existing building, its siting would not require planning consent. It is also noted that the previous plant equipment that serves the site will be removed. Should the applicant propose any external plant equipment unit, separate planning consent will need to be sought.
- 10.40 The Acoustic Officer raised no objection to the proposal and has recommended that a sound limiter be set up to control sound levels. A condition is recommended to restrict the noise level of the unit and within three months of installation a certificate of the completion and verification of the calibration and set up, including details of the sound system, shall be submitted and approved by the Council. (**Condition 5**)
- 10.41 One of the neighbours has raised concern in relation to the methodology of the noise assessment, being that the noise report did not take into account that sound attenuation will not be as great during the warmer part of the day. It was asserted that during the majority of the proposed opening times, the impact on neighbouring residences would be greater than stated in the report. It is also alleged that the report introduced an "upward bias" in the measured ambient noise, given the impact of vehicle movements on the start/end of working day and start of the "evening economy".
- 10.42 The above points have been reviewed by the Acoustic Officer, who explained that, the assessment accords with BS4142. Weather conditions are required to be noted for any particular wind speed and direction which can have an impact on acoustic conditions. The background noise level as measured will vary over the day or night depending on local traffic and sound sources. The assessment was to measure against the relevant time period and it uses the lowest measured within the survey period. It is noted that BS4142 only requires a typical value rather than the lowest value so the assessment was based on the worst case scenario.
- 10.43 The Acoustic Officer has further explained that BS4142 methodology is applicable for assessing noise from industrial/commercial development, it assesses against the typical background sound level during the day or night time period. The predicted noise level at Barford Street is 25dB which is considered to be lower than the advised internal noise levels for residential development set out in BS8233 for bedrooms (30dB).
- 10.44 The applicant has confirmed that they will have a sound limiter to control the music levels within the gym to the frequency spectrum used within the report (Table 6.1). The applicant would need to comply with condition 5 which relates to the limitation of the noise level within the site, subject to that, officers are

satisfied that the proposed development would have an acceptable environmental and amenity impact towards the neighbouring properties.

Opening hours

- 10.45 The applicant has proposed to operate the gym from 0530 (5:30am) to 2300 (11:00pm), seven days a week. Although the site sits within the CAZ and Angel Town centre, officers have noted that neighbouring residential properties are located on the opposite side of Barford Street. Due to this close proximity, the character of the site is more residential orientated than the other parts of the Angel Town Centre; therefore, it is considered reasonable to restrict the hours of use of the gym to protect the neighbouring amenity.
- 10.46 Officers have noted that gyms in the locality generally operate between 6:30am – 10pm, except The Gym on Goswell Road which apparently operate 24 hours:
- Nuffield Health, 27 Essex Road (6:30am-11pm)
 - Virgin Active, 333 Goswell Road (6:30am-10pm)
 - DW Fitness First, 361-373 City Road (6:30am-10pm)
 - The Gym, 265-269 Goswell Road (24 hours)
- 10.47 Taking into account the similar uses in the same Town Centre, and bearing in mind that the site is at close proximity to residential units, it is considered that opening hours of 0630 – 2200 (6:30am – 10pm) would be reasonable for this edge of town centre location. This is supported by the Council's Acoustic Officer. A condition is recommended to limit the hours within this period. (**Condition 10**)

Light pollution

- 10.48 Use of internal lighting within a building is not normally subject to planning control, however, given the site is at close proximity to the neighbouring properties, it is important to assess whether the proposed gym would have an adverse impact on neighbours in terms of light pollution, especially during the late night uses. As there is no change to the building fenestration, it is expected that the proposed D2 use would not result in additional light pollution to the adjoining occupiers. Furthermore, the applicant is committed to fixing shut and obscurely glazing the Barford Street windows internally, to minimise the light and noise emitted by the proposed gym use. These measures would further reduce any light and noise spillage towards Barford Street and this is considered to be acceptable.

Construction impact

- 10.49 The proposed external works are minimal (limited to a replacement door) and it is anticipated that there would be very little construction impact on the neighbouring properties. This would not cause unreasonable disruption to the neighbours.
- 10.50 Internal renovation works are often not subject to planning control. It is expected that renovation works are required to be carried out to facilitate the proposed gym use, but the extent of works are not considered to be substantial and would

remain within the current building fabric. In response to the neighbours concern in regard to the internal work noise level, it is worth noting that the council has statutory power outside the planning legislation to manage and mitigate unreasonable level of noise and disturbance within the borough and this is administered by the Public Protection Service. (<https://www.islington.gov.uk/community-safety/anti-social-behaviour/noise>).

Inclusive Design

- 10.51 There is no significant change to the access arrangement to the building, however, the proposed development would still need to meet the objectives of achieving inclusive design principles where applicable, in accordance with policy DM2.2 and the Inclusive Design SPD 2014.
- 10.52 To facilitate the new gym facilities, following the advice from the Inclusive Design Officer, a number of measures have been proposed:
- Accessible shower within the premises
 - Ramp equipped with handrails and slip resistant finish
- 10.53 Some improvements have been proposed to the accessibility of the site, even though it is noted that the existing unit already benefits from a lift and level access. Whilst the accessibility requirements for a new building does not apply to this case, it is considered that the applicant has made reasonable improvements to the inclusive environment of the existing building and the proposal would comply with the aforementioned policies.

Highways and Transportation

- 10.54 Policies relevant to highways and transportation are set out in section 4 of the NPPF and chapter 6 of the London Plan. Islington's Core Strategy policy CS10 encourages sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use. Detailed transport policies are set out in chapter 8 of Islington's Development Management Policies (2013). Policy DM8.2 is clear that in order for development to be acceptable they are required to fully mitigate impacts on cycle routes and have no negative impacts on the safe and efficient operation of transport infrastructure.
- 10.55 Policy DM8.4 requires that development demonstrate that there will be no road safety conflicts between pedestrians and cyclists, and vehicles entering and servicing a development.

Site entrance

- 10.56 According to the submitted Transport Statement, the access to the gym would be via a pin operated entry system. The access to the site is on the ground floor level, from the area of forecourt outside the main Business Design Centre entrance from Berners Road. The access leads to a ground floor lobby area which contains lift and stairs leading to the first floor area where the gym would be located.

- 10.57 Although the building sits on the southern elevation of Barford Street, there is no formal access established from this street, as the gate at the end of the street would not be utilised as the main access. Therefore, the retention of the existing site access arrangement is considered to be appropriate. Bearing in mind that the neighbouring properties could potentially be affected by any changes of site access, a planning condition is recommended to ensure that the access shall only be via the front of the BDC site from Berners Road, and no site access would be allowed from Barford Street via Liverpool Road (**Condition 12**).
- 10.58 Based on the submitted Transport Statement, the applicant anticipates that most of the users of the gym (inc. staff and customers) would turn up on site by foot. The area is highly accessible by walking within this town centre context and the site has excellent public transport provisions. There would not be any significant uplift in vehicle usage when compared to the existing lawful use as office space.

Parking and cycling

- 10.59 No additional parking is proposed and this is considered to be acceptable in regard to policy DM8.5 which promotes car free development. The proposed gym use is likely to attract customers who mainly live or work within the area and there would be minimum increase in trips for private vehicles. It is noted that there is an existing car park underneath the Hilton Hotel which is at close proximity to the site.
- 10.60 It is considered that the proposed gym should provide essential cycle parking to exclusively serve the development, in accordance with appendix 6 of the Development Management Policies, which requires that 1 cycle space per 275sqm should be provided. For this application, the proposal would need to provide 4-5 cycle parking spaces and it is considered that there is sufficient space within the building for such provision. The applicant has proposed cycle parking on site, however the latest submitted layout is not considered to be satisfactory in terms of its layout and the dimension of the accessible cycle parking space. Therefore, a condition is recommended to secure the details of the revised cycle parking prior to the occupation of the gym. (**Condition 9**)

Delivery and servicing

- 10.61 The nature of the proposed gym use does not require frequent delivery and servicing, it is anticipated that the level of servicing and delivery required would be similar to the existing office use; nonetheless, given the size of the unit, adequate provision is required for delivery and servicing of the site, in accordance with policy DM8.6.
- 10.62 There is existing provision of delivery and servicing bays provided for the entire BDC site, which is accessible via Liverpool Road; the applicant has confirmed that the existing loading bays would be available for the gym. It is also noted that there are drop off points at the front of the BDC site for short stay which could be utilised for daily deliveries if necessary, this would be accessed via Berners Road (off Upper Street). It is considered that once the gym is fitted out with all the cores and equipment, the proposed operation is unlikely to require frequent

and significant amount of deliveries and servicing when compared to the existing office use.

- 10.63 Concerns were raised in the representations in regard to the existing servicing issues at the main BDC site, particularly on Liverpool Road. Having reviewed the history of the BDC site, it is noted that the site is controlled by the planning approval in 1984 (ref: 830398), and the latest amendment to the consent in 2011 (ref: P102597). Any breach of planning control in relation to the servicing and delivery arrangement for the BDC site can be investigated and enforced under the extant consent.
- 10.64 The council's Public Realm service has been consulted and no objection was raised by the Traffic and Safety Manager in regard to the details of the servicing in relation to the proposed gym. Given the concerns raised in regard to the existing servicing arrangement across the BDC site, which would be shared by the proposed gym, and to reassure that the proposed gym would not cause any unacceptable impact to the traffic condition and highway safety on Liverpool Road, it is recommended that a detailed servicing and delivery plan to be submitted and agree with the council prior to occupation of the gym (**condition 13**). Subject to the condition, it is considered that the proposed change of use would not adversely affect traffic and highways safety and would have an acceptable servicing and delivery arrangement. The proposed development is considered to be in accordance with policy DM8.6.

Energy and Sustainability

- 10.65 Islington's Core Strategy policy CS10 (part A) states that all major development should achieve an on-site reduction in total (regulated and unregulated) carbon dioxide emissions of at least 40% in comparison with total emissions from a building which complies with the Building Regulations 2006, unless it can be demonstrated that such provision is not feasible. This 40% saving is equivalent to a 30% saving compared with the 2010 Building Regulations, and 27% compared with the 2013 Building Regulations.
- 10.66 The applicant's Energy Statement was referred to the Council's Energy Officer who reviewed the submission. The Energy Statement has concluded that the site wide regulated CO₂ reduction over Part L 2013 of the Building Regulations would be 16.4%. A number of efficient design measures have been incorporated in the scheme, including:
- Minimising thermal bridges through assessment of existing building
 - Passive solar gains and internal heat sources
 - Target high levels of air tightness
 - Cooling hierarchy
- 10.67 It can be accepted that the nature of the gym use would entail a level of mechanical ventilation to ensure that a comfortable environment is provided for the users of the building, however, it is considered that the proposed cooling system shall be incorporated.

- 10.68 In terms of overall emissions (both regulated and unregulated) the development achieves a reduction of 11.6% of emission. However, it is noted that the proposed change of use would not result in creation of new floorspace and the building on site is existing, it is acknowledged by the Council's Energy Officer that there is a limitation on the energy efficiency measures which the applicant can reasonably be expected to provide on site.
- 10.69 The shortfall in carbon reduction is due in part to the various constraints and challenges associated with the existing building. The Council's Energy Conservation Officer has considered the applicant's analysis and notes that not all technologies are viable at this site and that the existing building poses challenges and constraints.
- 10.70 Conditions are recommended to ensure that energy improvements to the existing building would be reasonably maximised and the proposal would need to achieve the highest feasible BREEAM rating in relation to the proposed conversion (**Condition 8**). Taking into account the nature of the development, it is considered that proposed further energy efficiency measures (**Condition 6**) would be sufficient to improve the existing building stock and that the offset contribution would not be required in this case.
- 10.71 In terms of connection to a shared energy networks, there is no existing or committed heat network within 500m of the development and connection isn't possible.
- 10.72 The development links into the main building's heating and hot water systems and this inherently provides a degree of future-proofing for connection, this is considered to be acceptable by the Energy Officer.
- 10.73 Apart from the BREEAM requirement, a Green Performance Plan (GPP) would also be required to be submitted to the council detailing measurable outputs for the occupied building, particularly for energy consumption, CO2 emissions and water use, and should set out arrangements for monitoring the progress of the plan over the first years of occupancy. This is secured by **Condition 7**.
- 10.74 Therefore, subject to conditions to secure further improvements and seek to reasonably maximise the energy efficiency of the site, the proposed development would provide an acceptable level of energy efficiency measures to the existing building to comply with relevant policies including chapter 7 of the Development Management Policies, Core Strategy policy CS10 and the guidance set out within the Environmental Design SPD.

Biodiversity

- 10.75 There is no demolition or creation of new floorspace within the proposal, the application site and wider area is not considered to be ecologically sensitive. Taking into account the locality of the site, it is considered that the proposed change of use would have no significant impact on biodiversity and no requirement for any additional measures to be implemented in this instance.

Contaminated Land and Air Quality

- 10.76 The site is covered with buildings and hard surfaced area, limiting access to the ground (thereby limiting access to any contamination could potentially be present). It is considered that the proposed gym use would give rise to any contaminated land issue.
- 10.77 The whole of the borough has been designated by the council as an Air Quality Management Area. It is worth noting that the development is only for change of use with minimum amount of physical works, as such, the anticipated construction impact (including air quality) would be minimal and no objection is raised to the proposal in this regard.

Planning Obligations

- 10.78 There are no planning obligations required for the proposed change of use in this case.

Community Infrastructure Levy

- 10.79 The Community Infrastructure Levy will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.

Other matters

- 10.80 It is noted that another application within the Business Design Centre site has been approved by the council recently (ref P2019/2447/FUL). This proposed a partial change of use of a small area of office (Use Class B1a) to be used as a training facility. Compared to this application, the scale of development is much reduced. Therefore, it is considered that the approval of P2019/2447/FUL does not materially affect the consideration of this application.
- 10.81 It was mentioned in the representations that some neighbours have not received a letter of notification from the council in relation to this application. Having reviewed the process of the application, including the public consultation, it is considered that the consultation carried out in relation to this application was sufficient and proportionate to this proposal. As per the consultation section above, it is worth noting that consultation letters have been sent to all neighbours who live adjacent and nearby to the site, including Barford Street, Liverpool Road, Old Royal Free Square, Old Royal Free Place, Batchelor Street, Bromfield Street, Berners Road and Upper Street. A site notice and press advert were also displayed. A re-consultation was also carried out following the submission of new information to ensure that the surrounding neighbours are notified of the changes to the submission during the application stage.

Conclusion

- 10.82 The proposed gym is considered to be acceptable as a town centre use, its provision would not adversely affect the character of the Angel Town Centre.

- 10.83 Notwithstanding the acceptability of the gym use, the proposal would result in loss of office floorspace which has been assessed against the Development Plan policies. The submitted marketing information has demonstrated that a robust marketing campaign has been carried out to demonstrate a lack of demand of the office use in this instance. Alternative uses which would be suitable with the designated Town Centre (such as a gym) can therefore be considered. The loss of office floorspace is considered to be acceptable in this case. The proposed gym use would bring the site back into active use, which is considered to be a public benefit.
- 10.84 The comments and concerns raised during the public consultation have been taken into account in the assessment above. Officers' primary concern relate to the impacts of the development upon the amenities of neighbouring occupiers (particularly in terms of noise and disturbance from the operation of the proposed gym). Having reviewed the proposal, it is considered that subject to conditions, the proposed gym use would not adversely affect the neighbouring occupiers to warrant refusal of planning permission on this ground.
- 10.85 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications and appeals should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The current application does not accord with the Development Plan Policies.
- 10.86 The proposed development is recommended for approval subject to conditions set out in Appendix 1 below.

Appendix 1

RECOMMENDATION

A: THAT planning permission be APPROVE subject to conditions set out below:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>General arrangement floor plans – Ground and First Floor Plans 001-GA</p>

	<p>rev.C, Existing floor plan - Ground First floor Dwg no. 101, Existing elevations Dwg no. 103, Proposed Elevations Dwg no. 104, Location & Site Plan Dwg no. 105, Cover letter – Urban Agile 13 Sept 2019, Noise Impact Assessment – Red Acoustics Limited 2 Aug 2019, Acoustic Review R1657-REP01-PC – Red Acoustics Limited 3 April 2019, Transport Statement rev.B – Peter Brett Associates June 2019, Travel Plan – Peter Brett Associates June 2019, Energy & Sustainability Assessment prepared by Watt Energy & Consulting Engineers Ltd 05 March 2020, Marketing Statement - Urban Agile Dec 2019, Heritage Statement - Urban Agile Nov 2019</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials (Compliance)
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and the application form. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Windows fixed shut and obscure glazed (Compliance)
	<p>CONDITION: Notwithstanding the details shown within the hereby approved drawings, the proposed gym use shall not operate unless all windows on the northern elevation facing Barford Street remain fixed shut and obscurely glazed.</p> <p>REASON: In the interest of protecting neighbouring amenity.</p>
5	Sound limiting device (Details)
	<p>CONDITION: “All amplified music and voices shall be controlled by a sound limiting device. The sound limiting device shall be installed and set at a level not to exceed the values within the D2 unit set in Table 6.1 of the Red Acoustics report dated 2nd August 2019 submitted with this application. The limiter 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>The installation of such devices shall take place under the supervision of an acoustic consultant registered with the Institute of Acoustics. Within three months of installation a certificate of the completion and verification of the calibration and set up, including details of the sound system shall be submitted to and approved in writing by the Local Planning Authority.”</p> <p>REASON: In the interest of protecting neighbouring amenity.</p>
6	Energy Efficiency (Details)

	<p>CONDITION: Prior to the occupation of the site, details of additional energy efficiency measures shall be submitted to and approved in writing by the Local Planning Authority.</p> <ol style="list-style-type: none"> 1. Details of further improvements to energy efficiency of the building, including lighting design and luminous efficacy, and the design and specification of the ventilation and cooling system (including heat pump performance / CoP) and controls specification; 2. Details to demonstrate effective adaptation to projected future summer temperatures via modelling of the building under future temperature scenarios, taking into account climate change projections, in accordance with policy guidance 6.0.24 – 6.0.31 within the Environmental Design SPD <p>The final agreed scheme shall be installed and in 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 unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
7	<p>Green Performance Plan (Details)</p>
	<p>CONDITION: Prior to occupation of the site, a Green Performance Plan (GPP) shall be submitted to the council detailing measurable outputs for the occupied building, particularly for energy consumption, CO2 emissions and water use, and should set out arrangements for monitoring the progress of the plan over the first years of occupancy.</p> <p>The final agreed scheme shall be installed and in operation prior to the first occupation of the development.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
8	<p>BREEAM (Details)</p>
	<p>CONDITION: No occupation shall take place until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the highest possible BREEAM level. No building shall be occupied until a final Certificate has been issued certifying that the highest feasible BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating has been achieved for this development unless the Local Planning Authority agrees in writing to an extension of the period by which a Certificate is issued.</p> <p>Reason: To ensure that the development achieves the highest feasible BREEAM rating level to ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce</p>

	carbon dioxide emissions.
9	Cycle Parking (Details)
	<p>CONDITION: Notwithstanding the details shown within the hereby approved drawings, prior to occupation of the development, revised drawings for the cycle parking provision shall be submitted and approved by the Local Planning Authority.</p> <p>The approved cycle parking provision shall be installed and maintained throughout the lifetime of the development.</p> <p>CONDITION: To ensure that the development would have an adequate level of cycle parking facilities and encourage sustainable transport.</p>
10	Opening Hours (Compliance)
	<p>CONDITION: The gym use hereby approved shall not operate outside the hours of 0630 (6:30am) to 2200 (10:00pm) Monday to Sunday</p> <p>Reason: To safeguard the residential amenity of nearby occupiers.</p>
11	Restriction of D2 use (Compliance)
	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used for the purposes specified in the application and for no other purpose (including any other purpose in Class D2 on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).</p> <p>Reason: For the avoidance of doubt and to ensure that the Local Planning Authority can restrict the use of the building to this specific use only and retains control over the change of use of the building in the future.</p>
12	No access via Barford Street (Compliance)
	<p>CONDITION: The gym use hereby approved shall not be accessed via Barford Street. Customer access shall only be via the front of the Business Design Centre site from Berners Road.</p> <p>REASON: In the interest of protecting neighbouring amenity.</p>
13	Delivery and Servicing plan (Pre-occupation)
	<p>CONDITION: A delivery and service management plan shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of the development. The plan shall include details of all servicing and delivery requirements of the site, including waste and recycling collection and details of how safe access to and from the loading bays shall be provided and managed. The development shall be carried out strictly in accordance with the details so approved.</p>

	REASON: In order to secure highway safety and free flow of traffic on Liverpool Road, local residential amenity and mitigate the impacts of the development.
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List of Informatives:

1	<p>Building Acts and Building Regulations</p> <p>To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works. T: 020 7527 5999 E: building.control@islington.gov.uk</p>
2	<p>Environmental Health, Trading Standards and Licensing</p> <p>You may need to comply with various Acts and therefore you should contact Commercial and/or Residential Environmental Health and/or Trading Standards and/or Licensing. The Licensing Team deal with premises that sell alcohol, provide entertainment, late night refreshment, gambling and special treatments such as beauty therapies, tattoos and saunas.</p> <p>T: 020 7527 3186 (Commercial/Residential/Trading Standards) T: 020 7527 3031 (Licensing) E: Street.Trading@islington.gov.uk Licensing@islington.gov.uk Residential.Envh@islington.gov.uk Commercial.Envh@islington.gov.uk</p>
3	<p>Street Naming and Numbering</p> <p>If the development results in changes to any postal address or addresses on the site you should contact the Street Naming and Numbering section. Failure to do so can result in delays to conveyancing, the connection of services or the initiation of postal deliveries.</p> <p>T: 020 7527 2245 / 2611 E: address.management@islington.gov.uk</p>
4	<p>Inclusive Design and Access for Disabled People</p> <p>The London Plan, Islington's Core Strategy and relevant Supplementary Planning Documents and Part M of the Building Regulations require the creation/maintenance of an Inclusive Environment. If you require any further information or advice on the application of the principles of Inclusive Design contact the Inclusive Design officers. Other applicable standards and design guidance are set out in:</p> <ul style="list-style-type: none"> • Inclusive Mobility – www.dft.gov.uk/publications/inclusive-mobility • Approved Document M – Access to and use of buildings • Islington's Accessible Housing SPD –

	<p>http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Publicity/Publicconsultation/2011-2012/(2012-03-03)-Accessible-Housing-SPD-Adopted-March-09.pdf</p> <ul style="list-style-type: none"> •Islington's Inclusive Landscape Design SPD - http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Quality-andperformance/Reporting/2011-2012/(2012-03-03)-Inclusive-Landscape-Design-SPDJanuary-2010.pdf •BS8300:2009 – Design of buildings and their approaches to meet the needs of disabled people. <p>Regardless of any Planning or Building Regulations approval your client and or future occupant may have duties under the Equalities Act 2010 (which supersedes the Disability Discrimination Act). Those duties include to take all reasonable steps to ensure that disabled person experiences no less favourable treatment, which will involve the elimination of obstructive physical features.</p> <p>T: 020 7527 2394 E: planning@islington.gov.uk</p>
5	Highways
	<p>In order to comply with the provisions of the Highways Act, and/or other Highways matters, you should contact Highways Services. Hoardings, scaffolding, skips, overhanging structures, anything on the public highway (tables and chairs for example) are regulated by the Streetworks Team.</p> <p>T: 020 7527 2000 E: streetworks@islington.gov.uk</p>
6	Storage and Collection of Refuse
	<p>In order to ensure the intended approach/strategy to refuse, recycling, waste removal is acceptable, you should contact Street Environment Services.</p> <p>T: 020 7527 2000 E: contact@islington.gov.uk</p>
7	Nuisance from Construction Work
	<p>Nuisance from demolition and construction works is subject to control under the Control of Pollution Act. The normal approved noisy working hours are:</p> <ul style="list-style-type: none"> •08:00 to 18:00 Monday to Friday •08:00 to 13:00 Saturday •No work on Sundays and Public Holidays <p>If you anticipate any difficulty in carrying out construction works other than within normal working hours (above) and by means that would minimise disturbance to adjoining properties, then you should contact the Pollution Project Team.</p> <p>T: 020 7527 7272 E: pollution@islington.gov.uk</p>
8	Fire Precautions

	<p>If you require continued maintenance of fire precautions in existing buildings where no building work is planned contact the London Fire Brigade.</p> <p>T: 020 8555 1200 (ext: 59163)</p> <p>A: Eastern Command, Fire Safety Department Units 5-6 City Forum City Road, LONDON EC1V 2FB</p>
9	Plant Machinery
	<p>For avoidance of doubt, this approval does not include any provision of plant to be sited externally. Should you proposed to install any external plant in the future, separate planning permission would be required.</p>

APPENDIX 2

RELEVANT POLICIES

National Guidance

- 11 The National Planning Policy Framework 2019 (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 considered as part of the assessment of these proposals.
- 12 Since March 2014 Planning Practice Guidance for England has been published online and it has been taken into account in this assessment.

Development Plan

- 13 The Development Plan is comprised of the London Plan 2016 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013.

A) London Plan (2016)

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.1 London in its global, European and United Kingdom context

Policy 2.2 London and the wider metropolitan area

Policy 2.3 Growth areas and co-ordination corridors

Policy 2.9 Inner London

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions
Policy 2.12 Central Activities Zone – predominantly local activities
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 3.19 Sports facilities

4 London's economy

Policy 4.1 Developing London's economy
Policy 4.2 Offices
Policy 4.7 Retail and town centre development

5 London's response to climate change

Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon emissions
Policy 5.3 Sustainable design and construction
Policy 5.4 Retrofitting
Policy 5.6 Decentralised energy in development proposals
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.15 Water use and supplies

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 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking

7 London's living places and spaces

Policy 7.1 Lifetime neighbourhoods
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 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes

8 Implementation, monitoring and review

Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

B) Islington's Core Strategy 2011

Spatial Strategy

Policy CS5 (Angel and Upper Street)

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS13 (Employment Spaces)

Policy CS14 (Retail and Services)

Policy CS17 (Sports and recreation provision)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Policy CS19 (Health Impact Assessments)

C) Development Management Policies 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Shops, culture and services

DM4.3 Location and concentration of uses

DM4.4 Promoting Islington's Town Centres

DM4.12 Social and strategic infrastructure and cultural facilities

Employment

DM5.2 Loss of existing business floor space

Health and open space

DM6.4 Sport and recreation

DM6.6 Flood prevention

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.3 Decentralised energy networks

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

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

Designations

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

Core Strategy: CS5 - Key Area Angel and Upper Street
Conservation Area (The Angel)
Employment Priority Area (General)
Central Activities Zone (CAZ)

Supplementary Planning Guidance (SPG) / Document (SPD)

14 The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Environmental Design
- Conservation Area Design Guidelines
- Inclusive Design
- Planning Obligations
- Urban Design Guide

London Plan

- Central Activities Zone Supplementary Planning Guidance (2016)
- Accessible London: Achieving and Inclusive Environment
- Sustainable Design & Construction
- Planning for Equality and Diversity in London