

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Community Wealth Building Department

PLANNING COMMITTEE		AGENDA ITEM NO:	B2
Date:	Monday, 11 September 2023	NON-EXEMPT	

Application number	P2022/4011/FUL
Application type	Full Planning Application
Ward	Junction
Listed building	Adj. Whittington Hospital – Grade II
Conservation area	Holborn Union Infirmary Conservation Area (CA41) Adj. St John’s Grove Conservation Area (CA28) Adj. Whitehall Park Conservation Area (CA7) Adj. Highgate Hill/ Hornsey Lane Conservation Area (CA30)
Development Plan Context	Core Strategy Key Area - Archway Site Allocation (ARCH3) Emerging Site Allocation (ARCH5) Locally Listed Buildings – Holborn Union Infirmary Local View - LV4 Archway Road to St Paul’s Cathedral Local View - LV5 Archway Bridge to St Paul’s Cathedral
Licensing Implications	N/A
Site Address	Archway Campus, 2-10 Highgate Hill, London, N19 5LP
Proposal	Temporary change of use of existing buildings to non-residential artists studios and exhibition space (Sui Generis) for a period of 5 years.

Case Officer	Stefan Kukula
Applicant	Seven Capital [Highgate Hill] Ltd. & SET
Agent	Bidwells LLP

1. RECOMMENDATION

The Committee resolve that it would have **REFUSED** planning permission for this application for the reasons set out in Appendix 1, should the application have not been appealed to the Planning Inspectorate for Non-Determination.

2. SITE PLAN (site outlined in red)

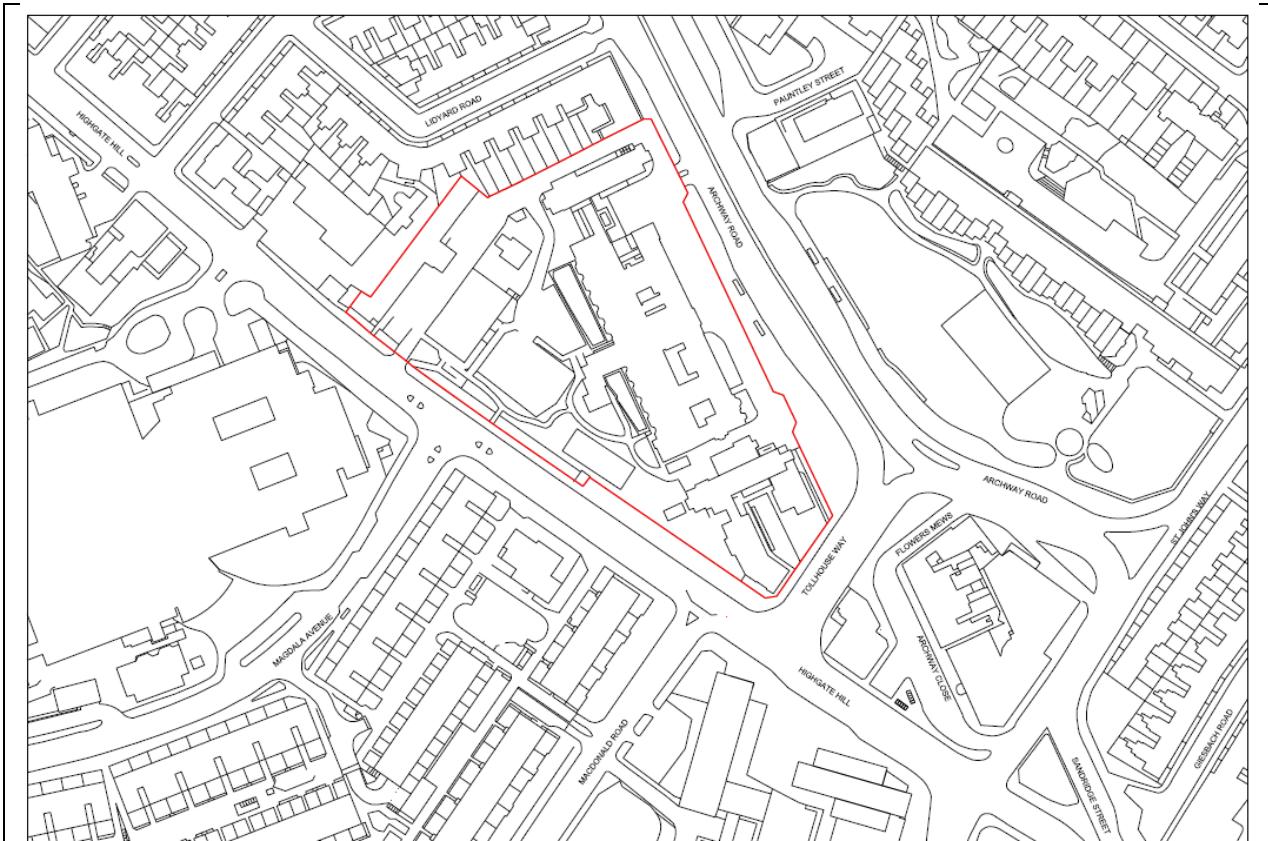


Figure 1: Site location - application site outlined in red

3. PHOTOS OF SITE/STREET



Figure 2: Existing aerial photo of the site



Figure 3: Existing aerial view of the site looking west



Figure 4: Existing aerial view of the site looking east



Figure 5: Southern apex of the site and nurses wing looking north east from Navigator Square



Figure 6: Western (rear) elevation of the Holborn Union Main Range building, looking north east from Highgate Hill



Figure 7: Site boundary to Highgate Hill, looking south east towards Tollhouse Way



Figure 8: Existing vehicular access point to the site from Highgate Hill



Figure 9: Flank elevation of Furnival Building, looking east from Highgate Hill



Figure 10: The Furnival building, looking south from The Academy (neighbouring residential building)



Figure 11: Northern elevations of the Ely building (left) and Furnival building (right) and access road across the northern part of the site – looking west from the northern boundary of the site



Figure 12: The Charterhouse wing building, looking north west from Archway Road



Figure 13: Existing vehicular access points to the site from Archway Road



Figure 14: Holborn Union Main Range and Front Range (admin block) looking west from Archway Road



Figure 15: Holborn Union Main Range and Clerkenwell wing building, looking north west from Archway Road



Figure 16: The Clerkenwell wing building (centre), southern flank of the nurses wing (left) and southern boundary wall, looking north from Tollhouse Way



Figure 17: The Nurses Accommodation Wing, looking north from Tollhouse Way

4. SUMMARY

- 4.1 The application seeks the change of use of all the existing buildings at the Archway Campus site to non-residential artists' studios and exhibition space for a temporary period of 5 years. The proposals would provide 326 affordable artists' studios and exhibition space across the site with the intention of providing emerging artists with studio spaces and areas to present their work. It is estimated that the site could accommodate circa 800 artists which would equate to approximately 2.5 artists per studio. The artists' studios and exhibition space would be set up and managed by SET, a third party registered charity, that provides studio space in disused buildings for multidisciplinary artists, including writers, musicians and filmmakers, across London.
- 4.2 The Local Planning Authority has received notification of the appeal for Non-Determination (Appeal Ref: APP/V5570/W/23/3326166) and therefore the Local Planning Authority will not be determining the application. This will be undertaken by the Planning Inspectorate. However, the resolution of the Committee as to how it would have determined the application should it not have been subject to an appeal is required to be made and will form the Local Planning Authority's case at appeal.
- 4.3 At the time of writing this report, the appeal process has not been given a start date by the Planning Inspectorate. Upon confirmation of this by way of a Start Date Letter, the Notification of the appeal will be undertaken by the Local Planning Authority.
- 4.4 It is recognised that short term meanwhile uses for cultural and creative activities can help to stimulate vibrancy and viability in a local area and that bringing the vacant buildings at Archway Campus back into active use could provide some economic, cultural and community benefit to Archway town centre and to the artists themselves. Having an appropriate use for the vacant historic buildings on the site, which are locally listed, could also likely help with their physical condition. However, the proposal raises several significant concerns and issues in relation to the identified need for the proposed meanwhile use, the implications for land use and the urgent delivery of conventional housing, the potential impacts on residential amenity, the insufficient provision of acceptable accessible and inclusive design measures and fire safety standards, and the implications for projected CIL payments.
- 4.5 Firstly, the report sets out that the meanwhile use would be of a far greater scale than the limited local need for artists' studios/exhibition space that has been identified by the Council. As a direct consequence of the resultant over-provision of artist's studios, it is considered that the proposed temporary use, by reason of its scale, and intended period of occupation, could lead to significant numbers of occupiers being displaced into the surrounding area at the end of the temporary 5 year period with insufficient capacity for local re- accommodation.
- 4.6 Furthermore, the vacant site is subject to emerging Site Allocation, ARCH5, for residential led development. The site allocation sets out that *"given the very limited supply of development land in Islington policies strongly prioritise the most urgent need, which is conventional housing"*. It is considered that the proposed meanwhile use, by reason of the 5 year period of use; its proposed scale; the extent of occupation across the site, and; its timeframe for roll out, would impede the policy priority for the residential led redevelopment of the site and the urgent delivery of conventional housing in the borough and reduce the incentive to deliver the housing as soon as possible.
- 4.7 The application has received a number of representations from neighbouring residents raising objections on the grounds of undue noise and disturbance, and safeguarding and security, arising from the scale and quantum of proposed artists' studios and exhibition space and the intention to operate the meanwhile use at the site 24 hours a day/ 7 days a week. It is considered that the proposed meanwhile use would, due to the proposed excessive scale of use, result in adverse amenity impacts, including noise and disturbance to neighbouring

residents, through the intensification of activity arising from the quantum of artist studios/ exhibition space, the extent of occupation across the whole site and the intention to operate the use for 24 hours a day.

- 4.8 The proposal also fails to provide adequate measures to address accessibility and inclusive design requirements and, therefore, fails to demonstrate that the proposal would result in inclusive, accessible buildings which meets the needs of intended occupiers and visitors. In addition, the proposal fails to provide sufficient measures to demonstrate that the operation of the proposed meanwhile use would achieve the necessary highest standards of fire safety and ensure the safety of all building users and visitors.
- 4.9 The meanwhile use will have very substantial implications for Community Infrastructure Levy (CIL) on future redevelopment. The proposed meanwhile use, which is expressly pending long term residential development of the site, would result in a substantial reduction of the projected CIL contributions that future residential development would generate.
- 4.10 Finally, in the absence of an appropriate Section 106 legal agreement, the application fails to provide measures to mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed development.
- 4.11 It is recommended that the Committee resolve that it would have refused planning permission for this application for the reasons set out in Appendix 1, should the application have not been appealed to the Planning Inspectorate for Non-Determination.

5. SITE AND SURROUNDING

- 5.1 The site comprises an area of approximately 1.47 hectares and occupies a prominent location to the northern edge of the Archway gyratory. Bounded by Highgate Hill to the west and Archway Road to the east, the site forms a triangular plot tapering to its southern apex and boundary with Tollhouse Way. The site gradually slopes from north to south with the ground level gradient increasing by some 8.7 metres at the northern boundary. The site is currently unoccupied.
- 5.2 Originally built as a workhouse infirmary between 1879-1885, the Archway Campus comprises a complex of Victorian and early to late-Twentieth Century hospital, administration and staff accommodation buildings. In 1948 the site became the Archway Wing of the neighbouring Whittington Hospital. In 1998 the site was purchased from the NHS by Middlesex University and University College London as a medical teaching campus. The site has subsequently been vacant since 2013. The entire site was designated as the Holborn Infirmary Conservation Area in March 2014. The conservation area is considered to be 'At Risk' and is on Historic England's Heritage at Risk Register.
- 5.3 The historic buildings on the site are locally listed and include the Holborn Union main range with its landmark central tower and administration block fronting Archway Road. The main range is flanked by two accompanying slim wing buildings: Charterhouse to the north, and Clerkenwell to the south. Adjacent to the Clerkenwell building, the former Nurses Accommodation Wing occupies part of the southern apex of the site. The Staples building, a single storey former laundry/ workshop, lies to the northern edge of the site.
- 5.4 There are four modern buildings on site: the eight storey 1970s Furnival Building; the three storey 1980s Ely building; a single storey portacabin; and a 1980s two storey extension to the Clerkenwell wing building. There are also a number of later extensions and additions to the main historic buildings including stairs, lifts, toilets and veranda structures.

- 5.5 The site retains some fragmented areas of open space with 11 mature London plane trees to the western boundary with Highgate Hill, which are protected by a Tree Preservation Order (pre-dating the conservation area designation). There are also 4 mature London plane trees to the Archway Road side of the site, set back from the boundary wall and adjacent to the southern element of the administration block. All of the trees and vegetation on site are protected by virtue of their inclusion in the Holborn Infirmary Conservation Area.
- 5.6 The site is bounded by a wall and perimeter fence and whilst there is pedestrian access into the site there are no public routes into or through the site. There is an existing vehicular access point from Highgate Hill and two existing vehicular access points from Archway Road, which are linked by a servicing road running east to west through the northern part of the site.
- 5.7 Residential properties bound the site to the north, including terraced housing on Lidyard Road, flats in The Academy, which is a converted former school building on Highgate Hill and flats at Whitehall Mansions, which lies on the junction of Lidyard Road and Archway Road. Further to the north west is the Highgate Hill/Hornsey Lane Conservation Area. The Grade II listed Whittington Hospital is located to the west of the site on the opposite side of Highgate Hill along with residential properties at Magdala Avenue and Annesley Walk. Archway Heights, a nine-storey residential block, and Archway Park, which is designated as a Site of Importance for Nature Conservation (SINC) are located to the east of the site on the opposite side of the Archway Road.
- 5.8 St John's Grove Conservation Area, Archway Town Centre and the locally listed Archway Tavern public house lie on the opposite side of Tollhouse Way to the south of the site. There have been significant public realm improvement works to the town centre in recent years including to the gyratory to the south with considerable traffic calming measures, the introduction of cycle routes, and an enhanced public realm including a new public space, Navigator Square.
- 5.9 In the current Local Plan the site is within the Archway Core Strategy Key Area and is subject to Site Allocation ARCH3. In the emerging Site Allocations draft document, the site is subject to draft Site Allocation ARCH5 for residential led development.
- 5.10 Designated local views pass through part of the site. Local view LV4 from Archway Road to St Paul's Cathedral clips the eastern boundary and local view LV5 from Archway Bridge to St Paul's Cathedral covers a strip through the eastern parts of the site.
- 5.11 The site has a Public Transport Accessibility Level (PTAL) rating of 6(b) and 6(a) (on a scale of 1 to 6 where 1 represents the lowest levels of accessibility to public transport and 6 the highest).

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks the change of use of the existing buildings to non-residential artists' studios and exhibition space for a temporary period of five years.
- 6.2 The proposal includes the change of use of all the existing buildings on site comprising: the principal Holborn Union main range and admin block buildings, Charterhouse, Clerkenwell and Nurses Accommodation wings, the Furnival building, Staples building, and the Ely Building. The site would provide a maximum of 17,561 sqm of temporary floorspace for artists' studios and exhibition space.
- 6.3 The applicant has set out that external alterations and operational development are not proposed to facilitate the change of use. The applicant states that the buildings would be

refurbished internally to a standard acceptable for meanwhile artist workspace and to ensure the health and safety, and security of artists and their belongings.

- 6.4 No detailed proposed internal layout plans have been provided for all floors to illustrate how the internal space within the existing buildings would be subdivided. However, the application sets out that the proposed meanwhile use would provide 326 affordable artists' studios. The studios would be supplemented by exhibition space, lecture space and ancillary offices for the management/ security companies as well as on site facilities including a site workshop and canteen area, with the intention of providing emerging artists with studio and exhibition space to present their work. The applicants have estimated that the site would accommodate circa 800 artists which would equate to approximately 2.5 artists per studio. The majority of studios would be located in the historic Holborn Union buildings, with 121 studios, project space and canteen in Main Range and the admin block, 92 studios in Clerkenwell, and 42 studios in Charterhouse. The Furnival tower block would house a reception, main site offices, project space, exhibition space, lecture space and studios. The Staples building would provide a site workshop for the management company, SET and the Ely building would house the on-site security team.
- 6.5 In terms of hours of operation, it is proposed that artists will be able to access their workspace 24 hours a day, as the applicant claims that the majority of artists will have alternative employment and so will need access in the evenings and at weekends.
- 6.6 The table below provides a breakdown of the proposed use in each building across the entire site:

Existing Building	Number of Artist Studios	Description
Holborn Union Building	121	Studios, Canteen, Project Space
Clerkenwell	92	Studios
Charterhouse	42	Studios
Furnival Building	65	SET reception, main offices, project space, exhibition space, lecture space and studios
Staple Building	6	SET site workshop and maintenance
Ely Building	n/a	On-site security
Total	326	

- 6.7 The application is supported by a Planning, Design and Access Statement and an Operational Management Statement setting out that the artists' studios and exhibition space would be set up and managed by SET, a third party registered charity, that provides studio space in disused buildings for multidisciplinary artists (including writers, musicians and filmmakers) across London. The applicant states that SET will market the space to local artists in the community and provide affordable artists' studio space.
- 6.8 The facilities management and security services at the site would be provided by the LOWE Group, who work with charitable organisations through the temporary occupation of vacant buildings across London. The accommodation for the on-site security team would be in the Ely building to the north of the site.

- 6.9 The proposed operation would employ approximately 3 new full-time employees, progressing to 10 full and part time staff once fully occupied. The current SET team is made up of 10 full-time members of staff across all its operations.
- 6.10 In addition to the artists' studios and exhibition space an ancillary canteen area would be provided within the Holborn Union building, comprising the canteen space previously used by the medical teaching campus. However, there would be no food for sale and the intention would be that artists using the site would bring their own food.
- 6.11 No detailed proposed internal layout plans have been provided for all floors illustrating how the internal space within the existing buildings would be subdivided. It is intended that all existing internal floorspace on all floors of the buildings would be occupied by the proposed artist studios and exhibition space from site level 00 (ground floor of the nurses wing) up to site level 09 (top floor of the Furnival building). To illustrate the extent of the site wide occupation the layout plan drawings set out below have been selected to show occupation in relation to site level 01, level 02 and level 03 (see Figures 16, 17 & 18):

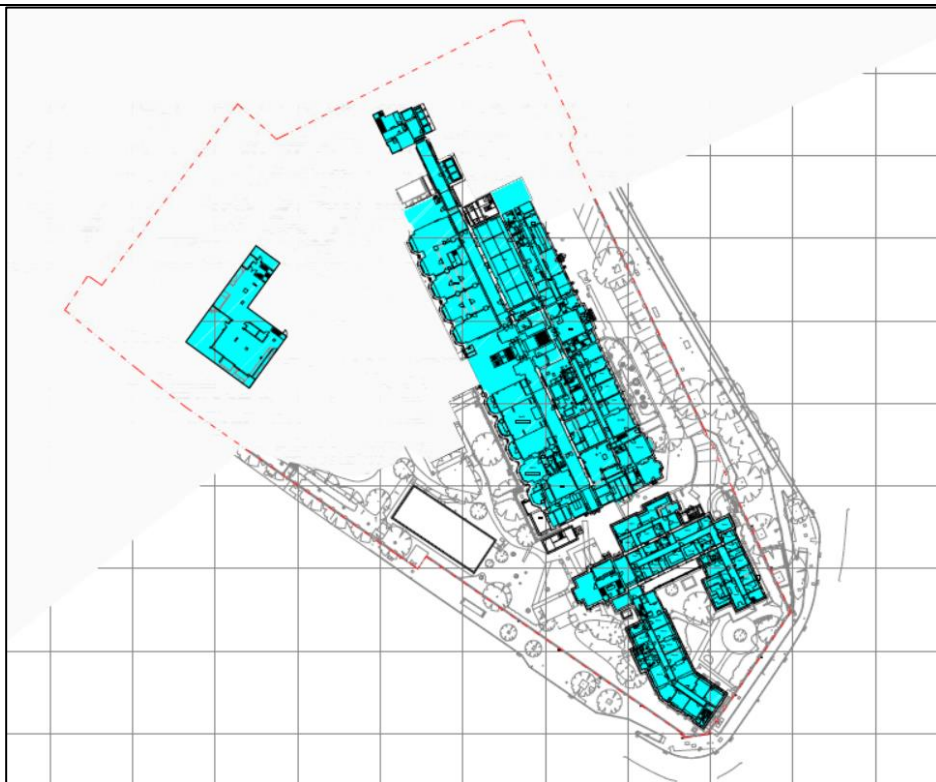


Figure 16: Proposed extent of temporary artist studio and exhibition space occupation at site level 01 across the site



Figure 17: Proposed extent of temporary artist studio and exhibition space occupation at site level 02 across the site

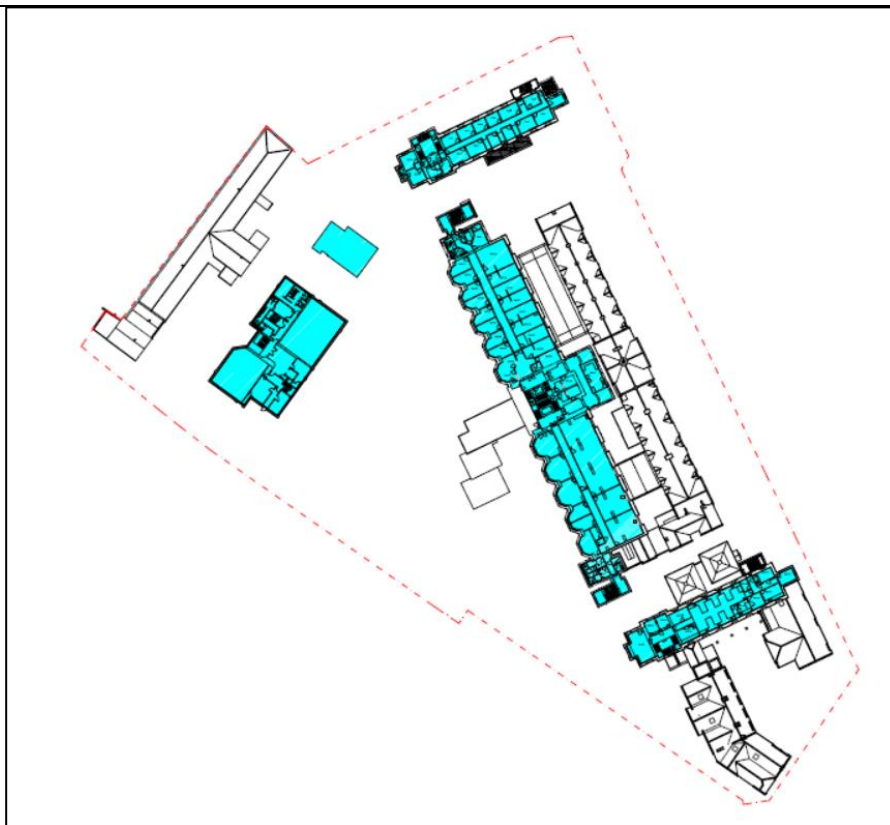


Figure 18: Proposed extent of temporary artist studio and exhibition space occupation at site level 03 across the site

7. RELEVANT HISTORY:

Relevant Planning Applications

- 7.1 There have been no recent planning applications relating to the site. A selection of the relevant historical planning applications is listed below.
- 7.2 P030139: Erection of a one storey flammable goods store. Approved: 01/07/2003
- 7.3 992633: Demolition of an existing store and construction of a single storey building to provide a cafeteria at lower ground floor level. Approved: 23/02/2000
- 7.4 880325: Formation of new vehicular access. Approved: 12/09/1988
- 7.5 841740: Construction of two extensions to house fire escape staircases. Approved: 20/02/1985
- 7.6 820121: Erection of two lift towers linked by a five storey extension to provide kitchens at 1st 2nd and 3rd floor level and a new receiving ward at ground level adjoining the existing central tower. Approved: 10/11/1982

Environmental Impact Assessment Screening

- 7.7 P2017/3819/EIA: Request for a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as to whether the following proposals constitute Environmental Impact Assessment (EIA) development: Redevelopment of the site, including demolition of buildings, retention and conversion of others, and erection of buildings of 2 to 20 storeys, to accommodate 308 residential units and up to 1,524sqm of D1 floorspace, together with associated landscaping works. Decision: EIA not required.
- 7.8 P2015/4600/EIA: Request for a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) as to whether the following proposals constitute Environmental Impact Assessment (EIA) development: Demolition of buildings to north of site, erection of new buildings and conversion of remaining existing buildings to create 331 dwellings and up to 2,000 sq m of non-residential floorspace (use class A1 and D1). Decision: EIA not required.
- 7.9 P2015/4589/EIA: Request for a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) as to whether the following proposals constitute Environmental Impact Assessment (EIA) development: Demolition of buildings to north and south of site, erection of new buildings and conversion of remaining existing buildings to create 365 dwellings and up to 2,000 sqm of non-residential floorspace (use class A1 and D1). Decision: EIA not required.

Enforcement

- 7.10 E/2015/0113: Unauthorised change of use to 'live in guardian' residential premises. Following discussions with the freeholder of the land, the excessive use of the land for live-in guardians ceased and the breach was remedied. Closed 05/02/2016 with no enforcement action. As a result, reversion to the former lawful use is no longer possible without permission.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 259 adjoining and nearby properties at Lidyard Road, The Academy, Highgate Hill, Whitehall Mansions, Salisbury Walk, Navigator Square, Annesley Walk, Macdonald Road, Flowers Mews, Archway Heights, Archway Road, Despard Road and Magdala Avenue on 6 December 2022. A site notice and press advert were displayed on 15 December 2022. The public consultation of the application therefore expired on 8 January 2023, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report a total of 8 objection letters had been received from the public with regard to the application. While some of the responses are broadly supportive of bringing the vacant buildings back into functional use, particularly for community purposes, concerns have been raised specifically with regards to the proposed operation and management of the artists' studios and the issues can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- 24-hour operation at the site is excessive and insensitive to neighbouring residents and will lead to noise and disturbance throughout the night. *(see paragraphs 10.60 to 10.71)*
 - Noise and disturbance from the intensification of use on site - people leaving an exhibition chatting, or socialising outside with some music, or talking loudly on the phone, or playing music, or running a car engine, or building a frame/ or structure outside. *(see paragraphs 10.60 to 10.71)*
 - 24-hour operation raises security and safeguarding concerns for residents and their properties adjoining the site as well as artists/ visitors attending the site at all hours. *(see paragraphs 10.60 to 10.71)*
 - Concerns in relation to the management of scheduled exhibitions and impromptu social activities, as well as noise during quiet hours. This will disturb residents on the north perimeter, whose bedrooms face the site. This problem is amplified by exhibition, lecture and project spaces located in the Furnival building closest to local residents. A workshop, with machinery noises during working hours, in the Staples building, on the north perimeter wall, within close proximity of kitchens and bedrooms is also not acceptable. *(see paragraphs 10.60 to 10.71)*
- 8.3 At the time of the writing of this report 1 letter had been received in support of the proposed meanwhile use and can be summarised as follows:

- Fully supportive of the proposed changes to make use of an otherwise derelict building.

External Consultees

- 8.4 **Health and Safety Executive:** no comment to make, it is noted that the application is for a temporary change of use, and the proposed change does not include relevant buildings.
- 8.5 **Historic England:** do not consider that it is necessary for this application to be notified to Historic England.
- 8.6 **London Fire Brigade:** Provided the following comments in relation to the original Fire Statement (Rev.A) submission:
- unable to comment on the suitability of the proposals as it was unclear from the information provided whether Fire Brigade access, facilities and the provision/location of hydrants demonstrated compliance with the functional requirements of the Building Regulations, particularly in regard to B5; access and facilities for the fire service.

- 8.7 In response, a revised Fire Statement (Rev.C) has been submitted by the applicant. The London Fire Brigade have been reconsulted in relation to the revised Fire Statement, but at the time of writing this report no further comments had been received from LFB.
- 8.8 **Metropolitan Police (Crime Prevention):** no objection in principle, and it is recommended that an acceptable operational management plan is made a formal condition of any planning approval, where the plan is deemed to be acceptable to both the local planning authority and Metropolitan Police Service.
- 8.9 **Highgate Conservation Area Advisory Committee:** have raised a number of concerns, including:
- The temporary use should not be used as a pretext for damaging the ecological and heritage value of the site prior to the main planning application, making it easier to gain planning permission to remove trees and other vegetation and/or replace existing buildings with high density development. (see paragraphs 10.121 to 10.124)
 - Details set out in both the "Preliminary Ecology Assessment" and "Preliminary Roost Assessment" are minimal and no guarantee that any clearance of vegetation or other work in preparation for the temporary use, or that temporary use itself, will not damage the habitat for bats or discourage them from visiting or moving to the site. (see paragraphs 10.121 to 10.124)
- 8.10 **Thames Water:** no comments received.
- 8.11 **Transport for London:** no comments received.

Internal Consultees

- 8.12 **Inclusive Design and Access Officer:** Provided the following comments in relation to the original application submission:
- It's acknowledged that this is a meanwhile use and that the agent does not wish to make any operational changes, but in not carrying out measures to make some studios inclusive and accessible, the application risks being in breach of the Equality Act 2010.
 - It was requested that the applicant provides information highlighting where accessible and inclusive studios are to be located, including: the location of accessible studios, with direct and convenient relationship entrances and to disabled parking, accessible WC provision and confirmation of communal facilities that are accessible and inclusive with step free routes to communal facilities (such as the canteen).
 - In addition, details of cycle storage facilities were requested.
- 8.13 In response to the Inclusive Design and Access Officer's comments the applicant provided two site layout plans with internal layout details highlighting the location of 6no. studios, 3no. WC facilities and the main canteen area. The selected studios were annotated as "accessible studio" and the WC facilities annotated as "accessible WC".
- 8.14 The following comments were received from the Inclusive Design and Access Officer in relation to the additional information submitted by the applicant:
- The proposal fails to provide an inclusive policy-compliant arts studio facility and risks being in breach of the Equality Act 2010 by proposing a space not accessible to disabled users. The application has not met London Plan's DM5 requirement to 'achieve the highest standards of inclusive design', failing to satisfy the policy requirements to provide independent access or safe and dignified evacuation routes, or facilitate social interaction and inclusion in the communal areas. No step-free access provided to some of the studios marked on plans as accessible, or from some of the studios to the canteen.

- Moreover, the submitted plans did not present sufficient evidence of securing safe transport opportunities for disabled users with no accessible cycle parking and no convenient routes to accessible parking spaces marked on plans. Alongside no sufficient accessible sanitary/WC provision secured, this points towards the application not complying with fundamental inclusive design requirements of Islington's Inclusive Design SPD and Policies DM2.2 and Plan1B (iii) of the Local Plan to 'produce places and spaces that are convenient and enjoyable to use for everyone.'
- 8.15 The additional details are considered to be insufficient and do not address the Inclusive Design Officer's concerns.
- 8.16 **Building Control:** the following comments have been received in relation to the applicant's revised Fire Statement (Rev.C):
- Authors competence – the report does not include reference to specific experience of designing the fire safety strategy for this type of development.
 - The Storage of Higher hazard materials should be confirmed as this will affect the fire safety design of the building.
 - Maximum, travel distances for means of escape in case of fire to be confirmed.
 - Need to confirm exit widths and accessible widths.
 - Evacuation lift provision is not confirmed.
 - Evacuation for vulnerable persons /requiring assistance provision is not firm.
 - Required Fire resistance of buildings is mentioned but not confirmed.
 - The Holborn and Furnival buildings have floors above 18m and fire fighting shafts are not confirmed – proposals are suggested but this is not firm design.
 - The report indicates that the four buildings with a floor above 11m need further consideration according to the report.
 - It is not clear if fire service access is followed in accordance with Guidance Note 29 – Access For Fire Appliances
 - Likely the site /buildings will undergo changes in the future because this development is for 5 years - not considered/answered.
- 8.17 **Conservation and Design Officer:** no objections raised, the proposed meanwhile use would preserve or enhance the character or appearance of the Holborn Union Conservation Area and be respectful of the locally listed buildings in accordance with policy.
- 8.18 **Planning Policy:** have raised several concerns in relation to the identified need for the proposed meanwhile use, the implications for land use and the urgent delivery of conventional housing, the implications for projected CIL payments, the potential impacts on residential amenity and the insufficient provision of acceptable accessible and inclusive design measures.
- 8.19 **Public Protection:** no objections to the proposal.
- 8.20 **Sustainability Officer:** a summary of the comments received is set out below:
- Considering the length of time and the scale of the proposed temporary use, it is important for the applicant to take into consideration sustainable design policy requirements.
 - The applicant should pay particular attention to strategies in which they can reduce energy consumption in operation.
 - Sustainable Design and Construction Statement is required, and it is expected that this sets out how key policy elements have been addressed or why they are not applicable in the context of proposal. It should also incorporate all sustainable design requirements, proportionate to the development.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

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

National Guidance

9.2 The application is the subject of an appeal for Non-Determination to the Planning Inspectorate (Appeal Ref: APP/V5570/W/23/3326166) and therefore the Local Planning Authority will not be determining the application. This will be undertaken by the Planning Inspectorate. The Committee is therefore asked to make a resolution as to how it would have determined the application should it not have been subject to an appeal. The resolution of the Committee will form the Local Planning Authority's case at appeal.

9.3 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)).

9.4 National Planning Policy Framework 2021 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development". The reuse of redundant buildings is encouraged.

9.5 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.

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

9.7 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.

9.8 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.

- 9.9 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.
- 9.10 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.
- 9.11 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.
- 9.12 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

- 9.13 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

- 9.14 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:
- Core Strategy Key Area – Archway
 - Site Allocation (ARCH3)
 - Holborn Union Infirmary Conservation Area (CA41)
 - Locally Listed Buildings
 - Local View - LV4 Archway Road to St Paul's Cathedral
 - Local View - LV5 Archway Bridge to St Paul's Cathedral

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Draft Islington Local Plan

9.16 The council received the Inspectors report for the new Local Plan on 5th July 2023. The receipt of the Inspectors' final report has significant implications for determining planning applications. The National Planning Policy Framework (NPPF) allows Councils to give weight to emerging Local Plans according to their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the national policy. On the basis that the Council has received the Inspectors' final report, all objections have been considered and resolved and the Plan has been confirmed as sound and therefore compliant with national policy, almost full weight can be afforded to the new Local Plan, with policies given very significant weight in decision making.

9.17 Emerging policies relevant to this application are set out below:

- Policy PLAN1: Site Appraisal, design principles and process
- Policy SP7: Archway
- Policy R9: Meanwhile/temporary uses
- Policy R10: Culture and the night-time economy
- Policy G4: Biodiversity, landscape design and trees
- Policy S1: Delivering Sustainable Design
- Policy S4: Minimising greenhouse gas emissions
- Policy S7: Improving Air Quality
- Policy S10: Circular Economy and Adaptive Design
- Policy T1: Enhancing the Public Realm and Sustainable Transport
- Policy T2: Sustainable Transport Choices
- Policy T5: Delivery, Servicing and Construction
- Policy DH1: Fostering innovation and conserving and enhancing the historic environment
- Policy DH2: Heritage assets
- Policy ST1: Infrastructure Planning and Smarter City Approach

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Principle of Development
- Land Use
- Design, Conservation and Heritage
- Accessibility and Inclusive Design
- Neighbouring Amenity
- Energy and Sustainability
- Highways and Transport
- Biodiversity and Landscaping
- Fire Safety
- Implications for Projected CIL Contributions
- Planning Obligations and CIL

Principle of Development

10.2 The existing buildings on the site are currently vacant and its most recent authorised use was by Middlesex University and University College London as a medical teaching campus which ended in 2013. In 2015 there was an unauthorised change of use to a 'live in guardian' residential premises. However, following a planning enforcement investigation the unauthorised use ceased without enforcement action being taken and the buildings have remained vacant since. Given the live in guardian use, there is no right to revert to the former lawful use without permission.

- 10.3 London Plan Policy SD7 Town centres: development principles and Development Plan Documents (Part C. (7)) states that in Development Plans, boroughs should support flexibility for temporary or meanwhile uses of vacant properties. It is important to note that whilst Archway Campus is vacant the site is not located within a designated town centre, lying just to the north of the Archway Town Centre boundary in both the Council's current and draft Local Plans.
- 10.4 London Plan Policy HC5 Supporting London's culture and creative industries (Part A. (4)) states that the continued growth and evolution of London's diverse cultural facilities and creative industries is supported and that development proposals should consider the use of vacant properties and land for pop-ups or meanwhile uses for cultural and creative activities during the day and at night-time to stimulate vibrancy and viability and promote diversity in town centres, Cultural Quarters and other areas.
- 10.5 The supporting text set out in paragraph 7.5.7 states that:
- “Boroughs are encouraged to support opportunities to use vacant buildings and land for flexible and temporary meanwhile uses or ‘pop-ups’ especially for alternative cultural day and night-time uses. The use of temporary buildings and spaces for cultural and creative uses can help stimulate vibrancy, vitality and viability in town centres by creating social and economic value from vacant properties. Meanwhile uses can also help prevent blight in town centres and reduce the risk of arson, fly tipping and vandalism. The benefits of meanwhile use also include short-term affordable accommodation for SMEs and individuals, generating a short-term source of revenue for the local economy and providing new and interesting shops, cultural and other events and spaces, which can attract longer-term business investment. Parameters for any meanwhile use, particularly its longevity and associated obligations, should be established from the outset and agreed by all parties.”*
- 10.6 Development Management Policy DM4.12 (Part C) states that new social infrastructure and cultural facilities, including extensions to existing infrastructure and facilities, must:
- (i) be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport;*
 - (ii) provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;*
 - (iii) be sited to maximise shared use of the facility, particularly for recreational and community uses; and*
 - (iv) complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.*
- 10.7 Draft Local Plan Policy R9 Meanwhile/ temporary uses (Part B) states that vacant plots/sites planned for redevelopment must investigate provision of meanwhile/temporary uses prior to commencement of any redevelopment work. Any meanwhile/temporary use of such sites will be appropriate where:
- (i) the meanwhile/temporary use does not preclude permanent use of the site, particularly through the length of any temporary permission;*
 - (ii) the proposed meanwhile/temporary use contributes to the function of the area where it is located or meets a specific need identified by the Council;*
 - (iii) potential adverse amenity impacts are prevented or mitigated; and*

(iv) the proposed use meets all other Local Plan policies relevant to the use.

- 10.8 The supporting text at paragraph 4.138 of the draft Local Plan is relevant to part B of Policy R9:

“Although Islington will have few significantly sized vacant sites/plots awaiting redevelopment, developers and landowners of such sites/plots must investigate options for utilising any sites/plots for meanwhile/temporary uses, including utilising existing buildings within sites/plots. The range of meanwhile/temporary uses could be more wide-ranging than those identified in Part A of the policy; applications will be assessed on a case-by-case basis but the proposed meanwhile/temporary use must demonstrate how potential adverse amenity impacts will be addressed; and how it will contribute to the function of the area where the site/plot located or meet a specific need identified by the Council... Relevant Local Plan policies related to the temporary use would apply to the assessment of any meanwhile/temporary use...”

Identified Need

- 10.9 The application sets out that the proposed meanwhile use would provide a maximum of 17,561 sqm of temporary floorspace facilitating up to 326 artists’ studios across the site for a temporary period of 5 years. The studios would be supplemented by exhibition space, lecture space and ancillary offices for the management/ security companies as well as on site facilities including a site workshop and canteen area.
- 10.10 The applicant estimates that the site would accommodate circa 800 artists which would equate to approximately 2.5 artists per studio. The application’s supporting statement claims that at other ‘SET Centres’ the majority of artists would only be on site part time, as they supplement their income with alternative employment, and so there is likely to be a much lower number of artists on site at any one time. However, while this point is noted, the overall capacity of the site would be intended for some 800 individual artists.
- 10.11 Draft Local Plan Policy R9 part B (ii) is clear that meanwhile/temporary use of a site will be appropriate where the proposed meanwhile/temporary use contributes to the function of the area where it is located or meets a specific need identified by the Council. The development proposes circa 326 artist studios across the site, with 800 artists - a significant number. No specific information on the need for this space has been submitted by the applicant and no specific need for meanwhile space for anything like this number of artist studios/artists has been identified by the council. The operation and management plan suggests that a target of 80% of the artists from the local community which would mean 640 artists from the local community – but no specific demand of this volume has been identified or evidenced. The operation and management plan states that SET is a local charity with 50% of its membership from the local community however limited information is provided about SET, or the extent of its membership (noting that the planning statement states the organisation works across London).
- 10.12 Archway has recently been designated as a Creative Enterprise Zone (CEZ) by the Mayor of London. The CEZ programme provides funding and business support to artists, start-ups and businesses in the creative industries and supporting sectors. Through the CEZ programme, the GLA and local authorities can work to make creative economies more resilient and sustainable, through providing affordable workspaces, work experience opportunities and practical training for creatives. The Council’s strategic goals for the CEZ over the next three years include: developing some 1,200 sqm of new creative affordable workspaces, encouraging a 15 per cent increase in the number of creative businesses in the area around Navigator Square, and assisting 300 young people to access opportunities in creative careers.

- 10.13 By designating Archway as a CEZ, there is a recognition by the local authority and the GLA of a local need, however this is a much more localised, borough-specific need than the proposal envisages. While the Council has a commitment to enhancing Archway's creative economy and aims to provide a substantial amount of creative affordable workspace and opportunities in the area over the next three years, this is based on an identified demand evidenced through the CEZ application process. In terms of floorspace the CEZ requirements are significantly less than 17,561 sqm of artists studio and exhibition floorspace proposed by the application. No evidence has been provided by the applicant to justify the quantum of floorspace and it is not considered that the scale of the proposed meanwhile use aligns with the local need and strategic aims of the CEZ.
- 10.14 Another crucial point is that CEZs are about finding permanent affordable spaces to work which would not be the case with the proposed meanwhile use. The temporary nature of the proposal would not provide occupiers with the security of permanent accommodation and established occupiers would have to move out at the end of the temporary period of use.
- 10.15 Conversely, it is important to consider that were the applicant to demonstrate the proposed level of demand for the full capacity of up to 800 artists, there would be a concern that the proposal could lead to significant numbers of occupiers being displaced into the surrounding area at the end of the temporary 5 year period with insufficient capacity for local re-accommodation.
- 10.16 It is therefore considered that there would be an absence of identified need for the quantum of artist studios proposed and that the meanwhile use would be of a far greater scale than the limited local need for artists' studios/exhibition space that has been identified by the Council. The proposal is therefore considered to be contrary to Policy HC5 of the London Plan and Policy R9 part B of Islington's Draft Local Plan.
- 10.17 As a direct consequence of the resultant over-provision of artist's studios, it is considered that the proposed temporary use, by reason of its scale, and intended period of occupation, could lead to significant numbers of occupiers being displaced into the surrounding area at the end of the temporary 5 year period with insufficient capacity for local re-accommodation. The proposal is therefore considered to be contrary to Policy HC5 of the London Plan and Policy R9 part B of Islington's Draft Local Plan.

Land Use

- 10.18 The site is within the Archway Core Strategy Key Area and is currently subject to a Site Allocation (ARCH3). The site allocation sets out, amongst other things, that:

"Proposals should contribute to an improved public realm and linkages to the rest of the town centre. The site occupies a prominent location at the north of Archway Junction and is highly accessible due to its close proximity to Archway Underground Station and several bus routes. Given its prominent location any future development should be of high quality design. Any significant redevelopment should involve the preparation of a masterplan."

- 10.19 In the emerging Site Allocations draft document, the site is subject to an emerging Site Allocation ARCH5, which states:

"Residential-led development, with some commercial and community and social infrastructure uses on the ground floor. Active frontages are sought on the southern part of the site and elsewhere, where appropriate, where it can make a contribution to the public realm."

Given the very limited supply of development land in Islington policies strongly prioritise the most urgent need, which is conventional housing. An element of student housing may be

acceptable as part of the development mix, provided that the quantum of student accommodation is not held to weigh against both the provision of priority conventional housing on the site, and provided that it ensures that the development can achieve the quantum and the tenure of affordable housing which is fully policy compliant.”

- 10.20 The site is allocated for residential-led development in the emerging Site Allocation and Policy CS12 Part B of the current Local Plan Core Strategy states that Islington will meet its housing challenge, to provide more high quality, inclusive and affordable homes by:

“B. Ensuring Islington has a continuous supply of land for housing by identifying sites in Islington's five, ten and fifteen year housing supply. Proposed developments which result in the reduction of land supply for conventional housing will be refused.”

- 10.21 In terms of the urgent imperative to deliver conventional housing, as set out in the emerging site allocation for the site, Draft Local Plan Policy H1 part C states that:

“Islington support high density housing development. Proposals which include housing must make the most efficient use of land to ensure that the optimal amount of housing is delivered, while having regard to other Development Plan policies and the specific site context. Proposed developments which result in the reduction of land supply which could reasonably be expected to be suitable for conventional housing, and would therefore threaten the ability to meet housing targets, will be refused. Further detail on this policy approach is set out in Policy H2.”

- 10.22 Paragraph 3.5 of the draft Local Plan's supporting text notes that in order to meet Islington's housing targets and address issues with new capacity for housing, land which could reasonably be expected to be suitable for new housing should not be developed for other uses.

- 10.23 With regard to meeting and exceeding Islington's housing target, draft Local Plan Policy H2 part B (iii) requires that development proposals involving new housing – regardless of site size – must demonstrate that use of the building/site is optimised, with particular consideration given to the level of housing density.

Implications for Housing Delivery

- 10.24 Policy R9 in the draft Local Plan relates to meanwhile use. As the site is not within a town centre location or the CAZ, part B applies. There are several criteria to part B which are addressed separately below.

- 10.25 Part B (i) is clear that whilst meanwhile use should be investigated, the meanwhile use should not preclude the permanent use of the site, particularly through the length of any temporary permission. The site has been vacant for a considerable period of time whilst comprehensive development has been considered yet only now is a meanwhile use proposed. The site is allocated in the draft Local Plan (Site Allocation ARCH5) for residential led development, with some commercial and community and social infrastructure uses. The allocation identifies delivery within the first 5 years of the plan by 2025/26. The meanwhile use proposal is for a temporary use period of 5 years which will further threaten the timely delivery of a substantial amount of housing on the site. Even if delivery of housing on the site is delayed beyond the timescales set out in the allocation, if the temporary permission is granted this year and the full five years of the permission are used this would mean the housing development would not start on site until towards the end of 2028 or early 2029 which would mean that the delivery of new housing would be delayed into the 2030s. Even if the full 5 years are not used, the proposal could also restrict or complicate preparatory works as well as phased approach to delivery. The meanwhile use could reduce an incentive to expeditiously bring proposals to meet the allocation forward.

- 10.26 The need for new housing in the borough is significant, particularly the need for genuinely affordable housing; Islington faces an extreme set of circumstances when it comes to need and land supply. Land supply in Islington is constrained, and the borough is small and densely populated. In this context new Local Plan Policy H1, part C is relevant. This states that proposals which result in the reduction of land supply and which could reasonably be expected to be suitable for conventional housing (as evidenced for this site through the site allocation), and would therefore threaten the ability to meet housing targets, will be refused. In addition policy CS12 in the current Local Plan is clear that development proposals which result in the reduction of a land supply for conventional housing will be refused within the context of ensuring a continuous supply of land in the boroughs five, ten and fifteen year supply. The meanwhile use by virtue of its scale and duration is considered to likely impact the timely delivery of future proposals for housing on the site and affect the supply of land for housing within the early part of the plan period. As noted above the extent of the proposal would also restrict a phased approach to the delivery of the site.
- 10.27 In relation to meanwhile uses, London Plan Policy HC5 states that consideration should be given to the use of vacant properties and land for pop-ups or meanwhile use for cultural and creative activities, with the supporting text at paragraph 7.5.7 stating that parameters for meanwhile use, particularly its longevity and associated obligations should be established from the outset and agreed by all parties. Although Part A of Policy R9 relates to vacant buildings in Town Centre locations and in the CAZ, it sets out that meanwhile/temporary uses will be appropriate where the period of meanwhile/temporary permission is less than 6 months. It is noted the Archway Campus site lies just outside the Archway Town Centre boundary, however the proposed 5 year period of use for the artist studios and exhibition space draws a considerable distinction with the 6 month time limit for meanwhile/temporary uses in Town Centre locations. By comparison longer meanwhile uses would usually only be considered where there are no other plans for the site in the short/medium term.
- 10.28 It is considered that the proposed meanwhile use, by reason of the 5 year period of use; its proposed scale; the extent of occupation across the site, and; its timeframe for roll out, would impede the policy priority for the residential led redevelopment of the site and the urgent delivery of conventional housing in the borough. The proposal is therefore contrary to: (i) emerging Site Allocation ARCH5; (ii) with the urgent imperative to deliver conventional housing on the site reflected in the housing targets in Policies H1 Part C and H2 Part B; (iii) CS12 Part B in the current Local Plan which seeks to ensure continuous supply of land for housing; and (iv) emerging Policy R9 - Meanwhile/temporary use part B (i).

Design, Conservation and Heritage

Policy Context

- 10.29 The NPPF (2021) states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal...'
- 10.30 Paragraph 126 of the NPPF highlights that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 10.31 Policy HC1 of the London Plan states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of

incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in this design process.

- 10.32 Core Strategy Policy CS9 (Protecting and enhancing Islington's built and historic environment) requires the borough's unique character to be protected by preserving the historic urban fabric.
- 10.33 Development Management Policy DM2.1 requires all forms of development to be of a high quality design, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Permission will be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 10.34 Development Management Policy DM2.3 requires developments to conserve and enhance the borough's heritage assets, in a manner appropriate to their significance. The council requires new developments within Islington's conservation area settings to be of high quality contextual design, and the policy states that harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Part E of the policy states that Non-designated heritage assets, including locally listed buildings, should be identified early in the design process for any development proposal which may impact on their significance and that proposals that unjustifiably harm the significance of a non-designated heritage asset will generally not be permitted.
- 10.35 Draft Local Plan Policy DH1 (A) states that Islington supports innovative approaches to development as a means to increase development capacity to meet identified needs, while simultaneously addressing any adverse heritage impacts and protecting and enhancing the unique character of the borough. Part D of the policy states that the Council will conserve or enhance Islington's heritage assets – both designated and non-designated - and their settings in a manner appropriate to their significance, including listed buildings, conservation areas and locally listed buildings.
- 10.36 Draft Local Plan Policy DH2 part B, states that development within conservation areas and their settings must conserve and enhance the significance of the area and must be of a high quality contextual design. Part C states that Buildings, spaces, street patterns, views and vistas, uses and trees which contribute to the significance of a conservation area must be retained. The significance of a conservation area can be harmed over time by the cumulative impact arising from the loss of these elements which may individually make a limited positive contribution, but cumulatively have a greater positive contribution.
- 10.37 Part I of the policy states that non-designated heritage assets, including locally listed buildings, must be identified early in the design process for any development proposal which may impact on their significance. The Council will encourage the retention, repair and reuse of non-designated heritage assets. Proposals that unjustifiably harm the significance of a non-designated heritage asset or their setting will generally not be permitted.
- 10.38 Historic England Advice Note 2: Making Changes to Heritage Assets (2016) and Historic England GPA3: The Setting of Heritage Assets (2nd edition) are also relevant.

Existing Site and Context

- 10.39 The entire site forms the Holborn Union Conservation Area which is on the Historic England Heritage at Risk register. The historic buildings on the site are Grade A locally listed. These include the Holborn Union main range with its landmark central tower and administration block fronting Archway Road. The main range is flanked by two accompanying slim wing

buildings: Charterhouse to the north, and Clerkenwell to the south. Adjacent to the Clerkenwell building the former Nurses Accommodation Wing occupies part of the southern apex of the site. The Staples building, a single storey former laundry/ workshop, lies to the northern edge of the site.

Design and Heritage Assessment

- 10.40 The buildings on site are currently vacant, as they have been for some time and having an appropriate use for them would likely help with their physical condition as they would not be neglected. In this regard, the proposed use would not be harmful to the character or appearance of the conservation area. There are no alterations proposed to the exterior of the buildings and the submitted plans do not indicate significant changes to the internal plan form. However, it is noted that the Fire Statement suggests there may be a need to install compartmentation and fire resisting walls in some of the buildings. In the absence of further details of the changes needed, no assessment of this impact can be made.
- 10.41 It is considered that the proposed meanwhile use would preserve or enhance the character or appearance of the Holborn Union Conservation Area and be respectful of the locally listed buildings in accordance with Development Management Policy DM2.3 and draft Local Plan Policy DH2.

Accessibility and Inclusive Design

Policy Context

- 10.42 Paragraph 130 (f) of the National Planning Policy Framework (July 2021) states that planning decisions should create places that are safe, inclusive and accessible.
- 10.43 Policy GG1 of the London Plan 2021 requires that development must support and promote the creation of a London where all Londoners, including children and young people, older people, disabled people, and people with young children, as well as people with other protected characteristics, can move around with ease and enjoy the opportunities the city provides. Further, it supports and promote the creation of an inclusive London where all Londoners can share in its prosperity, culture and community, minimising the barriers, challenges and inequalities they face.
- 10.44 The Inclusive Design principles are set out within policy D5 of the London Plan which states that development proposals should achieve the highest standards of accessible and inclusive design. It should:
1. be designed taking into account London's diverse population;
 2. provide high quality people focused spaces that are designed to facilitate social interaction and inclusion;
 3. be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment;
 4. be able to be entered, used and exited safely, easily and with dignity for all 5) be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.

- 10.45 Development Management Policy DM2.2 requires all new developments to demonstrate that they: i) provide for ease of and versatility in use; ii) deliver safe, legible and logical environments; iii) produce places and spaces that are convenient and enjoyable to use for

everyone, and iv) bring together the design and management of a development from the outset and over its lifetime.

- 10.46 Policy PLAN1 requires development to be: 'Inclusive – development must be adaptable, functional and resilient, and able to respond to the spatial, social and economic needs of the borough's increasingly diverse communities and their different and evolving demands. This includes sustaining and reinforcing a variety and mix of uses in line with any relevant land use priorities of the Local Plan'.
- 10.47 The Council's Inclusive Design SPD further sets out detailed guidelines for the appropriate design and layout of existing and proposed new buildings.

Accessibility and Inclusive Design Assessment

- 10.48 No details of inclusive and accessible artist's studio provision or associated facilities were originally submitted with the application and further details of any proposed provision were requested by the Inclusive Design and Access officer. The applicant responded by providing two site layout plans with internal layout details highlighting the location of 6no. studios, 3no. WC facilities and the main canteen area. The selected studios were annotated as "accessible studio" and the WC facilities annotated as "accessible WC". The provision includes 3no. studios (Rooms 15, 16 and 17) and 1no. WC in the eastern part of the Charterhouse building and 3no. studios and 2no. WC facilities in the southern section of the Main Range admin block. The plans do not specify any floor level information, making it difficult to ascertain on which floor level the proposed accessible studios would be located, although the wider external site information included on the plans would suggest they relate to the ground floors of each building.
- 10.49 From the details provided access to the 3no. studios in Charterhouse via various corridors and doors would not be step free and no supporting details have been otherwise provided to demonstrate legible inclusive access routes to the proposed accessible studios. Again, from the details provided access to two of the 3no. studios in the admin block via various doors and corridors would not be step free and no supporting details have been otherwise provided to demonstrate legible inclusive access routes to the proposed accessible studios. One of the studios would be accessed directly from an external door on the southern elevation of the admin block, with occupants being required to negotiate two steps at the doorway. The proposed accessible and inclusive WC facilities in the admin block and canteen area would not be located conveniently in relation to the proposed accessible studios and would again involve convoluted and illegible access routes through various corridors and doors. In addition, the studios would not be located conveniently in relation to the proposed onsite accessible parking spaces in the eastern car park and no details of legible access routes have been provided.
- 10.50 It is acknowledged that the proposal contends with the internal arrangements of a historic building and that a modern building would arguably be more capable of adaption. In addition, with the nature of a temporary meanwhile use the applicant wishes to make minimal interventions to the existing buildings. However, the application is seeking a temporary use for a period of 5 years and up until 2013 the site was in use as a teaching hospital, and prior to that an NHS hospital, which had adapted various parts of the historic interiors to accommodate more accessible and inclusive access arrangements. Given the proposed period of time the meanwhile use would be in operation, it is considered reasonable and appropriate to require policy compliant adequate inclusive and accessible facilities as part of the proposed scheme.
- 10.51 While the proposal would provide 5no. accessible car parking spaces on the site's eastern car park on the hardstanding between the admin block and Charterhouse, no details of accessible cycle parking, mobility scooter parking and associated charging points have been

set out in the application. It is recognised that further provision of cycle and mobility parking and charging facilities could be secured by condition, however the absence of this basic provision in the submitted scheme feeds into a wider lack of consideration to ensure that the proposed meanwhile use would be inclusive and accessible, and meet the needs of intended occupiers and visitors over the 5 year period of operation. The location and accessibility of the proposed inclusive studios would be fundamentally inadequate and would not provide suitable accessible and inclusive spaces for the intended occupiers.

10.52 As such, the proposal fails to provide adequate measures to address accessibility and inclusive design requirements and, therefore, fails to demonstrate that the proposal would result in inclusive, accessible buildings which meets the needs of intended occupiers and visitors. The proposal is, therefore, considered to be contrary to Policy D5 of the London Plan, Islington's Inclusive Design SPD, Policy DM2.2 Part A of Islington's current Development Management Policies, and Policy PLAN1 (B iii) in Islington's draft Local Plan.

Neighbouring Amenity

Policy Context

10.53 Paragraph 130 of the National Planning Policy Framework (July 2021) 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.

10.54 Part D of Policy D3 of the London Plan 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.

10.55 London Plan Policy D13 states that development proposals should manage noise and other potential nuisances. Part C of the policy states that new noise and other nuisance-generating development proposed close to residential and other noise-sensitive uses should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses.

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

10.57 Draft Local Plan Policy PLAN1 part B (i) identifies that a good level of amenity must be provided, including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution (such as air, light and noise), fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

10.58 Draft Local Plan Policy DH5 states that any potential adverse impacts which may arise due to new development being located close to sensitive uses must be fully prevented via the design/layout of a scheme and/or the incorporation of other appropriate measures to limit the impact. In terms of noise and vibration the policy requires that all development proposals which have the potential to cause or exacerbate unacceptable noise and vibration impacts on land uses and occupiers in the locality must fully assess such impacts.

- 10.59 Draft Local Plan Policy R9 Meanwhile/ temporary uses part B (iii) states that any meanwhile/temporary use will be appropriate where potential adverse amenity impacts are prevented or mitigated.

Neighbouring Amenity Assessment

- 10.60 It is noted that the southern apex of the site borders Archway Town Centre and the intensive commercial activity associated with Navigator Square, Junction Road and Holloway Road. However, travelling northwest up Highgate Hill, following the mature tree lined flank of the western boundary of the site, the prevailing urban context begins to change and becomes more residential in character.
- 10.61 The closest residential properties which could potentially be affected by the proposed meanwhile use bound the site to the north, including terraced housing on Lidyard Road, flats at The Academy on Highgate Hill and flats at Whitehall Mansions, which lies on the junction of Lidyard Road and Archway Road. There are other residential properties located to the west of the site on the opposite side of Highgate Hill at Magdala Avenue and Annesley Walk. Archway Heights, a nine-storey residential block, is located to the east of the site on the opposite side of Archway Road.
- 10.62 The proposed meanwhile use would facilitate up to 326 artists' studios across the site for a temporary period of 5 years. The studios would be supplemented by exhibition space, lecture space and ancillary offices for the management/ security companies as well as on site facilities including a site workshop and canteen area. The applicant estimates that the site would accommodate some 800 individual artists which would equate to approximately 2.5 artists per studio.
- 10.63 In terms of hours of operation, it is proposed that artists will be able to access their workspace 24 hours a day, and it is anticipated by the applicant that the majority of artists will have alternative employment and so will need access the site in the evenings and at weekends. As such, the use of the site is likely to intensify during the evening and at weekends. The range of multidisciplinary artists accommodated at the site could include a variety of associated activities including some light industrial processes and the use of mechanical tools as well as musicians and filmmakers with the potential to generate external noise. In addition, the use could attract artists that wish to run classes or hold workshops for members of the public to attend. As such it is noted that with the range of potential occupiers the proposed meanwhile use would bring an increased scale and intensification of activity to the site, particularly around the northern parts of the site and the boundary with the adjacent residential properties.
- 10.64 It is proposed that exhibitions held at the site would take place quarterly from 10am to 6pm, although no details have been provided as to how many days/ weeks/ months an exhibition would run for. Exhibitions would be marketed on SET's website with the intention of giving artists associated with the site the opportunity to present their work to the public. All exhibitions would be managed by a SET member. It is unclear from the supporting material provided with the application what kind of additional footfall an exhibition would attract to the site; however, it is acknowledged that this is difficult to predict and would heavily depend on a variety of factors.
- 10.65 In addition to the artists' studios and exhibition space an ancillary canteen area would be provided within the Holborn Union building. However, there would be no food for sale and the intention would be that artists using the site would bring their own food. It is acknowledged that, in the event of the application being approved officers could seek to restrict the use of the canteen space by condition to ensure no serving or preparing of food and to make sure it would not be open to public.

- 10.66 While the western, southern and eastern flanks of the Archway Campus site are buffered from neighbouring residential estates by the adjacent road network, the northern boundary to the site directly adjoins the rear gardens of residential properties at Lidyard Road as well as the flats at The Academy and Whitehall Mansions. The site is within a relatively dense urban area with two busy main roads and junctions and Whittington Hospital to the west. Given its mixed character it is considered that the majority of neighbouring residents living nearby can reasonably expect to experience a degree of noise and disturbance from traffic and vehicle movements than those living in a purely residential area.
- 10.67 Nevertheless, the site's main entrances would be from the existing access points on Highgate Hill and Archway Road, which connect through the existing servicing roads and with the site's main reception facilities and on-site security based at the Furnival and Ely buildings. This would effectively focus the 24 hour activity from arrivals to the site/ departures from the site and activity associated with site management and security to the northern edge which is directly adjacent to the boundaries of the closest residential properties. The proposal would involve occupants at the site coming and going potentially 24 hours a day focused around one of the most sensitive parts of the site in terms of neighbouring amenity, with the residential properties situated in close proximity to the north. Given the scale of the proposed meanwhile use there would be a significant intensification of activity at the site arising from up to 326 artists' studios and potentially 800 individual artists.
- 10.68 The application's supporting statement claims that at other 'SET Centres' the majority of artists would only be on site part time, as they supplement their income with alternative employment, and so there is likely to be a much lower number of artists on site at any one time. However, while this point is noted, the overall capacity of the site would be intended for some 800 individual artists and a significant proportion of associated activity is, therefore, likely to take place during evenings and weekends.
- 10.69 It is acknowledged that up until 2013 the site was previously in use as a university teaching hospital which would have inevitably carried with it an element of activity during early morning, evening and weekend hours and have the potential to cause noise and disturbance to the neighbouring residents. Nevertheless, the main focus of the hospital was in research, teaching and learning and there were no intensive 24 hour departments such as A&E operating from the site. The nature of the teaching hospital campus, including activity such as the comings and goings of staff, students and patients would have been focused on daytime hours - rather than evenings and weekends throughout an open 24 hour period as is being proposed. Whilst there would have been an element of evening and weekend activity on site, any operation would have been to a much lesser scale during "out of hours" times. As such, it is considered that the proposed meanwhile use, including the 24 hour operation, would be demonstrably more intense and harmful in terms of noise and disturbance than the previous use at the site.
- 10.70 In the event of the application being approved officers would seek to restrict the types of activities at the site. However, it is not considered that the inclusion of conditions restricting the hours of operation would be compatible with the proposed meanwhile use in this instance, particularly given that the applicant has set out that the 24 hour artist studio use is a fundamental part of the offer and is specifically required to give tenants a greater degree of flexibility to accommodate the evening and weekend use, when the space will be most required.
- 10.71 Overall, it is considered that the proposed meanwhile use would, due to the proposed excessive scale of use, result in adverse amenity impacts, including noise and disturbance to neighbouring residents, through the intensification of activity arising from the quantum of artist studios/ exhibition space, the extent of occupation across the whole site and the intention to operate the use for 24 hours a day. The proposal is, therefore, considered to be

contrary to London Plan Policy D3, Development Management Policy DM2.1 and draft Local Plan Policy PLAN1 part B (i), Policy R9 B (iii) and DH5.

Energy and Sustainability

- 10.72 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and standards relevant to sustainability are set out throughout the NPPF. Paragraph 152, under section 14. 'Meeting the challenge of climate change, flooding and coastal change', highlights that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 10.73 The NPPF para 157 states that in determining planning applications, LPAs should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 10.74 London Plan Policy GG6 seeks to make London a more efficient and resilient city, in which development must seek to improve energy efficiency and support the move towards a low carbon circular economy, contributing towards London becoming a zero carbon city by 2050. Proposals must ensure that buildings are designed to adapt to a changing climate, making efficient use of water, reducing impacts from natural hazards like flooding and heatwaves, while mitigating and avoiding contributing to the urban heat island effect.
- 10.75 London Plan Policy SI 2, in support of the strategic objectives set out in Policy GG6 above, stipulates for new developments to aim to be zero carbon with a requirement for a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy. It requires all major development proposals to contribute towards climate change mitigation by reducing carbon dioxide emissions by 35% through the use of less energy (be lean), energy efficient design (be clean) and the incorporation of renewable energy (be green). Moreover, where it is clearly demonstrated that the zero carbon figure cannot be achieved then any shortfall should be provided through a cash contribution towards the Council's carbon offset fund.
- 10.76 Policy CS10 of the Islington Core Strategy requires that development proposals are designed to minimise onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation. Developments should achieve a total (regulated and unregulated) CO₂ emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically, all remaining CO₂ emissions should be offset through a financial contribution towards measures which reduce CO₂ emissions from the existing building stock.
- 10.77 Policy DM7.1 of the Islington Development Management Policies requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.
- 10.78 Draft Local Plan Policy S1: Delivering Sustainable Development sets out that the Council will seek to ensure the borough develops in a way that maximises positive effects on the

environment and improves quality of life, whilst minimising or avoiding negative impacts. The Policy goes on to state that the Council will promote zero carbon development, with the aim that all buildings in Islington will be net zero carbon by 2050. To ensure that Islington is on the right trajectory to achieve this target, sustainable design must be considered holistically from the start of the design process and all development proposals are required to demonstrate how they will comply with all relevant sustainable design standards and policies during design, construction, and operation of the development.

10.79 All development proposals must maximise energy efficiency and minimise on-site greenhouse gas emissions echoing the requirement to accord with the energy hierarchy:

- be lean: use less energy and manage demand during operation. Energy demand (both annual and peak) must be minimised as far as possible through consideration of building fabric energy efficiency as an integral part of the design, with a focus on building form and passive design in addition to specification.
- be clean: supply energy efficiently and cleanly, and utilise local energy resources (such as heat networks and secondary heat).
- be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site.
- be seen: monitor, verify and report on energy performance.

10.80 Draft Local Plan Policy S2 (part A) states that all development proposals are required to submit a Sustainable Design and Construction Statement (SDCS) which must demonstrate that the proposal meets all relevant sustainable design policies. The Sustainable Design and Construction Statement must show how sustainable design has been considered holistically from the start of the design process and is integrated throughout the construction and operation of the development.

10.81 Part B of the policy outlines that the SDCS must include the following details:

- (i) Energy Strategy - demonstrate how the net zero carbon target will be met within the framework of the energy hierarchy and justify the heat source selection in accordance with the heating hierarchy. For detailed requirements see Policy S4: Minimising greenhouse gas emissions; and Policy S5: Energy Infrastructure.
- (ii) Adaptive Design Strategy – demonstrate how the application addresses circular economy principles, including the impact and efficiency of construction materials, and how the development has been designed to adapt to change. For detailed requirements see Policy S10: Circular Economy and Adaptive Design.
- (iii) Landscape Design Strategy – demonstrate an integrated approach to hard and soft landscape design which maximises urban greening, soft landscaping, biodiversity and sustainable drainage, including the incorporation of SUDS into the landscape design. For detailed requirements see Policy G4: Biodiversity, landscape design and trees.
- (iv) Integrated Water Management and Sustainable Drainage – demonstrate an integrated approach to water management which considers sustainable drainage, water efficiency, water quality and biodiversity holistically. Major developments must submit a Surface Water Drainage Pro-forma to ensure surface water drainage proposals meet the drainage requirements. For detailed requirements see Policy S9: Integrated Water Management and Sustainable Drainage.

(v) Operational sustainability – demonstrate how the development will be designed to facilitate ongoing effective and sustainable use, management and maintenance. For detailed requirements see Policy S4 Minimising greenhouse gas emissions and Policy S6: Managing Heat Risk.

(vi) Air Quality - demonstrate how the development will be designed, constructed and operated to limit its contribution to air pollution, improve local air quality, and reduce exposure to poor air quality, especially for vulnerable people. For detailed requirements see Policy S7: Improving air quality.

Energy and Sustainability Assessment

10.82 The applicant's supporting Planning, Design and Access statement states that the proposals seek permission for a meanwhile use, whilst the site is awaiting longer term development and it is therefore not proposed that large investment will be made into the energy efficiency or sustainable supply of energy at this point.

Delivering Sustainable Design

10.83 The Council's Sustainability Officer has reviewed the proposals and advised that considering the length of time and the scale of the proposed temporary use, the application is required to take into consideration sustainable design policy requirements. Draft Local Plan Policy S1 (Part C) requires all development to maximise energy efficiency and minimise on-site greenhouse gas emissions in accordance with the energy hierarchy.

10.84 The application fails to set out any strategies for reducing energy consumption in operation, including details relating to: the heating strategy; emissions from plant or equipment; modelling of evidence strategies that maximise efficiency (such as ventilation, draught-proofing and efficient fittings and fixtures, such as movement detectors and energy meters) and emissions reduction (such as installation of highly efficient heating system). No details have been provided in relation to the ventilation and cooling strategy and how this relates to the wider operational approach to sustainability within constraints of the existing building and fabric.

Sustainable Design and Construction

10.85 Draft Local Plan Policy S2 requires all developments to submit a Sustainable Design and Construction Statement (SDCS) which must demonstrate that the proposal meets all relevant sustainable design policies. However, an SDCS has not been submitted with the application and the proposal does not therefore demonstrate how sustainable design has been considered holistically from the start of the design process and is integrated throughout the operation of the development. In this case, given that no operational development is proposed, it would be expected that the SDCS sets out how key policy elements have been addressed or why they are not applicable in the context of proposal. However, this information has not been provided.

Sustainable Design Standards

10.86 In terms of whole-life carbon impacts, Draft Local Plan Policy S3 requires development to achieve BREEAM UK Non-Domestic Refurbishment and Fit-out (or equivalent scheme). However given the temporary nature of the meanwhile use the Sustainability Officer has advised that this requirement would not be applicable in this instance.

Minimising greenhouse gas emissions

- 10.87 Draft Local Plan policy S4 Part A, like S1 Part C, requires developments to demonstrate how greenhouse gas emissions will be reduced in accordance with the energy hierarchy. The proposal is required to demonstrate that it has sought to reduce emissions as far as possible. However, this information has not been provided by the applicant.

Flood Risk Management

- 10.88 Draft Local Plan Policy S8 requires certain types of development taking place in a critical drainage area to submit a Flood Risk Assessment (FRA). Archway Campus lies within Flood Zone 1 which has a low probability of flooding and the proposed development represents a change of use to a “less vulnerable” use.

Integrated Water Management and Sustainable Drainage

- 10.89 Draft Local Plan Policy S9 (Part A) requires all development proposals to adopt an integrated approach to water management which considers sustainable drainage, water efficiency, water quality and biodiversity holistically across a site and in the context of links with wider-than-site level plans.
- 10.90 The site is not located in a surface water flooding area and given the temporary use, the Sustainability Officer has advised that some flexibility should be granted relating to implementation of SUDS. However, the application is required to demonstrate through the SDCS the minimisation of mains water use and the protection of the quality of local water resources, with particular attention given to mitigating the impact on ground water quality relating to the site’s proposed use. This information has not been provided as part of the application.

Circular Economy and Adaptive Design

- 10.91 Draft Local Plan Policy S10 requires a circular economy approach is adopted to keep products and materials in use for as long as possible. This circular economy approach, should set out how the proposed operation of the meanwhile use would adopt a circular economy approach to minimise its residual waste and keep materials in use for as long as possible. The Sustainability Officer has advised that artists’ studios offer an excellent opportunity to promote reuse and recycling of materials and exploration of enabling such circularity would be required.

Energy and Sustainability Conclusions

- 10.92 The applicant’s supporting statement sets out that large investment will not be made into the energy efficiency or sustainable supply of energy as part of the proposed 5 year meanwhile use. As such the proposal does not engage with the Council’s energy and sustainability policies or attempt to address any of the policy requirement set out above.
- 10.93 The Sustainability Officer has advised that while some policy requirements would not be applicable to the meanwhile use there are a number of key energy and sustainability measures that should be addressed as part of the application. As such, in the event of the application being approved officers would seek to secure the submission of an appropriate Sustainable Design and Construction Statement prior to the occupation of the site.

Highways and Transport

Policy Context

- 10.94 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. A 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.
- 10.95 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.
- 10.96 Draft Local Plan Policy T1 requires all development proposals must take into account the link between land use, transport accessibility and connectivity, and promoting journeys by physically active means, like walking or cycling (known as active travel), and to prioritise practical, safe and convenient access and use by sustainable transport modes. Part D of the policy requires all new development will be car-free, which will contribute to the strategic aim for a modal shift to sustainable transport modes. Policy T3 requires all new development to be car free.
- 10.97 The site has excellent access to public transport and has a Public Transport Accessibility Level (PTAL) of 6a/6b, which is the highest rating. The closest Underground station is Archway, located to the south of the site on the opposite side of Navigator Square and provides access to the Northern Line. The closest bus stops to the site are on Highgate Hill immediately outside the site, with bus routes to Brent Cross Shopping Centre, Finsbury Square and Haringay. The closest Overground station to the site is Upper Holloway Station situated 550m southeast of the site off Holloway Road, with services running to Gospel Oak and Barking.
- 10.98 The site is bounded by a wall and perimeter fence and whilst there is pedestrian access into the site there are no public routes into or through the site.
- 10.99 There is an existing vehicular access point from Highgate Hill and two existing vehicular access points from Archway Road, which are linked by a servicing road running east to west through the northern part of the site. It is intended that the site would be serviced from Archway Road.

Vehicle Parking

- 10.100 Draft Local Plan Policy T3 part A states that all new developments will be car free. Part C states that Parking will only be allowed for non-residential developments where this is essential for operational requirements and therefore integral to the nature of the business or service. In such cases, parking will only be permitted where an essential need has been demonstrated to the satisfaction of the Council and where the provision of parking would not conflict with other Council policies. Normal staff parking will not be considered essential and will not be permitted.

- 10.101 The supporting text in paragraph 7.29 states that *“the number of car parking spaces existing on-site will not be accepted as a justification to provide car parking in contravention to the car-free policy...”*
- 10.102 The site has several existing car parks with marked bays left over from its previous use as a teaching hospital. This includes parking spaces for approximately 12 vehicles in front of the Staples building to the north, approximately 35 parking spaces in a central area of hardstanding to the western side of the site and a further 39 marked/ unmarked parking spaces to the east of the site on the hardstanding forecourt area surrounding the admin block and Charterhouse buildings.
- 10.103 The supporting Design and Access Statement and Transport Statement both state that no new car parking spaces will be created on the site and that 5no accessible car parking spaces will be made available in the car park to the eastern edge of the site, although it is unclear what measures will be put in place to prevent the use of the existing on-site car parking provision by tenants and those working at the site.
- 10.104 Artists will be encouraged to travel to the site via sustainable modes of transport including, walking, cycling, and using public transport. However, the application details do not specify that the abundance of existing car parking spaces would not be utilised as part of the operation of the proposed meanwhile use for either tenants or those working at the site as part of a car free operation.
- 10.105 An essential need for on site car parking spaces has not been demonstrated by the applicant and in the event of the application being approved officers would seek to restrict the availability of any on site car parking provision for employees or tenants, other than accessible spaces, in accordance with draft Policy T3.

Cycle Parking

- 10.106 In terms of cycling, Policy T5 of the London Plan states that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. It should also secure appropriate levels of cycle parking which should be fit for purpose, secure and well-located.
- 10.107 For Class E(g) uses Table A4.1 in Appendix 4: Cycle Parking Standards of the draft Local Plan requires 1 space per 250sqm (GEA) per member of staff of which 20% should be accessible and 1 space per 1000sqm (GEA) for visitors or customers of which 20% should be accessible. This would equate to a minimum cycle parking requirement of approximately 70 staff spaces and 18 visitor spaces for the proposed meanwhile use. Given that the proposal would provide 326 studios and accommodate some 800 artists it is noted that the required cycling provision is low.
- 10.108 It is proposed that one of the large ground floor rooms at the Furnival building would be converted to a cycle store comprising 27 temporary Sheffield cycle stands equating to a total of 54 cycle spaces for staff and visitors. There is no provision indicated for accessible cycle parking spaces nor any provision for mobility scooter parking and charging facilities. An inclusive and accessible access route to the proposed cycle store has not been demonstrated and no end of trip facilities for cyclists have been indicated as part of the submitted cycle parking details.
- 10.109 The proposed cycle parking does not meet the policy obligation and the provision would be inadequate resulting in insufficient cycling facilities. In the event that the application were to be approved officers would seek to secure at least a policy compliant quantum and standard of onsite cycling provision as part of the 5 year temporary use.

Servicing and Waste Management

10.110 Part A of policy DM8.6 (Delivery and Servicing for New Developments) states that for commercial developments over 200 square metres, delivery/servicing vehicles should be accommodated onsite, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis).

10.111 Draft Local Plan Policy T5 (B) requires 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.

(v) provide delivery and servicing bays whose use is strictly controlled, clearly signed and only used for the specific agreed purpose;

10.112 Local Plan Policy ST2 requires all proposals to provide recycling facilities which:

(i) fit current and future collection practices and targets;

(ii) are accessible to all;

(iii) are designed to provide convenient access for all people, helping to support people to recycle; and

(iv) provide high quality storage and collection systems in line with Council guidance.

10.113 The site will be serviced via the existing southern-most entrance from Archway Road. The site will be serviced off-street utilising the existing southern entrance from Archway Road. Delivery vehicles would enter and exit the site in forward gear and vehicle tracking swept path analysis has been provided as part of the submitted Transport Assessment.

10.114 Delivery and servicing at the site will be achieved via the access point located along Archway Road. Servicing and deliveries will take place from within the grounds of Archway Campus within the hours of 08:00-16:00. A waste storage and recycling facility will be provided with the internal areas of each building and then moved to a central storage area on the south-eastern part of the site for collection. The swept path arrangements of anticipated refuse collection and service vehicles is set out in the Transport Assessment. In the event that the application were to be approved officers would seek to secure a Delivery and Servicing Plan to achieve policy compliance as part of the 5 year temporary use.

Biodiversity and Landscaping

10.115 London Plan Policy G1 states that development proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network. Policy G5 further states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

10.116 Policy CS15 of the Islington Core Strategy and policy DM6.5 of the Islington Development Management Policies reads that the council will seek to maximise opportunities to 'green' the borough through planting, green roofs, and green corridors to encourage and connect green spaces across the borough; development proposals are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity

benefits. Part C of the policy requires new-build developments, and all major applications, to use all available roof space for green roofs, subject to other planning considerations.

- 10.117 The site retains some fragmented areas of open space with 11 mature London plane trees to the western boundary with Highgate Hill, which are protected by a Tree Preservation Order (pre-dating the conservation area designation). There are also 4 mature London plane trees to the Archway Road side of the site, set back from the boundary wall and adjacent to the southern element of the administration block. All of the trees and vegetation on site are protected by virtue of their inclusion in the Holborn Infirmary Conservation Area.
- 10.118 The proposed meanwhile use does not propose any landscaping works or alterations to the external areas of the site or seek the removal of any existing trees or vegetation from the site.
- 10.119 Draft Local Plan Policy G4 requires developments to enhance and contribute to the landscape, biodiversity value and growing conditions, including protecting and enhancing connectivity between habitats. Archway Park, which is designated as a Site of Importance for Nature Conservation (SINC), is located to the east of the site on the opposite side of the Archway Road. The application is required to demonstrate that it will not adversely affect the SINC and confirmation should be provided as to how the existing green infrastructure will be retained and managed and that the operation will not impact on the SINC. This information has not been provided as part of the application submission.
- 10.120 Part F of Draft Local Plan Policy G4 states that all developments, including refurbishment works, must carry out ecological surveys and assessments wherever the proposed development is likely to have an impact on protected species; habitats or priority species identified in the borough's Biodiversity Action Plan; and/or is either within or in close proximity to a SINC(s).
- 10.121 A Preliminary Ecology Assessment and a Preliminary Roost Assessment, both prepared by the Ecology Consultancy have been submitted with the application.
- 10.122 The Preliminary Ecology Assessment and identifies the following key ecological issues:
- Buildings with suitable features to support roosting bats have been identified;
 - Habitat suitable for breeding birds is present – measures must be taken to avoid killing birds or destroying their nests;
 - A range of measures should be undertaken to satisfy the requirement for ecological enhancement included in planning policy.
- 10.123 The ecology report recommends further survey work is required, including a Nesting Bird Check survey and a Bat – Presence/ Likely Absence survey. The necessary bat survey (Preliminary Roost Assessment) has also been submitted with the application. As such, in the event of the application being approved officers would seek to impose a condition to secure the submission of the necessary additional bird survey work prior to the occupation of the site.
- 10.124 The Preliminary Roost Assessment found no evidence of roosting bats recorded in any of the buildings on site during the assessment, however moderate suitability and low suitability to support hibernating bats was noted. The preliminary bat report also recommends that further survey work is undertaken in order to demonstrate presence or to reliably infer absence of bats. Additional information is also required to fully assess the impacts of the proposed development once its details are known and to devise an appropriate mitigation strategy in compliance with the relevant legislation and policy. As such, in the event of the application being approved officers would seek to impose a condition to secure the submission of the necessary additional bat survey assessment work and mitigation strategy prior to the occupation of the site.

Fire Safety

- 10.125 Policy D12 of the London Plan states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety.
- 10.126 Paragraph 3.12.1 of the London Plan states that: *“The fire safety of developments should be considered from the outset... How a building will function in terms of fire, emergency evacuation, and the safety of all users should be considered at the earliest possible stage to ensure the most successful outcomes are achieved, creating developments that are safe and that Londoners can have confidence living in and using”.*
- 10.127 Paragraph 3.12.2 of the London Plan states that: *“The matter of fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that development proposals achieve the highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage, taking into account the diversity of and likely behaviour of the population as a whole.”*
- 10.128 Paragraph 3.12.8 of the London Plan states that: *“Policy D5 Inclusive design requires development to incorporate safe and dignified emergency evacuation for all building users, by as independent means as possible. In all developments where lifts are installed, Policy D5 Inclusive design requires as a minimum at least one lift per core (or more, subject to capacity assessments) to be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building. Fire evacuation lifts and associated provisions should be appropriately designed and constructed, and should include the necessary controls suitable for the purposes intended”.*
- 10.129 Part B of Policy D12 states that all major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. This should be a qualified engineer with relevant experience in fire safety, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers, or suitably qualified and competent professional with the demonstrable experience to address the complexity of the design being proposed.
- 10.130 Fire Statements should contain: the building’s construction; means of escape for all building users; features that reduce the risk to life; access for fire service personnel and equipment; provision for fire appliances; and future modifications to the building.
- 10.131 A Fire Statement (Rev.A), prepared by 3-FE Ltd, was originally submitted with the application.
- 10.132 The Health and Safety Executive were consulted and advised that they had no comments to make, as it was noted that the application was for a temporary change of use, and the proposed change does not include relevant buildings.
- 10.133 The London Fire Brigade (LFB) were consulted on the initial Fire Statement submission and advised that they were unable to comment on the suitability of the proposals as it was unclear from the information provided whether Fire Brigade access, facilities and the provision/location of hydrants demonstrated compliance with the functional requirements of the Building Regulations, particularly in regard to B5; access and facilities for the fire service.
- 10.134 A revised Fire Statement (Rev.C) was submitted by the applicant to address the comments raised by LFB.

- 10.135 The London Fire Brigade have been reconsulted in relation to the revised Fire Statement, but at the time of writing this report no further comments had been received from LFB.
- 10.136 The revised Fire Statement (Rev.C) has been reviewed by Islington's Building Control Service and the following comments have been received:
- Authors competence – the report does not include reference to specific experience of designing the fire safety strategy for this type of development.
 - The Storage of Higher hazard materials should be confirmed as this will affect the fire safety design of the building.
 - Maximum, travel distances for means of escape in case of fire to be confirmed.
 - Need to confirm exit widths and accessible widths.
 - Evacuation lift provision is not confirmed.
 - Evacuation for vulnerable persons /requiring assistance provision is not firm.
 - Required Fire resistance of buildings is mentioned but not confirmed.
 - The Holborn and Furnival buildings have floors above 18m and fire fighting shafts are not confirmed – proposals are suggested but this is not firm design.
 - The report indicates that the four buildings with a floor above 11m need further consideration according to the report.
 - It is not clear if fire service access is followed in accordance with Guidance Note 29 – Access For Fire Appliances.
 - Likely the site /buildings will undergo changes in the future because this development is for 5 years - not considered/answered.
- 10.137 Under the Building Regulations, it is noted that uses of a building for over 2 years would not be considered as short life building/ use and as such the proposed 5 year temporary meanwhile use at the site would be required to achieve full compliance with Building Regulations as if it was a permanent change of use.
- 10.138 The Building Control officer has highlighted an overarching concern that the revised Fire Statement (Rev.C) is not specific and relevant to the operation of the proposed artists' studios and exhibition space use and lacks sufficient depth to provide certainty that it would adequately address the necessary fire safety requirements. A consistent concern identified throughout the Fire Statement is that it is high level in nature, setting out the applicable fire safety standards, but crucially does not explicitly demonstrate how the standards would be applied to the safe operation of the proposed meanwhile use. The main areas of concern/ non-compliance with Policy D12 relate to the means of escape for building users who are disabled or require level access; features that reduce the risk to life; access for fire service personnel and equipment; and provision for fire appliances.
- 10.139 In addition, the Fire Statement makes no provision for the operation of exhibitions as part of the meanwhile use. While information provided with the application on this aspect of the proposed use is limited, the supporting planning statement sets out that exhibitions at the site would be open to the public and held on a quarterly basis. However, no consideration has been set out in the Fire Statement in relation to the hazards, risks and management of members of the public to safely visit the site to attend exhibitions.
- 10.140 There are no alterations proposed to the exterior of the buildings and the submitted plans do not indicate significant changes to the internal plan form. However, it is noted that the Fire Statement suggests there may be a need to install compartmentation and fire resisting walls in some of the buildings. In the absence of further details of the changes needed, no assessment of this impact can be made.
- 10.141 Paragraph 3.12.11 of the London Plan notes that some refurbishment may not require planning permission; nevertheless, the Mayor expects steps to be taken to ensure all existing buildings are safe, taking account of the considerations set out in Policy D12, as a matter of

priority. The details and additional measures required to address the identified non-compliance with Policy D12 and Policy D5 could result in further works that have not been presented before officers and could involve substantial changes to the scheme as currently proposed. Demonstrating compliance and achieving the relevant fire safety standards for 326 artists' studios and exhibition space accommodating some 800 artists is a fundamental requirement in terms of the acceptability of the proposed meanwhile use. It would not, therefore, be considered appropriate in this instance to secure the necessary fire safety details that are essential to the acceptability of the scheme through a condition.

- 10.142 The revised Fire Statement (Rev.C), therefore, provides insufficient evidence that the proposed temporary meanwhile use would be in compliance with the requirements of London Plan Policy D12. The proposal also fails to demonstrate safe and dignified emergency evacuation for all building users as required by London Plan Policy D5.
- 10.143 The proposal, therefore, fails to provide sufficient detail to demonstrate that the operation of the proposed meanwhile use would achieve the highest standards of fire safety and ensure the safety of all building users in accordance with policy.

Implications for Projected CIL Contributions

Overview

- 10.144 Separate to the other points above, it is considered necessary to consider the implications for future CIL receipts arising from this meanwhile use. As things stand on redevelopment under the allocation, full CIL would be payable with no or only limited offsets. Very substantial CIL receipts would be received to facilitate the development of the area by provision of necessary public infrastructure.
- 10.145 However, if this proposal was to be approved and implemented, it would generate a very substantial offset across the whole site of the CIL required to be paid on the redevelopment. The proportion of CIL relief is directly related to the scale of use across the site.
- 10.146 It is considered that the direct impact of these proposals on future CIL receipts on redevelopment pursuant to the allocation is required to be taken into account under the legislative scheme and that the loss of very substantial contributions to necessary public infrastructure to facilitate development gives rise to a further reason for refusal. The benefits of temporary uses for artists does not outweigh the loss of CIL receipts and thus public infrastructure.

Detail

- 10.147 The site is allocated for significant development and forms part of the wider spatial strategy which supports growth in key locations in the borough – including the Archway spatial policy area.
- 10.148 The borough is required to plan for infrastructure to support growth and CIL is in place to help ensure development contributes towards this. This is also supported by policy.
- New Local Plan policy ST1, part A (ii) is clear that the Council will identify and deliver the infrastructure required to support development growth over the plan period and enable effective delivery of the Local Plan objectives through requiring contributions from development to ensure that the infrastructure needs associated with development will be provided for, and to mitigate the impact of development. This is also reflected in adopted Core Strategy policy CS18.

- In addition, Development Management Policy DM9.1, part A states that to ensure development is sustainable planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Infrastructure requirements will be predominantly addressed through the council's Community Infrastructure Levy (CIL).
- London Plan policy DF1 is clear that Applicants should take account of Development Plan policies when developing proposals and acquiring land. Development proposals should provide the infrastructure and meet the other relevant policy requirements necessary to ensure that they are sustainable and to support delivery of the Plan.

- 10.149 The impact on future CIL receipts related to the future development of the site is therefore relevant to the above policy considerations.
- 10.150 Currently no part of the existing site has been in lawful use during the past three years and does not generate any CIL offset in accordance with the CIL Regulations 2010 and would not therefore reduce the CIL payable on the grant of a future planning permission for residential development. If planning permission were to be granted for the proposed meanwhile use it would trigger such an offset and potentially generate multi-million-pound CIL savings. This will have significant planning consequences given the purpose for which CIL is levied.
- 10.151 The proposed meanwhile use, which is expressly pending long term residential development of the site, would result in a substantial reduction of the projected CIL contributions that residential development would generate. It is therefore considered to be unacceptable as being inconsistent with the statutory scheme in relation to CIL.
- 10.152 The CIL contributions from the residential development are a necessary material consideration under s.70(2)(b). Those contributions are necessary to facilitate the development of the area. Granting this permission would significantly reduce those contributions with necessary planning consequences. The proposal would therefore hinder the council's ability to address and mitigate future impacts on local infrastructure which would result from the future large scale residential led redevelopment of the site. As such the proposed change of use would result in a loss of enhancements to services and the environment necessary as a consequence of demands created by a residential redevelopment of the site, contrary to adopted policy CS18 of Islington's Core Strategy, Policy DM9.1 of Islington's Development Management Policies related to infrastructure provision and contrary to the emerging Policy ST1 on Infrastructure Planning and Smart City Approach of Islington's Draft Local Plan.

Planning Obligations & Community Infrastructure Levy

- 10.153 Notwithstanding officer's view that the proposal is unacceptable and should not be granted planning permission, if the scheme were to be approved impacts (other than those highlighted as concerns by officers in the reasons for refusal) would need to be mitigated through planning obligations, secured via the provisions of a Deed of Planning Obligation under Section 106 of the Town and Country Planning Act 1990 which would secure the required heads of terms between the Council and all persons with an interest in the land (including mortgagees).
- 10.154 Planning obligations are always drawn up and negotiated based on the characteristics of the individual site and development proposed. Obligations can include either direct provision of a service or facility, contributions towards a provision made by the Council, or both. Obligations reflect the priorities and objectives set out in the London Plan and in Islington's Core Strategy, Development Plan Documents and Supplementary Planning Documents although other matters may be considered if they are relevant to the proposal.

10.155 Part 11 of the Community Infrastructure Levy (CIL) Regulations 2010 introduced the requirement that planning obligations under Section 106 must meet 3 statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2019 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.

10.156 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development and if specific off-site measures are required to make the development acceptable these should be secured through a S106 agreement.

10.157 Policy CS18 (Delivery and Infrastructure) of the Islington Core Strategy 2011 states that the council will work with its partners to deliver the infrastructure required to support development, and will require contributions from new development to ensure that the infrastructure needs are provided for and that the impacts of the development are mitigated. The proposed development would be subject to S106 obligations to ensure that appropriate education and training opportunities arise from the development, which would require a local employment and training contribution and a construction training placement during the construction period.

10.158 Emerging Local Plan Policy ST1 (Infrastructure Planning and Smarter City Approach) (A) states that:

The Council will identify and deliver the infrastructure required to support development growth over the plan period and enable effective delivery of the Local Plan objectives, through:

(i) utilising an Infrastructure Delivery Plan and working with relevant providers to ensure necessary infrastructure is provided; and

(ii) requiring contributions from development to ensure that the infrastructure needs associated with development will be provided for, and to mitigate the impact of development

10.159 A Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development were the application to be approved. The necessary Heads of Terms are:

- Compliance with the Code of Employment and Training.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £35,000 and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection.
- Contribution covering the cost of provision of 24 on street accessible parking bays or a contribution towards bays or other accessible transport initiatives of: £48,000
- A contribution (TBC) towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920 per tonne).
- The provision, implementation and monitoring of a green travel plan.

- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring, and implementation of the Section 106 agreement.

10.160 Until a legal agreement to secure obligations is finalised then impacts and harm arising from the development would not be mitigated and an objection would remain. In the absence of any legal agreement to secure necessary planning obligations this forms a reason for refusal.

11. CONCLUSION

- 11.1 It is recognised that short term meanwhile uses for cultural and creative activities can help to stimulate vibrancy and viability in a local area and that bringing the vacant buildings at Archway Campus back into active use could provide some economic, cultural and community benefit to Archway town centre and to the artists themselves. Having an appropriate use for the vacant historic buildings on the site, which are locally listed, could also likely help with their physical condition. However, the proposal raises several significant concerns and issues in relation to the identified need for the proposed meanwhile use, the implications for land use and the urgent delivery of conventional housing, the potential impacts on residential amenity and the insufficient provision of acceptable accessible and inclusive design measures and fire safety standards, and the implications for projected CIL payments.
- 11.2 Firstly, the report sets out that the meanwhile use would be of a far greater scale than the limited local need for artists' studios/exhibition space that has been identified by the Council. As a direct consequence of the resultant over-provision of artist's studios, it is considered that the proposed temporary use, by reason of its scale, and intended period of occupation, could lead to significant numbers of occupiers being displaced into the surrounding area at the end of the temporary 5 year period with insufficient capacity for local re- accommodation.
- 11.3 Furthermore, the vacant site is subject to emerging Site Allocation, ARCH5, for residential led development. The site allocation sets out that *"given the very limited supply of development land in Islington policies strongly prioritise the most urgent need, which is conventional housing"*. It is considered that the proposed meanwhile use, by reason of the 5 year period of use; its proposed scale; the extent of occupation across the site, and; its timeframe for roll out, would impede the policy priority for the residential led redevelopment of the site and the urgent delivery of conventional housing in the borough and reduce the incentive to deliver the housing as soon as possible.
- 11.4 The application has received a number of representations from neighbouring residents raising objections on the grounds of undue noise and disturbance, and safeguarding and security, arising from the scale and quantum of proposed artists' studios and exhibition space and the intention to operate the meanwhile use at the site 24 hours a day/ 7 days a week. It is considered that the proposed meanwhile use would, due to the proposed excessive scale of use, result in adverse amenity impacts, including noise and disturbance to neighbouring residents, through the intensification of activity arising from the quantum of artist studios/exhibition space, the extent of occupation across the whole site and the intention to operate the use for 24 hours a day.
- 11.5 The proposal also fails to provide adequate measures to address accessibility and inclusive design requirements and, therefore, fails to demonstrate that the proposal would result in inclusive, accessible buildings which meets the needs of intended occupiers and visitors. In addition, the proposal fails to provide sufficient measures to demonstrate that the operation of the proposed meanwhile use would achieve the necessary highest standards of fire safety and ensure the safety of all building users.
- 11.6 The meanwhile uses will have very substantial implications for Community Infrastructure Levy (CIL) on future redevelopment. The proposed meanwhile use, which is expressly pending

long term residential development of the site, would result in a substantial reduction of the projected CIL contributions that future residential development would generate.

- 11.7 Finally, in the absence of an appropriate Section 106 legal agreement, the application fails to provide measures to mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed development.
- 11.8 It is recommended that the Committee resolve that it would have refused planning permission for this application for the reasons set out in Appendix 1, should the application have not been appealed to the Planning Inspectorate for Non-Determination.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION

That planning permission would have been **REFUSED** for the reasons listed below had the application not been appealed:

1. REASON: The proposed meanwhile use, which would facilitate up to 326 studios, is of a far greater scale than the limited local need for artists' studios/exhibition space that has been identified by the Council. It is therefore contrary to Policy HC5 of the London Plan and Policy R9 part B of Islington's Draft Local Plan.
2. REASON: The proposed temporary use, by reason of its scale, and intended period of occupation, could lead to significant numbers of occupiers being displaced into the surrounding area at the end of the temporary period with insufficient capacity for local re-accommodation. It is therefore contrary to Policy HC5 of the London Plan and Policy R9 part B of Islington's Draft Local Plan.
3. REASON: The proposed meanwhile use, by reason of: (i) the period of use proposed; (ii) its proposed scale, (iii) extent of occupation across the site, and (iv) its timeframe for roll out, would impede the policy priority for the residential led redevelopment of the site and the urgent delivery of conventional housing. The proposal is therefore contrary to: (i) emerging Site Allocation ARCH5; (ii) with the urgent imperative to deliver conventional housing on the site reflected in the housing targets in draft Local Plan Policies H1 Part C and H2 Part B; (iii) CS12 Part B in the current Local Plan Core Strategy, which seeks to ensure continuous supply of land for housing; and (iv) emerging Policy R9 - Meanwhile/temporary use part B (i).
4. REASON: The proposed meanwhile use, which is expressly pending long term residential development of the site, would result in a substantial reduction of the projected CIL contributions that residential development would generate. It is therefore unacceptable as being inconsistent with the statutory scheme in relation to CIL.

The CIL contributions from the residential development are a necessary material consideration under s.70(2)(b). They are necessary for s.205 purposes. Granting this permission would significantly reduce those contributions with necessary planning consequences. The proposal would therefore hinder the council's ability to address and mitigate future impacts on local infrastructure which would result from the future large scale residential led redevelopment of the site. As such the proposed change of use would result in a loss of enhancements to services and the environment necessary as a consequence of demands created by a residential redevelopment of the site, contrary to adopted Policy CS18 of Islington's Core Strategy, Policy DM9.1 of Islington's Development Management Policies related to infrastructure provision and contrary to the emerging Policy ST1 on Infrastructure Planning and Smart City Approach of Islington's Draft Local Plan.

5. REASON: The proposed meanwhile use would, due to the proposed excessive scale of use, result in adverse amenity impacts, including noise and disturbance to neighbouring residents, through the intensification of activity arising from the quantum of artist studios/ exhibition space, the extent of occupation across the whole site and the intention to operate the use for 24 hours a day. The proposal is therefore contrary to London Plan Policy D3 and Islington's Draft Local Plan Policies PLAN1 B, R9 B (iii) and DH5.
6. REASON: The proposal fails to provide adequate measures to address accessibility and inclusive design requirements and therefore fails to demonstrate that the proposal would result in inclusive, accessible buildings which meets the needs of intended occupiers and

visitors. The proposal is, therefore, contrary to Policy D5 of the London Plan, Islington's Inclusive Design SPD, Policy DM2.2 Part A of Islington's current Development Management Policies, and Policy PLAN1 (B iii) in Islington's draft Local Plan.

7. REASON: The proposal fails to provide sufficient detail to demonstrate that the operation of the proposed meanwhile use would achieve the highest standards of fire safety and ensure the safety of all building users. The proposal is therefore contrary to Policies D5 and D12 of the London Plan.

8. REASON: In the absence of an appropriate Section 106 legal agreement, the application fails to provide measures to mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed development (highway and footway works, parking bay relocation, employment and training, carbon offsetting, and Travel Plan), and as such the proposal fails to accord with policies CS10, CS13, CS18 and CS19 of Islington's Core Strategy (2011), policies DM7.1, DM7.2, DM7.4, DM8.2, and DM9.2 of Islington's Development Management Policies (2013), and Islington's Planning Obligations SPD (2014) and the Environmental Design SPD (2012) as well as emerging Local Plan Policy B5.

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 GG2 Making the best use of land
- Policy D2 Infrastructure requirements for sustainable densities
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D12 Fire Safety
- Policy D13 Agent of change
- Policy H1 Increasing Housing Supply
- Policy HC1 Heritage conservation and growth
- Policy HC5 Supporting London's culture and creative industries
- Policy SI 1 Improving air quality
- Policy SI 2 Minimising greenhouse gas emissions
- Policy SI 3 Energy infrastructure
- Policy SI 4 Managing heat risk
- Policy SI 5 Water infrastructure
- Policy SI 7 Reducing waste and supporting the circular economy
- Policy SI 8 Waste capacity and net waste self-sufficiency
- 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 CS8 (Enhancing Islington's Character)

Strategic Policies

Infrastructure and Implementation
Policy CS18 (Delivery and Infrastructure)

Policy CS9 (Protecting and Enhancing
Islington's Built and Historic
Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS12 (Meeting the housing
challenge)

C) Development Management Policies June 2013

Design and Heritage

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

Shops, culture and services

- DM4.3 Location and concentration of uses
- DM4.4 Promoting Islington's Town Centres
- DM4.12 Social and strategic infrastructure and cultural facilities

Energy and environmental standards

- DM7.1 Sustainable design and construction
- DM7.2 Energy efficiency and carbon reduction in minor schemes
- DM7.4 Sustainable design standards
- DM7.5 Heating and cooling

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
- DM9.1 Infrastructure
- DM9.2 Planning obligations

5. Designations

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

- Core Strategy Key Area – Archway
- Site Allocation (ARCH3)
- Holborn Union Infirmary Conservation Area (CA41)
- Locally Listed Buildings
- Local View - LV4 Archway Road to St Paul's Cathedral
- Local View - LV5 Archway Bridge to St Paul's Cathedral

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 in Islington | - Sustainable Design & Construction |
| - Planning Obligations and S106 | - Planning for Equality and Diversity in London |
| - Urban Design Guide | |