

PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE		AGENDA ITEM NO: 1
Date: 1 October 2020		
Application number	P2019/3410/FUL	
Application type	Full Planning Application	
Site Address	196-228 York Way, London, N7 9AX	
Ward	Caledonian	
Listed building	n/a	
Conservation area	n/a	
Strategic	Kings Cross and Pentonville Road Core Strategy Key Area Vale Royal/Brewery Road Local Industrial Industrial Site (LSIS) Article 4 Direction B1a to C3 (LSIS) Article 4 Direction A1-A2 (Rest of Borough) Local Viw from Dartmouth Park Hill	
Licensing Implications	n/a	
Pzproposal	Demolition of the existing buildings and the erection of a part 3 to part 5 storey building plus double basement to provide for a total of 8,268sqm (GIA) of self-storage floorspace (Use Class B8) and 687sqm (GIA) of flexible office floorspace (Use Class B1a) along with associated access arrangements, car and cycle parking, servicing and plant area, refuse storage and ancillary works.	
Case Officer	Simon Roberts	
Applicant	Mr David Potter	
Agent	DWD Property and Planning	

1. RECOMMENDATION

1.1. The Committee is asked to resolve to GRANT planning permission:

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

2. SITE LOCATION AND PHOTOS

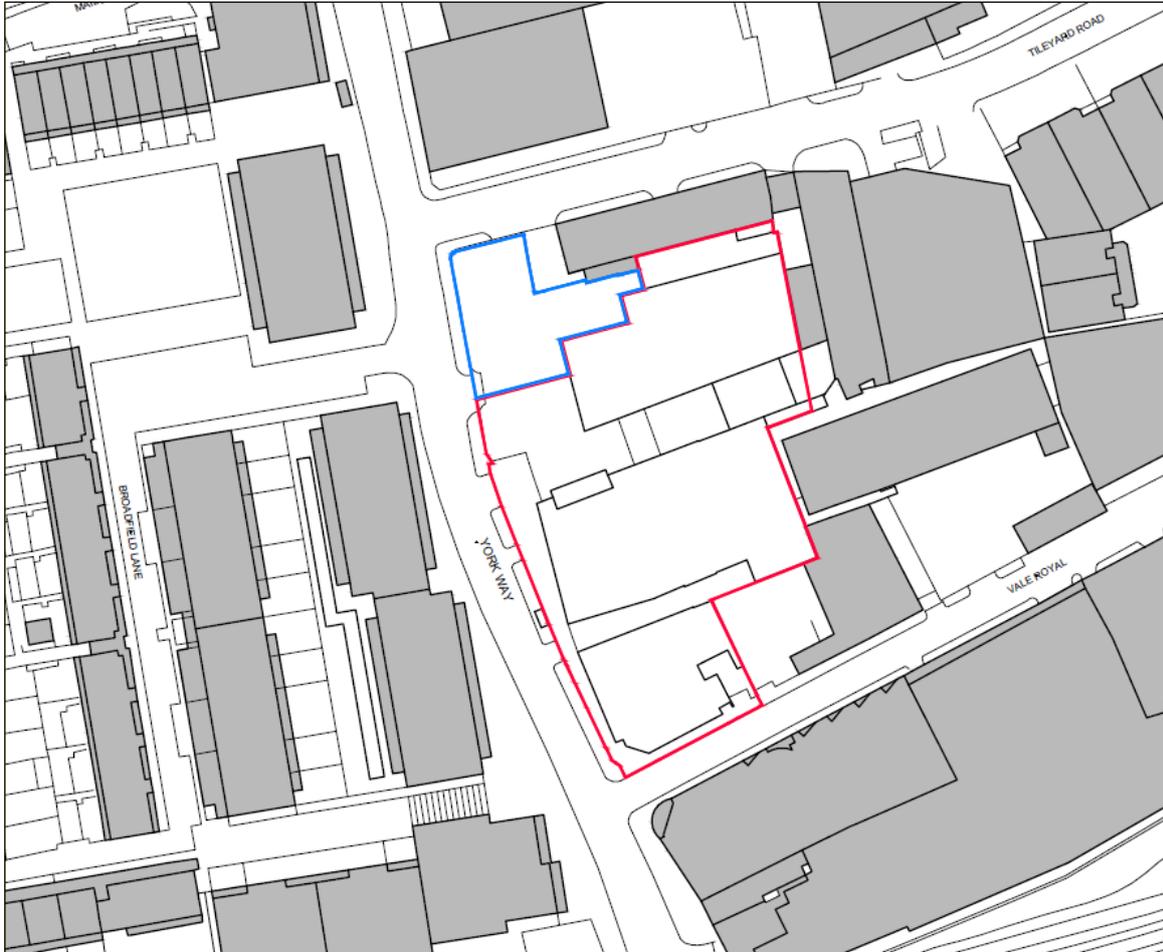


Figure 1: Site Location Plan (outlined in red)

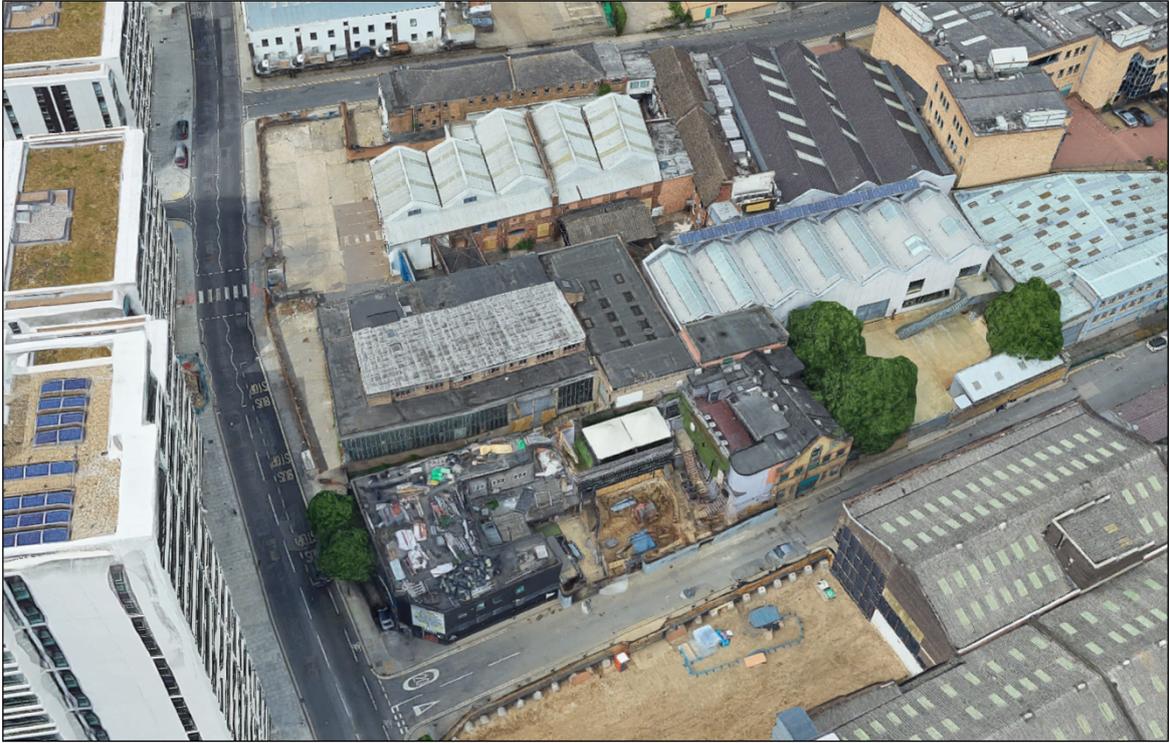


Figure 2: Aerial view from the south



Figure 3: Aerial view from the north



Figure 4: Existing view of the corner of York Way and Vale Royal to the south-west of the site

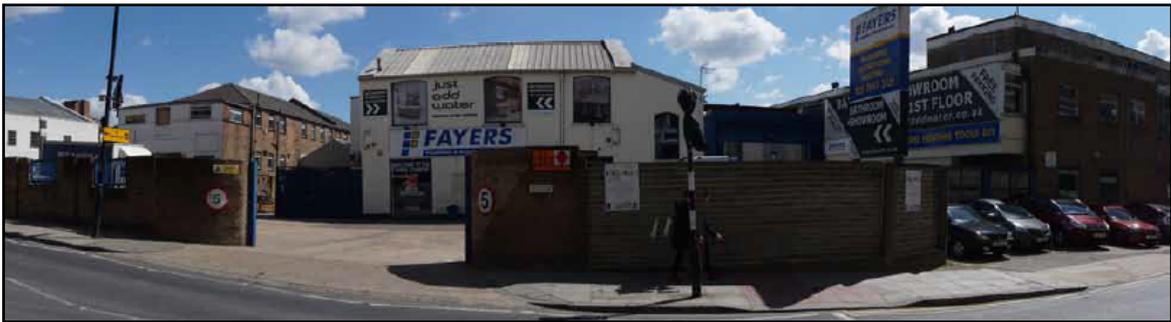


Figure 5: Photograph of York Way elevation



Figure 6: Photograph of Vale Royal

3. SUMMARY

- 3.1. The application seeks to redevelop the site following demolition of the existing buildings, to be replaced with a three to five storey building. The development would provide 8,268sqm (GIA) for self-storage facility (B8 Use Class) and 687sqm (GIA) for office floorspace for small-to-medium enterprises (B1(a) Use Class).
- 3.2. The proposal has been amended during the course of the application, with revisions significantly reducing the scale, massing, height and overall design and appearance of the building.
- 3.3. The main planning considerations are land use, height, bulk, scale, design and appearance, impact upon neighbouring residential amenity, transport and highways implications, energy and sustainability credentials.
- 3.4. In land use terms, the proposed industrial led B8 (self-storage) development is supported given the site's location within the Vale Royal/Brewery Road Locally Significant Industrial Site ('LSIS'). The proposed B1(a) (office) floorspace would total 7.7% of the development's GIA, ensuring that the site is predominantly in industrial use, in accordance with all the pertinent land use policies with the London Plan and Islington Development Plan and therefore, the proposal is considered to be acceptable in land use terms.
- 3.5. The scale, height, design and appearance of the proposal is considered acceptable within its setting and would not cause detriment to the nearby heritage assets. Further, the proposed development is considered to be well-designed, responding successfully to its context alongside the adjoining planning permission at 22-23 Tileyard Road to the north.
- 3.6. The proposed development would lead to the reduction of daylight to neighbouring residential properties to the western side of York Way. It is noted that the most affected residential units are located at first floor level and there would be less impact to the units above at higher levels.
- 3.7. Impact to the level of daylight and sunlight has been fully considered following the submission of a daylight and sunlight report, which highlights transgressions. It should be noted that while the transgressions weigh against the scheme, they are at the lower end of the spectrum and the benefits far outweigh the impact in the planning balance. Overall, neighbouring amenity is not considered to be unduly harmed by the development.
- 3.8. No significant transport and parking impacts are posed by the scheme having regard to access, servicing, parking, trip generation, potential public transport impact, promotion of sustainable transport behaviour (through the green travel plan), and potential impacts during the construction period. It has been shown that servicing and deliveries can safely take place off-street within a dedicated service yard, whilst there would be sufficient cycle parking facilities located at ground level.
- 3.9. The scheme comprehensively considers environmental sustainability and proposes a range of energy efficient and renewable measures to tackle climate change.
- 3.10. The application is supported by a comprehensive s106 legal agreement and contributions related to and mitigating impacts of the scheme.
- 3.11. The proposal is considered to be a sustainable form of development on brownfield land and in accordance with the land use thrust for the LSIS. All other matters relevant to planning are also considered to be acceptable. As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions and a legal agreement.

4. SITE AND SURROUNDINGS

- 4.1. The application site is a corner plot located to the east side of York Way and the north side of Vale Royal. The site has a variety of buildings with different occupiers. The site is bordered on three sides by industrial buildings and York Way to the west forming the borough's boundary with Camden.
- 4.2. The central part of the site (the Fayers site) was formerly in use as a plumber's / builder's merchant, with an ancillary retail showroom and extensive warehousing. There is vehicular-access from York Way and Tileyard Road. The buildings on this part of the site are a Victorian two storey building with a metal saw tooth roof (226-228 York Way), and a part two/part three storey modern brick warehouse/office building 204-224 York Way). There is a brick boundary wall with metal railings along the street facing boundaries, with an element of paved forecourt accessed by three crossovers onto York Way.
- 4.3. To the west of the site, across York Way and in the London Borough of Camden, is the Maiden Lane Estate. The eastern half of the estate faces the development site and comprises blocks of 20 storeys (Block A), 7 storeys (Blocks D & E) and 6 storeys (Block H). To the south, a 7 to 9 storey commercial building (the Fitzpatrick Building) is currently under construction.
- 4.4. The site is not located within a conservation area nor are any of the buildings on site listed. Further, the site is not adjacent to any conservation areas or listed building curtilages. There is a local view from Dartmouth Park Hill which passes over the site (although the proposal is not tall enough to encroach into that view).
- 4.5. The site has a Public Transport Accessibility Level (PTAL) rating of 2. York Way is served by the 390 bus (Archway Station to Notting Hill Gate via Kings Cross). The nearest stations are Caledonian Road (Underground), Camden Road (Overground), Caledonian Road & Barnsbury (Overground), Kings Cross (Underground & National Rail) and St Pancras (Underground, National Rail and Eurostar) which are within 1.3km/15-minute walk. York Way is the northern end of a signposted north-south cycle route to Copenhagen Street.
- 4.6. The site is within the Thornhill CPZ with restricted parking on weekdays from 08.30-18.30, and Saturdays 08.30-13.30. York Way (A5200) is a principal borough road but does not form part of the Transport for London Road Network.

5. PROPOSAL (IN DETAIL)

- 5.1. The proposal seeks the redevelopment of the site following the demolition of the existing buildings and the construction of a part 3 part 5 storey mixed-use building for 'flexible' office space (Use Class B1(a)) and a self-storage facility (Use Class B8).
- 5.2. The 3 storey element of the building fronting York Way would accommodate 687sqm (GIA) of office floorspace (Use Class B1(a)) alongside self-storage floorspace (Use Class B8) at both ground and second floor level, whilst the 5 storey element would accommodate 8,268sqm (GIA) for a self-storage facility (Use Class B8).



Figure 7: The proposed heights of the building when viewed from York Way.

- 5.3. As shown in Figure 7 above, the proposed elevation to York Way would range between 13.25m and 15.00m in height, considered as 3 commercial storeys. The 5 storey element to the rear would have a height of between 20.00m and 21.00m.
- 5.4. Internally only 3 permanent solid floor plates (lower basement, ground, second and fourth floors) would be installed with the other floors described as “demountable mezzanines” which can be installed at a later date. If the mezzanines were to be installed there would be 15,769sqm in the building. The scheme has been assessed on both the maximum and minimum floor space scenarios.
- 5.5. The building would be accessed from entrances onto York Way. Both the self-storage facility and office uses would have separate entrances and receptions. A ‘service yard’ is also proposed to the rear of the building, with vehicular access onto Vale Royal, allowing for servicing and deliveries to the uses on site and for operational parking spaces for the self-storage facility. An electrical sub-station is also proposed at ground floor, with access from Vale Royal. Cycle parking spaces are proposed to the public realm area to the front of the office element of the proposal and also to the rear within the service yard, close to the reception area and entrance of the self-storage facility.
- 5.6. There are multiple cores to the building, ensuring that the two separate uses are individually served, to include both staircases and lifts for level access. The proposed double basement would be used solely by the self-storage facility, as shown in Figure 8 below.

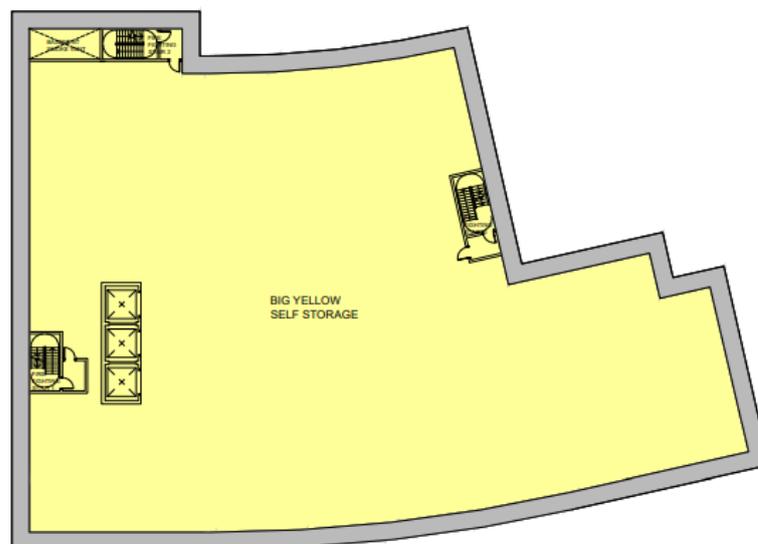


Figure 8: Proposed ‘double’ Basement level

Revisions to the scheme

- 5.7. It should be noted that the application has been subject to revisions and receipt of additional supporting information since the application submission date in November 2019. In this respect, it should be noted that discussions were held between the applicant and Officers following the expiry of the first round of public consultation, in particular with a view of addressing outstanding concerns relating to scale, height, bulk, design, appearance and impact of the proposed development on neighbouring amenity.

6. RELEVANT PLANNING HISTORY:

PLANNING APPLICATIONS:

- 6.1 The Site has been subject to a number of applications given there are numerous parcels of land within the Site curtilage.

22 – 23 Tileyard Road & 196 – 228 York Way

- 6.2 P2018/2355/FUL: Demolition of the existing buildings and the construction of a new part 6, part 7, part 8-storey building plus double basement (overall height of 29 metres) to provide for 1,628 square metres(GIA) of light industry floorspace (Use Class B1(c)) at basement and ground floor level along with ancillary café at ground floor level, and 9,111 square metres (GIA) of business use floorspace (Use Class B1(a)/(b)/(c)), and the construction of a part 6, part 9-storey building plus double basement (overall height of 27.3 metres) consisting of 7,400 square metres (GIA) of self-storage floorspace (Use Class B8) and 870 square metres (GIA) of office floorspace (Use Class B1(a)) along with associated access arrangements, plant area, car and cycle parking, refuse storage and ancillary works.

The Applicants submitted an appeal on the ground of non-determination. The Council resolved that it would have been minded to refuse the application had an appeal not been submitted. The Council would have refused the application on five grounds, as follows:

“Reason 1: The significant increase in floorspace of open B1 use, designed and suitable for B1a offices, is inconsistent with the primary economic function of the LSIS, as identified in Policy DM5.3, and compromises the scope for future intensification of industrial uses (B1c,B2,B8). The proposed open B1 floorspace does not complement or support the economic and employment role of the LSIS.

The application is therefore contrary to the objectives of Policy DM 5.3, and para 5.22 of the Council’s Development Management Policies and Policy 4.4 of the London Plan.

Further, implementation guidance point of SPG3 of the Mayor of London’s Supplementary Planning Guidance “Land for Industry and Transport” emphasises the importance of timely reviews to inform the retention of industrial land. Islington’s Employment Land Study (ELS) (2016) highlights the large losses of industrial land in recent years. Similarly, the recent GLA Industrial Land baseline data demonstrates that the borough’s stock of industrial land fell from 60ha in 2010 to just 35ha in 2015.

The need to ensure that the land within the LSIS remains predominantly in industrial use is therefore an important material consideration. This position is reflected in a) the draft new London Plan, Policy E6 of which requires the LSIS to be focused on “industrial and related uses” and b) Policies SP3, B1 (including para 4.13 of the supporting text), and B2 of the Council’s emerging Local Plan which permit the development of office use as part of a hybrid workspace but only where this constitutes a small proportion of the overall gross space proposed. The application is contrary to the Mayor’s SPG, London Plan Policy E6, and policies SP3, B1 and B2 in Islington’s draft Local Plan”.

“Reason 2: The proposed development, by reason of its height, scale and design, would be overbearing and fail to respect and respond positively to existing buildings, the streetscape and the wider context. The proposal is therefore contrary to the National Planning Policy Framework Chapter 12 (Achieving well-designed places), London Plan 2016 policies 7.4 (Local character) and 7.6 (Architecture), Islington Core Strategy 2011 policy CS8 (Enhancing Islington’s character) and policy CS9 (Protecting and enhancing Islington’s built and historic environment) and Islington Development Management Policies 2013 DM2.1 (Design).”

Reason 3: The proposed development would have a significant, major adverse impact on daylight to the neighbouring residential properties on Maiden Lane Estate contrary to London Plan 2016 policy 7.6 (Architecture), Islington Core Strategy 2011 policy CS8 (Enhancing Islington’s character) and policy CS9 (Protecting and enhancing Islington’s built and historic environment) and Islington Development Management Policies 2013 DM2.1 (Design).

“Reason 4: The proposed development would fail to meet the target carbon emissions reductions in regulated and unregulated emissions and has failed to provide thermal modelling to demonstrate that areas are at risk of overheating without active cooling, contrary to policies 5.2 (Minimising Carbon Dioxide Emissions) set targets for CO2 reductions and 5.3 (Sustainable Design and Construction) of the London Plan 2016, CS10 (Sustainable design) of the Islington Core Strategy (2011), policy DM7.5 (Heating and cooling) of the Islington Development Management Policies (2013), and the Islington Environmental Design SPD (2012)”.

“Reason 5: In the absence of an appropriate Section 106 legal agreement, the application fails to provide measures to mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed development (in respect of affordable workspace, highway and footway works, employment and training, off site accessible parking bays, carbon emissions, future connection to a local energy network, Green Performance Plan and Travel Plan), and as such the proposal fails to accord with policies CS10, CS13, CS18 and CS19 of Islington’s Core Strategy 2011, policies DM7.1, DM7.2, DM7.4, DM8.2, and DM9.2 of Islington’s Development Management Policies (2013), and Islington’s Planning Obligations SPD (2014) and the Environmental Design SPD (2012)”.

- 6.3 The appeal was dismissed by the Planning Inspectorate on 21/08/2019 following a Public Inquiry. The Appeal decision is appended to this report (**Appendix 3**).
- 6.4 During the Appeal, additional material from the Applicant confirmed to the Council’s satisfaction that the scheme had achieved the maximum reduction in possible carbon dioxide emissions on the appeal site in accordance with Core Strategy policy CS10(A), and that all remaining carbon dioxide emissions could be offset through a financial contribution. On that basis, the fourth reason for refusal was not pursued by the Council.
- 6.5 The Inspector considered the main issues to be:
- Character/Appearance and Townscape;
 - Daylight/Privacy;
 - Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS);
 - Benefits of the scheme; and
 - Overall Planning Balance and Conclusions;

Officer (brief summary) of the appeal decision

Character/Appearance and Townscape

- 6.6 The Inspector within the Appeal decision acknowledged that the proposal had two components, which were designed by two separate architects and would read as separate but complementary buildings. No issue was taken with the relationship of the proposed buildings to each other although, if the appeal succeeded and one came forward before the other, there was the potential for a large blank wall along the contiguous boundary within the site to be exposed. The Inspector however acknowledged that there would be scope to deal with the phasing of development and materials etc by condition, which could minimise any adverse visual impact in this regard.
- 6.7 Taking into account the surrounding local context, the Inspector considered at paragraph 25 that the Appeal scheme was over-dominant, overwhelming the local built environment here and would not provide a successful transition in terms of scale between the York Way frontage and the adjacent LSIS buildings.
- 6.8 With regard to detailing and appearance, the Inspector considered at paragraph 27, that *“Not only would the largely glazed elevations of the Tileyard building be seen in stark contrast to the solidity of the surrounding buildings, but I agree with the Council that the combination of materials, scale and design give the overall impression of an office building, which would materially undermine the industrial ‘language’ and character of the LSIS. In relation to views when approaching along York Way from the higher land to the north, the incongruity of its scale and massing, extending back into the LSIS in the same form as that presented to the main York Way frontage is very apparent, as illustrated on the photo view on page 30 of the DAS Addendum. When seen behind the solid ‘grounded’ brick buildings in the foreground, the uncharacteristic nature of the glazing is also highlighted.”*
- 6.9 In relation to the Big Yellow element of the proposal and its relationship with the Vale Royal, the Inspector stated, at paragraph 28, that *“...the brooding boxy mass of the rear of the nine storey core would loom more than six storeys above the adjacent Gormley Studio and the two storey brick pitched roof building at the back of the footway on this frontage, as well the approved but not yet constructed Egg nightclub building. The effect is well illustrated in View 3 of the TVIA (as amended on page 24 of the DAS Addendum) and on the ‘south elevation context as proposed’ plan in the proof of Mr Scanlon. I recognise that efforts have been made to enliven the rear of the building to some degree with blind windows, but that does not assist in reducing its overall scale and mass. Again, notwithstanding its more industrial genre, I consider that the core in particular would be bulky and overbearing, with a confrontational rather than respectful relationship with the generally modest adjacent buildings within this part of the LSIS”.*
- 6.10 Further, the Inspector went on to state in paragraph 29, that *“the use of lower five/six storey element on the corner of the Big Yellow building, including setting back the upper floor is appropriate, assists in terms of legibility, in that it distinguishes between the linked but separate uses within the building as a whole and, at up to 18.3 metres in height, is materially lower than the Fitzpatrick building, reflecting an appropriate step down in scale. However, that effect is materially undermined by the presence of the larger nine storey core rising up behind”.*
- 6.11 The Council took issue with the Appeal scheme in regards to *“...the way that the architect has attempted to break up the massing of the proposed building, suggesting that it has resulted in an ‘insufficiently coherent organisation of the volume,’ with particular concern expressed about the relationship of the offices component on the Vale Royal corner of the site with the main part of the building, which comes into view the closer one gets”.*

- 6.12 The Inspector commented on this, stating in paragraph 31, that in their view “...*the principle of angling this element of the building, so that it is set parallel to both road frontages and the Fitzpatrick building, is appropriate. Although the recess at the junction of the two elements on York Way looks uncomfortable on plan, it is sufficiently wide in my view that it would not appear awkward when viewed in the street scene and would properly articulate the junction I do agree with the Council however, that its junction with the main part of the building at the upper levels, which is very apparent on this approach, is not well considered, resulting in an unsettled and disjointed relationship between the two elements.*”
- 6.13 In relation to the neighbouring context of Maiden Lane, the Inspector stated that the appeal scheme would be “...*of a significantly greater scale and massing than the opposite blocks, which themselves are not characteristic of the area generally, particularly the character of the LSIS*”.
- 6.14 The Inspector welcomed the improved public realm area fronting York Way and disagreed with the Council which considered there to be ‘dead elements’ that would occur (including fire stairwells and sub-station). The Inspector stated that the scheme would create a much more animated street frontage than is currently the case, or indeed is the case with the Maiden Lane development opposite, with the added benefit of a material widening of the currently narrow footway, and on balance would be acceptable in this regard.
- 6.15 The Inspector appreciated that “...*in longer views perhaps, the proposal may be seen against the backdrop of taller buildings to the south of the railway and those under construction in the vicinity but, at closer quarters, the contrast would be stark and, in my judgement, unacceptable within the context of the much smaller adjacent buildings, particularly within the LSIS.*”
- 6.16 In summary on the issue of character/appearance and townscape, the Inspector considered that the Appeal scheme failed to take the opportunities available for improving the character of the area, including its function as the only LSIS in the Borough, located on one of the main routes into the city centre. In the Inspector’s view, at paragraph 37, “...*the combined height, mass and scale of the proposed buildings relative to their context, together with aspects of their design and appearance would cause material harm to the character and appearance of the area. There would be conflict in this regard with Core Strategy polices CS8 and CS9 and Development Management policy DM2.1, which together and among other things require development to be of a high quality, reflecting the character of the surrounding area, with high quality architecture and urban design being key to enhancing and protecting the Borough’s built environment in order to improve the quality, clarity and sense of space around or between buildings, to reinforce and complement local distinctiveness and to create a positive sense of place. It would also be contrary to section 12 of the Framework, which requires good design*”.

Daylight/Privacy

- 6.17 It was common ground (at the appeal) that the Appeal proposal would reduce daylight to a number of neighbouring residential units. It was accepted that the mirror massing approach and consideration of windows below balconies, were also relevant. The Appellant acknowledged that daylight would be reduced in a significant number of flats resulting in low levels of natural daylight within the rooms concerned.
- 6.18 At paragraph 44, the Inspector stated in relation to applying BRE guidance to be applied to sensitively to higher density developments, especially in opportunity areas and taking into account of local circumstances, that “*There appears to be a growing recognition in heavily built up areas of London that a VSC of 20% is now regarded as reasonably good, with a VSC of 15% being considered acceptable in most instances*”. The Inspector therefore acknowledged the site’s location within the Kings Cross key area (as designated within Islington’s Core Strategy 2011) to accommodate an estimated growth in jobs of some 3,200

from B-use floorspace, indicating high scope for its form and character to change over the short and longer term.

- 6.19 The Inspector reviewed the impacts of the Appeal scheme on the neighbouring Maiden Lane development, and specifically to Blocks D, E and H. The Inspector was in “no doubt” that the Appeal scheme raised material harm or prejudice to the occupiers with regard to reduction of daylight.
- 6.20 Moving on to whether the deterioration of daylight to neighbouring units was acceptable in the local context, wider considerations outlined by the Appellant were investigated by the Inspector. These included alternative targets such as mirror massing and without balconies exercises. In relation to ‘without balconies’, the Inspector stated that although “...*residents would have VSCs in the mid-teens with the new development in place, the balconies clearly cannot be removed, with residents being forced to accept much lower VSCs than is currently the case...*”
- 6.21 Further, the Inspector was not persuaded by the Appellants attempt to justify the reduction in daylight by comparing the resultant Average Daylight Factor (‘ADF’) to new build development, and not on a new scheme imposing itself on existing neighbouring accommodation. The Inspector commented at paragraph 53 that “...*there is a danger that such an approach has the potential to create a dangerous ‘race to the bottom’ if subsequent decisions were to whittle away at desirable standards.*”
- 6.22 Turning to mirror massing, the Inspector outlines that the proposed scheme would be similar and not materially greater, and that for the worst affected flat (the central first floor flat in block E) there would be no more than a 3% absolute change. The Inspector stated that the Appeal scheme had a higher quantum of transgressions, “*would be worse*”, than other schemes highlighted by the Appellant. Summarising her views on mirror massing, the Inspector stated that “*All in all, I am not persuaded that the mirror imaging exercise necessarily provides a reasonable justification for a similar reduction in daylight levels in the surrounding buildings as a result of this proposal, not least because the assessment of impact undertaken is already weighted with the 15% VSC figure being taken as acceptable.*”
- 6.23 The Appellants attempts at assessing a hypothetical scheme of uniform 20 metres in height along York Way, which was referenced in Islington’s Height Study for the LSIS (December 2016), did not persuade the Inspector and considered the Appeal proposal on its own particular merits in its current surroundings.
- 6.24 The Appellant also provided other methods of assessing daylight which were not specifically outlined or supported within BRE guidelines, including Radiance based studies, ADF studies and Human Visual Response Studies. The Inspector was not convinced that the evidence in this regard demonstrates that the effect of the Appeal proposed would necessarily be acceptable in terms of daylighting for existing occupiers.
- 6.25 The Inspector also considered the impact of the development upon neighbouring non-residential uses, specifically the Gormley Studios to the east and south-east of the site. The Inspector was satisfied that be no harm in relation to any material loss of daylight for the adjacent Studio.
- 6.26 The Inspector concluded at paragraph 72 that “*whilst there would be no material harm in terms of daylight to the adjacent Studio, I have found that that there would be material harm to the living conditions of occupiers of a substantial number of the flats in blocks D, E and H of the Maiden Lane estate. I recognise that the location of those blocks means that they take substantially more than their fair share of light and, as such, the strict application of the BRE guidelines unfairly prejudices development of the appeal site. However, even when allowances are made for its urban context, including a lower ‘London VSC’ of 15%, plus*

allowances for the deep balconies, there would still be a significant material impact for existing occupiers of the single aspect flats on the Maiden Lane estate facing the appeal site. In my view, that impact would be unacceptable even taking account of the local context.”

Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS)

- 6.27 The Inspector acknowledged the Council’s concerns in relation to increasing pressure on the LSIS from general office use, a use that had apparently not been perceived as a threat when policy DM5.3 was drafted. The Inspector stated that the proposal would far from harm the primary economic function of the LSIS due to the provision of additional B1c and B8 floorspace. The Inspector considered that the appeal scheme maximised the provision of industrial use on the site and thus there would be no harm to the economic function of the LSIS in this regard, whilst the nature of the open/flexible B1 space proposed would not, for the most part, be well suited for general B1a office space and would not be similar for instance, to the B1a office buildings in the nearby Kings Cross area.
- 6.28 The Inspector concluded, that whilst recognising that *“the flexible B1 space proposed within the Tileyard building could, in theory, all be occupied by Class B1a office users, it seems to me that in providing flexible design features and future adaptability for a range of Class B1 uses, in close proximity to the existing Tileyard cluster (the intended occupiers) the specific nature of the space proposed responds appropriately to changing economic conditions as reflected in the various policies and guidance. In my view, when the development proposed is considered in its entirety - development which would, among other things, result in an uplift of some 4,384 square metres in B1c and B8 space on the site - and having regard to the intended users for the Tileyard building combined with its close physical relationship with the existing Tileyard cluster, within the LSIS, it would not jeopardise the long term sustainability, employment role, economic function or future economic growth of the LSIS as an industrial area and it would not be at fundamental odds with the objectives of the relevant policies”.*

Overall Planning Balance and Conclusions

- 6.29 In terms of the overall planning balance, the Inspector concluded that *“there would be no harm to the economic and employment role of the LSIS or its primary function”* and as such no objection to the proposed land use was raised.
- 6.30 The inspector did however conclude that the Appeal scheme would result in material harm in terms of the character/appearance of the area and the townscape and to the interests of residents of the Maiden Lane flats that face the appeal site, with particular regard to its effect on daylight, and that the harm to neighbouring amenity to be unacceptable to the local context. These weighed against the scheme in the planning balance.
- 6.31 The Inspector considered that the benefits did not outweigh the significant harm identified and therefore concluded that the appeal should not succeed. It should be noted that the Inspector clarified that concerns in relation to the character and appearance of the area were such that the outcome of the planning balance would have been the same even had the Inspector found the harm in terms of daylight to be acceptable in this urban context, or that the overall amenity for local residents, taking into account the public realm improvements, would be good.
- 6.32 The Appeal was therefore dismissed by the Inspector.
- 6.33 202 – 228 York Way
991059: for “Construction of a 2-storey building for warehouse, offices and bathroom display use”. Granted 30/11/1999.

6.34 196 – 200 York Way

P080410: for “Use of the first floor for purposes within Class B1 of the Town & Country Planning (Use Classes) Order 1987”. Granted 02/05/2008.

P070765: for “Change of use from use as premises for chauffeur-driven car hire service to use as a club bar and restaurant with a licensed outside courtyard area. Installation of ventilation flue”. Granted 20/11/2007.

RELEVANT NEIGHBOURING SITES:

6.35 22 – 23 Tileyard Road

P2019/3300/FUL for “Demolition of existing buildings and structures and erection of a part 3 and part 5 storey (plus basement) building to create Class B1(c) (light-industrial), Class B1 (flexible workspace) and A3 (ancillary cafe) floorspace; service yard; cycle parking; plant refuse / recycling facilities; and associated works”. **The application was heard at the 23 April 2020 Planning Committee where a recommendation to grant permission was made.**

P2015/1204/FUL: “Re-configuration and refurbishment of existing two storey office building, a three-storey roof extension and five storey side extension to create a total of 2,072sqm (GIA) of Class B1 space (net increase of 1,159 sqm (GIA) of accommodation)”. Granted 14/03/2016 (not implemented).

P2015/2933/COLP: “Application for a Lawful Development Certificate for the proposed use of this building as office floorspace (B1(a) use class)”. Granted 01/09/2015.

6.36 20 Tileyard Road

P2018/2640/FUL: “Proposed 2 no. two storey extensions to rear elevation and within existing void space to provide additional floorspace (192.7 sqm) for existing use for food preparation (No change of use to building) and external alterations to front elevation including new roller shutters and new doors”. Granted 28/02/2018.

P2013/5015/FUL: “Erection of a first floor infill extension and two storey extension to create new second and third floors to an existing commercial building to be constructed on top of existing two floor property that houses a catering firm. (No change in use to existing floor). Extension of first floor to fill in existing courtyard, with retention of delivery access on ground floor beneath”. Granted 18/02/2014.

6.37 Fitzpatrick Building 188 – 194 York Way

P2016/1999/FUL: “Demolition of the existing office building and redevelopment to provide a part 7/part 8/part 9 storey building to provide office (use class B1a) and flexible (Use class B1) floorspace, including basement, ancillary ground floor cafe, cycle parking, plant/storage, landscaping and all other necessary works associated with the development”. Granted 30/06/2017 (Currently under construction).

6.38 230 – 238 York Way

P2017/1834/COLP: “[Application for a Lawful Development Certificate for a proposed] Change of use of up to 500 square metres of existing Storage and Distribution Floorspace (B8) floorspace to Office B1(a)”. Granted 07/07/2017.

6.39 13 Vale Royal

P2016/2706/FUL: “Refurbishment of existing nightclub 'Egg London', comprising of excavation to create basement; erection of a new single storey extension in existing ground floor garden area and formation of part ground floor mezzanine, first and second floor balcony areas; addition of part third floor extension to replace existing raised second floor

flat roof at rear of no. 13 Vale Royal; formation of curved louvre structure and concave motif on Vale Royal elevation; reinstatement of main entrance on Vale Royal and closing of existing York Way entrance; and other associated alterations". Granted 11/07/2017.

7 CONSULTATION

Public Consultation

7.1 The application has been subject to two separate rounds of public consultation due to the Applicant submitting revised plans, elevations and supporting documentation following the first round of consultation. A total of 7 representations have been received across the lifetime of the application. The breakdown of each round is set out further as follows:

First round of consultation

7.2 A site notice was erected, an advert placed in the local press and letters were sent to occupants of 328 adjoining and nearby properties on 12 December 2019, the initial public consultation of the application therefore expired on 05 January 2020.

7.3 During this first round of consultation, a total of 6 representations were received on the application, all of which raise objection to the application.

7.4 The points raised within the representations are summarised below [with the case officer response and reference to which sections of this report address those particular concerns indicated in brackets]:

7.5 Objection:

- The area does not need a self-storage facility as the King's Cross area is developing nicely and this is simply not needed given there is another self-storage facility up the road in close proximity;

[The land use section (section 9) of this report sets out the fact that the site is in a designated LSIS the proposed use (Use Class B8) is a priority land use and is therefore acceptable in principle.]

- Missed opportunity to develop high quality housing on this site, whilst there should also be more active frontages such as retail and/or community uses;

[see paragraphs 9.2 – 9.25 for consideration on the principle of the proposed land use, which outlines that the site is in a designated LSIS and the proposed use (Use Class B8) is a priority land use and is therefore acceptable in principle.]

- Loss of privacy as a result of overlooking;

[See paragraphs 9.64 – 9.66 for consideration to loss of neighbouring privacy and overlooking.]

- Increased sense of enclosure and intrusion leading to loss of outlook;

[See paragraphs 9.67 for consideration of the proposal upon outlook.]

- Loss of daylight and sunlight to neighbouring properties;

[See paragraphs 9.73 – 9.121 which outline and consider the transgressions to neighbouring properties in relation to reductions to daylight and sunlight.]

- The scheme is practically unchanged in regards to bulk, massing and height from the appeal scheme, except for the Tileyard element to the north being removed. The

height of the building should be further reduced and should find a subtle way of breaking up the swathes of wall by deploying a more human approach to the design.

[The scheme has since been amended, and has significantly reduced the height, scale, bulk and massing of the proposed building. See paragraphs 9.26 – 9.58 which assess the design and appearance of the proposal.]

Second round of consultation

7.6 Following submission of revised drawings, re-consultation was undertaken on 23 July 2020, providing the opportunity for further representations to be made by 16 August 2020. As per the first round of consultation undertaken, a site notice was erected, an advert placed in the local press and letters were sent to occupants of 328 adjoining and nearby properties. It is the Council's practice to continue to consider representations made up until the date of decision.

7.7 To date, a further **2** public representations have been received.

7.8 The points raised within the representations are summarised below [with the case officer response and reference to which sections of this report address those particular concerns indicated in brackets]:

7.9 Objection:

- It is difficult to understand why the building needs to be demolished when the site remains industrial.

[See paragraphs 9.2 – 9.25 which considers the acceptability of the principle of the land use proposed.]

- There are no photographs of the buildings considered for demolition nor existing plans and elevations;

[Existing plans and elevations were submitted as part of the original submission, whilst photographs of the existing site have been included within the submitted Design and Access Statement, all of which were viewable on the Council's website.]

- Impact of construction works upon neighbouring residents, including dust, noise, smell and odour, vibration from digging, lorry movements and deliveries;

[See paragraphs 9.122 for consideration of mitigation during demolition and construction of the development.]

- We still feel that the building is an imposing presence on our boundary but recognise that efforts have been made to break up the eastern elevation. We do think that more could be done but understand from Big Yellow that the economics of the project will not allow them to further articulate that side of the building by using windows, additional stepping or exterior staircases to render more the feel of a building than a cliff face. Such, we suppose with regret, is the way of viable commercial architecture just now.

External Consultees

7.10 **Historic England** – On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation advisers, as relevant.

- 7.11 **London Fire & Emergency Planning Authority** – No objection, however standard informatives shall be applied relating to the use of sprinklers.
- 7.12 **London Borough of Camden** – *First round of consultation:* The Council, as a neighbouring planning authority, has considered your request for observations on the application referred to above and hereby raises objection for the following reason(s):
- We note that the scheme has been dropped by one storey at the front, compared with the previous refused scheme. In the previous application, the argument was made that the balconies on the flats on the Maiden Lane estate were partly to blame for the poor daylight results, however no analysis was undertaken to show what the results would be if the balconies were removed. This analysis has now been undertaken for the current application.
- Objections are still raised with regards to the amenity impact on residents within the Maiden Lane Estate (Blocks A and E), in terms of loss of light, which is considered unacceptable in accordance with Camden Local Plan Policy A1 (Managing the impact of development). The impact of the proposed development goes significantly above the BRE guidelines for numerous windows. It is noted that a number of these rooms are bedrooms. Whilst the BRE guidelines state that bedrooms are less important, it also states they should be analysed. Officers note that 47 windows would fail the BRE guidelines and that a number of these windows serve living/kitchen/dining rooms. All three windows tested for the L/K/D of flat 4 (Block E) would be significantly affected (losses of 27.3%, 39.9% and 37.2%). There are a number of other windows where the loss of VSC would be over 30%. Officers do not consider that the impact with regards the No Sky Line or Annual Probable Sunlight Hours demonstrates that the breaches would be acceptable. No justification is provided for a significant loss of daylight to numerous windows serving numerous properties. Officers consider that the proposed development would have a significant detrimental impact on the amenity of Camden residents and it is requested that the application is refused.
- No objections are raised with regards any impact on Camden in terms of conservation or design.
- No objections are raised with regards transport, although Camden would encourage a car-free scheme. Camden consider that if permission is granted, a Construction Management Plan should be secured via section 106, taking account of the cumulative impact of vehicle movements from the Argent site, especially given that a double basement is proposed.
- [Officer Response: It should be noted that the scale, height and massing of the proposal has been reduced significantly since the initial submission of this application. This has subsequently reduced the number of BRE transgressions to neighbouring residential properties, which are now considered to be at the lower end of the spectrum, as outlined in the assessment below at paras. 9.90 – 9.121. A construction management plan would be secured through Condition 19.]*
- 7.13 **Natural England** – The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.
- 7.14 **Transport for London (CrossRail 2 Safeguarding)** – No comment to make, the application relates to land outside the limits of land subject to consultation by the Crossrail 2 Safeguarding Direction.
- 7.15 **Thames Water** – No objection subject to conditions and informatives.

7.16 **Transport for London (Spatial Planning) – First round of consultation:** The proposal fails to provide sufficient details regarding cycle parking provision to assess its merits against the LCDS. TfL require additional information including dimensions, type of stands proposed, and clarity on levels of security for the parking. Both long and short-stay provision for the B1a and B8 uses should be increased.

No trip generation analysis has been provided for public transport network impact. Due to this, the impact on London's public transport network hasn't been assessed in the application despite the planning application form stating that the site will have 685 full time equivalent employees. This fails to comply with draft London Plan policy T4 (Assessing and mitigating transport impacts).

14 car parking spaces are proposed which is too high for the self-storage unit. As per draft London Plan policy T6.2, car parking for B8 uses should have regard to office parking standards outlined in Table 10.4 which for inner London sites is car free. No car parking would be supported by London plan policy T6.2 for a self-storage and office development of this scale. Whilst we appreciate there is some operational need, we still seek a car parking reduction for the B8 use. TfL considers that it would be more appropriate to provide 3 spaces instead of 5 next to the vehicular access from Vale Royal and 6 spaces instead of 9 at the back of the service yard. In our view the justification for operational need for 14 spaces provided lacks detail.

The two trees located on the York Way frontage along should not be removed or damaged during the construction phase of development.

TfL note proposals for a new vehicular access off Vale Royal. Swept path analysis for a 10m Rigid HGV accessing and egressing the site from Vale Royal has been provided which is welcomed. However, it is proposed that this access will be shared by servicing and operational vehicles and cyclists. In addition, both vehicle and cycle parking is located within close proximity to the sole site access. This conflict of use raises safety concerns and TfL suggests that a Stage 1 Road Safety Audit is undertaken for the new junction and revised servicing yard arrangement and a Designer's Response provided to TfL and the Council prior to determination.

TfL understands that the demolition and construction works are due to last for a total of approximately 24 months. The Construction Management Plan submitted does not provide any indication of the number of trips associated with the different phases of development. This is a fundamental detail required within outline documents needed to assess the construction logistics and ensure that the scale of impact is acceptable. There is a lack of detail within the submitted CMP 'Site Logistics Plan' in terms of proposed measures to ensure that bus infrastructure and operations will be protected. Compensation will have to be paid to TfL for bus disruption if the Vale Royal bus stop P has to be suspended or temporarily moved.

Insufficient detail has been provided regarding the number of delivery and servicing trips expected at the proposed development. Stating within the Delivery and Servicing Plan (DSP) that service vehicle trips associated with the self-storage use will be 'limited' is not an acceptable assessment of impact. Servicing trips associated with the B1a have not been assessed at all.

The Travel Plan measures and targets for staff and office workers are unambitious and should be updated to take into account the 2018 Mayor's Transport Strategy and reflect the Inner London target for 90% of trips to be made by foot, cycle or public transport. The final Travel Plan should be secured and monitored via S106 agreement.

Second round of consultation:

Once built, the mezzanine could be occupied by a different tenant in future once planning permission has been granted.

[Officer Response: The main use of the proposal (92.3% of the floorspace) is for self-storage facility. There would be no office floorspace at “mezzanine level” as the “demountable mezzanines” are located within the self-storage B8 floorspace. Office floorspace is located at ground floor and first floor level and is restricted to 687sqm of floorspace. Conditions 24 and 25 restrict the uses of the development to those proposed, ensuring the uses are not changed or amalgamated without prior consent of the Local Authority.]

It is noted and welcomed that the pedestrian footway along York Way will be widened and re-surfaced in line with ItP London Plan policies T2 and D8.

TfL continues to object to the application on cycle parking grounds due to it failing to comply with emerging new London Plan policy T5.

TfL continues to object to your proposal for 13 marked car parking bays and two loading bays able to accommodate up to 15 vehicles within the service yard. We request that the development proposal is amended to provide capacity for a maximum of 11 vehicles in the servicing yard, for both car parking and loading.

It is noted and welcomed that the trees adjacent to the site along York Way will be protected during construction.

A Stage 1 Road Safety Audit (RSA) should be completed at the planning stage for any highway works proposed, TfL request to be consulted on a RSA condition secured by the Council prior to its discharge, and for the condition to be a pre-commencement condition.

A Travel Plan with revised targets to be secured by condition or s106 is accepted.

[Case Officer Response: Paragraphs 9.126 – 9.147 Assess the overall impact of the development on transport and highways. The acceptability of cycle parking is assessed at paragraphs 9.131 – 9.138, whilst vehicular parking is assessed as paragraphs 9.139 – 9.143. The submission of further details relating to a finalised Construction Management, Tree Protection, Delivery and Servicing, Road Safety Audit, are secured through Conditions 19, 22, 26 and 28. A finalised Travel Plan is to be secured through s106 legal agreement.]

Internal Consultees

7.17 Access Officer –

- **Pedestrian**: Detail regarding dropped kerbs and tactile paving should be positioned to denote a safe route for visually impaired across the vehicular access/cross-over.
- **Accessible parking**: No mobility scooter charging points have been provided and should be located at ground floor level. 1 accessible car parking space is provided and as such a financial contribution towards accessible transport initiatives is required.
- **Egress and evacuation**: it is noted that core 1 and 3 provide for firefighting lifts, which is welcomed. The applicant must clarify the provision of refuges and calling points for both uses proposed, likely to involve enlarging the lobbies or cores.

[Case Officer Response: Noted, Condition 11 seeks further details in regards to tactile paving, accessible parking, and egress and evacuation.]

7.18 Design & Conservation Officer – The revised proposals have effectively addressed the multiple issues raised on the previous application and subsequent appeal dismissal. As currently designed, it now sits comfortably on this prominent site and is of an appropriate

height and mass for its context, and of a design that is both 'of our time' and contextually relevant to the LSIS of which it is an integral part.

The building is considered to positively contribute to the wider Kings Cross environs as well as to Islington's LSIS and is supported.

- 7.19 **Energy Services** – No objection, all of the initial comments raised by the Council's Energy Team have been addressed following receipt of the revised 'Sustainable Design & Construction Statement (SDCS) V3 Addendum 1' prepared by Silcock Dawson & Partners and dated 14/08/2020. The Council's Energy Team confirm that subject to conditions and s106 obligations that all outstanding issues have been resolved.

[Case Officer Response: Noted, paragraphs 9.149 – 9.172 consider energy and sustainability credentials of the proposal, whilst also reflected in Conditions 16 and 17, and the planning obligations recommended.]

- 7.20 **Environmental Health (Acoustic Officer)** – The EPPP team have no objections as per previous application, subject to compliance conditions in relation to plant noise and the submission of an Environmental Construction Management Plan.

[Case Officer Response: Noted, Condition 12 secures plant noise mitigation measures, whilst Condition 19 requires details on construction management.]

- 7.21 **Environmental Health (Air Quality)** – The submitted Air Quality report considers exposure for occupiers of the site and includes an air quality neutral assessment which calculates achieving neutral status, which is welcomed.

- 7.22 **Environmental Health (Contamination)** – The site has a history of potentially polluting uses. The proposal introduces receptors to the site but the site is to be redeveloped with hardstanding across the site and a double basement. A condition is recommended to ensure sufficient investigation and remediation is secured on site.

[Case Officer Response: Noted, Condition 20 seeks the submission and approval for remediation measures prior to commencement of the development.]

- 7.23 **Planning Policy Officer** – The revised proposal results in the intensification of industrial floorspace on site and it is consistent with policies E4 and E7, contained in the new London Plan (Intend to publish version). The proposal also meets the principle of no net loss as stated in current adopted policy DM5. In terms of the emerging Local Plan, the proposal is also in line with emerging Local Plan policies SP3 and B2 and the development has a clear primary industrial function with a minor proportion of flexible office. The emerging Local Plan recognises the specific locational requirements of different business sectors as per NPPF paragraph 82. Regional and local evidence shows there is demand for a range of industrial activities, including "servicing the services" and emerging industrial activities. The Vale Royal/Brewery Road LSIS is a cluster of predominantly industrial sites and buildings, designated for specific business sectors that cannot be accommodated elsewhere (B1c, B2, and B8). It represents only 1% area. The LSIS provides a pool of business premises for a range of occupiers, including SMEs, which are genuinely industrial. Predominantly office-based business clusters are able to locate in numerous other locations elsewhere in the borough.

[Case Officer Response: Noted, paragraphs 9.2 – 9.25 consider land use implications]

- 7.24 **Tree Protection Officer** – The two London Plane trees located on York Way are to be retained. Both trees are relatively small and young/semi-mature specimens and from the submitted drawings the basement appears to be set back a far enough distance from the trees so as to not be within the Root Protection Area of either tree. However, in the absence of an Arboricultural Impact Assessment, in accordance with BS5837:2012, specifically showing details as to the juxtaposition of the basement (and above ground

floors) and the existing trees. Consideration must also be given to the physical construction requirements of the basement so that further facilitation excavation does not affect the trees. As such, the submission of a Tree Protection Plan and an Arboricultural Method Statement (BS5837:2012) should be conditioned.

[Case Officer Response: Noted, submission of a Tree Protection Plan and Arboricultural Method Statement are secured through Condition 26.]

In addition, I do not think enough consideration has been given to landscape improvements in the public realm, there appears to be adequate room on the York Way frontage to provide further tree planting that is at ground level and not within raised planters. We should be insisting on this to improve tree canopy cover and as enhancement to the street scene, amenity and eco-system service benefits including helping to ameliorate the effects climate change in accordance with council policy DM6.2 and emerging Local Plan policies G1 & G4.

[Case Officer Response: Noted, details of a Landscaping Plan to be submitted and approved prior to commencement of the development is secured through Condition 6.]

8 RELEVANT POLICIES

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

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.) and;

8.2 National Planning Policy Framework (NPPF) 2019, Paragraph 11 states: *"at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay..."*

8.3 At paragraph 8 the NPPF states: *"that sustainable development has an economic, social and environmental role"*.

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

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

8.6 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.

8.7 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.

8.8 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

8.9 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.

Development Plan

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

Emerging Policies

Draft Islington Local Plan

8.11 From 20 November 2018 to 14 January 2019, the Council consulted on a Regulation 18 draft of the new Local Plan. There have been objections to policies relevant to this application. The Regulation 19 Draft of the Local Plan is scheduled to be taken to Full Council for approval at the end of June 2019, and the Independent Examination into the draft Local Plan is expected to take place in late 2020. As such, the draft Local Plan has limited weight. However, as required by the London Plan, designation of Locally Significant Industrial Sites should be supported by robust evidence. The main body of evidence is the LB Islington Employment Land Study 2016. The following policies are considered relevant to the site and this application:

- SP3 Vale Royal/Brewery Road Locally Significant Industrial Site
- B2 New business floorspace
- B3 Existing business floorspace
- S1 Delivering sustainable design
- S2 Sustainable design and construction
- S3 Sustainable design standards
- S4 Minimising greenhouse gas emissions

- S8 Flood risk management
- S9 Integrated water management and sustainable design
- T1 Enhancing the public realm and sustainable transport
- T2 Sustainable transport choices
- T3 Car-free development
- T5 Delivery, servicing and construction
- DH1 Fostering innovation while protecting heritage
- DH4 Basement development

Draft Site Allocations

- 8.12 **Allocation VR1** - 202-228 York Way, 22-23 Tileyard Road, 196-200 York Way
- 8.13 The Site Allocations document includes the LSIS, and within this the application site referred to as the Fayers Site. It states that any development should protect the existing uses and seek to intensify industrial uses.

Draft London Plan (Intend to Publish Version) December 2019

- 8.14 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 Panel of Inspectors 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 Inspectors’ 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.
- 8.15 It is worth noting at this point 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. In this particular case, the emerging London Plan policies tend towards support for office space in the CAZ. The emerging London plan policies relating to social infrastructure echo that of the adopted plan (i.e. resisting the loss of educational facilities). Relevant policies in the emerging London Plan are set out below:

Designations

- 8.16 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013:
- Kings Cross and Pentonville Road Core Strategy Key Area
 - Vale Royal/Brewery Road Local Industrial Site (LSIS)
 - Article 4 Direction B1a to C3 (LSIS)
 - Article 4 Direction A1-A2 (Rest of Borough)
 - Local View from Dartmouth Park Hill
 - Locally Significant Industrial Area (LSIS) Vale Royal/Brewery Road

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Environmental Impact Assessment (EIA)

8.18 EIA screening is not required for this development, as the site is less than 0.5 hectares.

9 ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use;
- Design & Appearance;
- Accessibility and Inclusive Design;
- Neighbouring Amenity;
- Transport and Highways;
- Energy & Sustainability; and
- Waste Management.

Land Use

Policy Context

- 9.2 This section of the report sets out the policy context against which the proposal will be assessed in regards to existing and proposed land use.
- 9.3 The site is located in the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS) as defined within Islington Core Strategy ('ICS') 2011 policies CS6 and CS13 and Islington Development Management Policies ('DM') 2013 DM5.3.
- 9.4 The Local Plan explains that the industrial/business cluster east of York Way is the only remaining significant concentration of industrial uses in Islington. It is located centrally in the borough and provides over 100,000m² of employment uses, mostly comprising light industry (B1c), general industry (B2) and storage and distribution (B8) uses. As well as providing employment, the cluster fulfils an important supporting role for commercial, retail and leisure uses in central London.
- 9.5 To support its designation, the introduction of land uses that would erode the function of the Vale Royal/Brewery Road Locally Significant Industrial Site will not be permitted. Given its suitability for employment use, and its function as the only Locally Significant Industrial Site in the borough, active marketing of vacant floorspace should be demonstrated for a period of at least two years where loss of business floorspace is proposed.
- 9.6 It is also noted that the site is located within an Article 4 Direction which has removed Permitted Development rights for the change of use from B1(c) (light industrial uses) to C3 Use Class (residential), and requires full planning permission.
- 9.7 The NPPF 2019 states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 9.8 London Plan Policy 4.4 'Managing industrial land and premises' seeks to ensure a sufficient stock of land and premises to meet the future needs of different types of industrial and related uses. Locally significant industrial sites and other industrial sites will be planned and managed in local circumstances should be in line with strategic policy and location strategies.

- 9.9 ICS policy CS6 'Kings Cross' is a spatial strategy for Kings Cross that highlights the specific spatial policies for managing growth and change for this key area within the Borough. It states that The Vale Royal/Brewery Road area will be retained as the only locally significant concentration of industrial/warehousing/employment land in the borough.
- 9.10 ICS policy CS13 'Employment spaces' seeks to encourage and secure employment space for businesses within the Borough. Part A of policy CS13 encourages employment floorspace, in particular business floorspace, to locate in the CAZ or town centres where public transport is greatest, to be flexible to meet future needs and have a range of unit types and sizes, including those suitable for Small and Medium Enterprises (SMEs). Part B of policy CS13 states that in relation to existing employment floorspace, development which improves the quality and quantity of existing business floorspace provision will be encouraged.
- 9.11 Business floorspace is defined in the Council Core Strategy as space which accommodates activities or uses that fall within the "B" use class (including warehousing).
- 9.12 DM policy DM5.1 'New business floorspace' encourages the intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units.
- 9.13 DM policy DM5.2 'Loss of existing business floorspace' states that the 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).
- 9.14 DM policy DM5.3 'Vale Royal / Brewery Road Locally Significant Industrial Site' outlines the objectives and mechanisms in supporting the retention, vitality and viability of the LSIS. It states the following:
- A. The council supports the retention and intensification of uses appropriate to the role of the Locally Significant Industrial Site (i.e. within the B1(c), B2 and B8 Use Classes).*
 - B. Proposals that would result in a loss or reduction of floorspace in the B1(c), B2 or B8 Use Classes will be refused unless the applicant can demonstrate exceptional circumstances, including through the submission of clear and robust evidence related to the continuous marketing of vacant floorspace for a period of at least two years.*
 - C. Notwithstanding (B), 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).*
 - D. Planning permission will be refused for the introduction of non-business uses (i.e. which fall outside the B Use Classes) except for services and facilities that are clearly ancillary to, and support the economic and employment function of, the Locally Significant Industrial Site*
- 9.15 DM policy DM5.4 'Size and affordability or workspace' seeks to ensure an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises within development proposals. Part B of this policy states that within Town Centres, proposals for the redevelopment of existing low value workspace must incorporate an equivalent amount of affordable workspace and/or workspace suitable for micro and small enterprises. Part C of the policy requires applications to demonstrate that where space for micro or small enterprises are provided, the floorspace would meet their needs through design, management and/or potential lease terms.

- 9.16 Islington's emerging Local Plan policies consider the latest employment and industrial land evidence base both at local and regional levels, in line with national policy. In response to the new London Plan, Policy SP3 part A of Islington's emerging Local Plan identifies the principal objective of the Vale Royal/Brewery Road LSIS as being *"to retain industrial land and intensify B1c light industrial, B2 general industry and B8 storage and distribution uses", while part C from this policy states that "any proposal which introduces additional offices, regardless of whether there is an existing office use on site, and which does not result in the building being in predominantly industrial use, will be refused."*
- 9.17 Policy B2, from the emerging Local Plan sets out that the overriding priority land uses in LSIS designations are industrial uses (B1(c), B2, B8 and Sui Generis uses which are akin to industrial uses). The retention and intensification of industrial uses and existing clusters of industrial activity in LSISs will be required as part of any proposal within a LSIS. The provision of hybrid space is supported. The development of office use may be permissible as part of a hybrid workspace scheme, but it must only constitute a small proportion of the overall gross floorspace proposed.
- 9.18 Emerging local policies consider that the introduction of a large quantum of non-industrial uses would over time undermine the primary industrial economic function and compromise the future growth of LSISs and will therefore not be permitted unless they are clearly ancillary to a proposal. The provision of hybrid space in LSIS designations is also referenced in Policy SP3, part B, that encourages the provision of a range of flexible industrial uses including those suitable for SMEs, in line with policy E6 from the new London Plan.
- 9.19 The Site Allocation schedule of the emerging Local Plan identifies the site as VR1 and recommends the following: the retention and intensification for industrial uses (B1(c), B2 and B8) to contribute toward the delivery of the strategic priorities for the Spatial Strategy area; that building heights should not exceed five storeys; that the prominent corner location of site warrants a high quality, well-designed building; and that a new proposal should be designed to continue off-street servicing.
- 9.20 Further, the emerging New London Plan, through policy E4, seeks to ensure that a sufficient supply of land and premises exist in different parts of London, to meet current and future demand for industrial and related functions. It states that in overall terms across London, there is no net loss of industrial floorspace capacity within SIL and LSIS. Policy E4 of the emerging New London Plan explains that such floorspace capacity is defined as *"either the existing industrial and warehousing floorspace on site or the potential industrial and warehousing floorspace that could be accommodated on site at a 65 per cent plot ratio (whichever is the greater)"*.

Officer Assessment

Storage and Distribution

- 9.21 The proposal would bring about the intensification of priority floorspace, where 8,268 sqm (GIA) of Use Class B8 floorspace could be delivered. It is understood that there is scope to deliver an additional 6,686sqm (GIA) of B8 floorspace through the insertion of mezzanine floors. However, this does not form part of the actual proposal (and is not shown on the application form).
- 9.22 The self-storage facility provides a variety of different sized storage spaces from 10sqft to 400sqft, dependent on the requirements of the customer. The storage space provided is high quality, comprising modern, secure rooms each accessed from wide, well-lit corridors designed for easy manoeuvrability. The proposal would provide good quality storage space.

Office (B1a Use Class)

- 9.23 In addition to the self-storage facility, the proposal also includes an element of office space, aimed specifically at Small and Medium Enterprises ('SMEs'). This makes up 7.7% of the total proposed floorspace. The delivery of a small proportion of flexible office space within the Big Yellow facility is considered acceptable.

Intensification of industrial uses within the LSIS

- 9.24 The proposal significantly exceeds the existing industrial floorspace by providing an uplift and when measured against the 65% plot ratio. Therefore, the uplift of B8 storage space is in line with both adopted and emerging policy.

Test	Existing	Proposed
No Net Loss	4,644	8,268
Plot (sqm)	65% Plot Ratio	Proposed
3,500	2,275	8,268

Summary

- 9.25 Overall, the proposal is considered acceptable in land use terms. The proposed scheme intensifies uses appropriate within the LSIS and supports the area's industrial designation. Office use in this instance forms a small proportion of the overall floorspace proposed. Therefore, given the quantum and balance of uses, it is considered that this will not negatively impact the area's industrial function. Further, the proposal would be in line with requirements of the emerging Local Plan site allocation VR1. The proposal is considered to accord with NPPF chapter 6, London Plan (2016) policy 4.4, Islington Core Strategy (2011) policies CS6 and CS13, Islington Development Management Policies (2013) DM5.1, DM5.3 and DM5.4, as well as emerging Islington Local Plan policies SP3.

Design, appearance and impact upon heritage

Site and surrounding context

- 9.26 The site, which lies within the south-western corner of the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS) as defined in the Core Strategy.
- 9.27 The surrounding part of the LSIS to the north and east of the site, is characterised by generally low-rise industrial and commercial buildings of two to four storeys. Other than the adjacent Gormley Studio dating from 2001 (the studio, which lies immediately to the east of the site on the Vale Royal frontage, comprises a three storey high building designed by Sir David Chipperfield and is set back from the Vale Royal frontage behind a high wall) the existing buildings are generally simple and modest rather than architecturally distinguished.
- 9.28 A further notable exception, particularly in terms of the prevailing building height within this part of the LSIS, is the 7-9 storey 30 metres high Fitzpatrick building, located opposite the appeal site on the southern corner of the Vale Royal/York Way junction. The building is currently under construction.

Policy Context

- 9.29 Paragraph 124 of the NPPF 2019 highlights that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 9.30 Paragraph 128 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot. Paragraph 129 goes on further to state that in assessing application, local planning authorities should have regard to the outcome of tools and processes for assessing and improving the design of development, including any recommendations made by design review panels.
- 9.31 Paragraph 130 states that Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.
- 9.32 Planning policies relevant to design are set out in chapter 7 of the London Plan 2016, Policy CS9 of Islington's Core Strategy (2012) and policies in chapter 2 of Islington's Development Management Policies (2013).
- 9.33 London Plan Policy 7.4 'Local character' states that development should have regard to the scale, mass and orientation of surrounding buildings, and that buildings should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass.
- 9.34 London Plan Policy 7.6 'Architecture' states that buildings should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should not cause unacceptable harm to the amenity of surrounding land and buildings. The Mayor of London's Character and Context SPG notes at paragraph 7.26 that "*the key or essential characteristics of a place provide an important reference point against which change can be assessed*".
- 9.35 London Plan Policy 7.8 'Heritage assets and archaeology' states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architecture detail. Further, new development should make provision for the protection of archaeological resources, landscapes and significant memorials.
- 9.36 ICS policy CS9 'Protecting and enhancing Islington's built and historic environment' of Islington's Core Strategy (2011) sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity preserving the historic urban fabric.

- 9.37 Policy DM2.1 'Design' requires all forms of development to be of a high quality design, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Permission will be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.38 Islington's emerging Local Plan Policy SP3 (part G) states that "*development on York Way or Vale Royal, in proximity to the Maiden Lane tower adjacent to the western boundary of the LSIS, must be clearly sub-ordinate in height*". Furthermore, that "*given the narrow street profile of York Way and Vale Royal, proposals should avoid creating a canyon effect through appropriate set back; and by stepping down heights to avoid adverse impacts on local character and the street scene*". The supporting text of the policy refers to the urban design and character assessment that was undertaken for the LSIS and its wider context (LSIS Heights Study), which concluded that a maximum height of 5 commercial storeys would be appropriate in the LSIS. It also concluded that buildings of over 5 storeys may have a negative impact upon the scale of the streets within the LSIS and may appear overbearing, due to narrow road widths.

Context

- 9.39 The surrounding part of the LSIS is characterised by low-rise industrial buildings of predominantly two to four storeys. The buildings are generally modest and simple rather than architecturally distinguished and there is a broad homogeneity to the area through broadly consistent heights and industrial, low-rise architecture. Practical and robust elevations, commonly in brick and render, are the predominant 'language' coupled with punched fenestration including loading bays.
- 9.40 An exception to this prevailing height, form and language is the emerging redevelopment of the Fitzpatrick building to the southern side of Vale Royal. This is of a contemporary architectural language and is to comprise a relatively tall commercial building being part 7, 8 and 9 storeys. It is however located to the southernmost edge of the LSIS, on the prominent corner of York Way, a primary route, opposite the 19 storey residential tower to the western edge of York Way.
- 9.41 Opposite the site, to the western side of York Way, and within the London Borough of Camden, lie recently redeveloped buildings that form part of the Maiden Lane Estate. These buildings range in height (residential storey heights) from 5, 6 and 7 storeys, culminating at the southern end with a 19 storey tower.
- 9.42 York Way is a heavily trafficked, primary north-south route that connects this intensively urbanising Kings Cross environment to the south with multiple neighbourhoods and local centres in north London and beyond. It is experiencing a high level of transformational change including urban intensification as the effects of the commercially and culturally successful transformation of the King Cross area ripple out into adjacent localities. York Way is currently in the process of being transformed from a vehicle dominated through-route to an attractive and lively urban street. Any proposal for development along its edges must therefore respond to and help facilitate this positive transformation.
- 9.43 The area is characterised by industrial buildings, warehousing and railway infrastructure. There are some residential buildings to the north and opposite the site. The buildings are of varying age but in Vale Royal and Tileyard Road predominantly date from the 20th century. There is a variety of materials, but brick tends to predominate with some render and concrete too. Although there is an element of variety in ages and materials, there is a stronger sense of a prevailing scale with buildings mainly being 2 to 4 storeys high. The

London Borough of Camden has taller buildings with the XY building and Maiden Lane housing on York Way, although this is not representative of the area.

Assessment

Height, scale and massing

- 9.44 Pre-application advice (reference: Q2017/3029/FUL) outlined that the site can accommodate taller buildings than those currently there, however the overall height should be no more than about 20 metres (including all lift overruns and other plant and equipment). This is consistent with the emerging policy for the area which uses the Vale Royal/Brewery Road Locally Significant Industrial Site Height Study (2016) (“Height Study”) as part of its evidence base which is a material consideration.
- 9.45 The height, scale and massing are considered to be contextually appropriate and adhere, where relevant, to the key Urban Design Guide (UDG) objectives required to enhance Islington’s urban structure. These include responding to the street pattern, reducing the impact of vehicles of the built environment, creating safe streets and spaces, responding to the qualities of the traditional building hierarchy, and respecting the established order and local character of the urban form. The heights do not result in any part of the new building penetrating the protected view corridor LV7.
- 9.46 The approach to height, scale and massing across the site has been partly informed by the daylight constraints and considerations to the adjacent residential buildings, as established by the Planning Inspector in the recent appeal decision affecting the site. Further, the proposal has been designed alongside the adjoining proposed development at 22 – 23 Tileyard Road, planning application reference: P2019/3300/FUL. The revised proposal results in a significant reduction in height, scale and massing from the previously refused application.



Figure 9: View of Proposal looking north on York Way and the corner of Vale Royal

Detailed design and appearance

- 9.47 The elevation to York Way would be three storeys with a pitched roof which rises to the centre of the site. The five storey element of the building is set centrally within the site. The York Way elevation would match the height of the adjoining proposed development at 22-23 Tileyard Road, and would be set lower than the neighbouring Fitzpatrick building to the south of Vale Royal, as shown in Figure 10 below.
- 9.48 The building frontage along York Way follows the curve of the road, which Officers support. The York Way elevation includes well placed fenestration and decorative brickwork ensuring that this elevation is richly animated. There is sufficient elevational differentiation between the two entrances to the building to ensure their required prominence and ensuring this long façade is adequately broken up.



Figure 10: The proposed York Way elevation, alongside the adjoining Tileyard Road proposal in-situ

- 9.49 In regard to the Vale Royal elevation, although this elevation will be unfenestrated, the resulting visual impact is lessened by the extensive use of richly decorative brickwork, ensuring an architectural warehouse language related to the rest of the building. It is accepted that the position of the vehicular gates set back from the main elevation of the building above is necessary due to the operational requirements of the gates and vehicular movements. The inclusion of the metal gates lessens the impact of the ground and first floor opening to this elevation.
- 9.50 An electricity substation is proposed to the Vale Royal elevation at ground floor level. It was previously located on the York Way frontage and was considered to be a prominent element of dead frontage to the highly visible primary elevation of York Way. Its reposition to the Vale Royal is considered of minimal impact to this elevation, ensuring that the primary frontage of York Way is enhanced.
- 9.51 It is acknowledged by Officers that the adjacent site to the north, that formed part of an earlier comprehensive redevelopment scheme that was refused planning permission, that the application has been found to be satisfactory on a standalone basis, and without regard to the effect of a possible adjacent scheme on this exposed northern flank not coming forward. The applicant's design response to the northern elevation is welcomed with the provision of a full height brick wall to the front third of this elevation, as well as to the entire ground floor level. The remaining elevation at upper level is of a grey seamed metal finish and applied to the taller, rear element of the building only. The proposed northern elevation is considered acceptable should the adjoining site to the north (Tileyard) not come forward.
- 9.52 Overall, the contemporary take of the large warehouse form and language adopted of the proposed building is considered successful and a welcome approach by officers.

Impact upon Heritage Assets

- 9.53 The site is not within a conservation area nor is any part of the building and curtilage statutory listed. Grade II* Listed Caledonian Market Clock Tower is located to the north of the LSIS area, within the Caledonian Park, to the north side of Market Road. It is an important Landmark of material significance. Any development coming forward within the LSIS must therefore have regard to its setting and protect the views to and from it. This application will not have any adverse impact on the setting of this Landmark and is not positioned where there are views of it. Therefore, there is no harm arising on the landmark as a result of this proposal.
- 9.54 The site is located in the vicinity of the Camden Square Conservation Area which lies to the north west of the site, in neighbouring London Borough of Camden, to the junction of York Way with Maiden Lane. Whilst the development will be partially visible as viewed from the edge of this conservation area, given the architectural approach, the disposition of the height, bulk and mass across the site, and the use of good quality materials, it is considered that it will not have any adverse impact on its setting.
- 9.55 Neighbouring London Borough of Camden have not raised any objection to the proposals based on heritage impacts.
- 9.56 Further, part of the site lies within the Dartmouth Park Hill to St Paul's Cathedral Local View Corridor – designated as LV7. This corridor is highly sensitive to physical intrusions and change within and adjacent to its cone. A 'Townscape and Visual Impact Assessment' dated July 2020 confirms that the proposed development would not be visible within this view.
- 9.57 There is no objection to the proposal in regard to heritage impacts.

Summary

- 9.58 The proposed development is considered to be well-designed, responding successfully to its context and maintaining the setting of surrounding heritage assets. As such, the application is considered in accordance with the objectives of the NPPF chapter 12, the London Plan 2016 policies 7.4 and 7.6, Islington Core Strategy 2011 policies CS8 and CS9, Islington Development Management Policies DM2.1, the principles of Islington's Urban Design Guide as well as emerging Islington Local Plan policies SP3 and DH3.

Accessibility and Inclusive Design

- 9.59 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires all development to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of development from the outset and over its lifetime. To achieve this the proposal should be designed in accordance with Islington's Inclusive Design in Islington (2014) SPD.
- 9.60 The proposal includes level access to both the self-storage facility and flexi-offices. There are several lifts serving the self-storage facility alongside staircases, whilst the flexi-offices also have access to a lift.
- 9.61 Accessible cycle parking spaces has been provided at ground floor level, to both the front and rear, with at least 1500mm width route to the street level. Sufficient refuges and

mobility scooter charging points have not been identified within the proposal, and as such condition 11 seeks further details ensuring these will be secured.

- 9.62 The proposal is considered broadly acceptable in relation to accessibility and inclusive design, in accordance with the aforementioned policies, subject to further details to be secured via condition (11).

Neighbouring Amenity

- 9.63 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. In this regard, the proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which require all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy 7.6 requires buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.

Overlooking and Privacy

- 9.64 The supporting text to Policy DM2.1 states at paragraph 2.14 that '*to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy*'. In the application of this guidance, consideration has to be given also to the nature of views between windows of the development and neighbouring habitable rooms. For instance, where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no or little harm.
- 9.65 The proposed development includes no residential accommodation or habitable rooms, therefore the 18m requirement is not directly relevant. To the west, the proposed building faces Blocks A, D, E and H of the Maiden Lane Estate. The blocks are commercial at ground floor level with residential to the upper floors. The distances between the interfacing windows of these windows and the proposed development would be in excess of 18 metres over the highway of York Way. It is not considered that that neighbouring residents of the Maiden Lane Estate would suffer from an unacceptable loss to privacy.
- 9.66 Further, the proposal would face industrial and other commercial use buildings to the north, east and south, therefore no overlooking concerns are relevant.

Outlook

- 9.67 The proposal is not considered to give rise to an unduly harmful loss of outlook or unduly harmful increased sense of enclosure when viewed from neighbouring residential properties given the separation distance to the proposed development being at least 18 metres away.

Noise and Disturbance

- 9.68 A 'Noise Assessment' dated 11 November 2019 and prepared by Sharps Redmore Acoustic Consultants was submitted in support of the application. Given the distance between the proposed plant and equipment to the roof of the development and the nearest residential receptors to the west of York Way, no objection is raised by Council's Environmental Public Protection Officer, subject to a compliance condition relating to background noise. This is secured through condition 12.

- 9.69 The proposed office element of the development would be unlikely to result in an unduly harmful impact by reason of noise and disturbance affecting neighbouring occupiers given that offices do not typically generate significant noise and are compatible with residential uses.
- 9.70 The self-storage facility would be accessed both from the front of the building on York Way and to the rear from the dedicated service yard. Users of the self-storage facility would therefore most likely use the rear entrance to the facility due to moving items from their vehicles into the building.
- 9.71 Deliveries and servicing for the building would be carried out using the dedicated off-street yard accessed from Vale Royal.

Light Pollution

- 9.72 Given the proposed number and proximity of fenestration along the York Way elevation facing the Maiden Lane development opposite, the amount of light emanating from the proposed development could have the potential to harm neighbour amenity as there is a possibility of late night light pollution should office staff need to work outside normal office hours. However, it is not recommended that the hours of use of the office be restricted as this could prove onerous for potential occupants. It is considered that potential light pollution could be adequately mitigated through measures such as the use of daylight and occupancy sensors for internal lighting and automated roller blinds. Conditions 9 and 10 are recommended to address light pollution concerns.

Daylight, Sunlight and Overshadowing

- 9.73 A number of the representations received during the consultation period of the application objected to the proposal with regard to loss of daylight, sunlight and overshadowing.
- 9.74 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 9.75 The starting point must be an assessment against the BRE guidelines and from there a real understanding of impacts can be gained. Knowing very clearly what the actual impacts are in the first instance is consistent with the judgement made in 'Rainbird vs Tower Hamlets [2018]'
- 9.76 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 9.77 The 'Effective Use of Land' section in the Government's Planning Practice Guidance (PPG), confirms that consideration is to be given to whether a proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, setting out that all development should maintain acceptable living standards, although what will be appropriate will depend to some extent on the context. The Guidance cites city centre locations where tall modern buildings predominate as an area where lower daylight levels at some windows may be appropriate if new development is to be in keeping with the general form of its surroundings.

Daylight Guidance

- 9.78 The BRE Guidelines stipulate that... "*the diffuse daylighting of the existing building may be adversely affected if either:*

- *the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value.*
- *the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.” (No Sky Line / Daylight Distribution).*

- 9.79 At paragraph 2.2.7 of the BRE Guidelines it states: *“If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.”*
- 9.80 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 9.81 At paragraph 2.2.8 the BRE Guidelines state: *“Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the ‘no sky line’ in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside”.*
- 9.82 Paragraph 2.2.11 states: *“Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.”* The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.
- 9.83 The BRE Guidelines at Appendix F give advice on setting alternative target values for access to skylight and sunlight. Appendix F states that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. An example given is *“in a mews development within a historic city centre where a typical obstruction angle from ground floor window level might be close to 40 degrees. This would correspond to a VSC of 18% which could be used as a target value for development in that street if new development is to match the existing layout”.*

Sunlight Guidance

- 9.84 The BRE Guidelines (2011) state in relation to sunlight at paragraph 3.2.11:
- “If a living room of an existing dwelling has a main window facing within 90degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:*
- *Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and;*
 - *Receives less than 0.8 times its former sunlight hours during either period and;*
 - *Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.”*

- 9.85 The BRE Guidelines) state at paragraph 3.16 in relation to orientation: “A south-facing window will, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit.”
- 9.86 The guidelines go on to state (paragraph 3.2.3): “... it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun”.
- 9.87 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasises that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

Overshadowing Guidance

- 9.88 The BRE Guidelines state that it is good practice to check the sunlighting of open spaces where it will be required and would normally include: ‘gardens to existing buildings (usually the back garden of a house), parks and playing fields and children’s playgrounds, outdoor swimming pools and paddling pools, sitting out areas such as those between non-domestic buildings and in public squares, focal points for views such as a group of monuments or fountains’.
- 9.89 At paragraph 3.3.17 it states: “It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.”

Assessment

- 9.90 The proposed development has been revised significantly since the original submission and the Applicant has submitted a revised Daylight and Sunlight report dated 29 May 2020. The report and addendums consider the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines.
- 9.91 The report concludes that the only properties relevant for assessment are located to the west of the site, to the other side of York Way within neighbouring London Borough of Camden. This is due to the neighbouring sites to the north, east and south (within Islington) being within non-residential uses.
- 9.92 In modelling the assessment, GIA have acquired floor plans of the Maiden Lane development to the west of the Site from the Camden Planning portal, and incorporated the layouts and room uses.
- 9.93 The submitted report states that “It is our opinion (Gordon Ingram Associates) that the windows and rooms at the Maiden Lane site are acting as a burden to development on the site, due to unfairly expecting more than their fair share of light over the development site. This is exacerbated by the poor design of the buildings themselves, the position directly on the site boundary and the deep deck balconies”.

9.94 The GIA report also considers that such large impacts on daylight by using two alternative scenarios which are acknowledged by the BRE guidelines, these include an assessment without balconies and a mirror massing exercise.

Impacts to Daylight

9.95 The submitted report indicates that a total of 418 windows and 251 rooms facing the Site were assessed. The report indicates that 49 (11.7%) of the windows assessed would fail and BRE criteria relating to VSC and 13 (5.2%) of the rooms assessed would fail BRE criteria relating to NSL.

9.96 Transgressions are reported to neighbouring Maiden Lane Blocks A, D and E. These are outlined further below.

9.97 Alternative target exercises have also been investigated by the Applicant, including alternative scenarios which are acknowledged by the BRE guidelines, which are an assessment without balconies and a mirror massing exercise.

9.98 The guidelines suggest that if properties have balconies, such as those within the Maiden Lane Estate facing onto York Way, they are already effectively self-obstructed and even a small impact on daylight will be magnified by any adjacent development. The BRE recognises that existing architectural features on neighbouring properties such as balconies and overhangs inherently restrict the quantum of skylight to a window. The BRE guidelines state that *“Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even the modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight. One way to demonstrate this would be to carry out an additional calculation of the VSC and the area receiving direct skylight, for both the existing and proposed situations, without the balcony in place”*.

9.99 ‘Mirror massing’ uses a theoretical mirror massing block of the *“same height and size and equal distance away”* of the neighbouring buildings affected by the development.

Maiden Lane (Block A)

9.100 Block A is a recently completed 19 storey building with commercial use at ground floor level and residential units to the upper floors. 162 windows and 90 rooms were assessed. The transgressions to neighbouring Block A are reported for reference in the below table:

Table 1		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
Maiden Lane (Block A)								
First Floor								
Flat 7 R3 / W5	Bedroom	7.1	5.6	21.1%	10.2	6.2	6.2	0

9.101 As shown in table 1 above, only 1 of the 162 (0.6%) windows assessed would see reductions in VSC over BRE guidelines, whilst no rooms would see a reduction of daylight

distribution outside BRE guidelines. The window would see only a minor transgression of 21.1% which is considered marginally above the BRE target of 20%.

- 9.102 All of the windows and rooms to Block A would achieve full compliance within the alternative target exercises of 'without balconies' and 'mirror massing'.

Maiden Lane (Block D)

- 9.103 Block D is a recently completed 7 storey building with commercial use at ground floor level and residential units to the upper floors. 78 windows and 48 rooms were assessed. The transgressions to neighbouring Block D are reported for reference in the below table:

Table 2		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
Maiden Lane (Block D)								
First Floor								
Flat 4 R1 / W1	LKD	4	4	0	31.0	22.5	14.7	34.6%
Flat 4 R1 / W2		17.4	15	13.8%				
Flat 4 R1 / W3		11.4	7.6	33.3%				
Flat 4 R2 / W4	Bedroom	13.8	9.7	29.7%	12.3	11.6	10.6	9.3%
Flat 4 R3 / W5	Bedroom	11.3	7.9	30.1%	12.4	10.5	9.1	14%
Flat 3 R4 / W6	LKD	13	8.4	35.4%	24.0	23.7	18.8	20.8%
Flat 3 R4 / W7		14.6	9.8	32.9%				
Flat 3 R5 / W8	Bedroom	11.8	7.8	33.9%	14.3	14.0	7.6	45.7%
Flat 2 R6 / W9	Bedroom	12.8	7.8	39.1%	12.4	9.1	8.0	12.1%
Flat 2 R7 / W10	Bedroom	14.1	9.1	35.5%	12.3	10.8	9.1	15.8%
Flat 2 R8 / W11	LKD	9.6	6.4	33.3%	31.0	29.6	13.0	50.3%
Flat 2 R8 / W12		23.5	18.4	21.7%				
Flat 2 R8 / W13		16.8	15.9	5.4%				
Second Floor								
Flat 9 R1 / W1	LKD	4.4	4.4	0	31.0	22.7	22.0	3.1%
Flat 9 R1 / W2		18.4	16.9	8.2%				
Flat 9 R1 / W3		12.8	9.6	25%				
Flat 9 R2 / W4	Bedroom	15.8	12.4	21.5%	12.3	11.6	11.6	0.1%

Flat 8 R4 / W6	LKD	15	10.9	27.3%	24.0	23.7	23.7	0
Flat 8 R4 / W7		17.1	12.6	26.3%				
Flat 8 R5 / W8	Bedroom	13.3	10.1	24.1%	14.3	14	12.7	9.2%
Flat 7 R6 / W9	Bedroom	15.5	10.4	32.9%	12.4	9.6	9.6	0
Flat 7 R7 / W10	Bedroom	17.6	12.2	30.7%	12.3	11.2	11.2	0
Flat 7 R8 / W11	Bedroom	11.4	8.4	26.3%	31.0	29.6	18.7	37.1%
Flat 7 R8 / W12		27.5	21.6	21.5%				
Flat 7 R8 / W12		19.8	17.6	11.1%				
Third Floor								
Flat 12 R6 / W9	Bedroom	16.5	12.7	23%	12.4	10.2	10.2	0
Flat 12 R7 / W10	Bedroom	19.1	14.9	22%	12.3	11.7	11.7	0

- 9.104 As shown in table 2 above, 21 of the 78 (27%) windows assessed would see reductions in VSC over BRE guidelines and 5 rooms of the 48 (10.4%) rooms assessed would have a worsening of daylight distribution outside BRE guidelines to neighbouring Block D. Windows and Rooms at first floor are the most affected by reductions to VSC.
- 9.105 All of the windows to Block D would achieve full BRE compliance within the alternative target exercise of 'mirror massing', whilst only one room would fail in regards to NSL.
- 9.106 In regard to the alternative target exercise of 'without balconies', the number of rooms affected is down to 4 (8.3%), an improvement on the primary BRE testing.

Maiden Lane (Block E)

- 9.107 Block E is a recently completed 7 storey building with commercial use at round floor level and residential units to the upper floors. 78 windows and 48 rooms were assessed. The transgressions to neighbouring Block E are reported for reference in the below table:

Table 3		Vertical Sky Component			No Skyline (Daylight Distribution)			
		Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
Maiden Lane (Block E)								
First Floor								
Flat 4 R1 / W1	LKD	1.1	0.9	18.2%	31.0	24.3	11.8	51.5%
Flat 4 R1 / W2		18.5	14.5	21.6%				
Flat 4 R1 / W3		12.2	7.1	41.8%				
Flat 4	Bedroom	16.6	10.4	37.3%	12.3	11.7	8.3	28.6%

R2 / W4								
Flat 4 R3 / W5	Bedroom	13.4	8.1	39.6%	12.4	10.5	6.5	37.9%
Flat 3 R4 / W6	LKD	15.1	8.6	43%	24.0	23.7	18.1	23.9%
Flat 3 R4 / W7		17.7	10.8	39%				
Flat 3 R5 / W8	Bedroom	14.1	7.8	44.7%	14.3	14.0	5.7	59.3%
Flat 2 R6 / W9	Bedroom	15.4	9.5	38.3%	12.4	10.5	7.1	32.6%
Flat 2 R7 / W10	Bedroom	18.1	12.5	30.9%	12.3	11.6	9.5	18.7%
Flat 2 R8 / W11	LKD	12.1	7.5	38%	31.0	29.6	28.6	3.5%
Flat 2 R8 / W12		27.2	23.6	13.2%				
Flat 2 R8 / W13		26.6	26.6	0				
Second Floor								
Flat 9 R1 / W1	LKD	1.2	1.1	8.3%	31.0	24.5	16.8	31.4%
Flat 9 R1 / W2		20.2	16.3	19.3%				
Flat 9 R1 / W3		13.8	9	34.8%				
Flat 9 R2 / W4	Bedroom	18.7	13.1	29.9%	12.3	11.7	11.7	0
Flat 9 R3 / W5	Bedroom	15	10.2	32%	12.4	10.5	10.4	0.9%
Flat 8 R4 / W6	LKD	16.6	10.9	34.3%	24.0	23.7	22.9	3.5%
Flat 8 R4 / W7		19.4	13.6	29.9%				
Flat 8 R5 / W8	Bedroom	15.5	10.1	34.8%	14.3	14.0	9.4	33%
Flat 7 R6 / W9	Bedroom	16.6	11.7	29.5%	12.4	10.5	10.5	0.1%
Flat 7 R7 / W10	Bedroom	19.8	15	24.2%	12.3	11.7	11.7	0
Flat 7 R8 / W11	LKD	13.4	9.4	29.9%	31.0	29.6	28.9	2.5%
Flat 7 R8 / W12		28.6	25.4	11.2%				
Flat 7 R8 / W13		28.7	28.7	0				
Third Floor								
Flat 14 R1 / W1	LKD	1.4	1.3	7.1%	31.0	25.0	23.4	6.3%
Flat 14 R1 / W2		21.4	18	15.9%				
Flat 14 R1 / W3		14.7	10.8	26.5%				
Flat 14 R2 / W4	Bedroom	20	15.6	22%	12.3	11.7	11.7	0
Flat 14 R3 / W5	Bedroom	16	12.2	23.8%	12.4	10.5	10.5	0
Flat 13 R4 / W6	LKD	17.5	13.1	25.1%	24.0	23.7	23.7	0

Flat 13 R4 / W7		20.5	16.1	21.5%				
Flat 13 R5 / W8	Bedroom	16.4	12.3	25%	14.3	14.0	13.6	2.9%
Flat 12 R6 / W9	Bedroom	17.3	13.6	21.4%	12.4	10.5	10.5	0
Flat 12 R8 / W11	LKD	14	11	21.4%	31.0	29.6	29.4	1.0%
Flat 12 R8 / W12		29.2	26.7	8.6%				
Flat 12 R8 / W13		31.1	31.1	0				

- 9.108 As shown in table 3 above, 27 of the 78 (34.6%) windows assessed would see reductions in VSC over BRE guidelines and 8 rooms of the 48 (16.6%) rooms assessed would have a worsening of daylight distribution outside BRE guidelines to neighbouring Block D.
- 9.109 The windows which fail at second floor level range in reductions in VSC of 24% to 34.8%, whilst only 2 rooms at second floor level would also see reductions in NSL of between 31.4% and 33%.
- 9.110 The windows which fail at third floor level would all see reductions in VSC of no more than 26.5% whilst none of the rooms which they serve would see reductions in NSL.
- 9.111 It is noted that all of the windows and rooms to Block E would achieve full compliance within the alternative target exercise of 'mirror massing'.
- 9.112 Further, under the alternative target exercise of 'without balconies', all windows would remain BRE compliant whilst the number of rooms affected would be reduced to 11 (14.6%), an improvement on the primary testing.

15-23 Vale Royal (Gormley Studios)

- 9.113 No. 15-23 Vale Royal is the studio of the artist Anthony Gormley and is located in close proximity to the site, to the east and south-east. The building dates back from 2001 and comprises a three storey high building designed by Sir David Chipperfield and is set back from the Vale Royal frontage behind a high wall. As outlined at paragraph 70 of the Appeal decision, the Inspector outlined that "*The main area of the adjacent Studio is equivalent to a three storey building, the whole volume of which is used as a studio space relying on light from high level rooflights that are in the saw-tooth roof pitches. The western end of the building, adjacent to the appeal site, contains a painting studio (Drawing Room) at mezzanine level which was also designed to take advantage of direct natural light through windows along the ridge of the roof, and a Plaster Room. Although there is a side facing window to the Drawing Room, that faces directly onto a high brick boundary wall and is for ventilation purposes, playing little if any part in providing daylight to the space.*"
- 9.114 The Inspector noted (at paragraph 69 of the Appeal decision) that "*whilst BRE guidelines are intended for use in adjoining dwellings, paragraph 2.2.2 (of the BRE guidelines) confirms that they may also be applied to existing non-domestic buildings where occupants have a reasonable expectation of daylight. Clearly the adjacent Studio would have such an expectation.*"
- 9.115 Further, the Inspector noted in paragraph 71 of the Appeal decision that "*the main studio space would continue to be well daylight, with any changes in light conditions unlikely to be perceptible.*" The inspector went on further to conclude that they were "...satisfied that there would be no harm in relation to any material loss of daylight for the adjacent Studio", before

outlining at paragraph 72 that “...there would be no material harm in terms of daylight to the adjacent Studio...”

- 9.116 Appendix 4 of the revised Daylight and Sunlight report dated 29 May 2020 addresses this neighbouring building. It confirms that the studio at both ground and first floor levels would experience no change in the level of daylight and as such would be an improvement over the Appeal scheme.

Summary of Daylight Impacts

- 9.117 The proposed development is considered a significant improvement over the Appeal scheme. While transgressions would still occur, the reduction are at the lower end of the spectrum.
- 9.118 Testing against alternative targets shows the proposal would be all but compliant. Transgressions weigh against the scheme but the weight given to this matter should be moderated.

Impacts to Sunlight

- 9.119 The windows in the Maiden Lane Estate Blocks facing the site are orientated northeast and therefore loss of sunlight is not required to be assessed in accordance with BRE guidance. There are some small secondary windows facing south, but they do not directly face the proposed development and nonetheless loss of sunlight to these windows would be within BRE guidelines.
- 9.120 The submitted report shows that the revised proposal would be BRE compliant in relation to sunlight impacts.
- 9.121 ***Daylight and Sunlight Summary:*** A comprehensive assessment of the proposed development on surrounding windows and rooms to nearby dwellings has been undertaken in accordance with BRE guidance and practice. The BRE guidelines must be viewed flexibly and considering the wider adherence to the required standards of all other tested windows the impact on this room can be accepted. A number of neighbouring properties would see some reduction in daylight received, however this is considered at the lower end of the spectrum.

Construction Impacts

- 9.122 It is anticipated that the construction of the proposed development would cause some degree of noise and disruption affecting neighbouring residents. A Construction and Environmental Management Plan would be required to be submitted to and approved by the Council prior to the commencement of work in order to ensure that the construction impacts are adequately mitigated in the interests of neighbouring residential amenity. This would be secured by condition should the application be approved. Outside planning control there are further controls applicable to construction, including Environmental Health legislation and regulations that would further protect the amenities of neighbouring occupiers during the construction period.

Trees and Landscaping

- 9.123 There are no trees located within the site, and no arboricultural assessment has been submitted in support of the application. There are however two ‘London Plane’ trees located in the immediate surroundings, along York Way, near the corner with Vale Royal.

- 9.124 The proposal seeks increased public realm along both York Way and Vale Royal with increased pedestrian areas, which would be mainly hard landscaped. The landscaped area would include 4 additional trees along York Way, whilst the 2 existing trees would remain.
- 9.125 In the event of planning permission being granted, Condition 6 would require further details of landscaping to be provided in order to ensure that the landscaping is of an adequate quality and is maintained as such thereafter.

Highways and Transportation

- 9.126 Development Management Policy DM8.2 requires that proposals meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice.
- 9.127 The application site has a PTAL of 2, which is considered 'poor', due to being served by only one bus route, the 390 (Archway Station to Notting Hill Gate via Kings Cross). A southbound bus-stop (Stop P) is located adjacent to the site on York Road. Five stations are within 1.3km/15 minutes' walk of the site: Caledonian Road (Underground), Camden Road (Overground), Caledonian Road & Barnsbury (Overground), Kings Cross (Underground, National Rail) and St Pancras (Underground, National Rail and Eurostar).
- 9.128 York Way is the northern end of a signposted north-south cycle route to Copenhagen Street. Whilst there are options for public transport within the wider surroundings, the site does not benefit from good access to these and would not normally be considered a sustainable location for high density development.
- 9.129 The site is within the Thornhill CPZ with restricted parking on weekdays from 08.30-18.30, and Saturdays 08.30-13.30.

Trip Generation

- 9.130 The submitted Transport Statement and Framework Draft Travel Plan suggests that the self-storage facility (B8 Use) will have minimal number of employees on site (3 - 4). As such, the impact of employees of the B8 use will be imperceptible. The number of proposed employees to the flexible office floorspace (B1(a)) is also considered imperceptible due to the floorspace provided at 687sqm. The Framework Travel Plan states that the building will have a Travel Plan Coordinator to promote walking, car-sharing and cycling to reduce car use. The Travel Plan would need to be monitored for a period of five years. This would be secured as part of a section 106 agreement.

Cycles and Pedestrian Movements

- 9.131 Islington Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking, cycling and public transport use. The proposal is highly accessible for pedestrians given its entrances front onto York Way and Vale Royal.
- 9.132 The requirements for cycle parking are set out in Policy DM8.4 and Appendix 6 of the Development Management Policies applies to the creation of new office floorspace. Cycle parking is required to be provided at a rate of one space per every 80sqm of office (B1a) floorspace and one space per every 400sqm of storage and distribution (B8) use. The store needs to be secure, covered, conveniently located and step free.
- 9.133 Given the floorspace proposed to the fixed floors (and not potential demountable mezzanines), a total of 28 cycle spaces (20x spaces for the storage use and 8x spaces for the office use) are required. A total of 33 spaces would be required for the demountable mezzanines.

- 9.134 A total of 26 cycle parking spaces on-site are proposed. 8 cycle parking spaces via Sheffield stands, and 2 accessible parking spaces, are located within the service yard to the rear. These will be sheltered and covered by the building above. A further 16 spaces via Sheffield stands are proposed within the public realm to the front of the building on York Way.
- 9.135 Within the submitted Transport Statement, the applicant states: *"It is recognised that the level of cycle parking provided is below that specified within the emerging London Plan for sites within use class B8, however this standard is not considered appropriate for a self-storage unit with a low number of staff. The London Plan standards are applicable to commercial warehousing where significantly greater staff numbers would be expected. Provision of 16 cycle parking spaces is considered appropriate for the proposed use and will be adequate to cater for the forecast demand for cycle parking generated by staff. Again, it is considered unlikely that a significant number of customers would visit the site by bicycle given the need to transport items to and from the site"*.
- 9.136 Officers consider that customers of the self-storage facility would not cycle to and from the facility with the goods they wish to store due to being impractical, and would instead use the operational car parking provided. As such, officers can support the provision of cycle parking proposed.
- 9.137 Individual shower and changing facilities are provided internally to both the self-storage facility and the flexi offices, at ground and first floor level.
- 9.138 It is also noted that there is a 24 space TfL cycle hire hub located on York Way, directly opposite the site on the eastern side of York Way.

Vehicle parking

- 9.139 The site currently does include on-site formal parking arrangements and parking spaces are proposed within the site as part of the application. The subject site is located within a Controlled Parking Area (CPZ) 'Thornhill', with restricted parking on weekdays between 8.30-18.30 and Saturdays between 08.30-13.30.
- 9.140 On-site operational parking is considered important for the proposed use as self-storage to allow for customers to move their goods into/out of the storage facility.
- 9.141 Wheelchair accessible parking should be provided in line with Development Management Policy DM8.5 (Vehicle parking), Part C (Wheelchair accessible parking). For commercial developments, an uplift in 33 employees would require one additional accessible parking bay. The proposal would see an uplift in approximately 140 employees and therefore at least 4 accessible parking bay is required. One accessible parking space is proposed within the operational bays of the service yard, and as such a financial contribution of £6,000 is sought towards the delivery of other accessible transport initiatives to increase the accessibility of the area.
- 9.142 As per para.9.136 above, Officers consider that customers of the self-storage facility would use the operational car parking provided given the nature of expected trips with their goods to store. As such, officers support the provision of operational parking proposed on-site.
- 9.143 Footway and highway reinstatement works along both Vale Royal and York Way would be necessary following completion of the proposed development. This matter is referred to in the recommended Section 106 Heads of Terms.

Servicing, deliveries and refuse collection

- 9.144 Development Management Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200sqm, delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on street, Policy DM8.6 (Delivery and servicing for new developments), Part B, requires details to be submitted to demonstrate that onsite provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.
- 9.145 A revised Delivery and Servicing Plan (DSP) dated June 2020 has been submitted in support of the application. It considers that servicing requirements for both uses on site will be minimal. The proposed service yard provides access and egress of vehicles through the proposed crossover on Vale Royal, with swept paths showing vehicles can enter and exit in a forward gear. Access to the internal service area would be gated and therefore limit access to within opening hours of the building. Condition 22 requires submission of a finalised Delivery and Servicing Plan to be approved.

Air Quality

- 9.146 In accordance with Islington's Development Management Policies (2013) Policy DM6.1, developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits. The whole of the borough has been designated by the council as an Air Quality Management Area.
- 9.147 The submitted Air Quality report considers exposure for occupiers of the site and includes an air quality neutral assessment which calculates achieving neutral status, which is welcomed. It is recommended that, for the proposed development's construction phase, the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including in relation to air quality, dust, smoke and odour and emissions from non-road mobile machinery) be secured by condition (condition 19). This would help ensure that the proposal would not detrimentally impact upon the amenity of the neighbouring occupiers with regard to air quality.

Contaminated Land

- 9.148 The site has a history of potentially polluting uses whilst the development seeks a double basement. This would entail removing much of the made ground off-site and there are no areas of soft landscaping proposed. It is advised that the advice of the contaminated land report is followed and site waste is disposed of appropriately, a watching brief is kept and a verification report is completed to validate the assumptions of the report. As such, Condition 20 would ensure that necessary investigations and remediation are secured.

Energy & Sustainability

- 9.149 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and standards relevant to sustainability are set out throughout the NPPF. Paragraph 148, under section 14. 'Meeting the challenge of climate change, flooding and coastal change', highlights that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

- 9.150 The Council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions.
- 9.151 Islington's Core Strategy policy CS10 (part A) states that all developments should maximise on-site reduction in total (regulated and unregulated) carbon dioxide emissions. The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management.
- 9.152 Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.
- 9.153 The applicant has submitted the relevant detail within a 'Sustainable Design & Construction Statement' ('SCDS') version 2.3 prepared by Silcock Dawson & Partners dated 04 November 2019.
- 9.154 Following initial comments on the submitted energy and sustainability documents by the Council's Energy Officer, revised information was submitted Sustainable Design & Construction Statement (SDCS) V3 Addendum 1, prepared by Silcock Dawson & Partners, dated 14/08/2020.

Carbon emissions

- 9.155 The London Plan sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013.
- 9.156 The submitted SDCS indicates a **57%** reduction in regulated CO2 emissions against a Building Regulations 2013 baseline, thereby meeting the London Plan target.
- 9.157 Islington Council policy requires onsite total CO2 reduction targets (regulated and unregulated) against Building Regulations 2010 of 40% where connection to a decentralised energy network is possible, and 30% where not possible. These targets have been adjusted for Building Regulations 2013 to of 39% where connection to a decentralised energy network is possible, and 27% where not possible. The submitted SDCS shows a **42%** reduction in total emissions against a Building Regulation 2013 baseline, thereby meeting the requirements of Islington CS10.
- 9.158 With regard to Zero Carbon policy, the council's Environmental Design SPD states "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". "All" in this regards means both regulated and unregulated emissions. The Environmental Design SPD states "The calculation of the amount of CO2 to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement." In order to mitigate against the remaining carbon emissions generated by the development, the SCDS includes a correctly calculated Carbon Offset contribution of **£20,240** for the remaining 22 tonnes of total CO2 emissions. This would be secured by way of a planning obligation.

Sustainable Design Standards

- 9.159 Council policy DM 7.4 A states “*Major non-residential developments are required to achieve Excellent under the relevant BREEAM or equivalent scheme and make reasonable endeavours to achieve Outstanding*”. The council’s Environmental Design Guide states “*Schemes are required to demonstrate that they will achieve the required level of the CSH/BREEAM via a pre-assessment as part of any application and subsequently via certification*”.
- 9.160 A BREEAM Pre-Assessment has been submitted for the development which shows a score of 72.25% meeting the requirements of Islington DM 7.4A which requires a minimum of an ‘Excellent’ rating, which would/shall be secured through Condition 16.

Energy Demand Reduction (Be Lean)

- 9.161 Council policy DM 7.1 (A) states “*Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development.*” Council policy states “developments are required to demonstrate how the proposed design has maximised incorporation of passive design measures to control heat gain and to deliver passive cooling, following the sequential cooling hierarchy”.
- 9.162 Fabric values for external walls, roofs, floors, windows, and doors have been provided within the revised SDCS. The applicant has meet the recommendations of the Environmental SPD except for the roof of the heated area. Although the fabric values to the roof do not accord with the Council’s Environmental Design SPD, the applicant has demonstrated that such measures would provide little additional energy/carbon saving, and this is therefore accepted by Council’s Energy Officer.
- 9.163 In accordance with council policy “Applications for major developments are required to include details of internal temperature modelling under projected increased future summer temperatures to demonstrate that the risk of overheating has been addressed”. Thermal modelling has been carried out by the Applicant which shows that the risk of overheating has been considered.
- 9.164 Council policy states “Use of technologies from lower levels of the hierarchy shall not be supported unless evidence is provided to demonstrate that technologies from higher levels of the hierarchy cannot deliver sufficient heat control”. The revised Energy Strategy includes thermal modelling showing that the reception and office floorspace are at risk from overheating without active cooling, and as such the use of active cooling can be supported by Council’s Energy Officer.

Low Carbon Energy Supply (Be Clean)

- 9.165 London Plan Policy 5.6B states: “*Major development proposals should select energy systems in accordance with the following hierarchy:*
1. *Connection to existing heating or cooling networks;*
 2. *Site wide CHP network;*
 3. *Communal heating and cooling;*”
- 9.166 Heating and cooling will be provided by Air Source Heat Pumps. Further, the SDCS shows that the proposed development is not within 500m of a Decentralised Energy Network (‘DEN’) and so a feasibility assessment is not required. The Applicant has sufficiently outlined how the development can be future proofed should a connection to a DEN become available. The proposed building has large areas within the basement level which could be used for building services plant, with Appendix 6 showing an area set aside for the

necessary equipment and a route to a site boundary. Future proofing the development to ensure potential connection to a DEN should one come forward would be secured through a planning obligation within the section 106 legal agreement.

- 9.167 The applicant has provided evidence of an investigation of Shared Heat Network opportunities with neighbouring developments, indicating that none of the neighbouring buildings have suitable communal networks for the formation of a network.
- 9.168 The Energy Strategy rules out the possibility of a Carbon Heating Plant due to low heat demand from the size of the development, which is accepted by the Council's Energy Officer.

Renewable Energy Supply (Be Green)

- 9.169 The use of renewable energy should be maximised to enable the achievement of CO2 targets.
- 9.170 The applicant has reviewed the various renewable technologies and have ruled out ground source heat pumps, biomass, solar thermal and wind turbines have been ruled out for valid reasons. Air Source Heat Pumps and a 300m²/70 kWp Photovoltaic array have been specified.

Green Performance Plan (GPP)

- 9.171 Applications for major developments are required to include a Green Performance Plan (GPP) 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. The council's Environmental Design SPD provides detailed guidance and a contents check-list for a Green Performance Plan.
- 9.172 A revised Draft Green Performance Plan has been submitted which includes measurable targets for gas, electricity, CO2 emissions and water usage. This also includes how data will be collected and details of how this will be collected and monitored and arrangements for addressing any underperformance. The draft GPP has been accepted by Council's Energy Services and a finalised Green Performance Plan is to be submitted and is secured through a section 106 agreement.

Basement and SUDs

- 9.173 The Islington Basement Development SPD was adopted in January 2016 and sets out requirements for the Council's application of planning policies in relation to basements. This includes the need for planning applications to be accompanied by Structural Method Statements (SMS) signed by a chartered Civil Engineer (MICE) or Chartered Structural Engineer (MIStruct.E). It outlines that all basement development will need to be appropriate and proportionate to its site and context.
- 9.174 Structural stability is a material consideration for the Local Planning Authority insofar as the requirement to consider the potential risk and effects a proposal may have upon property, infrastructure and the public, as set out in Planning Practice Guidance. For clarity, this does not require the council to approve a technical solution for a development proposal, but rather to confirm that these issues have been sufficiently evaluated and responded to in a design and ensure that this process has been undertaken by a suitably qualified and experienced professional.

- 9.175 Furthermore, emerging Local Plan Policy DH4 - Basement development; insists basements must be designed to safeguard the structural stability of the existing building, nearby buildings, trees, and any infrastructure.
- 9.176 Areas of basement should respond to the scale, function and character of the site and its surrounds. Where large basement extensions are proposed, the resulting intensity of basement use may be out of keeping with the domestic scale, function and character of its context. Basements should be proportionate, subordinate to the above ground building element, and reflect the character of its surrounds.
- 9.177 A Structural Method Statement ('SMS') prepared by Campbell Reith dated 08 July 2020, was submitted in support of the application. In accordance with Appendix B of Islington's Basement Development SPD, the Structural Method Statement is signed by a chartered Structural Engineer and includes details regarding a desk study, site investigations, design and construction monitoring.
- 9.178 The SMS highlights that a retaining structure is required along the perimeter of the two storey basement. The basement construction is to comprise of a contiguous bored pile retaining wall around the perimeter with a reinforced concrete capping beam. The basement will be constructed in situ with reinforced concrete on bored pile foundations supporting structural steel and concrete framed superstructures above ground. This will be conditioned (18) in the event of permission being granted.

Sustainable Urban Drainage System (SUDS)

- 9.179 Policy DM6.6 is concerned with flood prevention and requires that schemes must be designed to reduce surface water run-off to a 'greenfield rate' (8 litres/second/hectare), where feasible. Where it is demonstrated that a greenfield run-off rate is not feasible, rates should be minimised as far as possible, and the maximum permitted run-off rate will be 50 litres per second per hectare ('l/s').
- 9.180 The submitted 'Flood Risk Assessment and Surface Water Management Plan' dated July 2020, indicates that the site has a very low risk of fluvial or surface water flooding, and low risk of groundwater flooding.
- 9.181 The existing building on site and surrounding hardstanding generates a current run-off of 40.73 l/s. The proposed development including surrounding hard standing would also generate a typical surface water run-off of 40.73 l/s.
- 9.182 The proposed development will use Sustainable Drainage Systems (SuDS) in the form of green roofs, permeable paving, vortex separators, cellular storage and flow control devices. The proposed SuDS attenuation methods will store the surface water within the development prior to discharge to public sewer. The proposal would restrict the discharge at the outfalls to the public sewer to a practical 5/s flow rate.
- 9.183 Further, the proposed development will incorporate extensive areas of green roof and conditions will be attached to secure further detail on green roof and on drainage of the site (Conditions 13 and 14).

Planning Balance Assessment

- 9.184 Paragraph 47 of the NPPF dictates that "*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise*".
- 9.185 The proposed land uses on site are acceptable in principle and the scheme is considered compliant with policies DM5.1 and DM5.3 which sets out requirements for new business

floor space and development in the LSIS. The scheme is also in line with Policy B2, from the emerging Local Plan which sets out that the overriding priority land uses in LSIS designations are industrial uses (B1(c), B2, B8).

- 9.186 The scheme would comply with policies relating to energy, sustainability, accessibility and highways. No objection is raised to the appearance and detailed design.
- 9.187 There is a degree of conflict with policies relating to amenity (DM2.1) and specifically in relation to sunlight/daylight impacts. This has been carefully examined and while impacts weigh against the scheme, they are at the lower end of the spectrum and would not cause undue or unacceptable harm. The overall conclusion is that the scheme accords with the development plan as a whole.
- 9.188 It should be recognised that the scheme also involves benefits which should be afforded weight. These have been discussed throughout the report where relevant, and include:
- Uplift in industrial (B8) floorspace within the LSIS;
 - Increase in employment;
 - Public realm improvements to York Way and Vale Royal;
- 9.189 In summary, Officers consider that the aforementioned public benefits outweigh the harm caused from the development to neighbouring amenity, in the overall planning balance.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 9.190 There is a requirement that planning obligations under Section 106 must meet 3 statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2019 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.
- 9.191 A Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The necessary Heads of Terms are:
- a. Contribution towards bays or other accessible transport initiatives of: **£6,000**;
 - b. Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
 - c. The removal of redundant dropped kerbs to be paid for by the applicant and carried out by LBI Highways;
 - d. A bond/deposit of £42,312 to cover costs of repairs to the footway and £43,693 for repairs to the highway (total £86,005). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/deposit exceeds the cost of the works as finally determined, the balance will be

refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council;

- e. A contribution of **£20,240** towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently £920);
- f. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- g. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (Shared Heating Network) and future proof any onsite solution so that in all case (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future
- h. Facilitation, during the construction phase of the development, of the following number of work placements: **3**. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: **£15,000**
- i. Compliance with the Code of Employment and Training.
- j. Compliance with the Code of Local Procurement.
- k. Compliance with the Code of Construction Practice, including a monitoring fee of: **£3,900** and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- l. Payment towards employment and training for local residents of a commuted sum of: **£23,430**.
- m. Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

9.192 All payments to the Council would be index-linked from the date of Committee and would be due upon implementation of the planning permission.

10 SUMMARY AND CONCLUSION

Summary

- 10.1 The provision of additional industrial use floorspace is considered acceptable in land use terms given the site's location within the Vale Royal/Brewery Road LSIS.
- 10.2 The proposed development is considered to be well-designed, responding successfully to its context and maintaining the setting of surrounding heritage assets.
- 10.3 It is recommended that conditions are attached to minimise the impact of the development upon neighbouring amenity, such as privacy and overlooking, noise and/or light disturbance to an acceptable level.
- 10.4 The proposal is considered to constitute a sustainable form of development in regards to energy efficiency, renewable energy and sustainable transport subject to the recommended

conditions. Moreover, inclusive design measures have been incorporated into the scheme as well as landscape features and biodiversity measures, in accordance with planning policy.

- 10.5 While there would be a degree of conflict with Policy DM2.1 in terms of sunlight/daylight impacts, the impacts are at the lower end of the spectrum, and are not considered unduely or unacceptably harmful. Officers consider that the proposal complies with the Development Plan when considered as a whole.

Conclusion

- 10.6 It is recommended that planning permission be granted subject to conditions and legal obligation as set out in Appendix 1 – RECOMMENDATIONS.

APPENDIX 1: RECOMMENDATIONS

RECOMMENDATION A

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

- a. Contribution towards bays or other accessible transport initiatives of: **£6,000**;
- b. Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- c. The removal of redundant dropped kerbs to be paid for by the applicant and carried out by LBI Highways;
- d. A bond/deposit of £42,312 to cover costs of repairs to the footway and £43,693 for repairs to the highway (total £86,005). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council;
- e. A contribution of **£20,240** towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently £920);
- f. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- g. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (Shared Heating Network) and future proof any onsite solution so that in all case (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future
- h. Facilitation, during the construction phase of the development, of the following number of work placements: **3**. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: **£15,000**
- i. Compliance with the Code of Employment and Training.
- j. Compliance with the Code of Local Procurement.

- k. Compliance with the Code of Construction Practice, including a monitoring fee of: **£3,900** and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- l. Payment towards employment and training for local residents of a commuted sum of: **£23,430**.
- m. Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

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

RECOMMENDATION B

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

List of Conditions:

1	Commencement Of Development
	<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 and documents:</p> <p>2250-P01-C – PROPOSED SITE PLAN; 2250-P02-B – PROPOSED GROUND & FIRST FLOOR PLANS; 2250-P03 – PROPOSED 2nd 3rd & 4th FLOOR & BASEMENT 1 & 2 PLANS; 2250-P04-B – PROPOSED 5th & 6th FLOOR & ROOF PLANS; 2250-P05-B – PROPOSED WEST & SOUTH ELEVATIONS; 2250-P06-B – PROPOSED EAST & NORTH ELEVATIONS; 2250-P08-A – PROPOSED SECTIONS A & B; 2250-P09-A – PROPOSED SECTIONS C & D; 2250-P10 – TYPICAL BAY DETAIL TO YORK WAY ELEVATION;</p> <p>Air Quality Assessment Rev 5 dated 11/11/19; Air Quality Neutral Assessment Rev 4 dated 11/11/19; Land Quality Statement dated June 2020; Preliminary Ecology Appraisal version D dated July 2020; Noise Assessment of proposed development dated 25 June 2020; Structural Method Statement rev.P4 dated 08/07/2020; Transport Assessment version V3 dated June 2020; Draft Travel Plan version V3 dated June 2020; Technical Note- Response to TfL Comments dated August 2020;</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as</p>

	amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.
3	Materials (Detail And Samples)
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Facing Brickwork; b) Window details; c) Roof materials; d) Metal cladding; e) Doors and access points; f) Substation doors; g) Vehicular gates and perimeter fencing (Notwithstanding the details shown on the elevations and design and access statements); h) Any other external boundary treatments; i) Any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2016, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
4	Roof Level Structures (Details)
	<p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts, plant, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding streetscene or the character and appearance of the area in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2016, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
5	External Pipes, Cables And CCTV (Compliance And Details)
	<p>CONDITION: No cables, plumbing, down pipes, rainwater pipes, foul pipes or CCTV cameras or related equipment and installations shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional cables, pipes be considered necessary the details of these shall be</p>

	<p>submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>Notwithstanding the drawings hereby approved, no CCTV cameras or related equipment and installations are hereby approved.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard, and to ensure that the development is in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2016, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
6	Landscaping (Details and Compliance)
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the hereby approved development. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> a) a scaled plan showing vegetation to be retained and plants to be planted; b) specification to ensure successful establishment and survival of new planting. c) a schedule detailing sizes, species and numbers of all new trees/plants; d) soft plantings: including grass and turf areas, shrub and herbaceous areas; e) hard landscaping: including surface treatments, permeability of hard surfaces, kerbs, edges, ridge and flexible paving, unit paving, furniture, modular soil systems, steps and if applicable synthetic surfaces; f) a plan showing gradients and step free access suitable for wheelchair users to the entrances of the buildings; g) details as to how the landscaping design and materials would result in maximum passive on-site sustainable urban drainage (SUDS); h) any other landscaping features forming part of the scheme. <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first available planting season following the first occupation of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>The landscaping and tree planting shall have a two-year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. 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 biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
7	Cycle Parking and Storage (Compliance)
	<p>CONDITION: The bicycle storage area(s) hereby approved, which shall be covered, secure and accessible and should provide for no less than 26 bicycle spaces, two of which shall be for accessible cycles, shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p>

	<p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
8	Refuse and Recycling (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
9	Security And General Lighting (Details)
	<p>CONDITION: Details of general or security outdoor lighting (including full specification of all luminaries, lamps and support structures) shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The development shall be carried out strictly in accordance with the details so approved prior to the first occupation of the development hereby approved and shall be maintained as such thereafter and no change therefrom shall take place.</p> <p>REASON: In the interests of good design, security and protecting neighbouring and future residential amenity and existing and future habitats from undue lightspill in accordance with policies 7.3, 7.5, 7.13 and 7.19 of the London Plan 2016, policies CS9, CS10 and CS15 of Islington's Core Strategy 2011, policies DM2.1 and DM6.5 of Islington's Development Management Policies 2013.</p>
10	Lighting and Roller Blinds (Details and Compliance)
	<p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties and character/appearance of the conservation area shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include (but not limited to):</p> <ul style="list-style-type: none"> - Automated roller blinds; - Lighting strategies that reduce the output of luminaires closer to the façades; - Light fittings controlled through the use of sensors. <p>The blinds are to be set on an automated timer and automatically lowered daily between the hours of 20:00 to 07:00 the following day, and shall cover the full extent of the windows</p> <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</p>
11	Inclusive Design (Details and Compliance)
	<p>CONDITION: Notwithstanding the plans hereby approved, the scheme shall be constructed in accordance with the principles of Inclusive Design and Islington's Development Management Policy 4.11.</p>

	<p>Plans and details confirming that these standards have been met shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include:</p> <ul style="list-style-type: none"> a) Refuge areas to all floors of the building; b) Details of how each floor plan and layout accords with good inclusive design principles and needs. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter; c) Accessible bathroom and shower facilities; d) Cycle storage and changing facilities including provision of accessible cycle storage and mobility scooter storage (with 30 minutes of fire protection); and e) A management plan, including a PEEP. <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
12	Fixed Plant (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To ensure that an appropriate standard of accommodation is provided.</p>
13	Sustainable Urban Drainage (Compliance)
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems in accordance with the drainage hierarchy and be designed to maximise water quality, amenity and biodiversity benefits.</p> <p>The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will aim to achieve a greenfield run off rate (8L/sec/ha) and at minimum achieve a post development run off rate of 50L/ha/sec. The details shall demonstrate how the site will manage surface water in excess of the design event, and shall set out a clear management plan for the system. The drainage system shall be installed/operational 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.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
14	Green/Brown Biodiversity Roofs (Details)
	<p>CONDITION: Notwithstanding the plans hereby approved, green/brown roofs shall be maximised across the development. Details shall be submitted to and approved in writing to the Local Planning Authority prior to practical completion of the development hereby approved, demonstrating the following:</p>

	<p>a) how the extent of green/brown roof has been maximised;</p> <p>b) that the green/brown roofs are biodiversity based with extensive substrate base (depth 120 -150mm); and</p> <p>c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be accessed for the purpose of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure the development maximises opportunities to help boost biodiversity and minimise water run-off.</p>
15	Bird and Bat Boxes (Details and Compliance)
	<p>CONDITION: Details of the number and location of bat boxes and bird boxes (including swift boxes) shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. Once installed they shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
16	BREEAM (Compliance)
	<p>CONDITION: The commercial element of the development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
17	Energy Strategy (Compliance)
	<p>CONDITION: The energy efficiency measures/features and renewable energy technology, which shall provide for a reduction in carbon emissions of no less than 42% as detailed within the revised 'Sustainable Design & Construction Statement (SDCS) V3 Addendum 1' prepared by Silcock Dawson & Partners and dated 14/08/2020, shall be installed and operational prior to the first occupation of the development.</p> <p>Should there be any change to the energy features/ measures within the approved Energy Strategy, a revised Energy Strategy shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by energy efficient measures/features and renewable energy are met.</p>

18	Basement Excavation Inspection and Monitoring (Compliance)
	<p>CONDITION: The development shall be constructed in accordance with the approved Structural Method Statement rev.P4 dated 08/07/2020.</p> <p>The certifying professional that endorsed the Structural Method Statement (or a suitably qualified Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E) with relevant experience shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with Council's Basement Development SPD.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
19	Demolition and Construction Management Logistics Plan and Construction Logistics Plan (Details)
	<p>CONDITION: No development shall take place until a Demolition and Construction Management Logistics Plan (DCMLP) and Construction Logistics Plan (CLP) have been submitted to and approved in writing by the Local Planning Authority following consultation with Transport for London.</p> <p>The DCMLP and CLP shall set out the measures proposed to ensure demolition and construction will be undertaken in a manner which does not cause harm to the amenity of nearby occupiers, pedestrian or highway safety and shall include:</p> <ul style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance; f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works; g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.) h) Details of any proposed external illumination and/or floodlighting during construction; i) Details of measures taken to prevent noise disturbance to surrounding residents; j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;

	<ul style="list-style-type: none"> k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception) l) Details as to how safe and convenient vehicle access will be maintained for neighbouring sites at all times, including emergency service vehicles; m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised; n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; o) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area; p) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. An inventory of all Non-Road Mobile Machinery (NRMM) must be registered on the NRMM register https://nrmm.london/usernrmm/register prior to the commencement of use of any NRMM at the application site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment. <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.</p> <p>The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the DCEMP.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
20	Contaminated Land (Details and Compliance)
	<p>CONDITION: Prior to any superstructure works commencing on site the details of the following works in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> a) A remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved site investigation. The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and

	<p>how it is to be dealt with is submitted to, and agreed in writing by, the Council. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing; and</p> <p>b) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part a). This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of any gas membrane placement.</p> <p>All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination or the current UK requirements for sampling and testing.</p> <p>REASON: In order to minimise the impacts of land contamination.</p>
21	Impact Piling Method (Details)
	<p>CONDITION: No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.</p>
22	Delivery and Servicing Plan (Details)
	<p>CONDITION: A Delivery and Servicing Plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
23	Flat Roofs
	<p>CONDITION: The flat roofs of the development hereby approved shall not be used as amenity spaces and shall not be accessed other than for maintenance.</p> <p>REASON: To ensure that the amenity of residents is not adversely affected.</p>

24	Restricted Use (Compliance)
	<p>CONDITION: At least 8,268sqm (GIA) of B8 floorspace shall be provided. The B8 use shall be strictly limited to use as a “self-storage facility” within the B8 use class and not for the purposes of Use Class B1a, B1b, B1c or B2 - of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order).</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or the provisions of any Order revoking and re-enacting that Order, no change of use of the approved B1(a) floorspace shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.</p> <p>REASON: To ensure that the uses hereby approved is not able to change to B1a via permitted rights allowed under the Town and Country Planning (Use Class) Order 1987 (As Amended) in the interest of preserving the economic function of the Locally Significant Industrial Site.</p>
25	Amalgamation and/or Subdivision of Units (Compliance)
	<p>CONDITION: The development shall be carried out strictly in accordance with the floorplans so approved, and no change therefore shall take place without the prior written consent of the Local Planning Authority.</p> <p>The commercial units on the ground floor of the building shall not be amalgamated or further subdivided unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: The amalgamation or further subdivision of the commercial units is likely to have operational, transportation, aesthetic and amenity implications which would need to be considered under a separate planning application to ensure the provision of premises suitable for small businesses.</p>
26	Tree Protection (Details and Compliance)
	<p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ul style="list-style-type: none"> a) Location and installation of services/ utilities/ drainage; b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees; c) Details of construction within the RPA or that may impact on the retained trees. d) A full specification for the installation of boundary treatment works; e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them; f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses; g) A specification for protective fencing to safeguard trees during both demolition

	<p>and construction phases and a plan indicating the alignment of the protective fencing;</p> <ul style="list-style-type: none"> h) A specification for scaffolding and ground protection within tree protection zones. i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area; j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires; k) Boundary treatments within the RPA; l) Methodology and detailed assessment of root pruning; m) Reporting of inspection and supervision; n) Methods to improve the rooting environment for retained and proposed trees and landscaping; and o) Veteran and ancient tree protection and management; <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.</p>
27	<p>Signage (Details)</p> <p>CONDITION: Details of all signage for the development hereby approved shall be submitted and approved in writing by the Local Planning Authority. The agreed details shall be installed prior to the occupation of the development and shall be maintained as such thereafter unless otherwise agreed in writing.</p> <p>REASON: In the interests of visual amenity and to ensure that the entrance approach is both welcoming and inviting.</p>
28	<p>Road Safety Audit (Details)</p> <p>CONDITION: Prior to the commencement of highway works secured to support the development, a Stage 1 Road Safety Audit (RSA) of the local highway network from the junction of York Way and Vale Royal should be undertaken.</p> <p>It shall identify any additional highway safety measures required to ensure and improve safety and it will include a timetable for implementation. Subsequent to this, Road Safety Audit/Assessment Stages 2, 3 & 4 (Detailed Design, Post Opening Audit & Post Opening Audit + 12 months) shall be carried out, unless otherwise agreed in writing by the Council in consultation with TfL. All stages shall be carried out in accordance with TfL's Road Safety Audit procedure (SQA 170). After each Stage of Road Safety Audit/Assessment, the approved measures shall be implemented as approved.</p> <p>REASON: In the interests of road safety and Vision Zero; the Mayor's aim to eliminate all deaths and serious injuries on London's roads by 2041.</p>

List of Informatives:

1	Planning Obligations Agreement
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	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	<p>Community Infrastructure Levy (CIL)</p> <p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60-day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at _ and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</p>
3	<p>Superstructure</p> <p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
4	<p>Thames Water (Waste Comments)</p> <p>The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB</p> <p>Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.</p> <p>'We would expect the developer to demonstrate what measures he will undertake to</p>

	<p>minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.'</p>
4	Thames Water (Water Mains)
	<p>There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.</p>
5	Thames Water (Groundwater)
	<p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.</p>
6	Thames Water (Mains Water Pressure)
	<p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
7	Groundwater Risk Management Permit
	<p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing riskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.</p>
8	Secured by Design
	<p>You are advised that, where relevant, the development hereby approved should incorporate all of the 'Secured by Design' requirements detailed in the 'Commercial Developments 2015' Guide.</p>
9	CIL Informative
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an</p>

	<p>Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60-day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</p>
11	Highways Requirements (1)
	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. All agreements relating to the above need to be in place prior to works commencing.</p> <p>Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing.</p> <p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk.</p> <p>Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk.</p>
12	Highways Requirements (2)
	<p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>Temporary crossover licenses to be acquired from streetworks@islington.gov.uk. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.</p> <p>Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.</p> <p>Before works commence on the public highway planning applicant must provide Islington Council’s Highways Service with six months’ notice to meet the requirements of the Traffic Management Act, 2004.</p>

	<p>Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.</p> <p>Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council's Highways contractors.</p>
13	Highways Requirements (3)
	<p>Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer.</p> <p>All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact streetlights@islington.gov.uk</p> <p>Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.</p> <p>Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980 Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.</p>
14	Fire Brigade Requests
	<p>The requirements of B5 of Approved Document B must be met in relation to access and water supply whilst in construction phase and compliance with the Building Regulations and the Regulatory Reform (Fire Safety) Order 2005 once built and occupied.</p> <p>If the building is taken over 18m the Fire Brigade would expect a fire fighting shaft is provided. If approval is granted, it's advised that a building control submission is carried out as early as possible, to ensure any issues found around fire safety are addressed sufficiently and quickly.</p> <p>The Commissioner strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Commissioner's opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of occupier. Please note that it is our policy to regularly advise our elected Members about how many cases there have been where we have recommended sprinklers and what the outcomes of those recommendations were. These quarterly reports to our Members are public documents which are available on our website.</p> <p>The London Fire Brigade promotes the installation of sprinkler suppression systems, as there is clear evidence that they are effective in suppressing and extinguishing fires; they can help reduce the numbers of deaths and injuries from fire, and the risk to firefighters.</p>

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APPENDIX 2: RELEVANT POLICIES

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

National Guidance

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

Development Plan

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

A) The London Plan 2016 - Spatial Development Strategy for Greater London	
<p>1 Context and strategy Policy 1.1 Delivering the strategic vision and objectives for London</p> <p>2 London's places Policy 2.9 Inner London Policy 2.17 Strategic industrial locations</p> <p>4 London's economy Policy 4.1 Developing London's economy Policy 4.2 Offices Policy 4.3 Mixed use development and offices Policy 4.4 Managing industrial land and premises Policy 4.10 New and emerging economic sectors Policy 4.12 Improving opportunities for all</p> <p>5 London's response to climate change Policy 5.1 Climate change mitigation Policy 5.2 Minimising carbon dioxide emissions Policy 5.3 Sustainable design and construction Policy 5.5 Decentralised energy network Policy 5.6 Decentralised energy in development proposals Policy 5.7 Renewable energy Policy 5.8 Innovative energy technologies Policy 5.9 Overheating and cooling Policy 5.10 Urban greening Policy 5.11 Green roofs and development site environs Policy 5.13 Sustainable Drainage Policy 5.12 Flood risk management Policy 5.13 Sustainable drainage Policy 5.18 Construction, excavation and demolition works Policy 5.21 Contaminated land</p>	<p>6 London's transport Policy 6.3 Assessing effects of development on transport capacity Policy 6.9 Cycling Policy 6.10 Walking Policy 6.11 Smoothing traffic flow and tackling congestion Policy 6.12 Road network capacity Policy 6.13 Parking</p> <p>7 London's living places and spaces Policy 7.1 Building London's neighbourhoods and communities Policy 7.2 An inclusive environment Policy 7.3 Designing out crime Policy 7.4 Local character Policy 7.5 Public realm Policy 7.6 Architecture Policy 7.8 Heritage assets and archaeology Policy 7.12 London view management framework Policy 7.13 Safety, security and resilience to emergency Policy 7.14 Improving air quality Policy 7.15 Reducing noise and enhancing soundscapes Policy 7.19 Biodiversity and access to nature Policy 7.21 Trees and woodlands</p> <p>8 Implementation, monitoring and review Policy 8.1 Implementation Policy 8.2 Planning obligations Policy 8.3 Community infrastructure levy</p>
B) Islington Core Strategy 2011	
<p>Strategic Policies Policy CS6 Kings Cross</p>	<p>Policy CS11 Waste Policy CS13 Employment Space</p>

<p>Policy CS8 Enhancing Islington's character Policy CS9 Protecting and Enhancing Islington's Built and Historic Environment Policy CS10 Sustainable Design</p>	<p>Infrastructure and Implementation Policy CS18 (Delivery and Infrastructure)</p>
<p>C) Development Management Policies June 2013</p>	
<p>2. Design and Heritage DM2.1 Design DM2.2 Inclusive Design DM2.3 Heritage DM2.4 Protected views</p> <p>5. Employment DM5.1 New business floorspace DM5.2 Loss of existing business floorspace DM5.3 Vale Royal/Brewery Road Locally Significant Industrial Site DM5.4 Size and affordability of workspace</p> <p>6. Health and open space DM6.1 Healthy development DM6.5 Landscaping, trees and biodiversity DM6.6 Flood prevention</p>	<p>7. Energy and Environmental Standards DM7.1 Sustainable design and construction statements DM7.2 Energy efficiency and carbon reduction in minor schemes DM7.3 Decentralised Energy Networks DM7.4 Sustainable design standards DM7.5 Heating and cooling</p> <p>8. Transport DM8.1 Movement hierarchy DM8.2 Managing transport impacts DM8.3 Public transport DM8.4 Walking and cycling DM8.5 Vehicle parking DM8.6 Delivery and servicing for new developments</p> <p>9. Infrastructure DM9.1 Infrastructure DM9.2 Planning obligations DM9.3 Implementation</p>

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Environmental Design (Oct 2012)
Inclusive Design (Feb 2014)
Inclusive Landscape Design (Jan 2010)
Planning Obligations (S106) (Dec 2016)
Urban Design Guide (Jan 2015)
Development Viability (Jan 2016)
Basement Development (Jan 2016)
Islington Employment Land Study (Jan 2016)
Vale Royal/Brewery Road Locally Significant Industrial Site Height Study (2016)

London Plan

Accessible London: Achieving an Inclusive Environment SPG (adopted October 2014)
The Control of Dust and Emissions During Construction and Demolition SPG (adopted July 2014)
Character and Context SPG (adopted June 2014)
Sustainable Design and Construction SPG (adopted April 2014)
Land for Industry and Transport (Sep 2012)
London Industrial Land Supply & Economy Study (2015)
Industrial Intensification Primer (2017 Draft)