

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Community Wealth Building Department

PLANNING COMMITTEE		AGENDA ITEM NO:	B2
Date:	22 June 2023	NON-EXEMPT	

Application number	P2021/3433/S73
Application type	Removal/Variation of Condition (Section 73)
Ward	St. Marys & St James'
Listed building	N/A
Conservation area	Upper Street North Conservation Area (CA19)
Development Plan Context	Angel & Upper Street Key Area Archaeological Priority Area (Islington Village and Manor House) Site Allocation AUS1 Angel Town Centre
Licensing Implications	N/A
Site Address	Former North London Mail Centre, 116 - 118 Upper St., London, N1 1AA
Proposal	Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to amend condition 16 and condition 17 of planning permission ref: P2018/2463/S73, dated 5 December 2019, that granted: Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to amend condition 2 (approved drawings and documents), condition 1 (plans) of planning permission ref: P2013/2697/S73. (The proposed minor material amendments relate to the amalgamation of 10 units across second, third, fourth and fifth floors resulting in the creation of larger units (and involving the loss of 5 units overall) within Block A, together with layout changes to existing ground floor retail units 5 and 6.)The proposed amendments seek to vary the wording of condition 16 and condition 17 to allow vehicles servicing the commercial tenants of Islington Square to enter and leave the site via the Almeida Street access. The Studd Street access would be used only to access the residential parking at Blocks A and B and for vehicles servicing the apartments on the site.

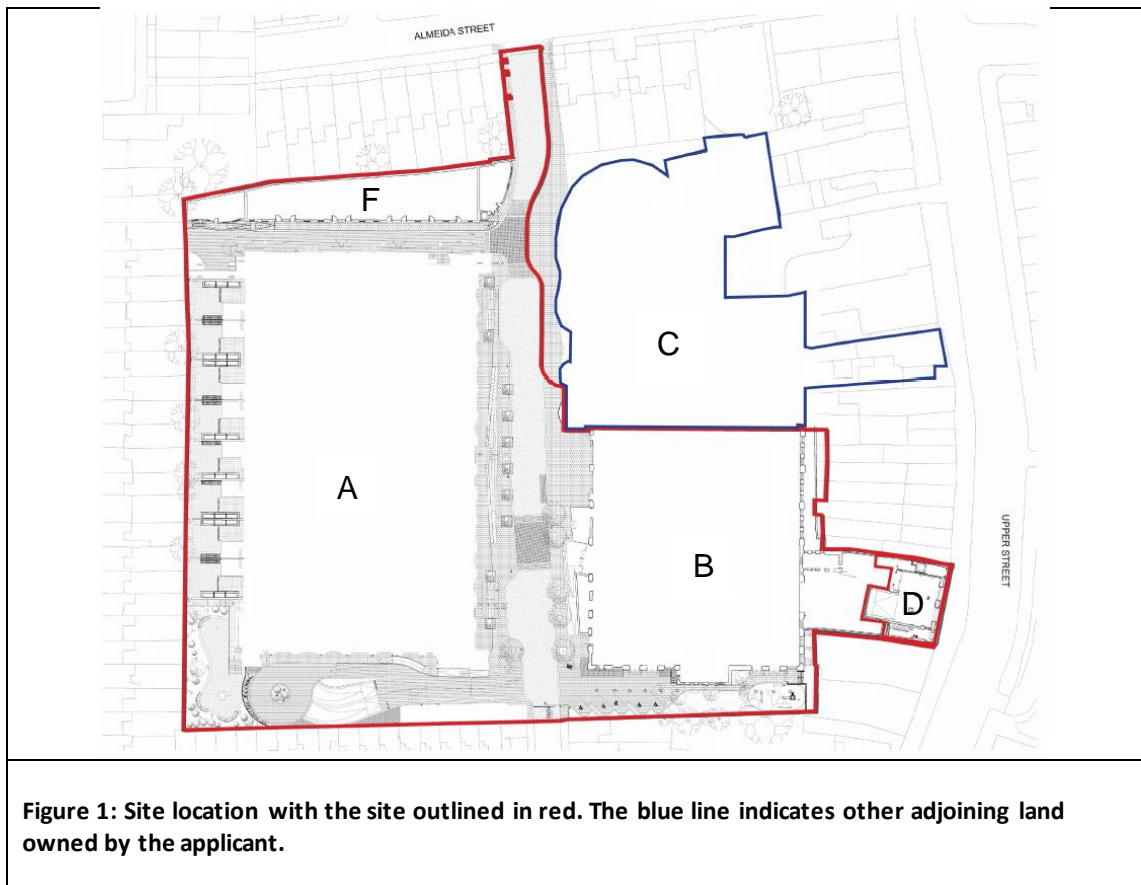
Case Officer	Stefan Kukula
Applicant	Cain International
Agent	Metropolis Planning & Design

1. RECOMMENDATION

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

2. subject to the conditions set out in Appendix 1;
3. 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 (site outlined in red)



3. PHOTOS OF SITE/STREET



Figure 2: Aerial view of the site from the south



Figure 3: Aerial view of the site from the north



Figure 4: Esther Anne Place looking north



Figure 5: Islington Square main entry access point at Studd Street



Figure 6: Moon Street



Figure 7: Main site exit at Almeida Street

4. SUMMARY

- 4.1 Islington Square is a large mixed-use development comprising of retail, restaurant, business, leisure and residential uses. Condition 16 and Condition 17 attached to planning permission ref: 2018/2463/S73 requires all vehicles entering the site to operate through a one-way system whereby vehicles enter at the south of the site from Studd Street, travel through the site along Esther Anne Place, and leave the site from the north at Almeida Street (see Figure 8). This is effectively a legacy arrangement from the site's previous use as a Royal Mail sorting office and distribution centre.
- 4.2 The application seeks to amend conditions 16 and 17 to allow the segregation of deliveries and vehicle movements to the commercial units from those going to the residential units. The existing 'one-way' vehicle route through the centre of the site would be ended and the access points at Studd Street and Almeida Street would operate as 'two-way'.
- 4.3 The residential deliveries and servicing vehicles as well as private vehicles associated with the occupants of the residential units would continue to enter the site from the south using the existing access at Studd Street. The vehicles associated with the residential units would no longer exit via Almeida Street to the north. Instead these vehicles would leave the site at Studd Street and would have to immediately turn right into Moon Street and continue along the residential road to join Theberton Street.
- 4.4 Vehicle deliveries and movements associated with the site's commercial tenants would only enter and exit the site via the access point at Almeida Street to the north. There would be no vehicles associated with the commercial units entering or leaving the site via Studd Street. The proposed arrangements are shown on figure 9.
- 4.5 Both access points would be subject to barrier control points and marshals to ensure the correct vehicles are using the allocated access point. The proposal is supported by a detailed traffic, delivery and servicing management plan.
- 4.6 Letters of objection have been received from members of the public (including letters from both the Almeida Street Resident's Association) citing concerns in relation to increased noise and disturbance, traffic management and highway safety issues.
- 4.7 The proposed changes to the access arrangements would free up the servicing road through the centre of the site. This would allow the applicant to close Esther Anne Place to vehicle through traffic and to operate a street market on Friday: 12:00-19:00, Saturday: 10:00-17:00, Sunday and Bank Holidays: 11:00-17:00 without breaching conditions. The street market proposal is subject to concurrent planning application ref: P2021/1635/FUL which is being considered alongside the servicing proposals.
- 4.8 The proposed variation of the delivery and servicing strategy has been reviewed by the Public Protection officer and no objections have been raised.
- 4.9 However, concerns have been raised by Highways Officers that the proposed changes could create highway safety issues along Almeida Street/ Upper Street and unduly increase the experiences of noise and disturbance for local residents living to the north of the site. The proposal could also implicate additional residents to the south at Moon Street with undue amenity impacts. Nevertheless, given the existing issues with commercial vehicles arriving at Studd Street, Highways have suggested trialling the proposed access arrangements for a limited period would allow the traffic impacts to be properly monitored and assessed, before a permanent change could be considered.

- 4.10 The proposal is considered acceptable subject to suitable conditions as set out in Appendix 2 and it is recommended that the application be approved for a temporary period until 14th August 2024.

5. SITE AND SURROUNDING

- 5.1 The application site relates to the complex of buildings at the former North London Royal Mail Centre, which occupies a large site with a frontage onto Upper Street. Known as Islington Square, the site comprises mixed-use redevelopment including residential, retail, commercial and leisure uses. There are number of elements which make up the wider Islington Square site, including the former sorting office block (Block A), the former distribution building (Block B) a part-six/part-seven storey new build (Block C), the Grade II listed Post Office fronting Upper Street at No. 116 Upper Street (Block D) and the single storey associated buildings at the northern end of the site (Block F).
- 5.2 All of the buildings are the subject of historic planning approvals for change of use, conversion and extension to provide for a mixed use development.
- 5.3 The site falls within the boundaries of the Upper Street (North) Conservation Area (CA19) while the wider sites northern, southern and western boundaries meet the Barnsbury Conservation Area (CA10).
- 5.4 The surrounding area is mixed use in character and form, with commercial development along Upper Street and residential in the streets to the west of Upper Street, including Studd Street, Moon Street and Almeida Street.
- 5.5 The Old Post Office building (Block D) has a statutory Grade II listing and the Mitre Public House (Block C) is locally listed. All of the terraced houses immediately adjoining the western site boundary at Milner Place and Gibson Square are Grade II listed properties as is the adjoining King's Head Public House.
- 5.6 The site has a PTAL rating of 6a with a number of bus stops located within walking distance. In terms of vehicular access the development is required to operate a one-way system, whereby all vehicular access into the site is from Studd Street to the south. Vehicles are then required to travel through the middle of the site along Esther Anne Place and egress the site onto Almeida Street to the north.

6. PROPOSAL (IN DETAIL)

Background and Original Planning Permissions

- 6.1 The planning history of Islington Square is very complex due to a number of planning permissions that have been obtained to form what is currently known as Blocks A, B, C, D and F within the site. All vehicles entering and exiting the site are required to follow the one-way access route. However, the various blocks are governed by different planning permissions and associated planning conditions which themselves are not always consistent. Restrictions on the hours of delivery/ servicing apply to the commercial tenants but do not apply to any vehicles, servicing, or deliveries to the residential properties.
- 6.2 The redevelopment of the Former North London Mail Centre (now known as Islington Square) was obtained by way of two main sets of planning permissions. The first planning permission ref: P052245 is dated 06 July 2007, which granted:
- 6.3 *“Partial demolition, alteration, extension and change of use of buildings A,B,D F, and associated outbuildings and structures, to provide a mixed use scheme comprising*

residential (C3), with the creation of 185 new dwellings (127 private and 58 affordable). Change of use of remainder of buildings with 2348 sq m new floorspace to provide: Business (B1) Retail (A1, A2, A3 including relocation of post office counter), leisure (D2) serviced apartments (temporary sleeping accommodation as defined by the Greater London Planning Act 1973) performance space, rehearsal space and theatre storage, with associated access, parking and landscaping”.

- 6.4 This planning permission covered the former Mail Centre known as Blocks A, B, D and F and assumed the delivery depot would continue operating from the northern part the site.
- 6.5 The second main part of the redevelopment of the site was achieved in 2012 following the relocation of the delivery depot. As such the north eastern part of the site, known as Block C and the former Mitre Public House, was redeveloped under ref: P090774, dated 30 March 2012 which granted:
- 6.6 *“Demolition of 5-6 Almeida Street and erection of a part 2, 5, 6, 7 and 8-storey building, above two basement levels, providing for 5,137sqm Class A1 (retail) floorspace, 242sqm flexible Class A1/A3 (retail / café-restaurant) floorspace, 208sqm Class A4 (drinking establishment) floorspace, 859sqm Class B1 (business) floorspace and 78 dwellings, together with cycle parking, servicing and 12 disabled car-parking spaces. Erection of a roof extension, part 2, part 4-storey rear extension and basement to 128 and 130 Upper Street together with associated alterations, access and landscaping”.*
- 6.7 When the sites were unified various amendments resulted in the servicing area being located in the basement of Block C, which lies outside of the red edge site area for Blocks A, B, D and F. Nevertheless the servicing routes have been agreed in previous amendments which introduced a joint service bay for the site. As such, vehicle traffic servicing the commercial tenants on site are directed to the basement servicing area.

Current Proposal – Amendments to Conditions 16 and 17

- 6.8 The current application seeks approval for minor material amendments under Section 73 of the Town and Country Planning Act (1990) for the variation of conditions 16 and 17 of planning permission ref: P2018/2463/S73, dated 5 December 2019, that granted:

‘Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to amend condition 2 (approved drawings and documents), condition 1 (plans) of planning permission ref: P2013/2697/S73. (The proposed minor material amendments relate to the amalgamation of 10 units across second, third, fourth and fifth floors resulting in the creation of larger units (and involving the loss of 5 units overall) within Block A, together with layout changes to existing ground floor retail units 5 and 6.)’

- 6.9 Condition 16 of planning permission ref: P2018/2463/S73 states:

CONDITION: All vehicles shall only enter the site from Studd Street and leave the site from Almeida Street.

REASON: To ensure one way traffic flow through the site so as to minimise congestion and aid pedestrian/vehicle safety.

- 6.10 Condition 17 of planning permission ref: P2018/2463/S73 states:

CONDITION: Details of measures to ensure one way traffic flow through the site including signage, barriers etc shall be submitted to and approved in writing by the Local Planning Authority and fully implemented prior to the first occupation of the residential accommodation and so permanently maintained thereafter.

REASON: To ensure one way traffic flow through the site so as to minimise congestion and aid pedestrian/vehicle safety.

The details submitted to the Local Planning Authority on 02 July 2010 pursuant to condition 17 of planning permission reference: P052245 [LBI Ref: 052245(C18)] and approved by the Local Planning Authority on 14 December 2010 are deemed to form the approved details for the purposes of this condition.

Proposed Amendments

- 6.11 The application seeks to amend conditions 16 and 17 to allow the segregation of deliveries and vehicle movements to the commercial units from those going to the residential units. The existing 'one-way' vehicle route through the centre of the site would be ended and the access points at Studd Street and Almeida Street would operate as 'two-way'.
- 6.12 The residential deliveries and servicing vehicles as well as private vehicles associated with the occupants of the residential units would continue to enter the site from the south using the existing access at Studd Street. The vehicles associated with the residential units would no longer exit via Almeida Street to the north. Instead these vehicles would leave the site at Studd Street and would have to immediately turn right into Moon Street and continue along the residential road to join Theberton Street.
- 6.13 Vehicle deliveries and movements associated with the site's commercial tenants would only enter and exit the site via the access point at Almeida Street to the north. There would be no vehicles associated with the commercial units entering or leaving the site via Studd Street.
- 6.14 Both access points would be subject to barrier control points and marshals to ensure the correct vehicles are using the allocated access point. The proposal is supported by a detailed traffic, delivery and servicing management plan.
- 6.15 Following comments from the Council's Director of Climate Change and Transport, the application has been amended to seek consent for a temporary period until 14th August 2024 so that the impacts on highway safety and the amenity of neighbouring residents can be monitored and reviewed before a permanent change to the servicing

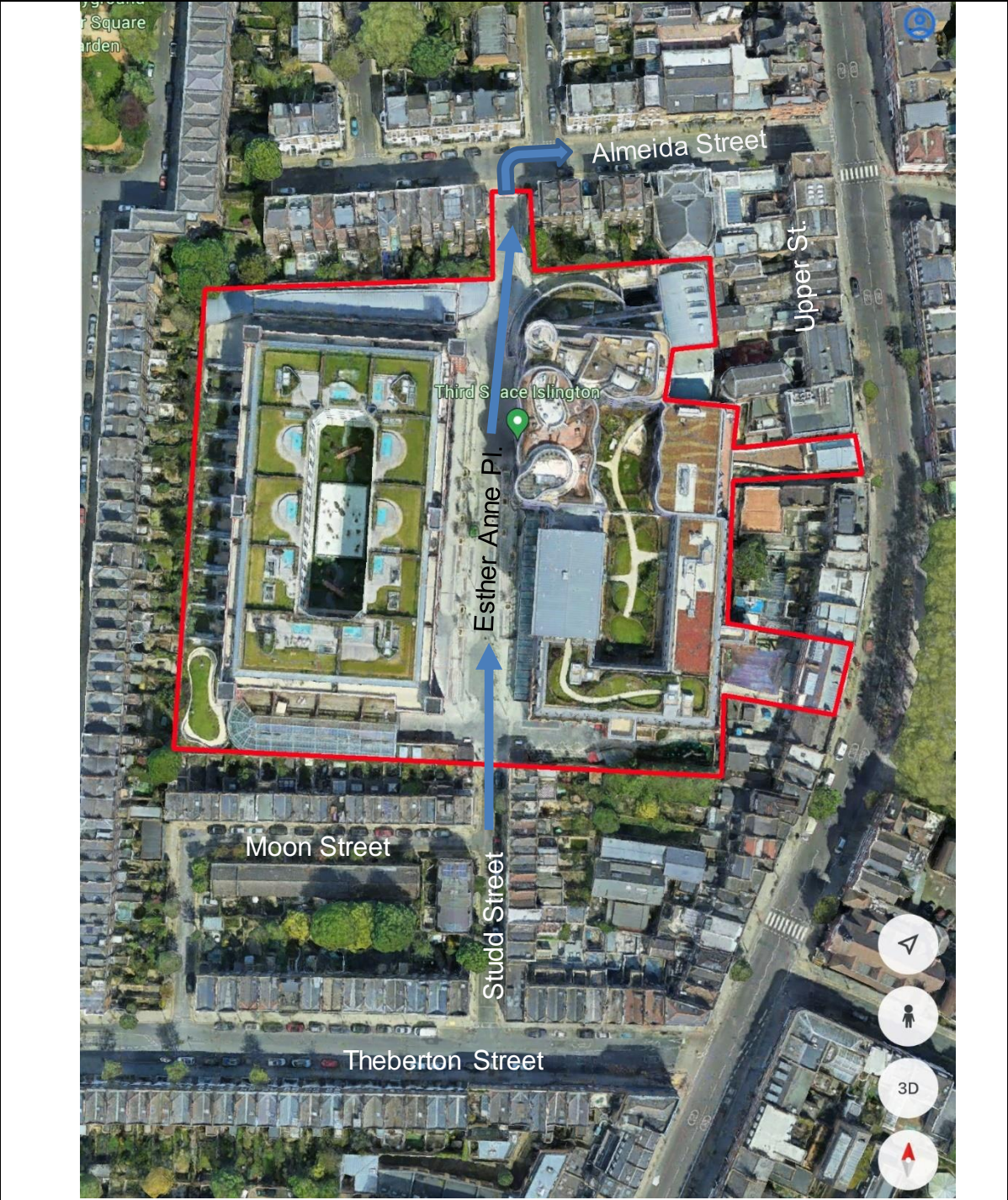


Figure 8: Existing one-way vehicle access arrangements – entry at Studd Street and exit at Almeida Street.



Figure 9. Proposed 'segregated' vehicle access arrangements. Traffic associated with the residential properties would enter and exit via Studd Street. All commercial traffic would enter and exit via Almeida Street.

6.16 It is therefore proposed that condition 16 would be amended as follows:

CONDITION: All vehicles shall only enter the site from Studd Street and leave the site from Almeida Street.

REASON: To ensure one way traffic flow through the site so as to minimise congestion and aid pedestrian/vehicle safety.

CONDITION: All vehicles servicing the commercial tenants of Islington Square shall only enter and leave the site via the Almeida Street access. No traffic associated with the commercial tenants shall use the Studd Street access.

All vehicles associated with the onsite residential accommodation and vehicles servicing the onsite residential accommodation at Islington Square shall only enter and leave the site via the Studd Street access.

Prior to commencement details of the necessary highways changes to ensure two-way traffic is implemented at the northern section of Studd Street adjacent to the site entrance and leading to the junction with Moon Street shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the commencement of the temporary servicing arrangements.

The hereby approved amendments to the site's delivery and servicing arrangements is granted only for a limited period, being until 14th August 2024. After that date, no operation of the amended delivery and servicing arrangements shall take place unless further consent has been obtained from the Local Planning Authority.

REASON: The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that about the site.

6.17 It is therefore proposed that condition 17 would be amended as follows:

~~CONDITION: Details of measures to ensure one way traffic flow through the site including signage, barriers etc shall be submitted to and approved in writing by the Local Planning Authority and fully implemented prior to the first occupation of the residential accommodation and so permanently maintained thereafter.~~

~~REASON: To ensure one way traffic flow through the site so as to minimise congestion and aid pedestrian/vehicle safety.~~

~~The details submitted to the Local Planning Authority on 02 July 2010 pursuant to condition 17 of planning permission reference: P052245 [LBI Ref: 052245(C18)] and approved by the Local Planning Authority on 14 December 2010 are deemed to form the approved details for the purposes of this condition.~~

CONDITION: Details of measures including signage, barriers, traffic lights, intercom and any other relevant measures required to implement the temporary two-way vehicle access arrangements at Studd Street and Almeida Street shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented prior to the commencement of the temporary servicing arrangements set out in Condition 16.

The approved measures shall be in place only for a temporary period, being until 14th August 2024 . After that date, no operation of the amended delivery and servicing arrangements shall take place unless further consent has been obtained from the Local Planning Authority.

REASON: To ensure highway safety and protect residential amenity. The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that about the site.

- 6.18 In order for the amended servicing arrangements to link into the site's basement servicing regime beneath Block C (which technically lies outside of the application site area) the applicant will be required to enter into a separate legal agreement to secure the amended servicing proposals into the existing side wide servicing strategy for Islington Square.

7. RELEVANT HISTORY:

Proposed Boulevard Market

- 7.1 P2021/1635/FUL: The proposal seeks planning permission to continue the use of the Boulevard Market in Esther Anne Place for up to 25 stalls/ concessions selling fresh produce, street food and art and design. The market would only operate on Friday 12:00-19:00, on Saturday 10:00-17:00 and on Sunday and Bank Holidays 11:00-17:00.
- 7.2 This is a concurrent application which is directly linked to the proposed servicing changes. Effectively the proposed amendments to the servicing arrangements set out in the current application would free up the servicing road through the centre of the site and allow the applicant to operate the street market without breaching the existing conditions. Following consultation with Highways and to ensure alignment with the concurrent application, officers have recommended that consent for the market would be limited to a temporary period until 14th August 2024 in order to monitor the market in terms of operating times, waste management control, and traffic and operational management controls.

Background and relevant planning applications

- 7.3 The redevelopment of the Former North London Mail Centre (now known as Islington Square) was obtained by way of two main sets of planning permissions. The first planning permission ref: P052245 is dated 06 July 2007, which granted:

“Partial demolition, alteration, extension and change of use of buildings A,B,D F, and associated outbuildings and structures, to provide a mixed use scheme comprising residential (C3), with the creation of 185 new dwellings (127 private and 58 affordable). Change of use of remainder of buildings with 2348 sq m new floorspace to provide: Business (B1) Retail (A1, A2, A3 including relocation of post office counter), leisure (D2) serviced apartments (temporary sleeping accommodation as defined by the Greater London Planning Act 1973) performance space, rehearsal space and theatre storage, with associated access, parking and landscaping”.

- 7.4 This planning permission covered the former Mail Centre known as Blocks A, B, D and F and assumed the delivery depot would continue operating from the northern part the site.

- 7.5 The second main part of the redevelopment of the site was achieved in 2012 following the relocation of the delivery depot. As such, the north eastern part of the site, known as Block C and the former Mitre Public House, was redeveloped under ref: P090774, dated 30 March 2012 which granted:

“Demolition of 5-6 Almeida Street and erection of a part 2, 5, 6, 7 and 8-storey building, above two basement levels, providing for 5,137sqm Class A1 (retail) floorspace, 242sqm flexible Class A1/A3 (retail / café-restaurant) floorspace, 208sqm Class A4 (drinking establishment) floorspace, 859sqm Class B1 (business) floorspace and 78 dwellings, together with cycle parking, servicing and 12 disabled car-parking spaces. Erection of a roof extension, part 2, part 4-storey rear extension and basement to 128 and 130 Upper Street together with associated alterations, access and landscaping”.

7.6 Over the years the two initial planning permissions have been updated and amended, and there are additional planning permissions which sit alongside these two main permissions, the latest is from December 2019 (ref: P2018/2463/S73, dated 5 December 2019, which is subject to the amendments sought by the current application). Other recent relevant planning applications relating to the site are listed below:

Blocks A, B, D, F (Former North London Mail Centre)

- P2018/2463/S73: Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to amend condition 2 (approved drawings and documents), condition 1 (plans) of planning permission ref: P2013/2697/S73. The proposed minor material amendments relate to the amalgamation of 10 units across second, third, fourth and fifth floors resulting in the creation of larger units (and involving the loss of 5 units overall) within Block A, together with layout changes to existing ground floor retail units 5 and 6. Approved with conditions and a legal agreement, 5 December 2019.
- P2018/1190/S73: Application under Section 73 to make amendments to Condition 2 (Drawing Nos.) pursuant to planning permission P2015/3555/FUL (granted on appeal 28/2/18 Ref: APP/V5570/W/16/163572) to allow provision of lift overrun at eastern end of the building and minor changes to north and east elevations – Approved with conditions, 4 September 2018
- P2016/2471/FUL: Change of use of Unit G7A (Block A) from Use Class A1 (Shops) to flexible Use Class A1 (Shops) or A3 (Restaurant/Cafe), (Associated with Planning Permission Ref: P052245 dated 6 July 2007 and Planning Permission Ref: P2013/2697/S73 dated 4 November 2014) – Approved with conditions, 9 March 2017
- P2015/3555/FUL: Change of use of Block F at basement, ground and first floor levels from Use Class B1 (Offices) to flexible Use Class B1 (Offices) or A1 (Shops), (Associated with Planning Permission Ref: P052245 dated 6 July 2007, Planning Permission Ref: P2013/2697/S73 dated 4 November 2014 and , Planning Permission Ref: P2014/4251/FUL dated 12 March 2015) – Refused, 20 February 2016. Appeal Allowed, 28 February 2018 (Ref: APP/V5570/W/16/163572).
- P2014/4251/FUL: Alterations to the inward facing facade of the retained building (Block F) in northwest corner of the site. (Associated with Planning Permission Ref: P052245 dated 6 July 2007) – Approved with conditions, 12 March 2015.
- P2013/2697/S73: Section 73 (minor material amendment application) to vary condition 2 (approved plans) of planning permission ref: P052245 dated 06 July 2007. The amendment seeks to: replace the ground floor office space (2,155 sq.m.) in 'Block A' with retail; replace the retail at the upper basement level of 'Block B' (1854 sq.m.) with planning use class D2 (Assembly and leisure) space; and, replace the approved servicing area at ground floor level of 'Block B' with retail - Approved with conditions and legal agreement, 4 November 2014.

Block C and the Mitre Public House (5 Almeda Street and 129 Upper Street)

- P2018/2466/S73: Section 73 (minor material amendment application) to vary condition 2 (approved plans) of planning permission ref: P2013/2681/S73 dated 4 November 2014. The amendment seeks to: amalgamate layouts over 4 no. various sized residential units within Block C across sixth and seventh floors resulting in loss of 2 no. units (Total reduction 78 to 76 units) together with various minor elevational alterations

principally relating to rerouting of smoke extract ducting. Approved with conditions and legal agreement, 14 November 2019.

- P2018/2093/FUL: Alterations and extensions to the former Mitre Public House to include A1 and/or A3 and /or A4 uses at ground and basement and 1 x 2 bed and 1 x 3 bed apartments at first to third floor. [amended scheme from that approved by planning permission 2013/2681/S73, 4th November 2014] – Approved with conditions, 21 December 2018.
- P2018/1587/FUL: Amalgamation of two retail (use class A1) units in Block C (known as G16 and G22) and Change of Use of the amalgamated unit to a flexible use being retail (use class A1) or nursery (use class D1) – Approved with conditions, 4 April 2019.
- P2018/2093/FUL: Alterations and extensions to the former Mitre Public House to include A1 and/or A3 and /or A4 uses at ground and basement and 1 x 2 bed and 1 x 3 bed apartments at first to third floor. [amended scheme from that approved by planning permission 2013/2681/S73, 4th November 2014] – Approved with conditions, 21 December 2018.
- P2017/2866/S73: Section 73 (minor material amendment application) to vary condition 2 (approved plans) of planning permission ref: P2013/2681/S73 dated 4 November 2014. The amendment seeks to: amalgamate layouts over 4 no. various sized residential units within Block C across sixth and seventh floors resulting in loss of 2 no. units (Total reduction 78 to 76 units) together with various minor elevational alterations principally relating to rerouting of smoke extract ducting - Approved with conditions and legal agreement dated 24 December 2018.
- P2013/2681/S73: Section 73 (minor material amendment application) to vary conditions 2 (approved plans), 22 (designated Servicing Area), 26 (no amalgamation with Block B at basement levels) and 27 (disabled parking spaces) of planning permission P090774 dated 30 March 2012. The amendments are: relocate servicing level from Lower Basement to Upper Basement (replacing 2,498 sq.m. of retail space); and to introduce a multi purpose rehearsal and performance space (planning use class D2 - Assembly and Leisure) to lower basement level. Approved with conditions and legal agreement, 4 November 2014.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 467 adjoining and nearby properties on Almeida Street, Studd Street, Moon Street, Upper Street, Milner Place, Milner Square, St Mary's Path, Gaskin Street, Theberton Street, Battishill Street, Napier Terrace, Gibson Square, Terret's Place on the 13 December 2021.
- 8.2 A site notice and press notice were displayed on 13 December 2021. The public consultation of the application, therefore, expired on 9 January 2022; however, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.3 At the time of the writing of this report a total of 7 objection letters had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Almeida Street

- Requiring all commercial vehicles to use Almeida Street will overload the road and cause noise and nuisance to local residents. *(response: see paragraphs 10.35 to 10.36, 10.39 to 10.40, 10.43 to 10.47)*
- Would impede pedestrian access to Islington Square from Almeida Street and to the shops and cafes. *(response: see paragraph 10.28)*
- Almeida Street is not wide enough to allow commercial vehicles to pass when both sides of the street are used for parking too narrow for large lorries. *(response: see paragraph 10.12)*
- The pavement on the South side of Almeida Street, is used as a busy thoroughfare all day, and in particular by lots of parents and young children travelling to and from St Mary's, Thornhill and William Tyndale, and local nurseries. An increase in traffic, particularly where there is no security barrier to negotiate would increase the risk to those children. *(response: see paragraph 10.28)*
- There are practical reasons why commercial and tenant servicing traffic should take place from Almeida Street, including; the delivery area is to the north of Esther Anne Place and closer to Almeida Street (rather than Studd Street), which is a wider two lane road; there are areas to the north of Esther Anne Place where large vehicles can wait and manoeuvre.

Studd Street

- Very few vehicles, delivery bikes, taxis (if any) are allowed onto the site and all therefore treat the entrance on Studd Street and the edge of Moon Street as a place to loiter at all times of the day and night with the noise caused by individuals being dropped off and collected particularly awful when it occurs late evening. *(response: see paragraphs 10.35 to 10.38, 10.44 to 10.47)*
- The traffic assessment does not present a true picture of traffic movements in relation to Islington Square and does not pick up traffic that does not reach the entrance to the site, such as taxis, minicabs, and delivery scooters.
- Studd Street is too narrow and allowing traffic to enter and leave through this access would make resident's lives a misery as the area is used as a car park of vehicles seeking to manoeuvre around one another as well as the likely increase in vehicles delivering/ dropping off given the number of residential units on site. *(response: see paragraph 10.40)*
- Taxi pick ups and drop offs in Studd and Moon Streets cause nuisance, with people chatting as they get in and out of vehicles, engines idling, vehicles backing up, reversing noises and on occasions rows between drivers who are blocked in. *(see paragraphs 10.35 to 10.38)*
- Neighbours living on the one way section of Studd Street would lose all commercial traffic and gain no additional residential traffic which would be beneficial to them. They may however gain traffic queuing to enter Islington Square with engines idling causing noise and air pollution if the access to Islington Square is not appropriately managed. *(response: a delivery and servicing plan will be in place to manage vehicle arrival and departures from the site).*
- The Studd Street access via Moon Street would be more suited to commercial access (rather than Almeida Street), being further from the pedestrianised section of Esther Ann Place and also better able to cope having a one way system which then feeds onto Theberton Street.

8.4 Other comments received through the public consultation include:

- Unless very strict conditions are put in place resident's lives will continue to be a misery from unreasonable noise and disturbance.
- There must be adequate visible and prominently displayed signage put in place to ensure traffic is appropriately directed.
- Traffic lights should be installed inside the estate to ensure cars do not meet at the Studd Street entrance.
- All taxi drop-offs and pick-ups for residential properties should be from within Islington Square.
- All taxi drop-offs and pick-ups for the commercial units should be from Upper Street.
- All delivery vehicles, including those for residential properties, should use Almeida Street access.
- The barrier at Studd Street should be changed to allow bikes and scooters to exit and enter on the road rather than use the pavement at the front doors of adjacent houses.

Internal Consultees

Planning Enforcement –

8.5 **Planning Enforcement** – the following comments have been received: The planning enforcement team have been in receipt of a number of complaints with regards to early deliveries outside permitted hours. The complainants are reporting that medium sized commercial vans/lorries when they drive through Islington square entrance they usually cause noise nuisance when reversing into Studd Street with their “bleepers” alarms at early hours they cause undue noise nuisance.

The planning history of what is now known as Islington Square is very complex. This is because a number of planning permissions have been obtained to form what is currently known as Block A, B, C, D & F. Various blocks appear to be governed by different planning permissions and associated planning conditions which themselves are not always consistent with each other resulting in difficulties of investigating them and establishing breaches of planning control. As such, any proposal to address the inconsistent conditions would be welcomed. These should include a tightening up of the delivering times to indicate a consistency throughout the site.

It would appear that the revised S73 planning application aims to alter the permitted ‘one-way system’ that is currently governed by planning condition 16 and 17 of planning permission P2018/2463/S73 dated 05 December 2018. Currently, this indicates that all vehicles are to enter the site via Studd Street and leave from Almeida Street. However, in order to enter Islington Square and exit via Almeida Street, commercial vehicles would need to gain approval from the site management who control vehicle movements by barrier that is lifted to allow them access to the site. Bearing in mind that Studd Street is primarily a one way carriage way and quite a narrow street with residential units on both sides, any improvements must show that there will be benefits to this access point without increased detriment to those living on the street and that the conditions are enforceable.

The current application aims to segregate deliveries/vehicle movements to commercial units from those to residential units. Vehicle deliveries associated with residential units would continue to enter from Studd Street with no longer the possibility to exit via Almeida Street. Whilst vehicle deliveries/movements associated with commercial units (which are restricted to certain hours of the day) can only enter and exit via Almeida Street. As with the current arrangement, it would still be problematic for an enforcement officer to differentiate between which type of van/small lorry would be delivering to the commercial or residential part of the site and thereby confirm which access they should be using. Therefore, concern remains if the proposal results in an improvement to the enforceability of the conditions of the existing permissions.

8.6

8.7 **Highways:** recommended that a temporary consent is trialled so that the impacts on highway safety and the amenity of neighbouring residents can be monitored and reviewed before a permanent change to the servicing arrangements can be considered. The following comments have been provided:

- Because Studd Street is a narrow one-way street, the proposed changes to access would move part of the vehicle traffic that needs to access the site from inside the development (Esther Anne Place) to outside the development (ie Moon Street) and to a lesser extent to Almeida Street (ie some increase in traffic here too).
- As a one-way street away from the development, Moon Street currently doesn't experience any traffic that needs to access the development. In fact it will experience hardly any traffic as it forms something similar to a cul de sac in combination with Studd Street.
- Furthermore like the current access route Studd Street, the properties on Moon Street are directly bordering a narrow footway without any front garden, impacting on the experience of residents living on Moon Street of passing vehicular traffic.
- Whilst the larger vehicles would access the development in and out via Almeida Street under the requested changes to the access arrangements, the majority of the proposed vehicle access for the residential units from and to the south represents deliveries, likely to be carried out mostly by vans or larger vehicles. There are two sharp turns into and halfway Moon Street, less suitable for larger vehicles.
- For larger vehicles to the residential units (eg for moving home) turning within the site may create space constraints and due to reversing safety issues. And as set out above, if they were able to turn safely, there may be issues for them leaving via narrow Moon Street with sharp turns. An alternative to this would be for these larger vehicles to be guided through Esther Anne Place to exit via Almeida Street. I am not sure how this would be managed, especially when the space is activated with a proposed market.
- As for Almeida Street, the street would see all commercial servicing traffic going in and out; this leads to an increase in the size of vehicles on Almeida Street, and in addition two-way movement of larger vehicles turning into and out of the site. As Costas has set out and as the complaint attached indicates, the width of street is a constraint. It is likely to require removal of parking.
- Lastly, especially in the busier morning period, vehicles accessing the underground commercial loading space may have to wait to access this area. They currently do this on Esther Anne Place (within the development). This may lead to waiting vehicles outside the development; on Almeida Street instead.
- It is for these reasons that it is likely that the access arrangements to the Royal Mail sorting office operated as they did. I don't know the history, but I expect it was built after the homes on Studd Street, Moon Streets and Almeida Street were built, and had to operate within this tight urban context.
- An option may be to trial and monitor the requested access arrangements before a decision is taken to better understand the impacts.

8.8 **Public Protection:** no objections.

8.9 Waste and Recycling: No comments received

9. RELEVANT STATUTORY DUTIES AND DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES

National Guidance

9.1 Islington Council (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 or adjacent to a conservation area(s), the Council has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area (s72(1)).

9.2 National Planning Policy Framework 2021 (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 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals

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

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

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

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

9.7 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights

contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.9 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.
- 9.10 In line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard has been given to the desirability of preserving the adjoining listed buildings, their setting and any of their features of special architectural or historic interest.

Development Plan

- 9.11 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.

Designations

- 9.12 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:
- Angel & Upper Street Key Area
 - Archaeological Priority Area (Islington Village and Manor House)
 - Site Allocation AUS1
 - Upper Street (North) Conservation Area (CA19)
 - Angel Town Centre

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Draft Islington Local Plan

- 9.14 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation, with consultation on the Regulation 19 draft taking place from 5 September 2019 to 18 October 2019. The Draft Local Plan was subsequently submitted to the Secretary of State for Independent Examination in February 2020. The Examination Hearings took place between 13 September and 1 October 2021, with consultation on Main Modifications running from 24 June to 30 October 2022.

- 9.15 In line with the NPPF, Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- 9.16 the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- 9.17 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
- 9.18 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).
- 9.19 Given the advanced stage of the draft plan and the conformity of the emerging policies with the Framework it is considered that policies can be afforded moderate to significant weight depending on the significance of objections to main modifications.
- 9.20 Emerging policies relevant to this application are set out below:
- Policy SP4 Angel and Upper Street
 - Policy H1 Thriving Communities
 - Policy R3 Islington's Retail Hierarchy
 - Policy R7 Markets and specialist shopping areas
 - Policy T1 Enhancing the Public Realm and Sustainable Transport
 - Policy T5 Delivery, Servicing and Construction
 - Policy S1 Delivering Sustainable Design

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:
- Whether the proposal would fall within the scope of a "minor material amendment" under Section 73 of the 1990 act.
 - Whether the proposed changes would be acceptable with regards to
 - the operation of the public highway;
 - the impact on neighbouring amenity.
 - Amendments to Previous Conditions
 - Section 106 Agreement Deed of Variation

Scope of the Consideration of the Case Under Section 73 of the Act

- 10.2 Section 73 of the Town and Country Planning Act 1990 concerns the "Determination of [an] application to develop land without compliance with conditions previously attached", colloquially known as "varying" or "amending" conditions. Section 73 applications must also involve consideration of the conditions subject to which planning permission should be granted. Where an application under S73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.
- 10.3 It is important to note that when assessing S73 applications the previously granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. If the original application has been implemented, or if the permission has not yet expired, the applicant may go ahead and complete the original approved scheme if they wish.

- 10.4 In this case, the applicant can continue to operate the servicing arrangements in accordance with the 2019 planning permission, and this fall-back position is a material consideration to which significant weight must be given.
- 10.5 Alterations to planning policy and other material considerations that may have emerged since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the previous paragraphs and the applicant's ability to complete the originally approved development.

Operation of the Public Highway

- 10.6 Paragraph 108 of the NPPF states that applications should ensure that appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location. Development proposals should also ensure that any significant impacts from the development on the transport network or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 10.7 Policy T4 of the London Plan 2021 states that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. Transport Statement should be submitted with development proposals to ensure that impacts on the capacity of the transport network are fully assessed. Furthermore, part C of this policy states that where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified.
- 10.8 Policy DM8.1 of the Islington Development Management Policies states that the design of the development is required to prioritise the transport needs of pedestrians, public users and cyclists above those of motor vehicles. Further, Policy DM8.2 states that 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. Finally, emerging Local Plan Policy T2 requires for all new developments in the borough to be designed to incentivise walking by delivering high quality public realm improvements that are secure, safe, legible, inclusive and create permeable environments.
- 10.9 Draft Local Plan Policy T5 Delivery, servicing and construction states that:

A. Delivery and Servicing Plans will be required for developments that may impact on the operation of the public highway, private roads, the public realm and/or the amenity of residents and businesses, by virtue of likely vehicle movements. These plans must demonstrate how safe, clean and efficient deliveries and servicing has been facilitated and any potential impacts will be mitigated. Delivery and Servicing Plans will be required to assess the ongoing freight impact of the development and minimise and mitigate the impacts of this on the transport system. Use of low-emission vehicles and efficient and sustainable delivery systems which minimise motorised vehicle trips is encouraged.

B. Proposed delivery and servicing arrangements must:

- (i) be provided off street wherever feasible, particularly for commercial developments over 200sqm GEA;*
- (ii) make optimal use of development sites;*
- (iii) demonstrate that servicing and delivery vehicles can enter and exit the site in forward gear;*

- (iv) *submit sufficient information detailing the delivery and servicing needs of developments, including demonstration that all likely adverse impacts have been thoroughly assessed and mitigated/prevented. This includes impact on the amenity of local residents and businesses, for example, vehicle noise impacts from idling and reversing warning mechanisms and impacts due to the size of delivery vehicles;*
- (v) *provide delivery and servicing bays whose use is strictly controlled, clearly signed and only used for the specific agreed purpose;*
- (vi) *ensure that there are no adverse impacts on existing/proposed refuse and recycling facilities;*
- (vii) *Ensure that the cumulative impact on sustainable transport modes is identified and suitably mitigated/prevented; this must include consideration of delivery and servicing requirements of existing, planned and potential development in the area, particularly in Town Centres, designated employment areas and the CAZ; and*
- (viii) *Investigate potential for delivery and servicing by non-motorised sustainable modes, such as cargo cycles and 'clean' vehicles.*

10.10 Esther Anne Place is currently the main 'one-way' through route for all vehicles accessing the site. Vehicles enter the site from Studd Street to the south and exit via Almeida Street to the north.

10.11 All vehicles currently accessing the site from the public highway operate through a 'one-way' system whereby vehicles enter at the south from Studd Street, travel through the site along the private servicing road at Esther Anne Place and leave the site from the north at Almeida Street. This is effectively a legacy arrangement from the site's previous use as a Royal Mail sorting office and distribution centre.

Almeida Street Access – Commercial Vehicles

10.12 Under the proposed amendments the access at Almeida Street would be 'two-way' and managed so that commercial vehicles could drive onto the estate and would not have to wait on Almeida Street before access is granted. Vehicle access would be managed in conjunction with the basement service yard. If a vehicle is exiting from the service yard, any oncoming vehicles would be held at the Almeida Street entrance, to let the existing vehicle pass before entering the estate. The diagram in Figure 10 below sets out the proposed swept path vehicle tracking for a 10m rigid van at the Almeida Street access point. Swept path tracking for a 10m rigid vehicle has also been provided for servicing vehicles negotiating the parking bays along Almeida Street (see Figure 11.)



Figure 10: Proposed Almeida Street access showing swept path vehicle tracking for a 10m rigid van.



Figure 11: Swept path vehicle tracking for a 10m rigid van at the Almeida Street access and negotiating parking bays on Almeida Street.

10.13 The primary location for all commercial goods deliveries are the loading bays in the basement service yard beneath Block C and under the proposed amendments the servicing basement would be accessed via Almeida Street. Where street level loading is required this would be managed by the security team on a case by case basis.

- 10.14 The basement service yard has capacity for 4x 10-meter rigid trucks and 16x other service vehicles and is managed by a dedicated Loading Bay Officer between 7:00 and 19:00. There is a traffic light at the top and bottom of the ramp, which enables the movement of vehicles to be controlled.
- 10.15 The Loading Bay Officer and/or other security officers manage the service yard to optimise capacity and vehicles only enter, move and exit the service yard if instructed. Deliveries are directed to an available bay and the appropriate service route for the relevant commercial unit. Access control fobs for back of house routes would be issued where necessary. There is a designated area for waste collections, which does not impact other delivery vehicles.
- 10.16 The accompanying delivery and servicing plan sets out that all delivery vehicles within the commercial tenants control are to be pre-booked or identified as regular deliveries to the tenants to enable the loading bay officer and security team to manage capacity of the loading bay, while considering other operational issues on the estate.
- 10.17 The delivery and servicing plan sets out that the estate management team would allow commercial goods deliveries onto the estate between 07:00 and 18:00 on Monday to Saturday and between 10:00 and 16:00 on Sunday. Unexpected deliveries arriving outside these times would be accepted into the estate to avoid noise and disturbance to neighbouring residents in the immediate and local area, but a note would be taken and the relevant tenant would be requested to inform their delivery company of the operating hours.
- 10.18 A specific delivery plan would be in place for each unit and tenant, which sets out the delivery and servicing routes, permitted hours, vehicle registration and other processes and key contacts. Larger vehicles would be discouraged through informing tenants in their individual delivery and service plan and through day-to-day management by the estate management team.
- 10.19 Waste collection: all commercial waste would be collected by the estate cleaning team from the individual commercial units using an electric tug and trailer vehicle and brought to the service yard, in preparation for refuse collection by a private contractor. Commercial refuse vehicles would access the site via Almeida Street and come three times a week at varying times.

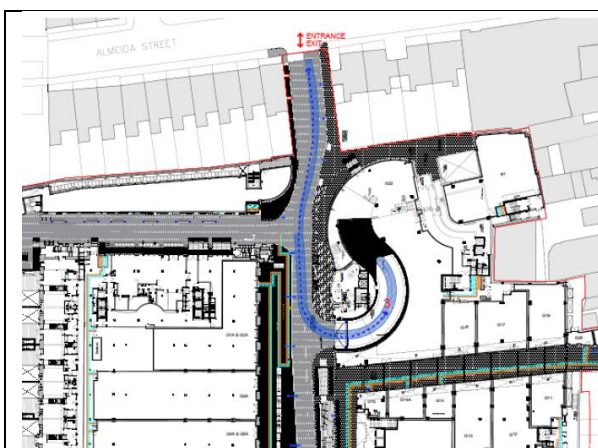


Figure 12: Proposed street level access route to the existing commercial servicing yard in the basement beneath Block C

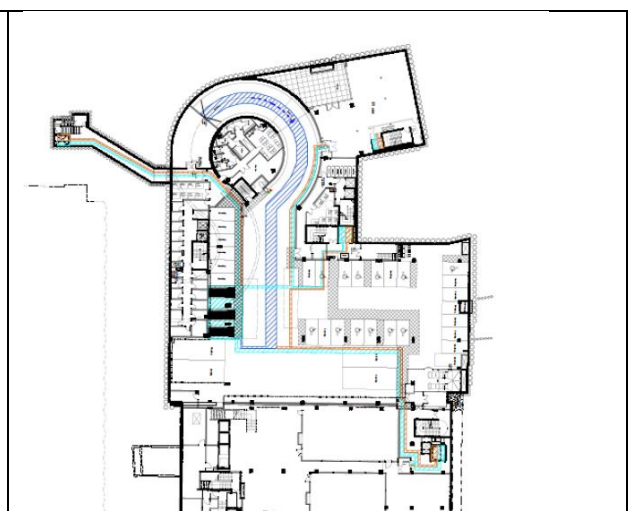


Figure 13: Basement level servicing yard beneath Block C.

10.20 The existing basement servicing yard beneath Block C is outside of the application site relating to the current S73 application and as such will require the applicant to enter into a separate legal agreement to secure its use as part of the proposed amendments to the servicing and delivery strategy.

Studd Street Access - Residential Vehicles

10.21 The Islington Square estate provides 24/7 access for residential vehicles, with the exception of larger vehicle deliveries which are managed to the same hours as the commercial deliveries. The resident's car park is in the basement of Block A and is accessed via a ramp with vehicles entering the site from Studd Street. There are 108 parking spaces (108 at basement level and 5 disabled spaces at ground level) within Islington Square for residents to use and also a total of 263 residential units and 93 serviced apartments on site. To the south of Block A is a turning circle in front of the Block A residential reception, where residential deliveries can unload and taxis pick-up and drop-off. There are additional disabled parking bays on Wicks Place, which are also accessed via Studd Street. Parking spaces are allocated based on the parking rights purchased by residents. Residents are encouraged to register their numberplate to enable automatic access through the Studd Street barrier via the automatic number plate recognition system.

10.22 Under the proposed amendments the Studd Street access would be managed via a barrier with an intercom and traffic light. The automatic number plate recognition system would also allow automatic access to residents. Vehicles entering the Islington Square estate would have priority over those leaving, which will be held.

10.23 Waste collection: the Islington Square estate cleaning team collects the waste from the residential refuse areas around the estate and transfers it to a central collection point in the service yard for collection by Islington Council. The bin collection trucks would access the site from Almeida Street.

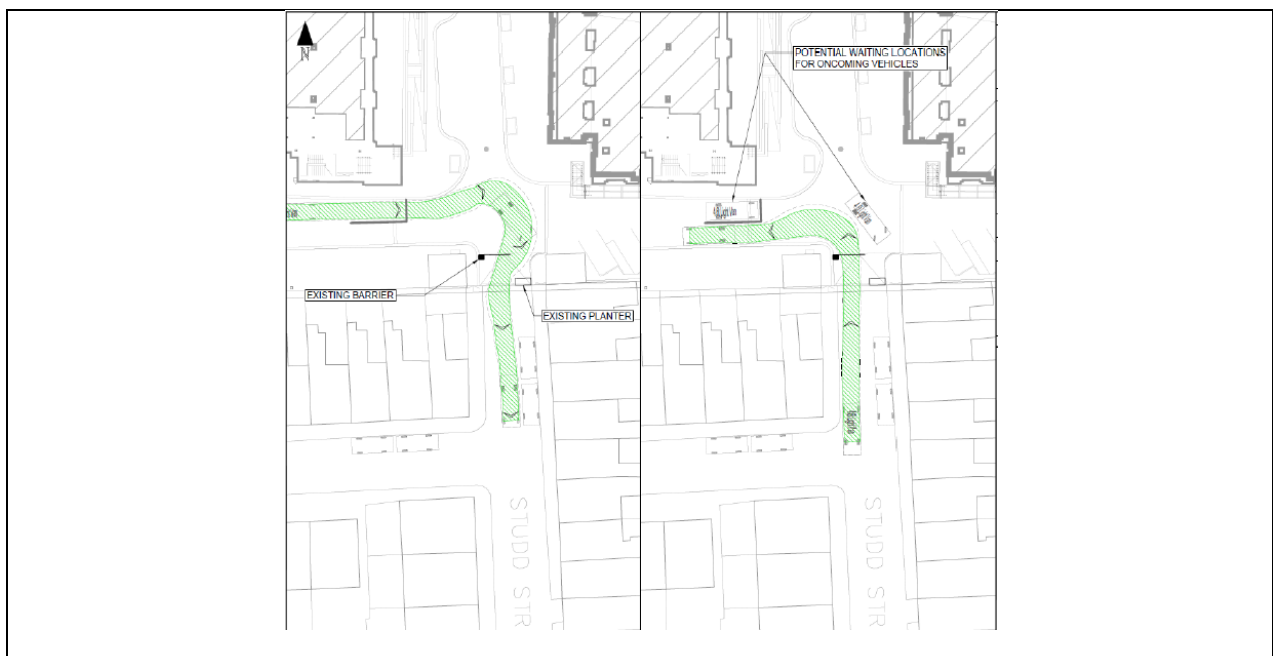


Figure 14X: Proposed Studd Street access showing swept path vehicle tracking for a 4.6t light van.

Emergency Vehicles

10.24 The accompanying delivery and servicing plan sets out that all emergency vehicles attending the site will be given priority.

- 10.25 The London Fire Brigade would be provided with estate addresses and the appropriate entrance to arrive at. Information provided to London Fire Brigade would be reviewed on a regular basis and they are invited to regular familiarisation visits and training exercises. Access to the various Dry Riser outlets would be maintained and any obstructions such as equipment, events or pedestrians would be cleared by the estate security team.
- 10.26 Ambulances that are called to or arrive at the estate from either Studd Street or Almeida Street would be met by the estate security team and given priority to get to the appropriate destination.
- 10.27 Police vehicles attend the estate regularly as part of a community wide working partnership. Police vehicles are parked in the service yard.

Pedestrian Access

- 10.28 The proposed amendments to vehicle routes would not alter the existing pedestrian access arrangements through the site. Barriers and control points will be set up at both the Studd Street and Almeida Street access points to manage vehicle arrivals and departures and ensure onsite traffic is appropriately managed to ensure highway safety and protect pedestrians. The amended Condition 17 requires the submission of details including signage, barriers, traffic lights, intercom and any other relevant measures required to implement the temporary two-way vehicle access arrangements prior to the implementation of the proposed amendments.

Neighbouring Amenity Impacts

- 10.29 Paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments would have a high standard of amenity for existing and future users. All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed.
- 10.30 Part D of policy D3 of the London Plan 2021 states that development proposals should deliver appropriate outlook, privacy and amenity, the design of the development should also help prevent or mitigate the impacts of noise and poor air quality.
- 10.31 Policy DM2.1 of the Development Management Policies Document 2013 states that consideration shall be given to noise and the impact of disturbance and vibration on neighbouring residents. Policy DM4.4 states that development within designated Town Centres is required to not cause detrimental disturbance from noise, odour, fumes or other environmental harm.
- 10.32 Draft Local Plan Policy R3 Islington's Retail Hierarchy sets out that any development proposed in a town centre must provide a good level of amenity for residents and businesses and ensure that adverse impacts from noise, odour, fumes, anti-social behaviour and other potential harms are fully mitigated.
- 10.33 Both of the site's access points at Studd Street and Almeida Street are lined by houses and the upper floors of the buildings within the Islington Square development are mainly flats. As such the impacts of the market on residential amenity must be carefully considered.
- 10.34 The main considerations relate to the following:

- Noise and Disturbance

- Fumes and Pollution
- Parking Congestion and Traffic Management

10.35 The existing vehicle access into and out of Islington Square relies on the use of two residential roads; the entrance at Studd Street to the south and the exit at Almeida Street to the north. Both of these roads are lined with houses and currently experience the comings and goings of the full servicing and delivery requirements for the Islington Square site as well as trips associated with the onsite residential accommodation.

10.36 The site is within the Angel Town Centre as are the houses to the east of Studd Street. The neighbouring properties at Almeida Street and Moon Street are immediately adjacent to the town centre boundary. Due to Angel Town Centre's densely developed, mixed-use nature, a range of uses occur in close proximity to places where people live and the potential amenity impacts of amended servicing and delivery arrangements needs to be carefully assessed.

Impacts on Studd Street and Moon Street residents

10.37 Studd Street is a narrow one-way residential road with parking along one side and terraced houses fronting immediately onto the pavement. Planning Enforcement have received complaints from neighbouring residents around the Studd Street entrance. These relate to noise nuisance due to reversing vehicles from unauthorised early morning/late night deliveries and traffic movement associated with the commercial tenants outside permitted hours. Removing commercial traffic from the narrow Studd Street access would be considered a benefit by some of the residents at Studd Street and the eastern end of Moon Street.

10.38 The proposed two-way movements from the Studd Street access would require vehicles leaving the site to turn right into Moon Street, which currently should not receive traffic associated with the Islington Square development. Like Studd Street, Moon Street is a narrow residential road with terraced houses fronting immediately on to the pavement and parking along one side. The proposal would therefore result in an increase in vehicles using Moon Street, albeit those associated with the residential element (private cars, taxis, delivery vans etc.). Nevertheless, this raises the potential for residents living along Moon Street experiencing noise and disturbance from an increase in traffic.

Impacts on Almeida Street residents

10.39 It is proposed that the Almeida Street access would take all the commercial traffic associated with delivery and serving at the site - which has raised concerns from residents living to the north of the site with regards to increased noise and disturbance. Almeida Street is a wider road in comparison to Studd Street but is also lined with houses and has parking bays along both sides creating a narrow carriageway. There are also on street delivery bays associated with the commercial activity at the junction with Upper Street and the Almeida Theatre. Highways colleagues have raised concerns that Almeida Street is not wide enough to accommodate two-way traffic for large delivery vehicles, which could result in large vehicles either reversing down Almeida Street or reversing back onto Upper Street.

10.40 The Almeida Street access is wider than the Studd Street access and is therefore arguably better equipped to act as a site entrance for frequent commercial traffic and larger commercial vehicles. The more generous width of the Almeida Street entrance road would accommodate an onsite holding bay for a delivery vehicle, rather than vehicles having to back up onto Almeida Street. This access point is also closer to the ramp for the large basement servicing area beneath the site.

Impacts on residents living in Islington Square

- 10.41 The buildings lining Esther Anne Place include residential properties in the upper floors. The proposed amendments would remove the one-way servicing arrangement from Esther Anne Place, resulting in fewer vehicle trips running through the centre of the site past the centrally located residential properties. However, there would be an intensification of vehicle activity at the southern end of Esther Anne Place adjacent to the Studd Street access where vehicles may have to wait briefly before being signalled to move-away. Likewise, the northern end of Esther Anne place would experience potential noise and disturbance from an intensification of commercial vehicles coming and going to the basement servicing yard.
- 10.42 The proposed changes to the access arrangements would also free up the servicing road through the centre of the site and allow the applicant to close Esther Anne Place to hold street markets and potentially other events aimed at increasing footfall and supporting commercial activity within the site.
- 10.43 The planning application for proposed market is being considered through a concurrent planning application (ref: P2021/1635/FUL) and the amenity impacts, and considerations are set out in detail in the accompanying officer report. Given that the proposed servicing changes are inherently linked to the operation of the proposed market the amenity impacts should be given due consideration as part of assessing the servicing and delivery proposals.

Key Considerations

- 10.44 Officers acknowledge that the current one-way servicing and delivery arrangements for the Islington Square development are not without fault, which has been highlighted by the representations received through the public consultation responses as well as complaints received by Planning Enforcement colleagues with regards to the Studd Street access. The narrow road at Studd Street, lined by terraced houses, places local residents in close proximity to the frequent daily commercial traffic associated with the operation of a large commercial complex and presents a pinch point for noise and disturbance issues to occur.
- 10.45 However, concerns have been raised by Highways Officers that the proposed changes could create highway safety issues along Almeida Street/ Upper Street and unduly increase the experiences of noise and disturbance to residents to the north of the site. The proposal could also implicate additional residents to the south at Moon Street with undue amenity impacts from an increase in vehicle traffic.
- 10.46 Nevertheless, Town Centres are the primary focus for retailing in the borough and Policy DM4.4 Promoting Islington's Town Centres states that the council will seek to maintain and enhance the retail and service function of town centres and promote uses in a manner which complement and enhances the vitality, viability and character of Town Centres. The proposed amendments to the servicing arrangements would effectively close off Esther Ann Place to vehicle traffic and allow Islington Square to operate a market on the central Boulevard on Friday, Saturday and Sunday and Bank Holidays (in accordance with the proposals set out in planning application P2021/1635/FUL). There would also be potential scope for other events and activities to be held along the central street. The increased footfall and offer from the market would help to maintain and enhance the retail function of the town centre in accordance with policy.
- 10.47 The site is within a dense urban area and given its mixed character it is considered that neighbouring residents living nearby can reasonably expect to experience a greater degree of noise and disturbance from commercial activity and vehicle movements than those living in a purely residential area. The Proposal has been reviewed by the Public Protection

officer and no objections have been raised to the variation of the condition. As such, taking into consideration the Town Centre location and the issues with the existing servicing arrangements, trialling the proposed changes through a temporary consent is considered to be reasonable in this instance given the specific circumstances. This would enable the impacts on highway safety and the amenity of neighbouring residents to be monitored and reviewed before a permanent change to the servicing arrangements is considered.

Amendments to Previous Conditions

10.48 It is recommended that all of the conditions of the previous planning permission be re-applied to the new decision notice, save for the changes set out below:

16	<p>Vehicle Access Routes</p> <p>CONDITION: All vehicles servicing the commercial tenants of Islington Square shall only enter and leave the site via the Almeida Street access. No traffic associated with the commercial tenants shall use the Studd Street access.</p> <p>All vehicles associated with the onsite residential accommodation and vehicles servicing the onsite residential accommodation at Islington Square shall only enter and leave the site via the Studd Street access.</p> <p>Prior to commencement details of the necessary highways changes to ensure two-way traffic is implemented at the northern section of Studd Street adjacent to the site entrance and leading to the junction with Moon Street shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the commencement of the temporary servicing arrangements.</p> <p>The hereby approved amendments to the site’s delivery and servicing arrangements is granted only for a limited period, being until 14th August 2024. After that date, no operation of the amended delivery and servicing arrangements shall take place unless further consent has been obtained from the Local Planning Authority.</p> <p>REASON: The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that abut the site.</p>
17	<p>Vehicle Access Details</p> <p>CONDITION: Details of measures including signage, barriers, traffic lights, intercom and any other relevant measures required to implement the temporary two-way vehicle access arrangements at Studd Street and Almeida Street shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented prior to the commencement of the temporary servicing arrangements set out in Condition 16.</p> <p>The approved measures shall be in place only for a temporary period, being until 14th August 2024. After that date, no operation of the amended delivery and servicing arrangements shall take place unless further consent has been obtained from the Local Planning Authority.</p>

	<p>REASON: To ensure highway safety and protect residential amenity. The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that abut the site.</p>
48	<p>Temporary Consent (until 14th August 2024)</p>
	<p>CONDITION: The hereby approved amendments to the site's delivery and servicing arrangements is granted only for a limited period, being 14th August 2024. After that date, no operation of the amended delivery and servicing arrangements shall take place unless further consent has been obtained from the Local Planning Authority.</p> <p>REASON: The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that abut the site.</p>
49	<p>Monitoring Impacts over 12 month consent period</p>
	<p>CONDITION: Every 3 months of the temporary consent until 14th August 2024 a monitoring report shall be submitted to the Local Planning Authority detailing all of the following and any other relevant issues:</p> <ul style="list-style-type: none"> - delivery/servicing complaints - incidents of early arrivals - parking/traffic incidents - any other complaints from neighbouring residents - Trip analysis detailing vehicle movements at Studd Street and Almeida Street access points <p>REASON: To ensure that the proposed development can be properly monitored and does not have an adverse impact on neighbouring residential amenity in terms of noise and pollution.</p>

Discharged Conditions

10.49 A number of conditions attached to the original approval notice have already either been fully or partially 'discharged' against the extant planning permission, therefore, the wording of these conditions would be amended to reflect the fact that the conditions have already been discharged and would not be required to be discharged again.

Section 106 Agreement Deed of Variation

10.50 The original planning permission for this site was subject to a Section 106 legal agreement (dated 06 July 2007) securing measures and contributions to mitigate against some of the impacts of the development. The legal agreement has been subject to several separate deed of variation amendments as a result of previous S73 applications at the site. The latest deed of variation to the S106 agreement is dated 07 November 2019.

10.51 As this application requires the issue of a new planning permission the Heads of Terms of the relevant legal agreement will need to be re-applied to the new planning permission.

This is important as it would ensure those obligations originally agreed are met in the case of the implementation of the new permission. The applicant has agreed to re-apply the agreed Heads of Terms of the original S106 agreement to the new planning permission and a deed of variation would be sought.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The application seeks to amend conditions 16 and 17 attached to planning permission ref: P2018/2463/S73 to allow the segregation of deliveries and vehicle movements to the commercial units from those going to the residential units. The existing 'one-way' vehicle route through the centre of the site would be ended and the access points at Studd Street and Almeida Street would operate as 'two-way'.
- 11.2 The residential deliveries and servicing vehicles as well as private vehicles associated with the occupants of the residential units would continue to enter the site from the south using the existing access at Studd Street. The vehicles associated with the residential units would no longer exit via Almeida Street to the north. Instead these vehicles would leave the site at Studd Street and would have to immediately turn right into Moon Street and continue along the residential road to join Theberton Street.
- 11.3 Vehicle deliveries and movements associated with the site's commercial tenants would only enter and exit the site via the access point at Almeida Street to the north. There would be no vehicles associated with the commercial units entering or leaving the site via Studd Street.
- 11.4 Both access points would be subject to barrier control points and marshals to ensure the correct vehicles are using the allocated access point. The proposal is supported by a detailed traffic, delivery and servicing management plan.
- 11.5 Letters of objection have been received from members of the public (including letters from both the Almeida Street Resident's Association) citing concerns in relation to increased noise and disturbance, traffic management and highway safety issues.
- 11.6 A number of letters have also been received from members of the public (including the Moon and Studd Street Resident's Association) in support of the proposed changes to the servicing regime.
- 11.7 The proposed changes to the access arrangements would free up the servicing road through the centre of the site. This would allow the applicant to close Esther Anne Place to vehicle through traffic and to operate a street market on Friday: 12:00-19:00, Saturday: 10:00-17:00, Sunday and Bank Holidays: 11:00-17:00 without breaching conditions. The street market proposal is subject to concurrent planning application ref: P2021/1635/FUL which is being considered alongside the servicing proposals.
- 11.8 The proposed changes to the servicing arrangements have been reviewed by the Public Protection officer and no objections have been raised to the variation of the delivery and servicing strategy.
- 11.9 However, concerns have been raised by Highways Officers that the proposed changes could create highway safety issues along Almeida Street/ Upper Street and unduly increase the experiences of noise and disturbance to residents to the north of the site. The proposal could also implicate additional residents to the south at Moon Street with undue amenity impacts. Nevertheless, given the existing issues with servicing at Studd Street,

Highways have suggested trialling the proposed access arrangements for a limited period would allow the traffic impacts to be properly monitored and assessed.

Conclusion

11.10 It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms for the reasons and details 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.

That, should the **Section 106** Deed of Planning Obligation not be completed within 13 weeks / 16 weeks (for EIA development) from the date when the application was made valid, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

RECOMMENDATION B

That the grant of planning permission be subject to **conditions** to secure the following, 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	<p>Approved Plans</p> <p>1604-ABD-P-000-108 Rev C, 110 Rev C, 111 Rev C; P_PL(00)03 Revision D; P_PL(20) 04 rev B; 05 rev B; 06 rev C; 07 rev B; 08; 09; 009; 10; 11; 12; 13; 14; 15; 16; 17; 18; 26; 27; 28 rev A; 29 rev A; 30 rev A; 31 rev A; 32 rev C; 33; 34; 35 rev C; 36; 37; 38; 39; 40; 41; 42; 43; 44; 45 Rev K; 46; 47; 48; 49; 50; 54; 55; 60; 61; P_PL(20)MO7 Rev B; P_SA_L(20)03; 04; 05; and 06. 1935-00-SK-0036 Rev Co1; 1604-00-SK-0266 Rev D01(Site wide Ground Floor Plan); 1604-10-PL- 0101 Rev D01 (Block A Proposed Ground Floor); 1604-ABD-P-000-0112 Rev C (Proposed Second Floor); 1604-ABD-P-000-0113 Rev C (Proposed Third Floor); 1604- ABD-P-000-0114 Rev C (Proposed Fourth Floor);1604-ABD-P-000-0115 Rev C (Proposed Fifth Floor)</p> <p>Additional plans as approved by non-material amendment application ref.2015/3560/NMA:1604-ABD-P-000-109 rev E</p> <p>Additional plans as approved by Condition 35 ref P2018/3556/AOD: 1604-ABD-P-000-0110 rev H</p> <p>The following documents as approved by planning application P2018/2463/S73:</p>
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	<p>Planning Statement & Conservation Area Assessment; Design Statement Listed Building Statement; Estate Management Report; Retail Impact Report; Archaeological Assessment; Consultation Assessment; Sunlight & Daylight Report; Landscape Statement; Report On Allocation Of Plant Space; Sustainability Design; Travel Plan; Transport Assessment; Statement on vehicle Servicing for the Change of Use application dated 9 April 2013 prepared by SKM Colin Buchanan; Updated Planning, Design and Access Statement (Scheme Revisions) dated July 2013 prepared by Metropolis; Sustainability Statement dated 19 July 2013 prepared by Metropolis.</p> <p>And the following additional documents:</p> <p>Covering letter dated 18 July 2018; Supporting planning Statement dated June 2018; Islington Square Night Time Security Management Plan dated February 2018 and Site location plan (unnumbered).</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>
2	Inclusive Design
	<p>CONDITION: Full details showing adequate access and facilities for people with disabilities or those with double buggies shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation each part of the development. The details shall refer to:</p> <p>i) Block A ii) Block B iii) Block D iv) Block F.</p> <p>The access arrangements shall be carried out strictly in accordance with the details so approved and installed prior to the first occupation each block, and shall be maintained as such thereafter to the satisfaction of the Local Planning Authority.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities, in accordance with policy 7.2 of the London Plan 2011, policy CS12 and CS14 of the Islington Core Strategy 2011.</p> <p>The details submitted to the Local Planning Authority on 13 July 2010 pursuant to condition 3 (i - Block A) of planning permission reference: P052245 [LBI ref: P052245(C3)] and approved by the Local Planning Authority on 28 May 2013 are deemed to form the approved details for the purposes of this part of the condition.</p> <p>The details submitted to the Local Planning Authority on 9 September 2015 pursuant to condition 2 (ii - Block B) of planning permission reference: P2013/2697/S73 [LBI ref: P2015/3288/AOD] and approved by the Local Planning Authority on the 16 April 2018 are deemed to form the approved details for the purposes of this part of the condition.</p> <p>The details submitted to the Local Planning Authority on 7th November 2018 pursuant to condition 2 iii (Block D) of planning permission reference 2013/2697/s73 [LBI ref P2018/3727/AOD] and approved by the Local Planning</p>

	<p>Authority on 7th January 2019 are deemed to form the approved details for the purposes of this part of the condition.</p> <p>The details submitted to the Local Planning Authority on 21 January 2019 pursuant to condition 2 iv (Block F) of planning permission reference 2017/2870/s73 [LBI ref P2019/0248/AOD] and approved by the Local Planning Authority on 14 June 2019 are deemed to form the approved details for the purposes of this part of the condition.</p>
3	Lifetime Homes
	<p>CONDITION: All residential units shall be constructed to Lifetime Homes standards. Details drawings and specifications to show this shall be subsequently submitted to and approved in writing by the Local Planning Authority. The details approved shall be implemented prior to occupation of the relevant part of the development and maintained thereafter to the satisfaction of the Local Planning Authority.</p> <p>REASON: To ensure that adequate provision is made for people with disabilities.</p> <p>The details submitted to the Local Planning Authority on 17 July 2009 pursuant to condition 4 of planning permission reference: P052245 [LBI Ref: P052245(C4)] and approved by the Local Planning Authority on 31 August 2010 are deemed to form the approved details for the purposes of this condition.</p>
4	Wheelchair Accessible Housing
	<p>CONDITIONS: Five units shall be constructed to wheelchair standard. Detailed drawings and specifications for the unit(s) to be constructed to wheelchair housing standards shall be subsequently submitted to and approved in writing by the Local Planning Authority. The details approved shall be implemented prior to occupation of any part of the development and maintained thereafter to the satisfaction of the Local Planning Authority.</p> <p>REASON: To ensure satisfactory details and to protect the stock of wheelchair housing for the benefit of people with disabilities.</p> <p>The details submitted to the Local Planning Authority on 25 March 2010 pursuant to condition 5 of planning permission reference: P052245 [LBI Ref: P052245(C5)] and approved by the Local Planning Authority on 30 July 2010 are deemed to form the approved details for the purposes of this condition.</p>
5	Hours of Use
	<p>CONDITION: The use of the A3 premises hereby permitted shall not be open to members of the public other than within the following times:</p> <p>0800 -2300 Sunday to Thursday; 0800 - 0000- Friday and Saturday</p> <p>REASON: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their premises.</p>
6	Block A Sound Insulation

	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the residential units and retail units to Block A hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be installed before the units hereby permitted are occupied, and permanently retained thereafter.</p> <p>REASON: To protect the amenities of the occupiers of residential accommodation.</p> <p>The details submitted to the Local Planning Authority on 12 October 2017 pursuant to condition 6 (Block A) of planning permission reference 2013/2697/s73 [LBI ref P2017/4027/AOD] and approved by the Local Planning Authority on 21 December 2018 are deemed to form the approved details for the purposes of this condition.</p>
7	Refuse and Recycling Storage
	<p>CONDITION: Details plans of refuse storage provision including for recycling facilities shall be submitted to and approved in writing by the Local Planning Authority and the details approved shall be implemented prior to occupation.</p> <p>REASON: To protect the amenities of neighbouring properties.</p> <p>The details submitted to the Local Planning Authority on 25 March 2010 pursuant to condition 8 of planning permission reference: P052245 [LBI Ref: P052245(C8BD)] and approved by the Local Planning Authority on 30 July 2010 are deemed to form the approved details for the purposes of this condition.</p> <p>The details submitted to the Local Planning Authority on 02 July 2010 pursuant to condition 8 of planning permission reference: P052245 [LBI Ref: P052245(C8AF)] and approved by the Local Planning Authority on 26 August 2010 are deemed to form the approved details for the purposes of this condition.</p> <p>On the 15 October 2018 the Local Planning Authority granted planning permission for a new refuse store serving residents in Block B [LBI Ref:2017/4636]. The bin store will complement provisions and arrangements agreed under the above approved details Ref. P052245(C8BD).</p>
8	Facing Materials
	<p>CONDITION: Details and samples of the facing materials including brick panels with mortar courses, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those elements to which those materials relate. The samples of facing materials shall include all new brickwork and roofing materials.</p> <p>REASON: To ensure that the Authority may be satisfied with the external appearance of the building.</p> <p>The details submitted to the Local Planning Authority on 27 July 2010 pursuant to condition 9 (Blocks A & B only) of planning permission reference: P052245 [LBI ref: P052245(C9AB)] and approved by the Local Planning Authority on 22 September 2010 are deemed to form the approved details for the purposes of this part of the condition.</p> <p>The details submitted to the Local Planning Authority on 3 October pursuant to condition 3 (materials) of planning consent ref: P2014/1202/FUL granted 12th</p>

	<p>March 2015 (Block F) (West) [LBI ref: P2017/3884/AOD] and approved by the Local Planning Authority on 3 September 2018 are deemed to form the approved details for the purposes of this part of the condition.</p> <p>The details submitted to the Local Planning Authority on 12 October pursuant to condition 3 (materials) of planning consent ref: P2014/4251/FUL granted 12th March 2015 (Block F) (Midsection) [LBI ref: P2017/3885/AOD] and approved by the Local Planning Authority on 12 September 2018 are deemed to form the approved details for the purposes of this part of the condition.</p> <p>The details submitted to the Local Planning Authority on 3 October pursuant to condition 8 (materials) of planning consent ref: P2013/2697/S73 granted 4 November 2014 (Block F) (East) [LBI ref: P2017/3886/AOD] and approved by the Local Planning Authority on the 26 September 2018 are deemed to form the approved details for the purposes of this part of the condition.</p> <p>The details submitted to the Local Planning Authority on 04 April 2019 pursuant to condition 8 (materials) of planning consent ref: P2017/2870/S73 granted 24/12/2018 (Block D) [LBI ref: P2019/1057/AOD] and approved by the Local Planning Authority on the 30 May 2019 are deemed to form the approved details for the purposes of this part of the condition.</p>
9	Landscaping
	<p>CONDITION: Further details of the agreed landscaping scheme, including trees to be retained and proposed together with details of positions of planned and existing underground services and details of all surface treatment and boundary walls, as appropriate, shall be submitted to and approved by the Local Planning Authority before any part of the development hereby granted permission is commenced. All landscaping in accordance with the approved scheme shall be completed during the first planting season after the date on which development in accordance with this permission has been completed. This landscaping and tree planting must have a two year maintenance/ watering provision following planting. Trees or shrubs which die within five years of completion of the development shall be replaced to the satisfaction of the Local Planning Authority with the same species or an approved alternative.</p> <p>REASON: To ensure that a satisfactory standard of visual amenity is provided and maintained.</p> <p>The details submitted to the Local Planning Authority on 27 July 2007 pursuant to condition 10 of planning permission reference: P052245 [LBI Ref: P071923] and approved by the Local Planning Authority on 10 November 2007 are deemed to form the approved details for the purposes of this condition.</p> <p>The details submitted to the Local Planning Authority on 10th July 2017 pursuant to condition 9 of planning permission reference 2017/2870/s73 [LBI ref P2018/2724/AOD] and approved by the Local Planning Authority on 26th March 2019 are deemed to form the approved details for the purposes of this part of the condition.</p>
10	Detailed Landscaping Scheme
	<p>CONDITION: The detailed landscaping scheme should include the following details:-</p>

	<p>i) treatment of trees to be retained and new tree planting including species and size;</p> <p>ii) earthworks, ground finishes, topsoiling with both conserved and imported topsoils, levels, drainage including falls and drain types;</p> <p>iii) enclosures including types, dimensions and treatment of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>iv) hard ground surfaces including kerbs, edges, rigid and flexible pavings, unit pavings, driveways, steps and, if applicable, synthetic surfaces;</p> <p>v) soft plantings including grass and turf areas, shrub and herbaceous areas and trims;</p> <p>vi) recreation, playground and sports facilities should include layout, dimensions, surfaces, finishes and equipment types;</p> <p>vii) water features should include types, construction details, equipment, aquatic plantings and other features;</p> <p>viii) furniture should include type of outdoor furniture, dimensions, size, location, lighting type - columns, floodlighting and other types of illuminations;</p> <p>ix) planting schemes should favour the use of native species of trees, shrubs and herbaceous plants to foster wildlife interest;</p> <p>x) position of planned and existing underground service, gas, electricity, sewage, drainage and telecommunications (including cable television).</p> <p>REASON: To ensure that a satisfactory standard of visual amenity is provided and maintained.</p> <p>The details submitted to the Local Planning Authority on 27 July 2007 pursuant to condition 11 of planning permission reference: P052245 [LBI Ref: P071923] and approved by the Local Planning Authority on 10 November 2007 are deemed to form the approved details for the purposes of this condition.</p> <p>The details submitted to the Local Planning Authority on 21 September 2018 pursuant to condition 10 (viii) of planning permission reference 2017/2870/s73 [LBI ref P2018/3154/AOD] and approved by the Local Planning Authority on 5 April 2019 are deemed to form the approved details for the purposes of this part of the condition.</p>
11	Tree Protection
	<p>CONDITION: All trees and tree root systems bordering and adjacent to the site shall be retained and adequately protected in accordance with Table 1 of BS 5837, 1991 'Trees in Relation to Construction', using rigid 1.8 metre high sterling board hoarding. The defined vigour of the tree for the purposes of Table 1 shall be agreed in writing with the Local Planning Authority prior to the erection of this hoarding.</p> <p>REASON: To protect the health and stability of trees to be retained on the site, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p> <p>The details submitted to the Local Planning Authority on 27 July 2007 pursuant to condition 12 of planning permission reference: P052245 [LBI Ref: P071923] and approved by the Local Planning Authority on 10 November 2007 are deemed to form the approved details for the purposes of this condition.</p>
12	Restaurant Entry and Exit
	<p>CONDITION: Entrance or exit from the hereby approved mall area including A3 units after 22.00 hours on any day shall be from Upper Street only.</p>

	REASON: In order to protect residential amenity.
13	Ventilation Systems, Flues and Plant
	<p>CONDITION: Details of all ventilation systems, flues, plant etc and details of all such elements shall be submitted to and approved in writing by the Local Planning Authority prior to any of the commercial uses commencing.</p> <p>REASON: In order to protect residential amenity.</p> <p>[The details submitted to the Local Planning Authority on 21st July 2017 pursuant to condition 13 of planning permission reference 2013/2697/s73 [LBI ref P2017/2880/AOD] and approved by the Local Planning Authority on 23rd November 2018 are deemed to form the approved details for the purposes of this part of the condition.]</p> <p>[The details submitted to the Local Planning Authority on 28th November 2018 pursuant to condition 13 of planning permission reference 2013/2697/s73 [LBI ref P2018/4003/AOD] and approved by the Local Planning Authority on 10th January 2019 are deemed to form the approved details for the purposes of this part of the condition.]</p>
14	External Shutters
	<p>CONDITION: Details of any proposed external shutters to hereby approved retail units and internal shutters required to the listed post office building shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing.</p> <p>REASON: In order to ensure satisfactory external appearance.</p>
15	Loading, Turning and Vehicular Access
	<p>CONDITION: No part of any block (A, B, D, F) shall be occupied or used before the loading, turning and vehicular access facilities shown in the submitted plans for Block B, or as an alternative the servicing facilities located within Block C as approved by Planning Permission Ref: P2012/0256/FUL dated 27th November 2013 (or any subsequently approved section 73 application), shall have been constructed and such facilities shall thereafter be retained for the purposes so approved unless otherwise previously agreed by the Local Planning Authority. If the servicing facilities are proposed to be provided in Block C further details of the access arrangements for servicing the premises in Block B from the Block C servicing area shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the Block C basement.</p> <p>REASON: To ensure that the traffic generated by the proposed development does not prejudice the free flow of traffic nor public safety along the neighbouring highway.</p> <p>The details submitted to the Local Planning Authority on 07 December 2018 pursuant to condition 15 of planning permission reference: P2013/2697/s73 [LBI Ref: P2018/4116/AOD] and approved by the Local Planning Authority on 23</p>

	January 2019 are deemed to form the approved details for the purposes of this condition.
16	Vehicle Access Routes
	<p>CONDITION: All vehicles servicing the commercial tenants of Islington Square shall only enter and leave the site via the Almeida Street access. No traffic associated with the commercial tenants shall use the Studd Street access.</p> <p>All vehicles associated with the onsite residential accommodation and vehicles servicing the onsite residential accommodation at Islington Square shall only enter and leave the site via the Studd Street access.</p> <p>Prior to commencement details of the necessary highways changes to ensure two-way traffic is implemented at the northern section of Studd Street adjacent to the site entrance and leading to the junction with Moon Street shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the commencement of the temporary servicing arrangements.</p> <p>The hereby approved amendments to the site's delivery and servicing arrangements is granted only for a limited period, being until 14th August 2024. After that date, no operation of the amended delivery and servicing arrangements shall take place unless further consent has been obtained from the Local Planning Authority.</p> <p>REASON: The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that abut the site.</p>
17	Vehicle Access Details
	<p>CONDITION: Details of measures including signage, barriers, traffic lights, intercom and any other relevant measures required to implement the temporary two-way vehicle access arrangements at Studd Street and Almeida Street shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented prior to the commencement of the temporary servicing arrangements set out in Condition 16.</p> <p>The approved measures shall be in place only for a temporary period, being until 14th August 2024. After that date, no operation of the amended delivery and servicing arrangements shall take place unless further consent has been obtained from the Local Planning Authority.</p> <p>REASON: To ensure highway safety and protect residential amenity. The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that abut the site.</p>
18	Block A Glass Roof
	<p>CONDITION: Notwithstanding the hereby approved plans further details of the glass roof enclosure to the south side of Block A shall be submitted to and</p>

	<p>approved in writing by the Local Planning Authority prior to development commencing on Block A.</p> <p>REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building.</p> <p>The details submitted to the Local Planning Authority on 17 May 2010 as part of planning permission reference: P100837 and approved by the Local Planning Authority on 26 July 2010 are deemed to form the approved details for the purposes of this part of the condition.</p>
19	<p>Delivery and Servicing Hours</p> <p>CONDITION: All deliveries/collections within the control of the commercial tenants of Block A shall be restricted to within the following time periods: Monday to Saturday 08.00 to 18.00 hours, Sunday and Bank Holidays 11.00 hours to 14.00 hours.</p> <p>REASON: In order to protect residential amenity.</p>
20	<p>Internal Partitions</p> <p>CONDITION: Notwithstanding the hereby approved plans further details of the junction between the proposed internal partitions and the windows and floors to Blocks A and B shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing on each block.</p> <p>REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building.</p> <p>The details submitted to the Local Planning Authority on 21 January 2014 pursuant to condition 21 of planning permission reference: P052245 [LBI ref: P2014/0270/AOD] and approved by the Local Planning Authority on 09 May 2014 are deemed to form the approved details for the purposes of this part of the condition.</p>
21	<p>Internal Noise Levels</p> <p>CONDITION: Internal noise levels for residential accommodation in the development due to external noise or noise from within other parts of the development should not exceed the following. All measurements are fast weighting unless otherwise stated. All time intervals are one hour.</p> <p>Bedrooms (23.00-07.00 hours) 30 dB LAeq, 45 dB LAm_{ax}. Living rooms (07.00-23.00 hours) 35 dB LAeq. Kitchens, bathrooms, WC compartments and utility rooms (07.00-23.00 hours) 45 dB LAeq.</p> <p>REASON: In order to protect residential amenity.</p>
22	<p>Block B Lift and Machinery Noise</p> <p>CONDITION: Noise from the use of the lifts and associated machinery in Block B shall not exceed NR 30 within bedrooms or NR 40 within living rooms.</p>

	<p>REASON: In order to protect residential amenity.</p>
23	<p>Block A and B Windows and Doors Treatment</p> <p>CONDITION: Further details of the treatment of the existing windows and doors to Blocks A and B shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing on each block. The details shall refer to:</p> <p>i) Block A windows ii) Block A doors iii) Block B windows iv) Block B doors.</p> <p>REASON: To ensure that the Authority may be satisfied with the external appearance of the building.</p> <p>The details submitted to the Local Planning Authority on 20 November 2012 pursuant to condition 24 (Block B only) of planning permission reference: P052245 [LBI ref: P2012/0150/AOD] and approved by the Local Planning Authority on 05 September 2013 are deemed to form the approved details for the purposes of this part of the condition.</p> <p>The details submitted to the Local Planning Authority on 21 January 2014 pursuant to condition 24 (Block A only) of planning permission reference: P052245 [LBI ref: P2014/0271/AOD] and approved by the Local Planning Authority on 09 May 2014 are deemed to form the approved details for the purposes of this part of the condition.</p> <p>The details submitted to the Local Planning Authority on 18th August 2017 pursuant to condition 23 (parts ii & iv) of planning permission reference 2013/2697/s73 [LBI ref P2017/3254/AOD] and approved by the Local Planning Authority on 26th November 2018 are deemed to form the approved details for the purposes of this part of the condition.</p>
24	<p>Block F Eastern Building Line</p> <p>CONDITION: Notwithstanding the hereby approved plans, further details of the eastern building line of Block F shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>REASON: In order to ensure that the scale of development here is acceptable to the Local Planning Authority.</p> <p>The details submitted to the Local Planning Authority on 08 April 2014 pursuant to condition 25 of planning permission reference: P052245 [LBI Ref: P2014/1212/AOD] and approved by the Local Planning Authority on 17 October 2014 are deemed to form the approved details for the purposes of this condition.</p>
25	<p>Block B Lower Basement Fixed Plant</p> <p>CONDITION: The design and installation of new items of fixed plant in the lower basement floor of Block B shall be such that, when operating, the cumulative noise</p>

	<p>level LAeq Tr arising from the proposed plant, measured or predicted at one metre from the facade of the nearest noise sensitive premises, shall be a rating level of 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in line with BS4141:1997.</p> <p>REASON: In order to protect residential amenity.</p>
26	<p>Block B First Floor Fixed Plant</p> <p>CONDITION: The design and installation of new items of fixed plant in the first floor of Block B shall be such that, when operating, the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at one metre from the facade of the nearest noise sensitive premises, shall be a rating level of 5dB(A) below the background noise level LAF90Tbg. The measurement and/or prediction of the noise should be carried out in line with BS4142:1997.</p> <p>REASON: In order to protect residential amenity.</p>
27	<p>Block B Internal Vibration Levels</p> <p>CONDITION: Internal vibration levels within residential dwellings to Block B shall not exceed the category of 'low probability of adverse comment' in Table 7 of Appendix A of BS6472:1992.</p> <p>REASON: In order to protect residential amenity.</p>
28	<p>Block B Commercial Deliveries/ Collections</p> <p>CONDITION: All deliveries/collections within the control of commercial tenants of Block B shall be restricted to within the following time periods: Monday to Saturday 08.00 to 18.00 hours, Sundays and Bank Holiday 11.00 to 14.00 hours.</p> <p>REASON: In order to protect residential amenity.</p>
29	<p>Sound Insulation</p> <p>CONDITION: Written details of a proposed sound insulation scheme between the ground and first floor loading bay and goods handling area including goods lift, to the second floor residential accommodation and details to protect residential amenity for the use of the loading bay to Block B must be provided to the Local Planning Authority for approved, prior to the commencement of the development on Block B. The development must not proceed unless written approval of the proposed scheme has first been issued by the Local Planning Authority. The approved scheme must be installed and retained thereafter.</p> <p>REASON: In order to protect residential amenity.</p> <p>The details submitted to the Local Planning Authority on 27 July 2007 pursuant to condition 30 of planning permission reference: P052245 [LBI Ref: P071935] and approved by the Local Planning Authority on 01 September 2007 are deemed to form the approved details for the purposes of this condition.</p>
30	<p>Fixed Plant Noise Levels</p>

	<p>CONDITION: The design and installation of new items fixed plant on the fifth floor plant room shall be such that, when operating, the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at one metre from the facade of the nearest noise sensitive premises, shall be a rating level of 5dB(A) below the background noise level LAF 90 Tbg. The measurement and/or protection of the noise should be carried out in line with BS4142:1997.</p> <p>REASON: In order to protect residential amenity.</p>
31	Block B Plant Room Noise Levels
	<p>CONDITION: Noise from the fifth floor plant room in Block B shall not exceed NR30 within bedrooms or NR40 within living rooms of the fourth floor accommodation.</p> <p>REASON: In order to protect residential amenity.</p>
32	Vibration Levels
	<p>CONDITION: Internal vibration levels within residential dwellings shall not exceed the category of 'low probability of adverse comment' in Table 7 of Appendix A of BS6472:1992.</p> <p>REASON: In order to protect residential amenity.</p>
33	Noise from Lifts and Machinery – Block B
	<p>CONDITION: Noise from the use of lifts and associated machinery in Block B shall not exceed NR30 within bedrooms or NR40 within living rooms.</p> <p>REASON: In order to protect residential amenity.</p>
34	Green Roof - Block A
	<p>CONDITION: Notwithstanding the approved plans further details of the green roof shown to Block A shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing on Block A. The green roof shall be installed prior to occupation and thereafter maintained.</p> <p>REASON: In the interests of sustainability.</p> <p>The details submitted to the Local Planning Authority on 27 July 2007 pursuant to condition 35 of planning permission reference: P052245 [LBI Ref: P071923] and approved by the Local Planning Authority on 10 November 2007 are deemed to form the approved details for the purposes of this condition.</p>
35	Retail Unit Layout
	<p>CONDITION: The retail units shall be laid out exactly as shown on the hereby approved plans and shall not be amalgamated or sub-divided without the prior and express written consent of the Local Planning Authority.</p>

	<p>REASON: In order to protect the vitality and viability of the Angel and Nag's Head Town Centre.</p> <p>The details submitted to the Local Planning Authority on 25 October 2018 pursuant to condition 35 of planning permission reference: 2017/2870/s73 [LBI Ref: P2018/3556/AOD] and approved by the Local Planning Authority on 15 April 2019 are deemed to form the approved details for the purposes of this condition.</p>
36	<p>Serviced Apartments</p>
	<p>CONDITION: The hereby approved serviced apartments shall only be used as temporary sleeping accommodation as defined by the Greater London Act 1973 (as amended).</p> <p>REASON: In order to safeguard residential amenity from the operation of a hotel use as defined by Class C1 of the Town and Country Planning (Use Class Order) Act (as amended) 2005.</p>
37	<p>Salvage Artifacts</p>
	<p>CONDITION: Details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition of any part of the buildings, to show the salvage of good quality architectural detailing and to give details of the reuse (wherever possible) of such salvage artefacts within the development.</p> <p>REASON: To protect the character of the development and the heritage of the Conservation Area.</p> <p>The details submitted to the Local Planning Authority on 30 July 2007 pursuant to condition 38 of planning permission reference: P052245 [LBI Ref: P071973] and approved by the Local Planning Authority on 19 September 2007 are deemed to form the approved details for the purposes of this condition.</p>
38	<p>Management Plan</p>
	<p>CONDITION: The terms of the management plan submitted, as part of this application shall be implemented in the management of this development when completed and thereafter except as agreed in writing by the Local Planning Authority.</p> <p>REASON: To protect the amenities of neighbours as well as future residents.</p>
39	<p>Distribution of Car Parking Spaces</p>
	<p>CONDITION: Car parking spaces for the residential units shall be proportionally split between the private and affordable housing units, as per the residential split unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: So that the Local Planning Authority may be satisfied that there is an equal distribution of car spaces between tenures.</p>
40	<p>Green Roof</p>

	<p>CONDITION: A green roof as indicated in the approved drawings, shall be incorporated within the development site, comprising of an extensive sub-straight base (5- 7cm in depth of crushed aggregate mixed with organic fines or a similar method) with wild flowers sown in and maintained thereafter to the satisfaction of the Local Planning Authority.</p> <p>REASON: In the interests of sustainability and biodiversity.</p>
41	Cycle Storage
	<p>CONDITION: The developer shall ensure that there are a minimum of 213 secure cycle storage spaces available on site at no cost to residents of the scheme, save for the cost of maintenance.</p> <p>REASON: In the interests of green travel.</p>
42	Sustainability Statement
	<p>CONDITION: The developer shall provide in writing a sustainability statement and an independent audit to the efforts made to comply with this to the Local Planning Authority prior to the relevant commencement of works.</p> <p>REASON: In the interests of sustainability and biodiversity.</p> <p>The details submitted to the Local Planning Authority on 27 July 2007 pursuant to condition 43 of planning permission reference: P052245 [LBI Ref: P071972] and approved by the Local Planning Authority on 02 October 2007 are deemed to form the approved details for the purposes of this condition.</p>
43	Public Access
	<p>CONDITION: The developer shall provide public access to pedestrians and cyclists through the site at all times except for maintenance and health and safety compliance.</p> <p>REASON: In order to integrate the development into the surrounding area.</p>
44	
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the exact location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to the first occupation of any use other than Use Class C3 hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on the free-flow of traffic and highways safety implications.</p>

	<p>The details submitted to the Local Planning Authority on 04 March 2019 pursuant to condition 44 of planning permission reference: 2017/2870/s73 [LBI Ref: P2019/0679/AOD] and approved by the Local Planning Authority on 22 October 2019 are deemed to form the approved details for the purposes of this condition.</p>
45	<p>Gym Hours of Use</p> <p>CONDITION: The use of the premises (for D2 use as a gym) hereby permitted shall not be open to members of the public other than within the following times:</p> <p>0700 -2300 Sunday to Thursday; 0700 - 0000 Friday and Saturday</p> <p>Unless otherwise agreed in writing by the Local Planning Authority staff shall not occupy the premises more than 1 hour before or after opening hours set out above.</p> <p>REASON: To ensure that no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers or users of the area generally.</p>
46	<p>Block A Car Parking Spaces</p> <p>CONDITION: The car parking spaces located within Block A shall not be used for the purposes of customers/clients using and frequenting the retail (A1) and cafe/restaurant (A3) uses.</p> <p>REASON: In order to protect the vitality and viability of the Angel and Nag's Head Town Centre.</p>
47	<p>Cinema Hours of Use</p> <p>CONDITION: The use of the premises (for D2 use as a cinema) hereby permitted shall not be open to members of the public other than within the following times:</p> <p>08.00 - 23.00 Sunday; 08.00 - 23.30 Monday to Thursday 08.00 Friday to 0100 Saturday 0800 Saturday to 0100 Sunday.</p> <p>Unless otherwise agreed in writing by the Local Planning Authority staff shall not occupy the premises more than 1 hour before or after opening hours set out above.</p> <p>REASON: To ensure that no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers or users of the area generally</p>
48	<p>Temporary Consent (until 14th August 2024)</p> <p>CONDITION: The hereby approved amendments to the site's delivery and servicing arrangements is granted only for a limited period, being until 14th August 2024. After that date, no operation of the amended delivery and servicing arrangements shall take place unless further consent has been obtained from the Local Planning Authority.</p> <p>REASON: The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste</p>

	management; deliveries) in order to protect amenity of both residential and commercial premises that abut the site.
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List of Informatives:

1	S106 SECTION 106 AGREEMENT You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
2	Street Naming and Numbering Will this development result in changes to any postal address or addresses on the site? If so, you will need to apply to the Council's Street Naming and Numbering section to get the property re-addressed. Failure to do so can result in delays to conveyancing, the connection of services or the initiation of postal deliveries. Application forms can be obtained by writing to:- Islington Street Naming and Numbering, PO Box 3333, London N1 1YA. Or by phoning:- 0207-527-2245/2611 Or downloading from the Council's web site at www.islington.co.uk
3	Environmental Health and Consumer Protection The Head of Public Protection, 159-167 Upper Street, Islington, N1 1RE (Tel: 020-7527-7150 or 7168) should be consulted on: 1) the need to comply with the provision of the Food Act, the General Food Hygiene Regulations and other food legislation, including the labelling/ composition of food; 2) the necessity for premises kept open for public refreshments after 10.00pm or for places of public entertainment to be licensed or registered. You should also contact Building Control Services for technical advice.
4	Highways The Assistant Director (Traffic and Transport), PO Box 3333, 222 Upper Street, London, N1 1YA (Tel: 020-7527-2676, Fax: 020-7527-2134) must be consulted for: 1) the need to comply with the Highways Act 1980 in relation to the erection of hoardings and scaffolds, construction of temporary crossovers and the depositing of building materials or use of skips on the road; 2) the need to comply with the Highways Act 1980 for any maintenance, repair or reinstatement works on and under the public highway. * An estimate will be provided as the basis of the deposit for all necessary reinstatements or reconstructions. The estimate will be subject to normal price fluctuations and the remainder of any deposit will be returned to the applicant upon completion. 'The works' shall include all construction or refurbishment works undertaken adjacent to the public highways by the applicant.

5	Trees
	Any trees which are the subject of a Tree Preservation Order may not be lopped, topped, felled, uprooted or wilfully damaged without permission under the Order except as provided in the Order or as immediately required for the purposes of carrying out the development for which permission is given. The same protection is accorded to all trees in Conservation Areas and six weeks notice in writing is required before commencing any works to these trees.
6	Storage and Collection of Refuse
	The Council's Waste Management Service 36 North Road, London, N7 9TU (Tel: 020-7527-5000) should be consulted about refuse storage arrangements, full details of proposals should be included on all plans submitted and advice can be obtained from the Waste Management Service at any stage during design works. A document is available from the Waste Management service giving details of Council Requirements for storage and collection of refuse. Also consult the Council's Building Control Division.
7	Nuisance from Construction Work
	Nuisance from demolition and construction works is subject to control under the Control of Pollution Act 1974. The normal approved noisy working hours are 08.00 to 18.00 Mondays to Fridays and 09.00 to 13.00 Saturdays with no working on Sundays or Bank Holidays. You are advised to consult the Council's Assistant Director (Public Protection), 159-167 Upper Street, N1 1RE or to seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within normal working hours and by means that would minimise disturbance to adjoining premises.
8	Rubbish Disposal
	The Council is becoming increasingly worried by the amount of rubbish and trade refuse left in the streets and I would appreciate your making every effort to keep the street clear of litter arising from your business. If you have any difficulty in making arrangements for the removal of refuse please contact the Council's Waste Management Service, 36 North Road, N7 9TU (Tel: 020-7527-5000).
9	Entertainment Licence
	The use of premises for public entertainment (e.g. music, dancing, plays, indoor sports) or films requires a licence. You should make application to the Assistant Director (Public Protection), 159/167 Upper Street, N1 1RE (Tel: 020-7527-3233). Also consult Building Control Service for all technical matters relating to the licence.
10	The Buildings Act and Building Regulations
	Building Control Division, Development House, 8A Barnsbury Park, London, N1 1QQ (Tel: 020-7527-5999; Fax: 020-7527- 5989) should be consulted regarding the application of the Buildings Acts and Building Regulations to any intended building works in relation to: - The erection of a building or structure, extension to a building, change of use of a building, alteration to a building, installation of services, underpinning works and fire precaution (fire safety/ means of escape) works.

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 2021 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 2021
- National Planning Practice Guidance (on-line and regularly updated)

2. Development Plan

The Development Plan is comprised of the London Plan 2021, 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 2021 - Spatial Development Strategy for Greater London

Policy D4 Delivering good design
Policy D14 Noise
Policy E9 Retail, markets and hot food takeaways
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 T7 Deliveries, Servicing and Construction

B) Islington Core Strategy 2011

Spatial Strategy	Policy CS14 (Retail and Services)
Policy CS5 (Angel and Upper Street)	
Policy CS8 (Enhancing Islington's Character)	Infrastructure and Implementation Policy CS18 (Delivery and Infrastructure)
Strategic Policies	
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)	
Policy CS10 (Sustainable Design)	
Policy CS11 (Waste)	

C) Development Management Policies June 2013

Design and Heritage

- DM2.1 Design
- DM2.2 Inclusive Design
- DM2.3 Heritage

Shops, culture and services

- DM4.1 Maintaining and promoting small and independent shops
- DM4.2 Entertainment and the night-time economy

DM4.3 Location and concentration of uses

- DM4.4 Promoting Islington's Town Centres
- DM4.9 Markets and specialist shopping areas

Health and open space

- DM6.1 Healthy development

Transport

- DM8.1 Movement hierarchy
- DM8.2 Managing transport impacts
- DM8.3 Public transport
- DM8.4 Walking and cycling
- DM8.5 Vehicle parking
- DM8.6 Delivery and servicing for new developments

5. Designations

The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Angel & Upper Street Key Area
- Archaeological Priority Area (Islington Village and Manor House)
- Site Allocation AUS1
- Upper Street (North) Conservation Area (CA19)
- Angel Town Centre

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

The following SPGs and/or SPDs are relevant:

- | | |
|---------------------------------------|---|
| Islington Local Development Plan | London Plan |
| - Conservation Area Design Guidelines | - Accessible London: Achieving an Inclusive Environment |
| - Inclusive Design | - Sustainable Design & Construction |
| - Planning Obligations and S106 | - Planning for Equality and Diversity in London |
| - Urban Design Guide | |