

PLANNING COMMITTEE REPORT

 Development Management Service
 Planning and Development Division
 Community Wealth Building Department

PLANNING SUB COMMITTEE A		AGENDA ITEM
Date:	21 st October 2024	
Application number	P2022/2009/FUL	
Application type	Full Planning Application	
Ward	Caledonian	
Listed building	N/A	
Conservation area	N/A	
Development Plan Context	King's Cross and Pentonville Road Spatial Strategy Area Central Activities Zone (CAZ) CAZ Fringe Area Site within 100m of a TLRN Road (Upper Street) Within 50m of Conservation Area - Priory Green	
Licensing Implications	N/A	
Site Address	Garages at Priors Estate, Cumming Street, N1 9JA	
Proposal	Change of use of the residential garages to garaging for hire cars (Sui Generis). (Retrospective Application).	

Case Officer	Owen Griffiths
Applicant	Peabody Trust
Agent	Alastair Close - Planning Potential

1. RECOMENDATION

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

2. SITE PLAN (site highlighted in red)



Image 1: Site Plan

3. PHOTOS OF SITE



Image 2: Aerial view



Image 3: View Down Access Road



Image 4: Entrance to Garages



Image 5: Internal Garage Space

4. SUMMARY

- 4.1 The proposal seeks retrospective planning permission for the change of use of a residential car parking garage, an ancillary residential use (Class C3) to a car storage and hire facility (Sui Generis Use Class). The change of use area is 181sqm.
- 4.2 The cars stored are for private hire and customers do not visit the site at any time. Rented vehicles are dropped off and returned by staff members. Cars are cleaned between hires with car washing occurring internally. There were previous noise complaints regarding external car washing, and a condition is recommended to require internal car washing only (Condition 6).
- 4.3 In land use terms the development is acceptable. The redevelopment of car parking is strongly encouraged under the local plan and the alternative use, that has been in operation for around 7 years, is permissible under Policy T3 Part C that allows non-residential parking where it is integral to the nature of the business. Furthermore, no adverse neighbouring amenity impacts have been identified as a result of the new use at the site.
- 4.4 The alternative use has repurposed a disused car garage for a small business to operate from. When the new use is compared to the existing, there are clear similarities which suggest the new use is acceptable. As the development accords with the relevant development plan policies in the London Plan (2021), Islington's Strategic and Development Management Policies (2023) as well as the NPPF (2023), the application is recommended for approval subject to conditions.
- 4.5 The application is referred to the Planning Sub-committee given the objections received during the application process.

5. SITE AND SURROUNDING

- 5.1 The application site comprises a car parking garage located underneath a landscaped courtyard at the Prior Estate. On each side of the courtyard are housing blocks forming a Peabody housing estate. The blocks range in height from three to five storeys and have a late 20th century red brick design which is common for housing estates in this period.
- 5.2 To the north of the site is the Collier housing estates which include more utilitarian housing blocks up to 8 storeys in height. To the east is the protected open space of Joseph Grimaldi Park and to the south is Pentonville Road and on its northern side in this area some traditional terrace buildings remain alongside more modern development. To the west and across Calshot Street are the twin buildings at 200 Pentonville Street that rise up to 18 storeys in height.
- 5.3 Access to the site is from Cumming Street to the east which runs adjacent to Joseph Grimaldi Park. Cars enter and exit the site between one of the housing blocks to Priors Estate at the end of the development at 154-156 Pentonville Rd. From here there is a downwards ramp that leads to the existing car parking garages underneath the landscaped courtyard.
- 5.4 The site is not located in a conservation area nor are there any listed buildings surrounding the site. The site is within the King's Cross and Pentonville Road Spatial Strategy Area (Policy SP2) as well as the Central Activity Zone (CAZ) and the CAZ fringe area. The site is also within 100m of a Pentonville Road with TfL being the Highway authority for this road. The site is highly accessible and benefits from a Public Transport Accessibility Level (PTAL) rating of 6B, the best possible score.

6. PROPOSAL (in Detail)

- 6.1 The application seeks retrospective planning permission for the change of use of the residential car parking garages to be used for the storage of cars for hire. The existing use is considered to be C3 (Residential) as the residential car parking spaces are an ancillary use of the main use of the wider residential housing estate. In 2017 the use of the garages was changed without planning consent for the storage of cars for private hire. This use is considered to be a Sui Generis use as it does not fall within one of the existing defined use classes. Uses such as these are considered to be in a unique class of their own known as 'Sui Generis'. As the use commenced without planning consent the current application seeks retrospective permission.
- 6.2 Prior to the new use commencing, the car parking garage was used by residents of the estate for car parking. Prior to the use changing, a very low level of residential parking occurred with averages of just four of the spaces being occupied on average. The remaining spaces were not under lease from any of the residential units within the estate and were unoccupied. Due to the secluded nature of the garages with a lack of passive surveillance the garages attracted anti-social behaviour and resultant management issues for Peabody Housing Association who manage the site as part of the wider housing estate.
- 6.3 The business that operates from the garages provides high end cars primarily for use in films, music videos and adverts but also to individuals. The vehicles are owned by the company and hired to customers. The site is not accessed by customers. All cars are delivered and returned by employees and transporters are not used. When cars leave and access the site they are driven by employees. Other than staff, hired vehicles and a monthly delivery of cleaning products no other vehicles come to the site on a regular basis.

- 6.4 There are currently approximately 18 cars stored on site with around 20 rentals per week. This therefore equates to 40 vehicle movements a week, 20 vehicles out and 20 back in. Cars are cleaned between hires internally at the site. It takes approximately one hour to clean each car. The cars are cleaned using standard domestic equipment (a small jet wash and a vacuum cleaner). Due to the volume of cars that are cleaned it is not necessary to use industrial style cleaning equipment. The jet wash is used for a relatively small amount of time as part of the overall vehicle washing. Except for topping up oil and water, vehicle maintenance does not take place on site.
- 6.5 The site operates under standard business hours (9am – 5pm Monday to Friday) as this allows for the delivery and collection of vehicles. Flexibility is required outside of these hours to enable deliveries to be made to meet customer requirements, particularly when deliveries may be further afield. Due to the nature of the business and in the interests of the safety of staff, cars are not returned to site late at night or early in the morning. Cars are prepared in advance of delivery and cleaning following collection. This means that a majority of the work on site is undertaken during the standard working hours set out above.

7. RELEVANT HISTORY:

- 7.1 **P021327:** Replacement of windows and doors, new hard and soft landscaping, new ground floor lobbies, new estate lighting and entry systems, new pitched roof for photovoltaic panels. **Approved 22-Oct-2002.**
- 7.2 **P023014:** Refurbishment of footbridge. **Approved 02-Apr-2003**

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 146 adjoining and nearby properties on Cumming Street, Calshot Street, Collier Street and Pentonville Road on the 29th June. Reconsultation occurred from the 25th September 2023 as new information was provided.
- 8.2 A total of **6** objections were received from the public with regard to the application. The issues raised are summarised below, with the area in the report where the related issues is addressed being in brackets:

OBJECTIONS

Use

(Land use issues are addressed from paragraph 10.2)

- Garages have been illegally used for business purposes. This has caused immense issue with awful sound from pressure washer and loud engines.
- The premises has been illegally used for this purpose for at least 3-4 years, this is not 'new'.
- Activities should not spread to inner courtyard.
- Do not wish for the space to be used as a car mechanics.

- No previous contact or consultation from Peabody who are taking extra rent from residential space.
- Causing anguish that proposal will significantly impact enjoyment of property.

Noise

(Noise issues are addressed from paragraph 10.13)

- Green internal courtyard is exclusively residential, secluded and quiet.
- Able to hear everything that goes on in garages such as talking and car doors slamming.
- Noise nuisance is a major factor.
- Will be able to hear the comings and goings of each individual renting or returning a car, this will also increase the presence of people in an already dimly lit estate.
- It might be quite good to keep timings early morning/evening as the powerful motor cars can be incredibly noisy.

Air Pollution

(Air Quality issues are addressed from paragraph 10.40 to 10.41)

- The cars using the garage are high end / high polluting cars with air pollution causing health issues.
- Do not wish for there to be any increase in traffic as this will increase air pollution Pentonville Road is already heavily polluted.
- Air quality remains a serious issue for public health and while pollution levels in the borough are improving, cleaning up the air in Islington should be a priority. The council is part of the Ultra Low Emission Zone (ULEZ) which includes the entire borough of Islington.
- Letters should be set out informing the local residence about the risk of lung cancer from the tiny particles these cars will release into the area around our homes.

Delivery & Servicing

(Delivery and Servicing is addressed from paragraph 10.25)

- The council must legally safeguard what can be delivered onto the site by issuing strict constraints. Object to any deliveries that deliver, car parts, products that will allow the business to service the cars like for example oils or other car liquids, any machinery that will allow the business to conduct the above on the site.
- No delivery should be allowed outside of work hours.
- The business must not be allowed to use residential waste bins to dispose of their waste/rubbish.

Security

(Addressed under 'Other Matters' section are addressed at paragraph 10.44 and Condition 7)

- From a security perspective, due to the nature of the business there is also now an unwelcome increased risk of crime due to the attractive nature of the stored high value cars.
- The garages also house the main electrical units and access to 1-27 hales prior of which during a previous electrical emergency, refused access caused the entire block to be without electricity for an entire day, requiring National Power Network support. This was a high risk and potential fire hazard as access to shut electrical supply was not provided. Peabody were not supportive of this and did not provide adequate support.
- Residents cannot access electricity risers which are locked inside garages.

Drainage / Landscaping

(Drainage is addressed at paragraph 10.39 and landscaping at 10.38)

- Should not be allowed to use the garages as a car wash, where will the water go? Dirty water will affect the plants in the yard.
- The business must contribute to greening up the area. For example, they can implement trees of shrubs and they must maintain them.

Internal Consultees

7.14 Acoustics Officer: The application suggests that this has been in operation since 2017. There is one complaint listed in August 2021. The officer noted that they "*inspected the site more than 4 different times but no noise was noted on each of the visits. Liaised with resident on the findings*" and the case was closed in October 2021. The submission includes a noise report which looks at the activities of washing and vacuuming the cars. The noise report and planning submission state that "All site activity takes place during normal working hours". There is a substantial 11dB difference in the noise rating between car washing being carried out internally and externally. The EPPP team have no objections with car washing to be carried out internally and normal working hours of use to be conditioned. The hours listed on Google are 0900-1700 Monday to Friday. In the absence of complaints in relation to ongoing use and likely low impacts for nearby receptors, the EPPP team have no objections to the proposal.

7.15 Highways Officer: The land in question is housing land and the increase in traffic on the public highway as a result of the change is minimal, Therefore, no objections raised.

7.16 Planning Policy: Part F of policy B2 applies and proposals are expected to not detract from the character of the local area; and not detrimentally impact on residential amenity. The relevant aspects of Policy T1 include:

- Applicants must provide appropriate information to allow proper assessment of transport impacts and show how these impacts can be addressed,
- All development must prioritise practical, safe and convenient access and use by sustainable transport modes,

- All new development will be car-free, which will contribute to the strategic aim for a modal shift to sustainable transport modes.

Overall, the proposal may be acceptable in principle although it will need to provide further information and justification on some elements, in particular how potential impacts identified will be mitigated and why it is essential for operational requirements of the business.

External Consultees

7.17 Crossrail 2: No comment on the application.

7.18 Transport for London: TfL Spatial Planning have no comments to make on this application, however it must be ensured that TfL Infrastructure Protection (SMBLocationEnquiries@tfl.gov.uk) are consulted, as required by the condition, and that any concerns they raise are satisfactorily addressed prior to this condition being discharged, in line with Policy T3.

Officer Note: it was subsequently clarified that a condition is not required but that TfL's Infrastructure Protection team is consulted to ensure they are also satisfied. TfL Infrastructure protection have been consulted and no comments have been received in response. As this is a Change of Use application with no physical development it is highly unlikely that TfL infrastructure will be impacted.

7.19 TfL Infrastructure Protection: No comments received.

7.20 TfL Crossrail: I have no comment on the application.

7.21 Thames Water: No comments received.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

9.1 Islington Council (Planning Sub-Committee), in determining the planning application has the following main statutory duties to perform:

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

9.2 National Planning Policy Framework 2023 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.

9.3 The National Planning Policy Framework 2023 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

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

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

9.6 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.7 The Development Plan is comprised of the London Plan 2021, Islington Strategic and Development Management Policies (SDMP) 2023, Bunhill and Clerkenwell AAP 2023 and Site Allocations 2023. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Impact on the amenity of neighbouring residents
- Design
- Highways, Transport and Servicing
- Sustainability and air pollution
- Other Matters

Land Use

- 10.2 Policy B2 relates to New Business Floorspace and part F outlines the criteria for when new business will be acceptable outside of the main designated business locations (CAZ, Bunhill and Clerkenwell AAP, Priority Employment Location etc.):

B2 F: Outside of the locations mentioned in Parts A, C and E, new business floorspace is acceptable where it would not detract from the character of the local area; and would not detrimentally impact on residential amenity. Proposals for new business floorspace in these locations must be accessible to all in accordance with the priority for sustainable modes of transport set out in Policy T1, and must not prejudice the overall aim of reducing the need to travel.

- 10.3 Policy T1 includes the following requirements:

- Applicants must provide appropriate information to allow proper assessment of transport impacts and show how these impacts can be addressed,
- All development must prioritise practical, safe and convenient access and use by sustainable transport modes,
- All new development will be car-free, which will contribute to the strategic aim for a modal shift to sustainable transport modes.

- 10.4 Policy T3 Part C relates to Non-Residential Car Paring and Part I relates to car parks:

T3 C: Parking will be allowed for non-residential developments where this is essential for operational requirements and therefore integral to the nature of the business or service (e.g. Use Class B8 storage and distribution uses). In such cases, parking will 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.

*T3 I: Proposals for, or including, new public car parks (and other motor vehicle public parking, including for coaches) will be refused. **Redevelopment of existing car parks is strongly encouraged.** Proposals for the redevelopment of existing car parks (public or private) for a different use will be subject to the car-free restriction within this policy. The artificial separation of sites to remove existing on-site parking areas (public or private) from the boundary of an application for the purposes of retaining car parking spaces will not be considered acceptable. All parking related to the existing use and/or building which is the subject of the application must be included as part of the application site.*

- 10.5 The application is for change of use of ancillary C3 residential car park to a sui generis vehicle hire and storage. The redevelopment of existing car parks is strongly encouraged under Policy T3 Part I and therefore the principle of the application is supported. The new business floorspace is proposed in a location that falls outside those to which policy B2 seeks to direct new business floorspace. In this situation Part F of policy B2 applies and proposals should not detract from the character of the local area; and not detrimentally impact on residential amenity. In addition, Part F of the policy requires proposals in these locations to be accessible to all in accordance with the priority for sustainable modes of transport set out in Policy T1 and must not prejudice the overall aim of reducing the need to travel.

- 10.6 In terms of impact on the character of the local area and impact on residential amenity, Policy T5 requires Delivery and Servicing Plans for developments that may impact on the operation of the public highway, private roads, the public realm and/or the amenity of residents and businesses, by virtue of likely vehicle movements. The business involves vehicle movements; the delivery of luxury cars, some of which may make more noise than standard road cars. A noise assessment has been provided which only considers the noise of cleaning the vehicles and has discounted the noise of cars driving up the ramp as no different to the previous use as a car park. It is outlined in the Planning Statement that cars are brought in and out of the site by a member of staff and that customers do not visit or collect vehicle from the site. The hours of use, including the hours when cars can be returned are controlled by recommended condition 3 and 4 respectfully. As staff are returning cars and going forward, subject to approval, during limited times (0700 to 2200) the use is not considered to have an impact upon the character of the area. Residential amenity will be addressed in a forthcoming section.
- 10.7 Regarding assessment of transport impacts the proposal does not trigger the threshold set out in appendix 3 of 2,500sqm for new B2/B8/ E(c)/ E(g) space for the provision of a Transport Assessment and a Full Travel Plan nor is this a major application. The appendix goes on to state that *'Where the Council does not consider the preparation of a full Transport Assessment necessary, a less detailed assessment in the form of a Transport Statement will be required.'* Given the scale of the alternative use, and that the former use was as a car parking space that could accommodate the same number of cars, it is therefore concluded that a Transport Statement is not required in this case.
- 10.8 In terms of car-free development, the proposal is not car free but as the Sui Generis use is for the storage of cars for private hire, car parking is integral to the nature of the car hire business. To provide some flexibility and allow for operational needs for motorised transport, Part C Policy T3 states that 'Parking will be allowed for non-residential developments where this is essential for operational requirements and therefore integral to the nature of the business or service (e.g. Use Class B8 storage and distribution uses).' While Policy T3 strongly encourages the redevelopment of car parks, it also considers that the car-free aspect of policy should apply to any different use where a car park is redeveloped. However, for this exact use, it is clear that car parking and storage are fundamental to the alternative use and that the criteria outlined in Policy T3 Part C, where parking is allowed, is met. Of material planning weight in this case, it is important to note that the proposal does not result in any increase in the number of cars that can be parked at the site from the prior residential parking use.
- 10.9 T3 Part E goes on to state that parking should not conflict with other Council Policies and the normal staff parking will not be allowed. Further policies in relation to neighbouring amenity and sustainability will be addressed in the following sections of this report. It has been confirmed by the applicant that staff do not park at the site and this will be controlled by Condition 5 to comply with the requirements of Part C.
- 10.10 The background to and aim of the car free policy is to reduce congestion, air pollution, noise and improve road safety for users of sustainable mode of transport and the approach considers that only effective way of preventing these adverse impacts associated with motorised road transport is to remove cars from the road. The current lawful use as a garage for residential parking is limited by the number of parking spaces (36), although it is unlikely that the garage was ever fully occupied and the Planning Statement confirms that the number of spaces rented out by the landlord prior to the change of use was four with others used on an unauthorised basis.

- 10.11 The alternative use is likely to be an intensification in terms of the number of cars on site with the Planning Statement stating they are aiming to reach pre-covid levels when circa 35 vehicles were garaged on site. It was recently clarified with the applicant (May 2024) that there are 18 cars being stored at the garages which is consistent with the Planning Statement from 2022 (20 cars). However, it is also possible for the site to be used for intensive residential car storage (the existing use with car parking for 36 cars) and if this use were to be fully reinstated (a situation that wouldn't currently require planning permission), it is likely that the current use and the existing use would have a comparable amount of vehicle movements and air pollution implications on average per day/week. The overall internal space of the garages, and therefore the volume of cars that can be stored, is unchanged between the existing use and new use and any therefore changes is intensification of use will be purely as a result of demand at different times and not as a result of physical changes to the garages.
- 10.12 The above assessment against the relevant land use policies has demonstrated that there is insufficient justification to refuse the alternative use at the site that has been in operation since February 2017 as there are no notable policy conflicts in land use terms. Additional issues in relation to the alternative use need to be assessed against policies but as has been identified, in land use terms, the use of the car parking garages for the storage of cars for private rental is concluded to be acceptable.

Neighbouring Amenity

- 10.13 All new development 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. The proposal is subject to London Plan Policy D6 as well Islington's Strategic and Development Management Policies policy PLAN1 applies to all new developments including alterations, extensions to existing buildings and changes of use.
- 10.14 Part B(i) of this policy requires compliance with contextual design principle and requires all development to provide a good level of amenity, 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.
- 10.15 It is understood that when the use first started from the site, car washing took place externally in the forecourt area. Noise disturbance from external activities, such as the jet washing of cars, has been raised by in a number of the representation on the current application. It is noted that external activities such as this have ceased with all car washing now taking place internally to the garages. A dedicated car washing area is shown on the floorplan with associated drainage, (see section 10.39 regarding drainage). As car washing now takes place internally, and this recommended to be controlled via Condition 6 with the garage doors closed, the resultant impacts of this activity would not detrimentally impact the amenities of neighbouring residents in relation to noise disturbance.
- 10.16 The Environmental Protection Officer was consulted regarding the details of the application which includes a Noise Impact Assessment. On the basis of cars being washed internally, no objections were raised nor were any conditions advised due to the operational hours being 9am to 5pm. To guarantee that cars are only washed internally, a condition is recommended to ensure the external courtyard is not used for this purpose. Furthermore, an hours of use condition is recommended to restrict operations to 9am to 5pm Monday to Friday (Condition 3).

It is also recommended for a condition to be included that would limit the times when cars can be returned to avoid late night/early morning disturbance for residents. (Condition 4).

10.17 Further objections have been received in relation to the type of cars that are being stored at the garages and potential noise disturbance. The private car hire business stores high end luxury cars including SUV's, classic cars and sports cars with large engines. While the high-end cars stored do have the potential to make more noise, the cars are delivered and returned by members of staff who are aware of the impacts of noise on surrounding residents. Furthermore, it would have been entirely plausible for such cars to be stored here under the existing use of the garages with the same noise related impacts on the surrounding area. The Environmental Protection Officer has confirmed that there has been a single noise complaint in 2021 but it is not clear if this relates to noise from cars or from external jet washing. An Environmental Protection Officer attended the site four times and no noise related issues were witnessed. As the use has been in operation for around 7 years with a single noise complaint, impacts of noise from the alternative use are not considered to be harmful and the use of conditions going forward will provide assurance to surrounding residents that potential noise impacts have been mitigated. It is therefore concluded that, in relation to noise and generally amenity impacts, the application is concluded to accord with Local Policy PLAN1 as well as London Policy D6. Air quality impacts will be assessed in the sustainability section below.

Highways, Transport and Servicing

10.18 Paragraph 108 of the National Planning Policy Framework (2023) states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;*
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.*

10.19 Policy T5 relates to Delivery and Servicing and Part A states:

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

- 10.20 The use of the site for car storage involves private hire vehicles being stored and then delivered to customers by members of staff. The cars are then returned by staff members and cleaned internally. Currently there are around 40 associated vehicle movements a week, 20 vehicles out and 20 vehicles back in. The use of the garages in this way closely aligned with the existing use of the garages for the storage of residential cars. The unauthorised change of use has intensified the amount of vehicle movements from the site when compared to the level of cars that were previously stored in the garages by residents prior to the unauthorised change of use. However, the site was designed as car garages for the storage of cars and this is the primary activity that is now taking place as a result of the alternative use. The overall volume of vehicle movements per week, while more than the former use when the site was underutilised, is not of a volume that would negatively impact the surrounding highway network and is comparable to the existing use when more residents stored their cars in the garages.
- 10.21 The overall internal area of the garages is 181sqm. A change of use application of this size does not trigger the requirements for a Transport Statement to be submitted and given that the use has been in operation for around 7 years, it would be futile for one to be produced at this stage. The Council's Highways Officer has been consulted as part of the application process and the increase in traffic on the highway as a result of the change of use was noted as being minimal with no objections raised.
- 10.22 Delivery and servicing is outlined in the submitted Planning Statement and it is stated that deliveries to the site occur once a month for cleaning products and other associated items for the private car hire use. Given the type and intensity of the use, refuse collection arrangements are not required. There is a courtyard area in front of the garage entrance which is sufficiently big for larger van type delivery vehicles to turn safely and therefore in relation to delivery and servicing the application accords with Policy T5.
- 10.23 As has been noted above, the parking of cars at the site for the use is deemed acceptable in this instance due to the integral nature of car parking to the business. Staff will not be able to use the site for car parking and this is controlled under Condition 5. It would also be possible for staff cycles to be stored in the internal garage area and therefore the development can accommodate sustainable transport modes for staff to accord with Policy T2.
- 10.24 It is concluded that the change of use does not have an adverse impact on the local highway network and that in relation to delivery and servicing the development complies with the relevant development plan policies.

Sustainability

- 10.25 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF.
- 10.26 It is the council's and the Mayor's objective that all developments meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in CO₂ emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise CO₂ emissions.

- 10.27 Policy S1 of Islington's SDMP 2023 requires sustainable design to 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 during design, construction and operation of the development in line with the energy hierarchy.
- 10.28 Part F of Policy S1 requires all development proposals to adopt an integrated approach to water management and to reduce water demand and meet best practice water efficiency targets. Part H of Policy S1 requires all new development to be designed, constructed and operated to limit contribution to air pollution and to improve air quality as far as possible, as well as reducing exposure to poor air quality.
- 10.29 Policy S2 requires all development proposals to submit a Sustainable Design and Construction Statement (SDCS) to demonstrate that the proposal meets all relevant sustainable design policies. Part C of policy S2 requires smaller minor extensions to demonstrate that all relevant sustainable design requirements have been considered. The level of information provided in the statement must be proportionate to these requirements. Policy S3 requires all residential development to achieve a final (post-refurbishment) certified rating of Excellent under BREEAM Domestic Refurbishment 2014 (or equivalent scheme) and must make reasonable endeavours to achieve an Outstanding rating.
- 10.30 Part F of Policy S4 of Islington's SDMP 2023 requires all development to reduce energy demand through energy efficiency measures in the first instance, in accordance with the energy hierarchy. Part H of Policy S4 of Islington's SDMP 2023 states that proposals for householder extensions must contribute to reducing emissions from the whole building as far as possible. The Sustainable Design and Construction Strategy must demonstrate that cost effective energy efficiency measures have been applied to the existing property, where practical, in addition to requirements applicable to the extension itself.
- 10.31 Part E of policy S5 states that smaller minor extensions (those smaller than 100sqm) are encouraged to reduce the potential for overheating through the design of the extension with particular reference to levels 1, 2 and 3 on the cooling hierarchy. Part A of policy S6 states that development proposals must minimise internal heat gain and the impacts of the 'urban heat island effect' through design, layout, orientation and materials.
- 10.32 Policy S7 states that all development proposals must mitigate or prevent adverse impacts on air quality. Part A of policy S9 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. Part B of policy S9 requires all development proposals to ensure that surface water run-off is managed as close to its source as possible in line with the London Plan drainage hierarchy.
- 10.33 Part C of policy S9 states that development proposals for impermeable paving will be resisted, including on small surfaces such as front gardens and driveways unless they can demonstrate that the level of run off will not exacerbate flood risk in the area. Part E of policy S9 states that all developments are required to demonstrate that appropriate SUDS have been implemented in accordance with the drainage hierarchy. Part K of policy S9 states that all developments must demonstrate that they have minimised the use of mains water and have been designed to be water efficient, through the Sustainable Design and Construction Statement.

10.34 The unauthorised change of use has not resulted in any external manifestations of the garages with the same garage doors being in place from the previous use. A Sustainable Design and Construction Statement has been submitted in support of the application to accord with the new Sustainability Policies.

10.35 In relation to energy strategy, there has been no change to the existing energy arrangements as these were suitable for the new use. The development has repurposed a disused space which is reflective of circular economy and adaptive design strategy principles. The internal garage space is below 200sqm and there is no opportunity to create or enhance landscaping features. Therefore, Policy G3 cannot be applied in this instance.

In relation to water management and drainage, the proposals re-use existing the water source and drainage arrangements. A drainage plan was provided by the applicant and this indicates that there is sufficient drainage for cars to be jet washed internally to the garage. There is no physical change in the way that drainage occurs on site there are limited means by which and alterations can be made. The SDCS outlines that the applicant will endeavour to ensure that any equipment is fitted with water efficient and anti-leak devices. Thames Water were consulted as part of the application process and no comments were received.

10.36 Policy S7 relates to Improving Air Quality and Part A states that:

A) All development proposals must mitigate or prevent adverse impacts on air quality, and investigate and implement all reasonable opportunities to improve air quality. Development proposals will be refused where they would:

- (i) cause significant harm to air quality, cumulatively or individually;
- (ii) lead to further deterioration of existing poor air quality, create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits;
- (iii) reduce any air quality benefits that result from active measures/activities which seek to improve air quality; or
- (iv) create unacceptable risk of high levels of exposure to poor air quality.

10.37 Policy S7 Part C states that minor developments not covered by Part B (such as the current development) are encouraged to be at least Air Quality Neutral where feasible through on-site measures. The proposals relate to a small business operation, that is occupying a previously redundant space. No physical works have taken place on site with the existing and proposed use both relating to the parking and storage of cars. The high-end cars that are stored will likely have higher emissions than standard low-end cars and there may be isolated instances where air quality is impacted when certain cars are brought to and from the site. However, the use of the site is intended for residential car storage and high emission cars could be stored here under the existing residential use of the site without any [planning controls in place from the council. When the existing lawful use of the site is compared to the current alternative use, there are obvious similarities and the air quality implications of the alternative use are considered to be negligible given that the uses are essentially the same with the main difference being that the cars stored are for private hire rather than for residential use. Furthermore, 40 vehicle movements to and from the site every week is not a volume that could be considered intensive nor an amount which could lead to significant air quality impacts/pollution in a dense central urban London location and therefore the development is considered to comply with Policy S7.

- 10.38 The level of detail provided in the SDCS must be proportionate to the scale of development proposed. As the application is for the change of use of 181sqm of internal floor area and as the existing and proposed uses bear significant similarities, the level of detail provided is concluded to be acceptable in relation to air quality impacts. GLA guidance for Air Quality Neutral is also available which identifies that development in an Air Quality Focus Area such as this location, may require a full air quality assessment for a minor development due to either the nature or location of the proposed scheme. It is noted that the level of detail of the AQA should be proportionate to the scale of proposed development and given the scale of development proposed in this instance and vehicle movements associated with it when compared to the existing use, further evidence is not considered necessary.
- 10.39 Overall, the sustainability details outlined in the SDCS are considered to be satisfactory given the overall level of development that has taken place at the site. For retrospective developments with no external changes, there is extremely limited scope to apply sustainability features and based on the information presented in the SDCS it is accepted that change of use application has considered the new sustainability policies as far as reasonably possible. Consequently, in relation to sustainability, the development is considered to accord with the relevant S policies listed above.

Other Matters

- 10.40 It has been highlighted in a representation that the garages house electrical infrastructure for the surrounding residential premises on the Priors Estate. To ensure essential and emergency access is provided to this infrastructure, Condition 7 is recommended for details to be provided regarding the access arrangements to this infrastructure to ensure it is accessible as and when required by the relevant person.

11. SUMMARY AND CONCLUSION

- 11.1 The retention of the alternative use at the site is concluded to be acceptable. The private car hire use (Sui Generis) does not conflict with any of the associated land use policies and the redevelopment of existing car parks is encouraged under Local Plan Policy T3. Consequently, in land use terms, the change of use application is acceptable. Amenity impacts in relation to noise has been assessed and subject to compliance with conditions, no adverse noise implications have been identified and the development therefore accords with Policy PLAN1.
- 11.2 Further considerations in relation to highways, transport, servicing and sustainability, including air quality, have also been assessed and no conflict with policies have been identified nor have any negative impacts been identified when compared to the existing use of the site as a residential car parking garages. The use has been in operation from the site for around 7 years and in this time there has been a single noise related complaint to the Local Authority. This complaint was investigated by the Environmental Protection Team and no noise related contraventions were identified. It is therefore concluded that overall, the development complies with the relevant development plan policies from the London Plan (2021) and Islington's Strategic and Development Management Policies (2023).
- 11.3 The application has received objections from surrounding residents with the primary reasons for these objections being potential noise impacts and air quality issues. These issues have been addressed in the preceding sections of this report and each of the objection reasons have been addressed. When assessed against the development plan and given the overall scale of the development when compared to the existing use of the site, no notable conflicts have been identified and consequently the application is recommended for approval subject to conditions.

- 11.4 The use of the site as a car storage location for a private car hire business is considered compliant with policy PLAN1, B1, T2, T3, T5 and the relevant sustainability related policies from Islington's Strategic and Development Management Policies (2023) as well as the NPPF (2023).
- 11.5 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 – RECOMMENDATIONS

APPENDIX 1 - RECOMENDATIONS

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

List of Conditions:

1	COMMENCEMENT (3 YEAR CONSENT PERIOD)
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	APPROVED PLANS LIST (COMPLIANCE)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>SK001, HA-102 Rev 01, HA-101 Rev 01, Site Location Plan, Planning Statement May 2022, Noise Impact Assessment 27/04/2022, Sustainable Desing and Construction Statement February 2024.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	HOURS OF USE FOR (COMPLIANCE)
	<p>CONDITION: The use herby approved (including all servicing and cleaning of the hired cars) shall only operate between the following hours only:</p> <p>Monday to Friday: 09:00am -17:00 pm hours.</p> <p>REASON: To protect the amenity of adjacent properties.</p>
4	RENTED CAR RETURNS (COMPLIANCE)
	<p>CONDITION: No rented cars shall be returned to the site between the hours of 2200pm and 0700am on any day</p> <p>REASON: To protect the amenities of surrounding occupiers.</p>

5	STAFF CAR PARKING
	<p>CONDITION: Staff shall not use the garages for car parking with only private car hire cars being parked/stored at the site.</p> <p>REASON: To ensure the development remains sufficiently car-free.</p>
6	NO EXTERNAL ACTIVITIES (COMPLIANCE)
	<p>CONDITION: All cars shall be washed internally at the site in the dedicated car washing area, as shown on approved plan number HA-101 Rev 01, and with the doors to the garages being closed. No car washing or car maintenance shall take place in the external courtyard area</p> <p>REASON: To protect the amenities of surrounding occupiers.</p>
7	EMERGENCY ACCESS TO SITE (DETAILS)
	<p>CONDITION: Emergency access to the site must be provided as it houses electrical infrastructure for the wider residential estate. Details of emergency access arrangements shall be submitted to and approved in writing by the Local Planning Authority within 60 days of consent being approved.</p> <p>REASON: To protect the amenity of residential occupiers.</p>
8	USE (COMPLIANCE)
	<p>CONDITION: The development hereby approved shall only be used as a Private Car Hire Company Use (Sui Generis) of the Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 and subsequent Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.</p> <p>REASON: For the avoidance of doubt and to ensure that the Local Planning Authority can restrict the use of the site to this specific uses only, in order to protect the amenities of surrounding occupiers and to allow the Council to retain control over the change of use of the site in the future.</p>
9	OPERATIONAL MANAGEMENT PLAN (DETAILS)
	<p>CONDITION: An Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the current application being approved. The Plan shall include:</p> <ul style="list-style-type: none"> a) Details of delivery and servicing to the site; b) Details of waste facilities including collections; c) Details of a complaint's procedure including contact details d) Details and controls to limit noise from revving and engine noise from hired vehicles moving in and out of the site. <p>REASON: In order to protect the amenities of surrounding occupiers.</p>

APPENDIX 2 - RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE

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

1. National and Regional Guidance

The National Planning Policy Framework 2023 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- NPPF (2023)

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 GG1** Building strong and inclusive communities
- Policy GG2** Making the best use of land
- Policy CG5** Growing a good economy
- Policy SD4** The Central Activities Zone
- Policy D3** Optimising site capacity through the design-led approach
- Policy D4** Delivering good design
- Policy D13** Agent of change
- Policy D14** Noise
- Policy T1** Strategic approach to transport
- Policy T2** Healthy Streets
- Policy T4** Assessing and Mitigating Transport Impacts
- Policy T5** Cycling
- Policy T6** Car parking
- Policy T7** Deliveries, Servicing and Construction

B) Islington Strategic and Development Management Policies September 2023

- Policy PLAN1** Site appraisal, design principles and process
- Policy SP2** Kings Cross and Pentonville Road
- Policy B2** New Business Floorspace
- Policy T1** Enhancing the Public Realm and Sustainable Transport
- Policy T2** Sustainable Transport Choices
- Policy T3** Car Free Development Parking
- Policy T5** Delivery, Servicing and Construction
- Policy S1** Delivering Sustainable Design
- Policy S2** Sustainable Design and Construction
- Policy S3** Sustainable Design Standards
- Policy S4** Minimising greenhouse gas emissions
- Policy S5** Energy Infrastructure
- Policy S6** Managing heat risk

Policy S7 Improving Air Quality

Policy S9 Integrated Water Management and Sustainable Drainage

Policy S10 Circular Economy and Adaptive Design

3. Designations

The site has the following designations under the Islington Strategic and Development Management Policies (SDMP) 2023:

- King's Cross and Pentonville Road Spatial Strategy Area
- Central Activities Zone (CAZ)
- CAZ Fringe Area
- Site within 100m of a TLRN Road (Upper Street)
- Within 50m of Conservation Area – Priory Green

