



PLANNING COMMITTEE REPORT



PLANNING COMMITTEE	AGENDA ITEM NO:	B1
Date: 27 July 2021		

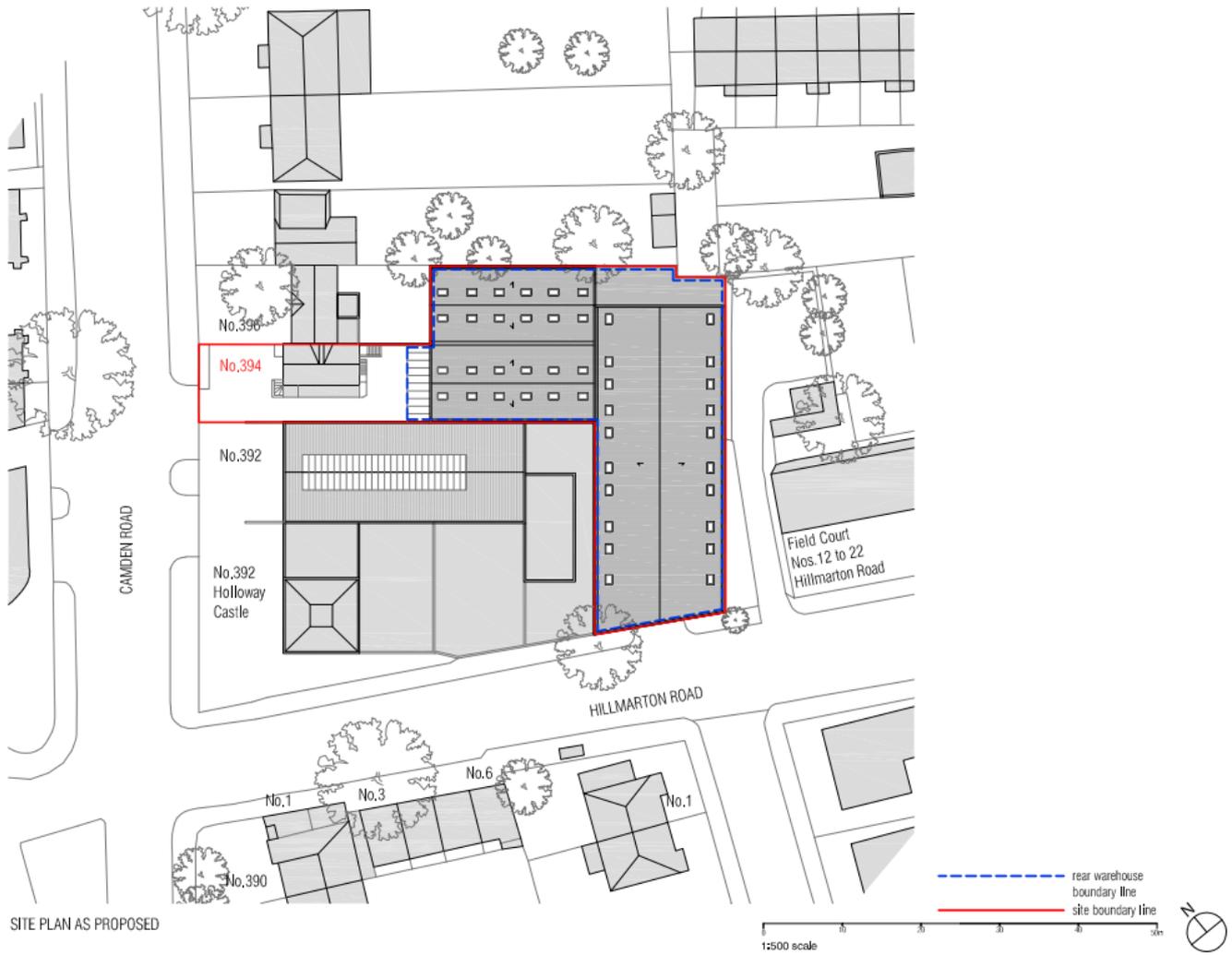
Application number	P2018/4071/FUL
Application type	Full Planning Application
Site Address	394 Camden Road, London N7 0SJ
Proposal	Retrospective change of use from a storage and distribution warehouse (B8) to light industry B1(a) (now Class E). Retention of internal alterations including internal mezzanine floor (amended description) to provide 450 sqm of new Class E floorspace. The installation of a new roof and rooflights. Construction of new entrance canopy and provision of 20 cycle spaces.
Ward	Holloway
Listed Building	Not applicable
Conservation Area	Hillmarton (Article 4) Conservation Area
Development Plan Context	Nags Head & Upper Holloway Core Strategy Key Area Major Cycle Route Employment Growth Area Within Site Allocation NH9 Within 100m of SRN and TLRN Road Article 4 Direction A1-A2 (rest of Borough)
Licencing Implications	None

Case Officer	Malachy McGovern
Applicant	Embankment Building Ltd
Agent	Mr Wiseman

1. RECOMMENDATION

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

2. SITE PLAN (SITE OUTLINED IN RED)



3. PHOTOS OF SITE/STREET



Image 1 above: Aerial view of site (from south)



Image 2 above: Aerial view (from west)



Image 3 above: Aerial view (from north)



Image 4 above: View of roof from Hillmarton Road



Image 5, 6 above: Canopy area for proposed cycle stands and bin storage

4. SUMMARY

- 4.1 The application is for full planning permission for a change of use of the existing warehouse building from B8 to 18 individual B1 workspace units. The change of use has already taken place and the proposal is therefore a retrospective one to secure regularisation of the existing commercial activities on site. The proposed use of the warehouse for 18 separate business units would support local employment and contribute to the local economy. New London Plan 2021 policy E1 'Offices' states that improvements to the quality, flexibility and adaptability of office space of different sizes (for micro, small, medium-sized and larger enterprises) should be supported by new office provision, refurbishment and mixed-use development in areas such as the employment areas. Islington Core Strategy policy CS13 'Employment spaces' encourages new employment floor space to be located within the Central Activities Zone (CAZ) and town centres.
- 4.2 The proposal would be a more intensive and more efficient use of the available land and would increase the employment levels on site. It would therefore accord with New London Plan 2021 policy GG2 'Making best use of land' and policy GG5 'Growing a good economy'. It should be recognised that the existing microbusiness have successfully 'weathered the storm' and continued to operate on site despite the ongoing Covid-19 pandemic and this is testament to the viability and resilience of these enterprises.
- 4.3 The operational development associated with the proposal includes a new metal roof and skylights which are visible from views along Hillmarton Road. It is considered that the new roof would have a neutral appearance and would be compliant with the design advice found within the Islington Design Guide 2017 and Hillmarton Conservation Area Design Guidelines, and the objectives of policies CS8 and CS9 of the Islington Core Strategy (2011), and DM2.1 and DM2.3 of Development Management Policies (2013). It is therefore considered to preserve the visual appearance and historic character of the wider Hillmarton Conservation Area, and is acceptable in design terms.

- 4.4 Whilst the proposal has the potential for increased noise and nuisance to the surrounding area given the more intensive and varied uses proposed, given the proposed plant equipment and nature of the use, the Council's Environmental Health Pollution Officers have recommended a number of controls to mitigate this impact. In addition, conditions relating to preventing the use of the rear garden, as well as the opening hours and the front seating area are also recommended.
- 4.5 The proposal is considered to not detrimentally impact the wider public highway network including Camden Road, which is a TLRN road.
- 4.6 The proposal is considered to be acceptable and it is recommended that the application be approved subject to conditions.

Background Enforcement

- 4.7 The application has been submitted in response to a Council Planning Enforcement investigation opened on 17 October 2018. The Council asserted that both the use of the subdivided main warehouse for 18 units within Class B1 (now Class E) and various *Sui Generis* uses, and the townhouse in use as 8 flexible units within Class B1 (Class E), was in breach of planning control and required planning permission. The Council also asserted that the new felt roof was in breach of planning control.

Three-Storey Townhouse (Not part of planning application)

- 4.8 The applicant submits that the three storey townhouse (no. 394 Camden Road) on the north-eastern corner of the site is ancillary to the larger warehouse building and therefore its lawful use also fell within Use Class B8 at the time the enforcement letter was sent.
- 4.9 The applicant submits that the townhouse building was converted to 8 flexible office units within Use Class B1 from Use Class B8 under permitted development rights i.e. Class I – industrial and general business conversions – of the General Permitted Development Order 2015 (with amendments) (GPDO).
- 4.10 The Council accepts that the townhouse is ancillary to the warehouse and fell within Use Class B8 at the time of the conversion (now use Class E). It is a separate building and therefore complied with Class I of the GPDO regulations which limits the change of use to 500m² of floor space in the building. The townhouse building is 193.9m² so this development is permitted and there is no prior approval process required. This element of the site does not therefore form part of this planning application although it is a material consideration.

The Warehouse Building (The application site)

- 4.11 The Town and Country Planning (Use Classes) Regulations were updated on 1st September 2020, with the existing B1 light industry uses becoming Class E, alongside other town centre uses. This enables buildings to have a number of flexible uses and changes to other uses use within the same Class E do not require planning permission. It should be noted that a number of the units such as the tattoo artist are in *sui generis* use and the grant of this permission will be limited by planning conditions to ensure that no other *sui-generis* uses are permitted to operate on site.

5. SITE AND SURROUNDINGS

- 5.1 The application site is 'L-shaped' and measures approximately 1,600 metres in area (0.16 hectares). The site is located on the junction of Camden Road (A503) and Hilmarton Road (A5203) immediately east of an operational Exan garage which adjoins the Castle Public House on the corner. To east of the site along Camden Road is a row of three storey buildings with commercial ground floor uses and residential dwellings above. The site is bound to the Exan garage to the west and as such the entire corner site has a commercial industrial character. To the rear (south-east) of the site is a four storey residential block of flats and communal garden.

- 5.2 The surrounding area is characterised by two to three storey buildings with retail/commercial uses at ground floor and ancillary accommodation or residential units above. The site itself is within the Hillmarton Conservation Area and is within the Nags Head and Holloway Core Strategy Key Area. There are no Listed Buildings within the site boundary.
- 5.3 The site is earmarked on the Council's Local Plan Brownfield Register as 'NH9' and is identified as falling within an Employment Growth Area. Caledonian Road Station and Holloway Road Station are situated approximately 650m to the south and east respectively. Finsbury Park Town Centre and Highbury and Islington Centre are further north and south east with Camden Town further along Camden Road to the south west. The site has a high Public Transport Accessibility Level (PTAL) of 6a.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks retrospective planning permission for:
- Change of use from a B8 (now Class E) warehouse unit to 18 separate business units (light industry) in Class E and other *sui generis* uses (e.g. tattoo shop);
 - Internal changes comprising a new mezzanine floor, internal partitioning and staircases to provide an additional 450 sqm of Class E floor space;
 - A small entrance canopy to accommodate 10 cycle stands (20 cycle spaces);
- 6.2 The application seeks planning permission for:
- Retention of existing external alterations including construction of a new pitched roof material and roof lights.

7. RELEVANT HISTORY:

Planning

7.1 *P051292; Approved 20051*

Redevelopment of the existing site, comprising 43 residential units and 388m² of commercial space arranged over ground, first, second and third floor levels.

7.2 *P2013/1974/FUL; Withdrawn in October 2013*

Application for two new residential blocks comprising 34 private and 10 affordable units, and renovation of an existing Victorian townhouse (used as an office).

7.3 *P2014/1667/FUL; Refused 26th February 2016*

RECONSULTATION AS AMENDED DESCRIPTION; Demolition of existing vacant warehouse building (1,122sqm B8 floorspace with 205sqm ancillary office space provided in the townhouse) and existing side extension of the townhouse. Comprehensive redevelopment of site, through the erection of a part three, part four storey 'L' shaped building with basement, alterations to the townhouse, and other associated ancillary development including hard and soft landscaping, creation of sub-station and installation of plant. The development would provide a total of 28 residential units (comprising 1 x 4-bedroom, 3 x 3-bedroom, 11 x 2- bedroom, 8 x 1-bedroom and 5 x studio) and 462sqm of B1a office floorspace. The proposal would provide 10% affordable housing by habitable room.

7.4 *P2014/3788/FUL; Refused February 2015. Appeal dismissed July 2015*

Application for demolition of derelict industrial buildings and erection of 5 No. 3-storey (C3) mews houses with basement providing (B1) office space and separate single storey entrance at ground floor.

Enforcement

- 7.5 E/2018/0145: Alterations to building and sub-division of warehouse - 07/2020 - Without planning permission, the construction of a new roof from ply and felt on the warehouse building, the provision of scaffold railings and fixings on its south eastern parapet elevation and the installation of air conditioning plant on its north eastern elevation. Enforcement Notice Served April 2020.

8.0 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 111 adjoining and nearby properties on the 16th August 2019. This is in addition to the display of a site notice and a press advert. The consultation period expired on 9th September 2019. Due to the passage of time and in recognition of the intervening changes introducing Class E since the original consultation, a further round of consultation took place on 24th June 2021 which expired on 8th July 2021. No further representations have been received to this second consultation exercise.

- 8.2 At the time of the writing of this report a total of **2** responses including 2 objections had been received from the public with regard to the application. It should be clarified that the objections were in both email and letter format and were from the same objector. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

1. Uplift Increase in floor space is not clear – is it 449 or 474.6 sqm?

Response: An internal measurement of the mezzanine floor space is 475 sqm however some areas are within the eaves and so the usable floor area is 449 sqm

2. Proposed *sui generis* use is unclear. Delivery & Servicing Plan refers to Live/ work units

Response: The only sui generis use proposed on site is a tattoo parlour and this will be limited by planning condition. There are no live/ work units on site and a condition restricting any other sui generis uses such as live / work shall be imposed.

3. Live- work units would have poor standard of accommodation

Response: There are no live-work units proposed on site. The facilities for the proposed employment space and work units are considered adequate in terms of natural light and ventilation and all have toilet and sink facilities.

4. Accessibility for wheelchair users may be limited

Response: it is acknowledged that the proposal would not provide accessible lifts to access the upper workspace on upper (mezzanine) level, it is not considered to warrant the refusal of the application given it relates to an existing building which has been in long term industrial use.

5. Site access during operation- no refuse vehicle swept-path analysis provided

Response: The Council's Highways Team have been consulted and have specifically advised that the existing cross over and forecourt at the site entrance has functioned adequately for the historical industrial uses on site and would be adequate for the proposed operations given the dimensions of the entrance.

6. Number of weekly Delivery & Servicing Trips would be excessive

Response: The Council's Highways Team and Pollution / Environmental Protection Teams have been consulted and have advised that they have no objections to the Delivery & Servicing Plan by Markides Associates as proposed.

7. Location of Bin Stores is not clear on plans. Forecourt on site plan shows private parking only

Response: The Council's Highways Team and Waste Team have been consulted and have advised that they have no objections to the proposal. A condition requiring details of the bin storage and recycling will be imposed by condition to clarify however it is considered that this can be easily accommodated under the canopy area as indicated in the submitted information (see image 5 and 6 of this report).

8. There is potential for Noise nuisance on site.

Response: The Council's Public Protection (Pollution) Team have been consulted on the application and have advised that there are no complaints listed in relation to the new layout. There is no fixed plant or machinery shown on the plan drawings however a standard condition has been imposed relating to noise controls on plant equipment in general. The Team advised that there is likely to be a reduction in the number of heavy vehicle movements given the change from B8 storage and distribution to smaller independent units comprising mostly creative industries, fashion designers, artists and similar uses and so noise from vehicular activity may actually be reduced.

Additionally, a condition limiting the hours of operation has been imposed.

External Consultees

8.3 **Transport for London:** No objections.

Internal Consultees

- **Design & Conservation Officer:** No objection subject to condition requiring roof lights to be flush
- **Access & Inclusive Design Officer:** No objection
- **Planning Policy Officer:** No objection
- **Sustainability Officer:** No objection
- **Tree Preservation Officer:** No objection
- **Public Protection (Land Contamination) Officer:** No objection
- **Public Protection (Construction Management) Officer:** No objection subject to condition requiring CMP
- **Highways Officer:** No objection subject to revised disabled parking bay
- **Traffic & Engineering Officer:** No objection
- **Refuse & Recycling Officer:** No objection subject to refuse conditions
- **Energy & Energy Efficiency Officer:** No objection

9.0 RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents

National Guidance

- 9.1 Islington Planning Committee, in determining the planning application has the main following statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
 - As the development is within a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1));
- 9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 9.3 The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.7 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

- 9.9 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011 and the Islington Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

The new London Plan was adopted on the 2nd March 2021. The adopted London plan has now full weight and is it is considered a material consideration. The adopted London Plan policies have been fully taken into account

Designations

- 9.10 The site has the following designations under the newly adopted London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:
- Nags Head & Upper Holloway Core Strategy Key Area
 - Hilmarton (Article 4) Conservation Area
 - Major Cycle Route
 - Employment Growth Area
 - 392a and 394 Site Allocation
 - Within 100m of SRN and TLRN Road
 - Article 4 Direction A1-A2 (rest of Borough)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Emerging Policies

Draft Islington Local Plan 2019

- 9.11 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. As part of the examination consultation on pre-hearing modifications took place between is taking place from 19 March to and 9 May 2021. The Matters and Issues have now been published with hearings set to take place from 13 September to 5 October.
- 9.12 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 9.13 Emerging policies relevant to this application are set out below:

- Policy R8 – Location and Concentration of Uses
- Policy T4: Public realm
- Policy T5: Delivery, servicing and construction

10.0 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design, Conservation and Heritage
- Neighbouring Amenity
- Highways and Transport
- Accessibility
- Refuse and Recycling

Land Use

10.2 The National Planning Policy Framework 2019 (hereafter NPPF) places a presumption in favour of sustainable development and identifies 3 overarching objectives; economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

10.3 The emerging Islington Local Plan estimates that by 2036, 50,500 additional jobs are expected in the borough, with the majority of this increase within sectors that will require office accommodation. To meet the identified need of 400,000sqm of business floor space up to 2036, the Local Plan aims to promote new business floor space and ensure that existing business floor space is strongly protected.

10.4 At a regional level, new London Plan 2021 Policy E2 'Providing suitable business space' states at Part A that Boroughs should include policies in local Development Plan Documents that support the provision, and where appropriate, protection of a range of B Use Class business space, in terms of type, use and size, at an appropriate range of rents, to meet the needs of micro, small and medium-sized enterprises and to support firms wishing to start-up or expand.

10.5 Policy E4 'Land for industry, logistics and services to support London's economic function' states at Part A that a sufficient supply of land and premises in different parts of London to meet current and future demands for industrial and related functions should be provided and maintained, taking into account strategic and local employment land reviews, industrial land audits and the potential for intensification, colocation and substitution (see Policy E7 Industrial intensification, co-location and substitution). This should make provision for the varied operational requirements of:

- 1) light and general industry (Use Classes B1c and B2)
- 2) storage and logistics/distribution (Use Class B8) including 'last mile' distribution close to central London and the Northern Isle of Dogs, consolidation centres and collection points
- 3) secondary materials, waste management and aggregates
- 4) utilities infrastructure (such as energy and water)
- 5) land for sustainable transport functions including intermodal freight interchanges, rail and bus infrastructure
- 6) wholesale markets
- 7) emerging industrial-related sectors
- 8) flexible (B1c/B2/B8) hybrid space to accommodate services that support the wider London economy and population
- 9) low-cost industrial and related space for micro, small and medium-sized enterprises (see also Policy E2 Providing suitable business space)
- 10) research and development of industrial and related products or processes (falling within Use Class B1b).

- 10.6 The proposed change of use from B8 to a business units for creative industries and small employers would be supported by Policy E2 and by parts 7 and 8 of policy E4 which advises Boroughs to take a flexible approach to providing employment and supporting the economy.
- 10.7 At a local level, the site is located within the Nags Head and Holloway Core Strategy Key Area. Islington Core Strategy Policy CS3 states at Part B that opportunities will be identified in the Site Specific Allocations and indeed, the site is currently allocated (along with an adjoin site at 392a Camden Road) as 'NH9' within the Councils adopted Site Allocations. . CS3 states at Part D that maintaining and enhancing the provision of employment spaces...will be important in contributing to the diversity of the local economy and providing opportunities for small and medium businesses, capitalising on all key transport links.
- 10.8 Islington Core Strategy policy CS13 'Employment spaces' states at Part A that the Council will require new business floorspace to be flexible to meet future business needs. The policy states at Part B that the council will protect existing employment land by safeguarding existing business spaces throughout the borough by protecting against change of use to non-business uses. The proposed change of use from B8 to work space from creative industries and sui-generis use would be in line with these principles and would continue to provide employment floorspace. It is noted that these small business have survived and continued to operate during the ongoing Covid pandemic and as such have demonstrated their viability and resilience in economic terms.
- 10.9 Policy DM5.1 'New business floorspace' states at Part A. that within Town Centres and Employment Growth Areas the council will encourage the intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units. Within these locations proposals for the redevelopment or Change of Use of existing business floorspace are required to incorporate:
- i) the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations, and
 - ii) a mix of complementary uses, including active frontages where appropriate.
- 10.10 The proposed change of use would result in a more intensive use of the site and would increase employment levels on site from approximately 6 staff to 16 employees (discounting wider synergies). The proposals would therefore satisfy policies CS3, CS13 and DM5.1.

Rear Units	Tenant		Use Class
1	Frozen Margarita Ltd		Class B1/E
2	AV2HIRE	Projector screens hire	Class B1/E
3	Mr Kamil Terczynski	Tattoo artist	Class B1/E
4	Exalt Ldn Ltd		
5	Sarah England	Photographic Hand Printer & Darkroom Technician	Class B1/E
6	Joseph Stokoe/Heads, Hearts & Tails	event management and drinks consultancy	Class B1/E
7	Mr Timothy James Manning	Vintage Fashion Design	Class B1/E
8	Ms Claire Ross	Artist	Class B1/E
9	Mr Jon Couch	Artist	Class B1/E
10	INK Networks	IT Specialists	Class B1/E
11	Noonan Gayle	Art Designers	Class B1/E
12	Simonetta Moscatelli	Artist	Class B1/E
13	Jamie Sterman		
14	Elle Mart Ctrl Creative Camden Ltd		
15	Dominic Baker / The Production Family	Production Agency	Class B1/E
16	Karess Bollanga		
17	Mr Jacob Simon Collier / Jake S Collier Ltd	Manufacture of leather clothes	Class B1/E
18	Mr Dercio Dario De Peleme	Artist	Class B1/E

Affordable Workspace

- 10.11 New London Plan 2021 policy E2 'Providing suitable business space' states at part D Development proposals for new B Use Class business floorspace greater than 2,500 sq.m.

(gross external area), or a locally determined lower threshold in a local Development Plan Document, should consider the scope to provide a proportion of flexible workspace or smaller units suitable for micro, small and medium-sized enterprises. Policy E3 'Affordable workspace' states that In defined circumstances..., planning obligations may be used to secure affordable workspace (in the B Use Class) at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose... The policy goes further to state that Boroughs, in their Development Plans, should consider detailed affordable workspace policies in light of local evidence of need and viability. These may include policies on site-specific locations or defining areas of need for certain kinds of affordable workspace.

- 10.12 Policy DM5.4 of the Councils current adopted policies states that 'Within Employment Growth Areas and Town Centres, major development proposals for employment floorspace must incorporate an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises. It is recognised that the proposal does make provision for workspace for SME's so is compliance with adopted policy. It is acknowledged that the provision of 10% affordable workspace would normally be required in accordance with emerging Local Plan policy B4(a) 'Affordable Workspace', however this must be accorded appropriate weight. Furthermore, the Council's Affordable Workspace Team have been consulted on the planning application and have advised that given the relatively affordable cost of the existing units compared to high value new build units, they are satisfied that the existing uses have offered affordable space for micro businesses and creative industries and that the existing operators have established a successful and creative community which in itself carries additional social value.

Class E and Sui generis Restrictions

- 10.13 As noted above, the Town and Country Planning (Use Classes) Regulations were amended on 1st September 2020. The amended Use Class regulations omit the former Use Class B1 and introduces a new Use Class E, which encompasses business use, together with many other commercial and employment uses. The application proposes the change of use to small businesses with a focus on creative industries, and one tattoo artist which is *sui generis*. Significant weight needs to be given to the relatively recent Use Class Order changes which means that uses previously within B1 would not need planning permission to change within Class E. This is a material consideration. The new classification of Class E took effect on the 1st September 2020 and is summarised below:

Class E

In 11 parts, Class E more broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(e):

- **E(a)** Display or retail sale of goods, other than hot food
- **E(b)** Sale of food and drink for consumption (mostly) on the premises
- **E(c)** Provision of:
 - **E(c)(i)** Financial services,
 - **E(c)(ii)** Professional services (other than health or medical services), or
 - **E(c)(iii)** Other appropriate services in a commercial, business or service locality
- **E(d)** Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
- **E(e)** Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- **E(f)** Creche, day nursery or day centre (not including a residential use)
- **E(g)** Uses which can be carried out in a residential area without detriment to its amenity:

- **E(g)(i)** Offices to carry out any operational or administrative functions,
- **E(g)(ii)** Research and development of products or processes
- **E(g)(iii)** Industrial processes

10.14 It is considered that the other Class E uses may not be an appropriate use for the site or within the surrounding local context without the submission of further details and mitigation measures.

10.15 As such, a condition is recommended restricting the use of the Class E development to Class E part (g) only. Similarly, the tattoo artist studio (*sui generis*) will be limited to tattoo studio and no other *sui generis* use such as live/work units.

Design and Conservation

10.16 The site falls within the Hillmarton Conservation Area and does not comprise any Listed Buildings or fall within the setting of any Listed Buildings. It should be noted that the only operational development that would have a physical impact on the visual amenity of the Conservation Area would be the proposed metal roof and roof lights. The smaller alterations to include cycle parking and a small canopy for the bin and cycle storage would be located within the warehouse complex and out of public view. As such these minor alterations would have very negligible impact on the Conservation Area.

10.17 Paragraph 193 of the NPPF (2019) states that ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). Furthermore, at paragraph 196: ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.18 London-wide planning policies relevant to design and conservation are set out in Chapter 3 ‘Design’ and Chapter 7 ‘Design & Conservation’ of the new London Plan 2021, and the Mayor of London’s Character and Context SPG is also relevant. At the local level, Policy CS9 of Islington’s Core Strategy (CS) 2011 and Policy DM2.1 of Islington’s Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington’s built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.

10.19 Policy DM2.3 seeks to ensure that the borough’s heritage assets are conserved and enhanced in a manner appropriate to their significance. Development that makes a positive contribution to Islington’s local character and distinctiveness will be encouraged. It seeks to ensure developments within the setting of a listed building are of good quality contextual design. It also seeks to retain, repair and reuse of non-designated heritage assets. Proposals that unjustifiably harm the significance of a non-designated heritage asset will generally not be permitted.

10.20 In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Hillmarton Conservation Area. Section 61(2) and 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, seeks to ensure special attention has been paid to the desirability of preserving or enhancing the character and appearance of the setting of listed buildings.

10.21 The design advice found within the Islington Urban Design Guide 2017 and Hillmarton Conservation Area Design Guidelines should be taken into consideration in the design assessment of the proposal.

10.22 The proposal includes a number of different external alterations with an assessment of these elements set out below:

Metal Roof & Roof lights

10.23 The existing building is not statutorily or locally listed. However, it is located within the Hillmarton Conservation Area. The roofs of the buildings are a major component of the area's character, together with the use of vernacular materials, such as slate roofs. The Hillmarton (CA32) Conservation Area Design Guidelines (CADG) state in paragraph 32.9:

“It is important that new buildings and refurbishments of existing buildings blend in with and reinforce the existing character of the area.”

10.24 The building is a simple light industrial structure dating from the mid-20th century, constructed of brick. The previous roof of the building had been destroyed by fire. This roof was corrugated metal with a line of rooflights. The building, with the pre-fire corrugated roof, was considered to make a neutral contribution to the Hillmarton Conservation Area.

10.25 The (pre-fire) corrugated metal roof blended in with the character of the area due to its variation in colour and texture, which was sympathetic to surrounding roofs. This was despite the roof covering a vast area.

10.26 The existing roof covering is constructed of ply and felt, and is considered not to blend in with or reinforce the character of the conservation area. The existing roof is highly uniform in colour, with a flat matt finish that is at odds with the traditional roof coverings characteristic of the Hillmarton Conservation Area. Because of its size, the roof is also prominent in views within the Conservation Area. It is visible from street level in Hillmarton Road and in streets surrounding the application site, including Penn Road and Keighley Close. As the roof does not blend in and is clearly visible, it therefore has a negative impact on the character of the conservation area. For these reasons the roof was subject to planning enforcement action and it is this current planning application which seeks to regularise the unauthorised development.

10.27 The existing roof covering also contravenes Islington Urban Design Guide (2017) which states in paragraph 5.112:

“The choice of materials in any new development must take account of its context.”

10.28 The NPPF makes clear that any harm to the significance of a designated heritage asset, in this case the Hillmarton Conservation Area, requires clear and convincing justification. There has been no justification for the new roof covering with regards to the use of ply and felt and its overall appearance.



Google Street view image of roof in 2014 just before the fire



Google Street View image of existing felt roof – subject to enforcement action



Photo above: Proposed Kingspan Trapezoidal Pitched Roof System KS1000 RW (shale grey)

- 10.29 The Council's Conservation & Design team have been consulted on the planning application and have advised that the proposed metal roof shown on drawing 354_P_2-02_A (roof plan as proposed) would be much better than the existing ply that has been installed. The ply was flat and uniform, whereas the metal roof would have some texture to it.
- 10.30 The team has advised that the proposed roof would be satisfactory subject to a condition requiring the new roof lights to be flush and not standing proud above the roof plane as they currently are. It is noted that installation of the replacement metal roof would require removal and replacement of the skylights in any event and so this would be easily achieved.

- 10.31 Given the above, the proposal is considered to preserve the visual appearance and historic character of the locally listed host building and wider conservation area, and compliant with the design advice found within Islington Urban Design Guide 2017 and Hillmarton Conservation Area Design Guidelines, and policies CS8 and CS9 of Islington Core Strategy (2011) and DM2.1 and DM2.3 of Development Management Policies (2013).

Neighbouring Amenity

- 10.32 The Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. New London Plan policy D13 'Agent of Change' states at part B that:

"Development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them."

The existing warehouse and operations are established and whilst there is a proposed change of use from B8 to Class E uses comprising SMEs and creative industries and artists workshops, it is considered that these uses would generate less noise nuisance from industrial operations given they would not rely on industrial scale machinery or plant equipment to operate. The policy seeks to ensure that these can continue to operate without unreasonable restrictions. Whilst this is understood, the Council have fully assessed the proposed units in terms of their potential impacts on neighbouring amenity as required by part C of D13:

"New noise and other nuisance-generating development proposed close to residential and other noise-sensitive uses should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses."

- 10.33 Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.

- 10.34 The Council's Public Protection (Pollution) Team have been consulted on the application and have advised that there are no complaints listed in relation to the new layout. There is no fixed plant or machinery shown on the plan drawings however a standard condition has been imposed relating to noise controls on plant equipment in general. The Team advised that they have no objections to the proposal. There would be no harmful impacts such as odour or light pollution.

Daylight/Sunlight and Outlook

- 10.35 The proposal is not consider to result in any significant loss of daylight/sunlight or outlook to neighbouring properties over and above the existing situation given the fact there would be no increase in building mass and no additional height to the roof form. The alterations to the roof would largely replicate the existing situation, and would not result in any daylight or sunlight impacts in comparison with the existing situation.

Hours of Operation

- 10.36 The application seeks permission to allow for the opening hours of between 08:00 and 19:00 hours Monday to Sundays. The proposed hours would have a similar closing time to other industrial units in the borough and is considered acceptable. The hours of operation are secured by planning condition.

Conclusion

- 10.37 Overall, due to the mitigation measures identified above, the proposal is considered to be compliant with Development Management Policies DM2.1.

Highways and Transport

- 10.38 The site has excellent access to public transport and the Public Transport Accessibility (PTAL) rating is 6a (where 6 is the best and 0 the worst). There are several bus routes in the surrounding area, close proximity to the Holloway Road Underground Station. The site also is positioned on the eastern side of Camden Road, which is part of the TLRN (Transport for London Road Network).
- 10.39 Policy DM8.2 seeks to ensure developments meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. Transport for London have raised no objections to the proposal.
- 10.40 The Council's Highways Team have been consulted on the scheme and have advised that the long standing operations on site have not caused any significant issues and that the proposed uses are likely to result in a reduction of both private and commercial vehicle movements. The Highway Officer has advised that an improvement to provide one disabled parking space within the existing forecourt would be beneficial. The applicant has submitted a revised site plan showing a disabled parking space which is considered satisfactory. The applicant has also submitted a Travel Plan and advised that efforts to encourage sustainable transport such as cycling have been promoted. Twenty cycle spaces will also be provided on site which is considered acceptable and are secured by planning condition.
- 10.41 Policy DM8.6 sets out that provision for delivery and servicing for new developments would continue to use the existing arrangements. Whilst limited information has been provided in this regard, the Council's Highways & Transportation Teams have been consulted on the proposal, and have not raised objection to the operation of the uses based on the submitted plans and layout. It is therefore considered acceptable in this regard.

Accessibility

- 10.42 Policy DM2.2 seeks to ensure developments demonstrate that they provide for ease of and versatility in use. Whilst it is acknowledged that the proposal would not provide accessible lifts to access the upper workspace on upper levels, it is not considered to warrant the refusal of the application given it relates to an existing building which has been in long term industrial use.

Refuse and Recycling

- 10.43 The existing site has on-street collections for refuse and recycling on Monday to Saturdays between 18:00 and 19:00 hours and 00:00 and 01:00 hours. Given the existing arrangements the proposal is not considered to detrimentally impact this situation and is therefore considered acceptable in this regard.

Other Matters

- 10.44 Representations have been received raising concerns regarding the works subject to this application having been carried out without planning permission. However, following an investigation by Council's Planning Enforcement Team the applicant has submitted this application to seek to regularise relevant works.
- 10.45 It should be noted that there is no S106 Legal Agreement required for this application.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 The Town and Country Planning (Use Classes) Regulations were updated on 1st September 2020, with the existing warehouse unit (former B8) uses becoming Class E, alongside other town centre uses. This enables buildings to have a number of flexible uses and changes to a use within the same class do not require planning permission. Therefore, in general, the change of use from B8 to smaller units of offices/ artist studios/ workshops (Class E(g)) would not be considered development as they are both now within the same use class. The proposed tattoo artists studios (*sui generis*) is considered to be in keeping with the industrial nature of the site and with the Development Plan policies for promoting flexibility and a good economy and as such is considered acceptable.

- 11.2 The proposed external alterations involving the new metal roof and roof lights are considered to preserve the visual appearance and historic character of the locally listed building and wider Hillmarton Conservation Area, and acceptable in design terms.
- 11.3 The proposal is considered not to result in any significant loss of amenity to occupiers of neighbouring properties, given the conditions recommended by the Council's Environmental Health Pollution Officers.
- 11.4 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the New London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

- 11.5 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than 4th February 2022.</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) and to achieve consistency with enforcement requirements.</p>
2	Approved Plans List
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Dwg 354-P-1-02-Rev A - Existing Ground Floor Plan Dwg 354-P-1-03-Rev A - Existing Mezzanine Plan Dwg.354-P-0-00 – Location Plan Dwg.354-P-1-01 – Existing Site]Plan Dwg.354-P-0-01 – Pre Existing Site Plan Dwg.354-P-0-02 – Pre Existing Ground Floor Plan Dwg.354-P-0-03 – Pre Existing Roof Plan Dwg.354-P-0-10 – Elevations As Existing – Rear Warehouse Dwg.354-P-0-10 – Pre Existing Section AA Dwg.354-P-0-11 – Pre Existing Side Elevation Dwg 354-P-2-01-Rev A - Proposed Site Plan Dwg 354-P-2-03-Rev B - Proposed Ground Floor Plan Dwg 354-P-2-04 - Proposed Mezzanine Plan Dwg 354-P-2-02-Rev A - Proposed Roof Plan</p> <p>Construction Management Plan by South Downs Safety dated February 2019 Energy Statement by NRG Consulting dated June 2019 Desk Study by Ground & Water dated March 2019 Travel Plan Rev A by Markides Associates dated July 2021 Arboricultural Impact Assessment by Trevor Heaps Arboricultural Consultancy dated February 2019 Delivery and Servicing Plan Rev A by Markides Associates dated July 2021</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials (Compliance)
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the approved plans and within the application form. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Operational Hours (Compliance)

	<p>CONDITION: The hereby approved office / workshop/ artist studio/ tattoo artist use (and any other use within Class E(g)) shall only operate between the hours of:</p> <ul style="list-style-type: none"> • Mondays to Sundays 08:00 to 19:00 hours only. <p>REASON: To protect the amenities of surrounding residents.</p>
5	Noise Levels (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: In order to protect the amenities of surrounding occupiers.</p>
6	Roof Lights (Details)
	<p>CONDITION: Full details of the proposed roof lights shall be submitted to and approved by the Local Planning Authority prior to substantial completion of the roof. The proposed roof lights shall be flush against the new metal roof slope and shall not protrude beyond the vertical plane of the roof slope by more than 150 mm. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
7	Cycle Storage (Compliance)
	<p>CONDITION: Within 3 months the hereby approved development storage for a minimum of 20 no. cycle spaces shall be provided and retained thereafter into perpetuity.</p> <p>REASON: To promote sustainable forms of transport.</p>
8	Class E and Sui Generis Uses (Compliance)
	<p>CONDITION: All commercial units within the application site hereby approved as Class E (g) of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2020 (or the equivalent use within any amended/updated subsequent Order) shall be limited to those uses only and for no other purpose whatsoever, without first obtaining planning consent from the Local Planning Authority.</p> <p>The tattoo artist studio (<i>sui generis</i>) shall not be used for live/ work or any other <i>sui generis</i> use without first obtaining planning consent from the Local Planning Authority.</p> <p>REASON: In the interest of maintaining the function and capacity of the Employment Growth Area in accordance with Development Management Policy DM5.1, DM5.2, London Plan Policy E4 and emerging Local Plan Policy B1 and B2 and to protect the amenities of surrounding residential occupiers.</p>
9	Delivering and Servicing (Compliance)
	<p>CONDITION: For the hereby approved development, delivery and servicing vehicles shall ensure that they do not obstruct the footway or carriageway of Camden Road or Hillmarton Road and comply with the requirements of the existing Controlled Parking Zone (CPZ).</p> <p>REASON: To ensure there is no conflict with the existing users of the footways and carriageways of a TLRN road</p>

List of Informatives:

1	Community Infrastructure Levy (CIL)
	<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).</p> <p>The Council will issue a CIL Liability Notice stating the CIL amount that will be payable on the commencement of the development. Failure to pay CIL liabilities when due will result in the Council imposing surcharges and late payment interest.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/cil, and the Islington Council website at www.islington.gov.uk/cil. CIL guidance is available on the GOV.UK website at www.gov.uk/guidance/community-infrastructure-levy.</p>
2	Advertisement Consent
	<p>It is advised that a separate application would be required for advertisement consent for any alterations to the signage.</p>
3	Transport for London Licence
	<p>Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required with TfL, please see, https://www.tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences.</p>
4	Footway and carriageway of Camden Road
	<p>It is advised that the footway and carriageway on Camden Road should not be blocked during the construction works, including skips or materials and temporary obstructions during the works must be kept to a minimum, and vehicles should comply with the existing parking controls.</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

The National Planning Policy Framework 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.

- National Planning Policy Framework 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 New London Plan 2021 - Spatial Development Strategy for Greater London

- Policy D4 Delivering good design
- Policy E2 Providing suitable business space
- Policy E4 Land for industry, logistics and services to support London's economic function
- Policy GG2 Making best use of land
- Policy GG5 Growing a good economy
- Policy HC1 Heritage conservation and growth
- Policy D13 Agent of Change

B) Islington Core Strategy 2011

- Policy CS3 Nags Head & Holloway
- Policy CS8 Enhancing Islington's character
- Policy CS9 Protecting and enhancing Islington's built and historic environment
- Policy CS13 Employment spaces

C) Islington Development Management Policies 2013

- Policy DM2.1 – Protection of Amenity
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage
- Policy DM4.3 – Location and Concentration of Uses
- Policy DM5.1 - New business floorspace
- Policy DM8.2 – Transport Impacts
- Policy DM8.4 – Walking and cycling
- Policy DM8.6 – Delivery and servicing

3. Designations

- Nags Head & Upper Holloway Core Strategy Key Area

- Hilmarton (Article 4) Conservation Area
- Major Cycle Route
- Employment Growth Area
- 392a and 394 Site Allocation
- Within 100m of SRN and TLRN Road
- Article 4 Direction A1-A2 (rest of Borough)