

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration
Department

PLANNING SUB-COMMITTEE B		
Date:	23 rd February 2021	NON-EXEMPT

Application number	P2020/0744/FUL
Application type	Full Planning Application
Ward	St Peter's
Listed building	No
Conservation area	No - Within 50m of the Colebrook Row/Duncan Terrace CA
Development Plan Context	Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	None
Site Address	City Garden Row Car Park, Theseus Walk, London, N1,
Proposal	Change of use of the existing lower deck car park (sui generis) to a self-storage facility (Class B8)

Case Officer	Mr Owen Griffiths
Applicant	Petticoat Lane Investments (IOM)Ltd
Agent	Hume Planning Consultancy Ltd

1. RECCOMENDATION

1. The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1.
2. Conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1.

2. SITE PLAN (Outlined in red)



Image 1: Location Plan

3. PHOTOS OF SITE



Image 2: Aerial view of site.



Image 3: View of down ramp to entrance from City Garden Row.



Image 4: Internal view of existing car park.

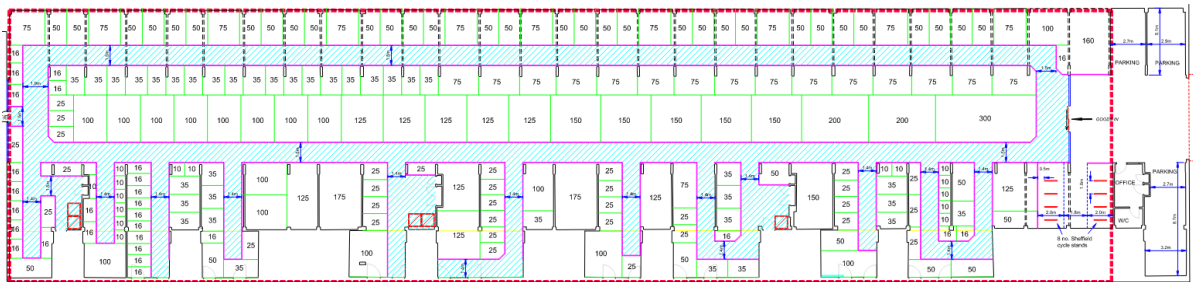


Image 5: Proposed self-storage layout.

4. SUMMARY

- 4.1 The proposal seeks planning permission for the change of use from a private car parking garage (Sui Generis Use Class) to a self-storage facility (Use Class B8).
- 4.2 The proposal is considered to be acceptable, and would provide a suitable and efficient use of the space, subject to conditions. It would not result in harm to neighbour amenity or adversely impact the public highway, subject to a Section 106 agreement.
- 4.3 No external alterations are proposed as part of the development.
- 4.4 The proposal is concluded to accord with Policy DM2.1 in relation to amenity impacts and DM5.1 in relation to new business floorspace. Furthermore, the development has demonstrated compliance with Policies DM8.2, DM8.4 and DM8.6 in relation to Transport and Highways. Overall, the proposals accord with the relevant sections of the Development Management Policies 2013 and Policies CS8 and CS9 of the Core Strategy 2011.
- 4.5 The application is referred to committee due to the number of objections received and as the site is situated in the basement area of a Council owned building.

5. SITE AND SURROUNDING

- 5.1 The application site is a car parking garage located beneath a residential block of properties at Theseus Walk with access from City Garden Row. The block is of red brick construction with a long flank boundary wall to the pavement along City Garden Row. Access to the residential premises is from the rear of the building on the opposite side of the block to City Garden Row. Overall the block is four storeys in height with the car parking garage at basement level and with three floors of residential accommodation on the upper levels. Theseus Walk contains 59 flats and maisonettes and is a council owned residential building.
- 5.2 Access to the car park is via a downward ramp from City Garden Row in close proximity to the corner with Coombe Street. The car park contains 58 spaces and is privately operated.
- 5.3 The site is located to the north of City Road and to the south of Regents Canal in the St Peter's area of the borough. The immediate surrounding area is primarily residential with a modern 6 storey housing estate to the north (Angelis Apartments) and traditional terrace housing to the south (Nelson Place and Coombe Street) and west (Roccliffe Street).
- 5.4 The site is not within a conservation area but is bounded on three sides by the Duncan Terrace/Colebrooke Row Conservation Area.

6. PROPOSAL (IN DETAIL)

- 6.1 The proposal seeks planning permission for a change of use of the existing lower deck car park to a self-storage facility (Use Class B8).

6.2 The application does not involve any external alterations to the building. The overall floor area that is subject to the change of use is 1,897sqm and overall 227 storage units will be provided in a range of sizes from 10sqf to 300sqf (27.87 sq. metres).

7. RELEVANT HISTORY:

7.1 **P092054** - Installation of boiler flues. **Approved 27/11/2009**

7.2 **890753** - Use of basement parking area for essential business parking (38 spaces) and tenants parking (12 spaces). **Approved 24/10/1989**

Public Consultation

7.3 Letters were sent to occupants of 146 adjoining and nearby properties at Theseus Walk, Coombe Street, Nelson Terrace, Haverstock Street, Duncan Terrace, City Garden Row and Angelis Apartments on the 20th April 2020. A site notice was also displayed on the 30th April 2020.

7.4 Five objections have been received from surrounding residents. The reasons for these objection can are summarised as follows:

- Noise disturbance from the new use. *(noise issues are addressed from paragraph 9.22)*
- Car park is needed in the area as there can be nowhere else to park. Loss will put more pressure on already congested on street parking leading to more traffic and pollution. *(issue addressed at paragraph 9.25)*
- Light pollution *(issue addressed at paragraph 9.25)*
- Use will lead to more lorry traffic *(highways issues area addressed from paragraph 9.13)*
- Use is borderline industrial and inconsistent with residential area and contrary to City Road Basin regeneration to convert area away from industrial uses. *(land use issues area addressed from paragraph 9.2)*
- Negative effect on property values. *(this is not a planning related matter)*
- Access to main sewage drainpipes for residential accommodation may be impacted. *(this is an issue between the freeholder and the leaseholder and is not planning related)*
- Insufficient space shown for parking and turning so vehicles can enter and exit in forward gear. *(access issues are addressed at paragraph 9.18)*
- No checks on what can be stored in lockers with potential for dangerous substances. *(fire safety issues at addressed from paragraph 9.28)*
- Better use of space would be for cycle storage. *(sufficient cycle storage for the proposed use is being provided, see paragraph 9.20)*

Waste and Storage under the residential building is unacceptable and 24 hour access should not be allowed. *(the proposed use is a self-storage facility and not for waste storage, operational hours are not 24 hours and are restricted via condition 3)*

Internal Consultees

- 7.5 **Planning Policy:** Supportive of proposals for industrial uses, subject to amenity impacts being appropriately mitigated (in accordance with DM5.1 part D (iii)). We would also view the removal of the car park in a positive light. DM5.1 part D (ii) requires satisfactory access and servicing to be achieved to the site, and DM8.6 part A (i) requires servicing and delivery vehicles to be able to enter and exit the site in forward gear.
- 7.6 **Public Protection:** The applicant has included a noise assessment. The report assesses only the noise of vehicles and makes no reference to the other operational noise sources including the roller shutters opening and closing, or trolleys moving across the internal floor. With one goods drop off area, there is a considerable distance to move goods for storage back and forth to their respective units and trolleys are likely to be used across the concrete floor. This is likely to give rise to noise and potential structure-borne noise and vibration for the residential use above. There is no information on the proposed trolleys or wheels, floor treatment or potential impact for residents above. There are also 227 individual lockers and only 3 parking spaces. Further work will be required prior to commencement to assess and mitigate these impacts. Therefore a Noise Management Plan should be conditioned (*condition 5*).

The proposed opening hours are Monday – Friday 06:00 – 22:00, Saturday 06:00 – 22:00, Sunday 10:00 – 16:00 and Bank Holidays 06:00 – 22:00. There is concern about the impact of opening at 0600, which in common acoustics terms is within the night time, with the context that residents are directly above the storage area. The noise report assumes operations start at 0700 and makes no reference to the proposed earlier start time. We would advise a condition limiting the hours of operation

Officer Comment: The hours of operation have been reduced to 8am-7pm weekdays and 10-4 at weekends to address this issue.

The application makes no reference to building services plant and it is assumed that none is proposed.

Additional informatives are also advised.

Officer Comment: An Operational Management Plan will be conditioned (Condition 4) to address concerns raised by the Public Protection Officer.

- 7.7 **Inclusive Design and Transport Planning:** No objections from an inclusive design and transport planning point of view. Parking reduction is supported in principle, and the height of the existing facility means no large trucks would access the area. Trip generation of B8 in this case would be less than for residential parking.
- 7.8 **Highways:**

- Larger vehicles cannot access the site and may wait on City Garden Row damaging the footway and blocking traffic.
- Suggested that all the Single Yellow Lines that run along City Garden Row outside 10-69 Theseus Walk are to be changed to Double Yellow Lines with No Waiting at any time(s).
- The Drop Curb outside the entrance to the site should be renewed and therefore a SEC278 would need to be applied to the planning application that also covers the cost to any damage(s) caused to the crossover/Carriageway during construction.
- Potential for City Garden Row to become blocked if there are vehicles waiting to gain access which could also affect emergency vehicles trying to gain access
- The level of trip generation at the site is expected to be lower than the existing use could generate during the traditional peak hour periods.
- Visiting vehicles should enter in forward gear and leave in forward gear when attending the site. We would suggest that the vehicles that are going to visit the site use the Pay by Phone Parking Bays (3 Bays) which are located outside 91-93 City Garden Row or the Pay by Phone Parking Bays that are located outside 1-22 Falcon Court, City Garden Row

7.9 **Housing:** On the basis of the revised operational times no objection.

7.10 **Building Control:** The applicant confirms the adoption of BS9999 which is considered appropriate for the fire safety and management arrangements for the proposed use. The change of use is not material in regard to Building Regulations (really one kind of storage for another). Probably less risk than petrol stored in car fuel tanks. The Landlord may impose the type of stored materials in the facility.

External Consultees

7.11 None

8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

8.1 The National Planning 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).

- 8.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 8.3 The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
 - Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 8.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of 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.
- 8.9 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The policies

of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

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

Emerging Policies

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

8.11 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 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 an ‘Intend to Publish’ version of the plan. The Secretary of State considered the ‘Intend to Publish’ version and the proposed changes and made several Directions in March and December 2020 setting out changes to some policies. On 21 December 2020 the Mayor formally approved a new ‘Publication London Plan’, prepared to address the Secretary of State’s Directions which was sent to the Secretary of State for his consideration. On 29 January the Secretary of State confirmed there were no further matters to raise. The London Plan can subsequently be published. Given the advanced stage at which the draft London Plan is at the policies in the Publication London Plan can be afforded significant weight. Given what is proposed in the application, the Directions are not considered to effect the assessment of this case. The relevant draft London Plan policies have been taken into account and are set out below:

Chapter 3

Policy D4 Delivering good design
Policy D11 Safety, Security and Resilience to Emergency
Policy D12 Fire Safety
Policy D14 Noise

Chapter 10

Policy T1 Strategic Approach to Transport
Policy T2 Healthy Streets
Policy T3 Transport capacity, connectivity and safeguarding
Policy T4 Assessing and Mitigating Transport Impacts
Policy T5 Cycling
Policy T7 Deliveries, Servicing and Construction

Draft Islington Local Plan 2019

8.12 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress

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

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

8.14 Emerging policies relevant to this application are set out below.

Policy H1 Thriving Communities
Policy T2 Sustainable Transport Choices
Policy T3 Car Free Development Parking
Policy T5 Delivery, Servicing and Construction
Policy S1 Delivering Sustainable Design
Policy S2 Sustainable Design and Construction
Policy S3 Sustainable Design Standards

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use
- Design
- Highways and Transportation
- Impact on the amenity of neighbouring residents
- Fire Safety

Land Use

9.2 The existing private car parking garage at the site is considered to be a Sui Generis use. The use class for a self-storage facility such as the one proposed at the site falls within Use Class B8 (Storage and Distribution).

9.3 The Town and Country Planning (Use Classes) Regulations were updated on 1st September 2020, with former use classes A1, A2, A3, B1 and parts of D1 and D2 becoming Class E, and A5 uses becomes Sui Generis. This enables buildings to have a number of flexible uses and changes to a use within the same class do not require planning permission. In this case, there have been no alterations to the B8 use class following the updates and therefore the use cannot flexibly change without requiring planning permission.

9.4 Draft London Plan 2019 (Intend to Publish version) Policy T1 (Strategic Approach to Transport) outlines the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041. Policy CS10 of Islington's and Core Strategy and DM8.5 of Islington Development Policies accord with Policy T1 by encouraging sustainable modes of transport and promotes car free development. The

intent of the development plan is to move away from a dependency on the car as a means of transport to more sustainable modes such as walking, cycling or public transport.

- 9.5 The Council actively promotes through its planning policies the reduction of car parking spaces in favour of more sustainable modes of transport. Emerging Policy T3 of Islington's Local Plan accords with London Plan Policy T1 and states that redevelopment of existing car parking areas will be strongly encouraged, which is considered to apply to the proposed change of use. The application site is located within a residential area that is well served by alternative transport modes and has a PTAL score of 5 (the third highest score possible). There are existing on-street parking spaces available to local residents or temporary spaces are available via 'Pay by Phone' services.
- 9.6 Emerging Local Plan policy B2, part E states that new business floorspace is acceptable where it would not detract from the character of the local area; and would not detrimentally impact on residential amenity.
- 9.7 Adopted Policy DM5.1 relates to new business floorspace and Part D states that proposals for industrial and warehousing uses will be supported where:
- i) Off-street loading and adequate goods lifts are provided,
 - ii) Satisfactory access and servicing can be achieved to the site, and
 - iii) The use would not be detrimental to amenity, due to noise, vibration, smell, fumes, smoke, soot, ash, dust or grit
- 9.8 Compliance with Policy DM5.1 will be addressed in the forthcoming sections in relation to Access (paragraph 9.18 and Neighbouring Amenity (paragraph 9.222).
- 9.9 The removal of the private car parking garage and the proposed use of the site as a self-storage facility is considered to be acceptable in land use terms and accords with the principles of the development plan. However, should the change of use to B8 be granted, there are other associated uses within this use class that would not be appropriate in this residential area. Alternative uses within the B8 use class include a storage and distribution warehouse for a supermarket or builders merchant. These uses could generate a significant amount of additional servicing trips potentially with larger vehicles having to access the site. To avoid any other such B8 uses being implemented at the site, a specific use condition is advised for the site to be used only as a self-storage facility and for no other use within the B8 use class (Condition 6).
- 9.10 The following sections will address highway and neighbouring amenity considerations that will return need to demonstrate accordance with DM5.1 Part D. Recommended conditions are listed at Appendix 1.

Design, Conservation and Heritage Considerations

- 9.11 The proposal involves no external alterations to the existing lower ground floor of the building. It is therefore considered that the proposed development and use would not have any material adverse impact on the appearance of the surrounding area and

adjoining/nearby conservation area which is located to the north, south and west of the site.

- 9.12 In accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the adjacent conservation area. The proposal is not considered to cause harm to the character nor the appearance of the conservation area as no external alterations are proposed.

Highways and Transportation

- 9.13 Development Management Policy DM8.2 requires developments to fully mitigate any adverse impacts upon the capacity of transport infrastructure and have no negative impacts on the safe and efficient operation of transport infrastructure. In order to mitigate any adverse impacts, Development Management Policy DM8.6 requires that worst case scenarios have been assessed and their impacts mitigated.

- 9.14 Policy DM8.2, Part A in relation to 'Managing transport impacts' states that:

Development proposals are required to meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. Where the council considers that a development is likely to have a significant negative impact on the operation of transport infrastructure, this impact must be satisfactorily mitigated. In order for developments to be considered acceptable they are required to:

- i) fully mitigate any adverse impacts upon the capacity of transport infrastructure, including pavements and other walking routes, cycle routes, public transport and roads;*
- ii) have no negative impacts on the safe and efficient operation of transport infrastructure;*
- iii) maximise safe, convenient and inclusive accessibility to, from and within developments for pedestrians, cyclists and public transport users;*
- iv) provide equal access for all people, including inclusive access for disabled people;*
- v) adequately address delivery, servicing and drop-off requirements, and*
- vi) have no significant negative impacts from transport arrangements on the local and wider environment.*

- 9.15 Policy DM8.6, in relation to Delivery and servicing for new developments states at Part A:

Provision for delivery and servicing should be provided off-street, particularly for commercial developments over 200m² gross floor area. In order to ensure proposed delivery and servicing arrangements are acceptable:

- i) It must be demonstrated that servicing and delivery vehicles can enter and exit the site in forward gear*
- ii) Details shall be submitted to establish the delivery and servicing needs of developments*

iii) Delivery and servicing bays are required to be strictly controlled, clearly signed and only used for the specific agreed purpose.

- 9.16 Policy DM5.1 part D outlines that proposals for industrial and warehousing uses will be supported where off-street loading is provided, satisfactory access and servicing can be achieved to the site, and the use would not be detrimental to amenity, due to noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Emerging Policy T5 (Delivery, servicing and construction) requires that delivery and servicing arrangements must be provided off-street wherever feasible.
- 9.17 The proposal for the self-storage facility would provide three internal car parking spaces for loading and unloading to the storage lockers. The car parking provided would be off-street and would allow a car to enter and exit the site in forward gear. The provision of car parking to support a B8 use is referenced as acceptable in Policy DM8.5 as it is integral to the nature of the business use. Therefore, the provision of car parking at the site is appropriate and in accordance with DM8.5. The overall volume of car parking at the site is being significantly reduced from 58 to 3 and such a reduction is supported by the Council for the reasons outlined above at paragraph 9.5.
- 9.18 Discussions took place during the course of the application over van type vehicles servicing the site and due to the restricted head height of the entrance (2.16m) it was proposed for such vehicles to service the site from the access ramp to the City Garden Row. However, this situation would result in larger vehicles having to reverse over the public highway back onto City Garden Row which would not comply with DM8.6 Part A (i) and is opposed to by the Highways Officer on public safety grounds. To ensure this situation does not arise, larger vehicles over 2.1m in height, such as 3.5T panel vans, would be required to load from the available 'Pay by Phone' parking spaces at 91-93 City Garden Row or 1-22 Falcon Court, further to the south on City Garden Row. It is recommended that an Operational Management Plan is conditioned to ensure that the requirement for larger vehicles to not use the ramp is clearly signed and for management protocols to be in place to ensure such vehicles do not use the ramp to load or from unauthorised areas of City Garden Row that may block traffic.
- 9.19 It was highlighted by the Highways Officer that the single yellow line to City Garden Row in front of Theseus Walk should be changed to a double yellow line so no parking or loading can occur that may block the highway for other road users. It was also suggested that the drop curb outside the entrance way to the site is renewed. The current drop curb is showing signs of disrepair and continued vehicle movements over the hard surface will lead to further damage. Prior to the use being commencing at the site a Section 278 agreement of the Highways Act will need to be secured to ensure the drop kerb is renewed and for the single yellow lines to be converted to double yellow lines. This requirement will be secured via a deed of obligation under Section 106 between the applicant and the Local Planning Authority. A draft Head of Terms is provided at Appendix A.
- 9.20 In addition, 8 Sheffield cycle stands will be installed providing 16 cycle parking spaces. Policy DM8.4 refers to Appendix 6 where the provision of cycle parking is outlined for each particular use. For a B8 use, 1 space should be provided for every 400sqm of floor area. As 1897sqm of floor space is the subject of the change of use 5 spaces should be provided and therefore the provision of 16 spaces is appropriate in this instance.

- 9.21 It is concluded that the development accords with DM5.1 in relation to Part D (i and ii) as off-street loading and satisfactory access and servicing can be achieved at the site. The application is also in compliance with DM8.6 as the primary vehicle that will use the site can enter and exit the site in forward gear. Finally, the Operational Management Plan and Section 278 agreement will ensure there are no adverse consequences for the surrounding transport infrastructure in accordance with DM8.2. Overall, the application is deemed to be acceptable in relation to Highways and Transportation.

Neighbouring Amenity

- 9.22 All new development is 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. The proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.
- 9.23 The applicant has provided a Noise Impact Assessment (Planning Compliance Report Ref: 21108.NIA.01) that has identified the average ambient daytime noise level as being 50dB and at night it is reduced to 42dB. The report goes on to assess the noise impacts at the nearest noise sensitive receptors (rear of the properties to Coombe Street) as a result of vehicles accessing the site. As has been highlighted by the Acoustic Officer, the assessment of vehicle noise only is limited and other noise may emanate from the new use such as the shutters being operated or roller trolleys being moved across the internal floor. This may also lead to potential structural borne noise and vibration affecting the residents on the upper levels of the building. To address these additional considerations a Noise Management Plan (Condition 6) has been recommended to ensure that the impact of the B8 storage use is not detrimental to neighbouring amenity and for these details to be approved prior to any works commencing at the site.
- 9.24 The operational hours of the self-storage facility would be 8am-7pm weekdays and 10am-4pm at weekends (Condition 3). These hours have been reduced from the hours initially applied for, that included opening at 6am and closing at 10pm, as it was considered that such hours had the potential to disturb surrounding residents at unsociable hours and when the surrounding ambient sound levels are lower. The reduced hours of use in combination with the requirements of Condition 5 (Noise Management Plan) are concluded to be sufficient to mitigate any potential noise impacts to surrounding residents and in this regard the application is considered to be acceptable and in accordance with the relevant policies in the Development Plan.
- 9.25 In addition to noise, concerns have been raised in representations in relation to light pollution and air pollution due to increased road traffic. The cover letter provided by the applicants transport consultant has outlined that the level of trip generation to the site is expected to be lower than the existing use during a typical peak hour. The worst case scenario of the proposed self-storage use is anticipated to be 12 vehicles per hour whereas the existing car park use could generate 19-20 arrivals in the morning peak hour. As there will be an overall decrease in vehicle trips to the site as a result of the change of use there should be benefits to the local area in relation to road traffic and

the associated impacts on air quality. There is also nothing proposed in the application that indicates light pollution will be a factor that may affect neighbouring occupiers.

- 9.26 The application makes no reference to building services plant and therefore an informative will be included to remind the applicant that should such equipment be required, a further planning application will need to be submitted.
- 9.27 In relation to neighbouring amenity, the proposed change of use is considered acceptable subject to a conditions that limit the hours of operation and for further details to be provided in a Noise Management Plan. It is therefore concluded that the proposed development would not cause demonstrable harm to the amenities of adjoining occupiers and that the application is in accordance with policy DM2.1 of the Development Management Policies.

Fire Safety

- 9.28 Draft London Plan (Intend to Publish Version) Policy D12 Part B relates to Fire Safety and requires development proposals to submit a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor.
- 9.29 Representations raising objection to the scheme have referred to fire safety issues with particular concern over hazardous items being stored in the storage lockers underneath the residential premises at Theseus Walk. The applicant has provided a Fire Statement (Compliance with Draft New London Plan – City Garden Row) that outlines how the development will follow the design guidance of BS 9999: 2017. The statement also refers to items that will be prohibited from storage including such hazardous items as combustible or flammable liquids and gases.
- 9.30 The application has been referred to the Building Control Team and adherence to BS 9999: 2017 was clarified as being the appropriate standard for the proposed use. It was also highlighted that there is an existing potential hazard of petrol/diesel being stored in the cars in the car parking garage that may represent more of a hazard than storage of items in the proposed storage lockers.
- 9.31 The Operation Management Plan (Condition 4) will include reference to certain items being prohibited from storage within the facility and how this restriction will be conveyed to customer wishing to store items in the self-storage facility.

10. SUMMARY AND CONCLUSION

Summary

- 10.1 The proposal is considered to be acceptable, subject to conditions and the draft head of terms listed at Appendix 1, and would not result in harm to neighbour amenity, adversely impact the public highway nor detract from the character of the host building and local area. The proposal accords with policies DM2.1, DM5.1, DM8.2, DM8.4 and DM8.6 of the Development Management Policies 2013 and policy CS9 of the Core Strategy 2011.
- 10.2 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core

Strategy, and the Islington Development Management Policies and should be approved accordingly.

Conclusion

- 10.3 For the reasons outlined above, it is recommended that planning permission be granted subject to conditions and a S106 legal agreement with the heads of terms as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- Applicant to enter into a Section 278 agreement with the Local Highways Authority for repair and re-instatement of the drop kerb adjoining the development and for the existing single yellow line to City Garden Row in front of Theseus Walk be converted to a double yellow line, prior to occupation.

RECOMMENDATION B

That the grant of planning permission be subject to conditions to secure the following, and that there is delegated to each of the following: the Head of Development Management, the Team Leader Major Applications and the Team Leader Planning Applications to make minor changes (additions removals or amendments) to the conditions.

List of Conditions:

1	COMMENCEMENT (3 YEAR CONSENT PERIOD)
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. 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).
2	APPROVED PLANS LIST
	CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: 150702S, 1 OF 2 (Existing Floor Plan of Car Park), Site Location Plan, Transport Note March 2020, Planning Design and Access Statement March 2020, Planning Compliance Report Ref: 21108.NIA.01, Fire Strategy Technical Note Ref: 623426-MLM-ZZ-XX-RP-YF-0001, Transport Cover Letter dated 10/07/2020 Ref: 2020-3798/L01/EC. REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.

3	HOURS (COMPLIANCE)
	<p>CONDITION: The self-storage facility use hereby approved shall not operate outside the hours of 0800 to 1900 hours Monday to Friday and 1000 to 1600 on Saturday and Sunday.</p> <p>REASON: To protect the amenity of residential properties.</p>
4	Operational Management Plan
	<p>CONDITION: Prior to the use commencing at the site an Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Operational Management Plan shall address the following points:</p> <ul style="list-style-type: none"> • Measures (including signage and management protocols) to ensure vehicles will not wait on the access ramp to City Garden Row. • Measure to inform customers wishing to use van type vehicles higher than 2.1m, that they cannot load from the access ramp or from restricted parking areas on City Garden Row and must use Pay by Phone on-street temporary parking services surrounding the site such as at 91-93 City Garden Row or at 1-22 Falcon Court, City Garden Row. • Procedures to inform customer that certain hazardous item are prohibited from storage in the facility. • Traffic Management including the monitoring and enforcement of an anti-idling policy. • Noise Management including the potential for noise transfer from use of trolleys, with details of mitigation including trolley and wheel type, maintenance and floor treatment and noise from the roller shutter, mitigation and maintenance thereof • Signage and information to inform users to minimise noise and controls on users' behaviour. • Protocols for dealing with complaints and resident liaison <p>REASON: To ensure that the resulting operational arrangements are satisfactory in terms of their impact on highway safety and neighbouring amenity.</p>

5	Noise Management Plan
	<p>CONDITION: A Noise Management Plan assessing the impact of the B8 self-storage use shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts on nearby residents and other occupiers together with means of mitigating any identified impacts. The B8 storage use shall be operated strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To protect the amenity of residential properties.</p>
6	RESTRICTED B8 USE (COMPLIANCE)
	<p>CONDITION: Notwithstanding the provision of the Town and Country Planning (Use Classes) (Amendment)(England) Regulations 2020, the premises shall be used only for the purposes indicated in the submitted details (a self-storage facility) and not for any other purpose listed within Use Class B8 of the Town and Country Planning (Use Classes)(Amendment)(England)Regulations 2020 .</p> <p>REASON: For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development, in the interests of the use of the building and the amenity of the adjoining neighbours.</p>

INFORMATIVE

1	If plant equipment is required for the proposed use a further planning application will be required prior to installation at the site.
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APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE

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

1. National and Regional 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.

- NPPF (2019)

2. Development Plan

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

A) The London Plan 2016 - Spatial Development Strategy for Greater London

Policy 7.4 Local Character

B) Islington Core Strategy 2011

Policy CS8 Enhancing Islington's character
Policy CS9

C) Development Management Policies June 2013

DM2.1 Design and Amenity
DM5.1 New Business Floorspace
DM8.2 Managing transport impacts
DM8.4 Walking and Cycling
DM8.5 Vehicle Parking
DM8.6 Delivery and servicing for new developments

3. Designations

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

- Article 4 Direction A1-A2 (Rest of Borough)

4. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

London Plan - Character and Context (2014)

5. Emerging Policies

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

The emerging London Plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:

Chapter 3

Policy D4 Delivering good design
Policy D11 Safety, Security and Resilience to Emergency
Policy D12 Fire Safety
Policy D14 Noise

Chapter 10

Policy T1 Strategic Approach to Transport
Policy T2 Healthy Streets
Policy T3 Transport capacity, connectivity and safeguarding
Policy T4 Assessing and Mitigating Transport Impacts
Policy T5 Cycling
Policy T7 Deliveries, Servicing and Construction

Draft Islington Local Plan (2019)

Emerging policies relevant to this application are set out below:

Policy H1 Thriving Communities
Policy T2 Sustainable Transport Choices
Policy T3 Car Free Development Parking
Policy T5 Delivery, Servicing and Construction
Policy S1 Delivering Sustainable Design
Policy S2 Sustainable Design and Construction
Policy S3 Sustainable Design Standards