



ISLINGTON

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department
 PO Box 333
 222 Upper Street
 LONDON N1 1YA



PLANNING COMMITTEE	AGENDA ITEM NO:
Date: 5 June 2014	NON-EXEMPT

Application number	P2014/0991/FUL
Application type	Full Planning
Ward	St Peter's Ward
Listed building	Unlisted
Conservation area	N/A
Development Plan Context	Cycle route 8 of the London Cycle Network
Licensing Implications	None
Site Address	Lower Ground Floor Car Park, Maryland Walk, London, N1 8QZ
Proposal	Application to change the use of lower ground floor of Maryland Walk from ancillary residential car parking to Class B8 self-storage for Metro Storage Ltd.

Case Officer	Paul Conboy
Applicant	Metro Storage – Mr Simon Burnett
Agent	Daniel Watney LLP

1. RECOMMENDATION: APPROVE

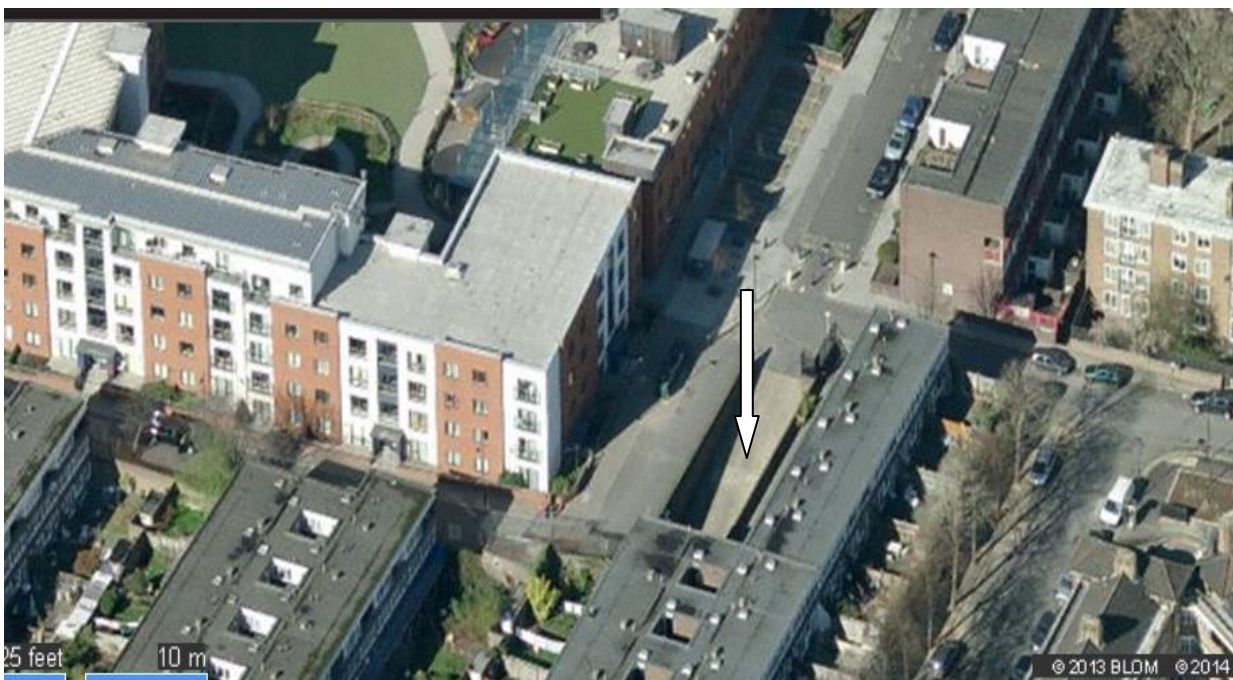
The Committee is asked to resolve to **GRANT** planning permission:

1. Subject to the conditions set out in Appendix 1; and

3. PHOTOS OF SITE/STREET



View from Popham Street looking towards the entrance to the site.



View of main vehicular access into the site from Basire Street.



View from Popham Street looking towards the entrance to the site

Summary

- 3.1 The application proposes to change the use of the lower ground floor car park from ancillary residential (C3 use class) car parking to storage and distribution space (B8 use class). This would result in the loss of 57 car parking spaces and the creation of 1,275 sq metres of storage and distribution floorspace. The net lettable floorspace would be 867sq metres.
- 3.2 The existing car parking spaces are located one floor below the existing ground floor parking spaces which in turn has two storeys of council owned residential accommodation above. The proposed development would only involve the change of use of the lower ground floor of the site, while not changing in external appearance, the development proposes to create 196 self-storage units of varying sizes within the existing footprint of the car park. Therefore, users would be able to use the secure storage facilities for a variety of storage purposes. It is however important to note that the internal arrangement and number of storage units would be flexible to meet the commercial needs of the proposed end user Metro Ltd in this case.
- 3.3 The proposed development seeks planning permission to operate Monday to Friday from 8am until 8 pm, Saturdays 9am to 6 pm and Sundays and Bank Holidays 10am to 4pm. The units would be accessed by customers through a secure pin code which would allow the main entrance door to be opened to allow customers to gain access to their rented storage area.

- 3.4 There are no external alterations.
- 3.5 The current application before members is a resubmission as the result of an earlier refused application under planning ref: P2013/3311/FUL. That application was refused by officers under delegated powers in December 2013 on the grounds of insufficient information as to the transport impacts of the proposals. This submission has provided detailed and substantive transport evidence and statements to address the previous reasons for refusal. It is therefore considered that the previous concerns and reason for refusal have been fully addressed within this resubmission.
- 3.6 Subject to planning conditions and a financial contribution towards highways and cycle improvements, a Directors Service Level Agreement, the impacts of the proposal are considered to be suitably mitigated to such point that the scheme is supported subject to that mitigation.

4. SITE AND SURROUNDING

- 4.1 The application site is situated at the western end of Basire Street and to the south and southern end of Popham Road. As Basire Street is a residential cul-de-sac, vehicles are likely to enter Basire Street from the east from New North Road. Cycle route 8 of the LCN passes through the site along Basire Street, Popham Road and Bishop Street. This is known to be an especially well-used cycle route during peak times in the morning and evening.
- 4.2 The site currently consists of two levels of residential car parking on the ground and lower ground floor levels. The car parking space serves residents who are living in apartments within the two stories above the car park. The application deals only with the lower ground floor car park.
- 4.3 The lawful use of the site has been as ancillary residential car parking. There are 57 car parking garages on the lower ground floor. Only 17 of these are currently in use. The existing lower ground floor car parking spaces are accessed via a sloping entrance accessed from Basire Street. There are bollards adjoining the site which cut off the access onto an adjoining road known as Popham Street. There is also a cycle route and pedestrian walkways around the site, with the surrounding area being heavily used by pedestrians and cyclists alike.

The site is not located within a designated conservation area. The area is primarily residential in nature with large residential properties adjoining the site and New North Community School located towards the north of the site.

5. PROPOSAL (IN DETAIL)

- 5.1 The application proposes to change the use of the lower ground floor car park from ancillary residential (C3 use class) car parking to storage and distribution space (B8 use class). This would result in the loss of 57 car parking spaces and the creation of 1275 sq metres of storage and distribution floorspace. The net

lettable floorspace would be 867sq metres. The lower ground floor, while not changing in external appearance, would accommodate 196 self-storage units of varying sizes within the existing footprint of the car park. Therefore, users would be able to use the secure storage facilities for a variety of storage purposes.

- 5.2 Alongside this application, the council (the landowner) is in the process of clearing unoccupied garages on the ground floor. This will ensure that the 17 residents who use the lower ground floor are able to move to the ground floor.
- 5.3 It is also worth noting that a resident consultation was completed prior to the first application at this address ref P2013/3311/FUL. All 415 residents on the housing estate were written to. Out of 36 who responded, 25 were supportive, 6 against and 5 with no opinion. Of those who objected, none were currently using the lower ground facilities. Following this consultation, Islington Council, as the property owner, has agreed to let the lower ground floor to Metro Storage for self-storage facilities.
- 5.4 There are no external alterations proposed.

6. RELEVANT HISTORY

- 6.1 18/12/2013: P2013/3311/FUL Refusal of planning permission for the Change of use of lower ground floor of Maryland Walk from ancillary residential car parking to Class B8 self - storage and distribution uses.

REASON: The proposal seeks to introduce a commercially operated self-storage facility into a highly residential area that is well used by cyclists and pedestrians. The proposal is considered to result in a detrimental impact on road safety, to increase congestion, increase pressures on on-street car parking in the area, place more pressure on the on-street network and affect the adjoining resident's amenity levels in terms of noise and pollution coming from the increased traffic movements and congestion through the operation of the use. The proposed development is considered to be contrary to Development Management Policies (2013) DM2.1, 8.1, 8.4 & 8.6 and London Plan policies 6.2, 6.3, 6.9, 6.10, 6.11, 7.3, 7.5, 7.13, 7.14 and 7.15 and paragraph 32 of the National Planning Policy Framework.

- 6.2 P2013/3318/ADV Refusal of advertisement consent for the: 'Erection of 3 advertisement signs (non illuminated) to external walls' for the following reason:

The proposed advertisements are inappropriate by reason of their size and cumulative impact which would be detrimental to the character and appearance of the existing building and the surrounding residential area, contrary to policy CS9 of the Core Strategy, DM2.1 and DM2.6 of the Development Management Policies 2013.

6.3 **PRE-APPLICATION ADVICE:** Council officers visited the site to discuss the transport constraints of the site following the refusal of the original application ref P2013/3311.

ENFORCEMENT:

6.4 None.

7. CONSULTATION

Public Consultation

7.1 Over 200 letters were sent to occupants of adjoining and nearby properties along Popham Road, Basire Street, Ingham Court, Maryland Walk, Isleden House & Bishop Street on the 2nd and 15th of April 2014. A site notice and press advert was displayed on 10th April 2014. The public consultation of the application therefore expired on 6th May 2014. However it is the Council's practice to continue to consider representations made up until the date of a decision.

7.2 At the time of the writing of this report a total of 10 letters of objection have been received from the public with regards to the application and this number includes one petition document containing 49 signatures from residents of nearby Isleden House.

7.3 Two letters of support were received from The New North Academy and Packington Children's Centre who stated that they are satisfied that the measures put forward by the applicant in this resubmission will ensure that as far as possible the safety of children around the area will be covered.

7.4 The issues raised by objectors can be summarised as follows:

- Increase in traffic/congestion around the site. **(See paragraphs 9.12- 9.27)**
- Safety concerns and conflicts with the existing pedestrians and cyclists around the site. **(See paragraphs 9.12- 9.27)**
- Inappropriate commercial use in a residential area. **(See paragraphs 9.4-9.10)**
- Noise and air pollution coming from the proposed use. **(See paragraphs 9.27- 9.31)**
- Concerns over security for what is stored within the proposed storage units **(See paragraphs 9.32-9.35)**
- Concerns over monitoring the use of the development to ensure no highways safety issues or noise problems associated with the commercial activity. **(See paragraphs 9.12- 9.27)**

- Crime and anti-social behaviour around the site. **(See paragraphs 9.32- 9.35)**
- Concerns over the accuracy and data provided within the applicants transport assessment. **(Officers consider the information provided to be accurate and based on reasonable evidence and assumptions. See paragraphs 9.12- 9.27)**
- Concerns over a future related application for signage. **(Not part of this application. Any future proposed signage would require a separate advertisement consent application to be sought from the council)**
- Poor overall response to community consultation prior to the submission of the planning application. **(Please see consultation section of report. The application was fully consulted upon which included neighbourhood consults, site notice and a press advert.)**
- Object to use which will increase car movements in the area. **(See paragraphs 9.12- 9.27)**
- Concerns over possibility of approved use being turned into a distribution centre without further permission being required. **(See paragraph 9.9)**

External Consultees

7.5 Metropolitan Police (Crime Prevention) did not respond.

Internal Consultees

7.6 Access Officer: No overall concerns and recognises limited ability to change the accessibility of the site due to the scale and nature of the development as a whole.

7.7 Conservation & Design Officer: No objections as no external alterations are proposed.

7.8 Energy & Sustainability Officer: No objections bearing in mind the scale and size of the proposed change of use.

7.9 Public Protection Division (Noise Team): The officer noted there may be potential for noise complaints whereby residents would have probably had little activity at the garages for some time and there will now be a step change with the introduction of the self-storage units. The first control would be over the hours of operation. The applicants have suggested in their application that the times be 08:00-20:00 Monday-Friday, 09:00-18:00 Sat and 10:00-16:00 Sunday and Bank Holidays.

With the potential impact traffic, loading/unloading and ancillary noise, Public Protection advise:

"Deliveries, collections, unloading, loading shall only be between the following hours:
Monday to Friday - 08:00 - 18:00
Saturdays 09:00-18:00
Sundays/Bank Holidays - 1000-16:00"

- 7.10 Spatial Planning and Transport (Transport Officer): was consulted on the proposal. The officer has had extensive discussions with the applicant in order to establish reasonable and accurate baseline traffic conditions in the area in order to assess accurately an updated Transport Assessment. The officer considers the additional detailed transport evidence and assessments to be of a good quality and is satisfied that appropriate conditions and a financial contribution towards imminent planned improvements to the New North Road Safety and Environmental Scheme would mitigate any impacts of the proposal. On this basis the officer considers that the proposed change of use would not materially harm pedestrian, cycle and highways movements and safety throughout the area around Bishop Street, Basire Street & Popham Road.
- 7.11 Policy officer: No policy objections to the resubmitted scheme. No policy protection for existing off street parking facilities.

Other Consultees:

- 7.12 Design Review Panel: The application did not go to the Design Review Panel.
- 7.13 Members Planning Forum: The application was not considered at Members Forum.

8. RELEVANT POLICIES

- 8.1 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

- 8.2 The National Planning Policy Framework 2012 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.

Development Plan

- 8.3 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Designations

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

- Major Cycle route LCN 8

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Principle of the Land-use
- Design and Heritage
- Highways and Transportation
- Neighbouring Amenity
- Security and anti –social behaviour
- Accessibility
- Energy and Sustainability
- Planning Obligations / Mitigation and CIL

Land-use

9.2 The application site is located within a primarily residential area. The existing lower ground floor of this council housing estate is occupied by 57 car parking garages with approximately 17 garages being used in this space at present. Therefore the existing garage spaces are under utilised as there are at least 40 empty garages. The loss of ancillary car parking associated with a residential use is supported by planning policy (CS10) of the Core Strategy 2011 which seeks to encourage more sustainable forms of travel. Moving to consideration of the acceptability of the proposed land use, there are no policies that seek to prevent storage uses within the borough and the acceptability of the proposed land use relies on the transport and amenity considerations of the proposal.

9.3 These attributes historically and currently create a relatively quiet residential area where the main forms of movement in the immediate locality along Basire Street, Popham Street and to a lesser extent Bishop Street are pedestrian and cyclists with a large primary school (New North Community School) in close proximity.

9.4 This quiet residential context forms an important consideration in this case in assessing the land-use implications of the proposed development. The Council's Development Management Policies (2013) DM2.1 & DM5.1 as well as London

Plan (2011) policies seek to promote sustainable development and develop the economy of the borough as a whole. However specific care needs to be given to ensuring that new developments do not have unacceptable adverse impacts on the amenity enjoyed by of adjoining occupiers, particularly residential occupiers.

- 9.5 Previously Refused Scheme: In the previous planning application the council considered that the creation of a commercial storage unit in this location, which is characterised by sensitive surrounding land uses including a primary school (where small children arrive on foot), would be unacceptable. This was largely due to the lack of detailed information supporting the application and therefore inability to properly understand how the storage use would operate. However, much more detailed information and transport assessments have been undertaken and provided within this resubmission. This resubmission sought to clarify and quantify the number of likely vehicle movements and explain the intensity of the use on this site to illustrate the overall impacts of the development as a whole on the surrounding transport network and the amenity of local residents. The transport section of this report in **paragraphs 9.12 – 9.26** outlines in detail the changes in circumstances and evidence in relation to the transport implications of this development as a whole.
- 9.6 The updated evidence is considered to address the council's previous concerns. Those previous concerns (now addressed) include the potential for the proposed use to:
- generate significant increases in traffic movements in and around the site;
 - have a detrimental impact on road safety;
 - to increase congestion;
 - increase pressures on on-street car parking in the area;
 - place more pressure on the on-street network and affect adjoining resident's amenity levels in terms of noise and pollution coming from possibly increased traffic movements and congestion through the operation of the use.
- 9.7 It is commonly accepted that suitable sized commercial activities can function in residential areas where the intensity and the scale of the use is appropriate. Bearing in mind the detailed transport evidence and details regarding the functioning and intensity of the proposed use, it is considered that this proposal is acceptable.
- 9.8 It is important to note the scale and the specific business model which has been outlined by the applicant (Metro Ltd). This is set out within the 'Management Summary' which explains how the operators would manage new customers and returning customers who use the facility. These details add further weight to the acceptability of the proposed change of use and ensure that its scale and intensity of use can be controlled into the future. The Management Plan and adherence to it is secured by planning condition (see suggested condition no 6).

- 9.9 Officers note some neighbours' concerns about the ability of the council to control future B8 uses of the site for some distribution purposes which may be more difficult to control in this residential area. Therefore it is suggested that a personal condition is placed on any approval of planning permission to grant a personal permission in this case to a Metro Ltd. If this end user were not to move into the garages or were to leave at a later date the space would revert back to its former ancillary residential (car parking) use with any new users of the site needing to apply formally to the council for permission once more. This personal use condition would ensure that the council would maintain full control of how this space is used into the future and enable adjoining residents' amenity levels to be safeguarded into the future.
- 9.10 The proposed development is considered to have addressed the previous reason for refusal and is considered to accord with Development Management Policies (2013) DM2.1, 8.1, 8.4 & 8.6 and London Plan policies 6.2, 6.3, 6.9, 6.10, 6.11, 7.3, 7.5, 7.13, 7.14 and 7.15 and paragraph 32 of the National Planning Policy Framework.

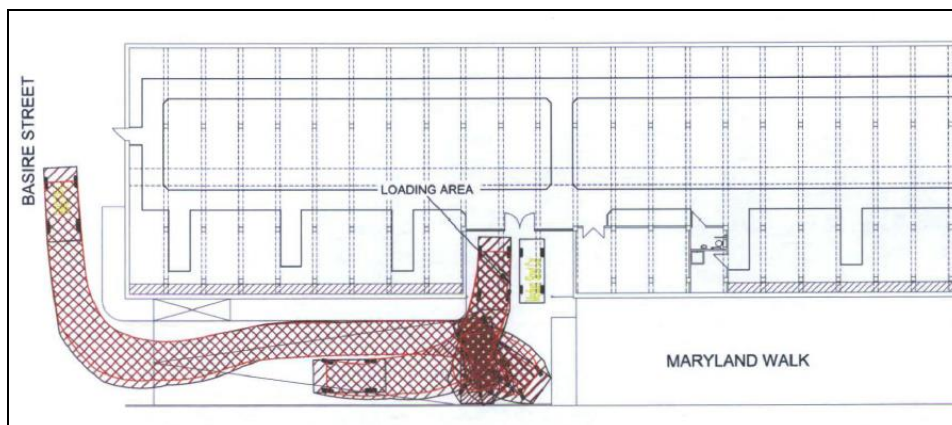
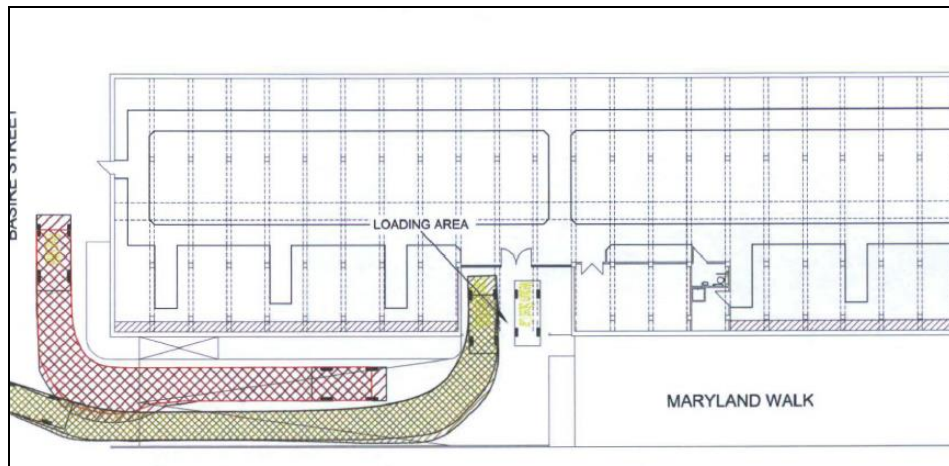
Design, Conservation and Heritage Considerations

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

Highways and Transportation

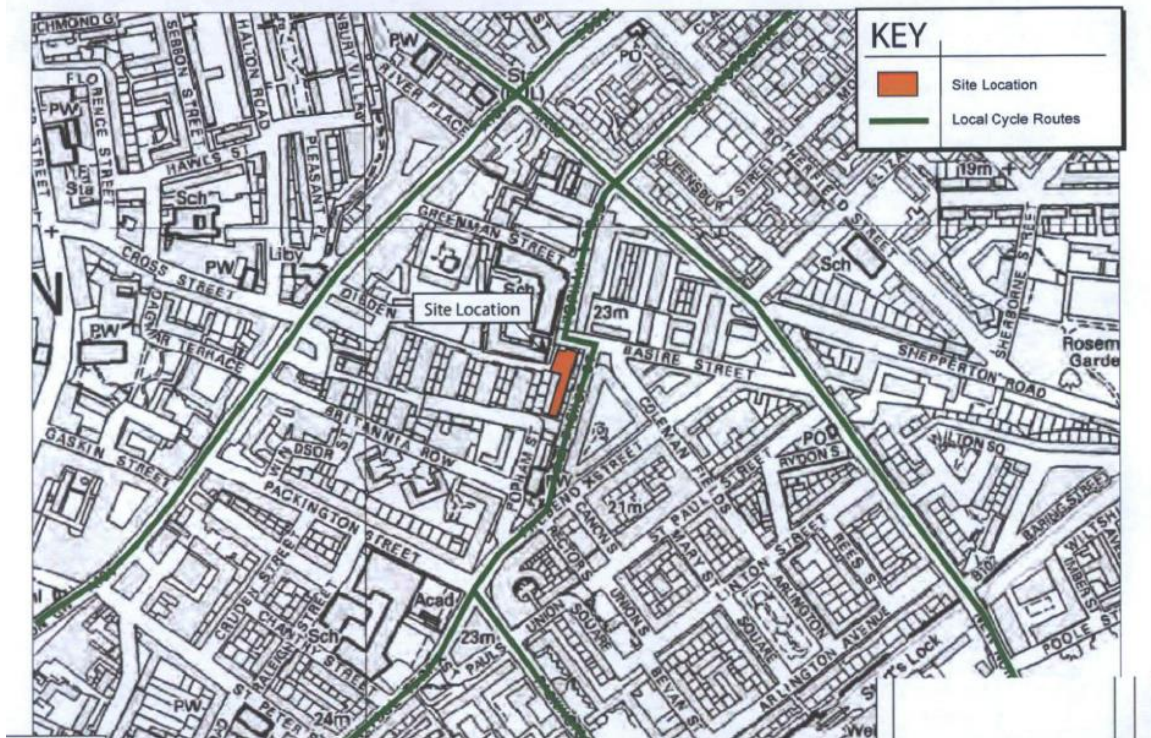
- 9.12 Potential Transport impacts of development: Development Management Policy DM 8.2 requires developments to fully mitigate any adverse impacts upon the capacity of transport infrastructure and have no negative impacts on the safe and efficient operation of transport infrastructure. In order to mitigate any adverse impacts, Development Management Policy DM 8.6 requires that worst case scenarios have been assessed and their impacts mitigated.
- 9.13 The applicant has provided a Transport Statement that complies with requirements set out within Appendix 5 of the Development Management Policies including an assessment of worst case scenarios and a detailed assessment of trip generation. According to the Transport Statement, the facility would generate approximately 6 daily visits (6 vehicles entering the facility and 6 leaving the facility). On its busiest day, the facility may generate up to 16 daily visits. The applicant's analysis highlights that the current lawful use (57 car parking spaces) would generate 38 daily visits if it was effectively marketed for use as a residential car park and taken up to full capacity. Therefore, the proposed use would lead to significantly less vehicle trips than the current lawful use and is considered to be acceptable.

- 9.14 Vehicle Access: Development Management Policy DM8.2 (Managing transport impacts), Part A requires developments to address servicing requirements. In line with Development Management Policy DM8.6 (Delivery and servicing for new developments), Part A: delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis).
- 9.15 The applicant has provided swept path diagrams of the largest vehicle types entering and exiting the site in forward gear to demonstrate that these movements can be accommodated. The diagrams demonstrate that two vehicles (one of which could be an LGV) could use the on-site loading facilities at the same time and each vehicle could exit in forward gear. **(See diagrams below)**
- 9.16 Due to width and headroom restrictions only cars and some light goods vehicles are able to access the site. Other goods vehicles and some LGVs are not able to access the site. They would be required to use on-street loading bays. Based on the agreed trip generation estimates, the applicant estimates that, on a normal day, 1-2 vehicles would use the on-street loading bays. This could rise to 3 vehicles per day on the busiest days. The proposed use is considered to have an acceptable impact in terms of vehicle movements and with respect of loading and unloading pressures in the vicinity of the site.



9.17 Pedestrian and Cycle Access: Development Management Policy DM 8.1 is clear that developments should prioritise the needs of pedestrians and cyclists over those of motor vehicles. Development Management Policy DM 8.2 Part A states that developments should fully mitigate any adverse impacts upon the capacity of transport infrastructure, including pavements and other walking routes, cycle routes, public transport and roads. Furthermore, Development Management Policy 8.4 states that there should be no road safety conflicts where cyclists have to share space with vehicles/cyclists.

9.18 The facility can be accessed by foot via steps at the southern end of the access ramp. The proposed facility sits within a network of well used cycle and walking routes. There is already a cycle route running east/west through Popham Road, Basire Street and Bishop Street. As part of improvements to Islington's cycle network, the number of cyclists using this route is likely to increase further. A number of cyclists also enter and exit Basire Street from New North Road. The same junction that potential users of the facility will use to access Basire Street and enter the facility.



9.19 It is important that the proposed facility does not create conflict between vehicles entering and exiting the site (and the surrounding area) and cyclists and pedestrians. While there would be an overall reduction in the number of vehicle movements along this route, the impacts of larger vehicles may increase the likelihood of conflict. Furthermore, an increase in large vehicles

loading/unloading along Basire Street could create an obstruction for passing cyclists.

- 9.20 A figure of £10,000 has been secured within the attached S106 agreement with this application to help fund improvements to the New North Road Safety and Environmental Scheme.
- 9.21 Furthermore, as all customers are accompanied on their initial visit, Metro Storage workers explain how the facility operates and local relevant highways conditions including the cycle route. This information would also be contained within a step-by-step pictorial guide on how to use the storage facility.
- 9.22 While these measures are welcome, a contribution towards cycling improvements in the vicinity is also required. The contribution would help improve cycle safety in the vicinity of the site to help reduce road safety conflicts between cyclists and vehicles using the site. A figure of £10,000 has been agreed as a head of term to be secured via S106 agreement, to be spent on improvements to the New North Road Safety and Environmental Scheme.
- 9.23 Vehicle parking: For non-residential developments: Development Management Policy DM8.5 (Vehicle parking), Part B (Non-residential parking) states that parking will only be permitted where this is essential for operational requirements and integral to the nature of the business/service (such as a car hire or storage/distribution use). Normal staff parking will not be permitted. It is welcome that the applicant does not propose any staff parking on-site. Moreover, the management model means that the facility does not require a constant on-site daily staff presence. This will cut down on the number of trips generated to/from the facility.
- 9.24 Impacts on the on-street network: Development Management Policy DM 8.2 requires development to have no negative impacts on the safe and efficient operation of transport infrastructure. Furthermore, developments should have no significant negative impacts from transport arrangements on the local and wider environment. In order to help achieve this Development Management Policy DM 8.6 requires that in so far as practical all delivery and servicing to take place off-street.
- 9.25 Based on the applicant's trip generation estimates, 1-2 vehicles would need to use the loading bay per day. These vehicles will be required to use the loading bay as they would be unable to use the on-site facilities. On the busiest day this could rise to 3 vehicles. Vehicles would use the existing on-street loading bays along Basire Street. These permit loading/unloading for a maximum of twenty minutes during the operation of the CPZ. The proposed development is not considered to have an unacceptable adverse impact on the on street servicing and parking network.

- 9.26 Emergency access to the site: It is important to note that the proposed use creates a potentially more intensive use of the site for storage facilities whereby patrons could store a variety of different objects which could be flammable in nature. It is of course noted that the storage company would control the types of objects that customers could store here and also install a sprinkler system internally for fire safety. Details of the sprinkler system are secured as per suggested condition 3. The existing ramp on site would allow emergency access into the site.
- 9.27 Transport Conclusion: The submitted details concerning the functioning, scale and the intensity of the proposed use have illustrated that the use can function fully without having a material adverse impact on highway safety and movements in the surrounding area. Pedestrian and cyclists' safety and needs will be unaffected and the use is not considered to have any material increase in air pollution and related noise coming from the proposed use subject to the suggested conditions regarding hours of use, personal use condition to Metro Ltd and operation details contained within the suggested conditions at the end of this report.

Neighbouring Amenity

- 9.28 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. In this regard, the proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality.
- 9.29 The issue of noise and disturbance has been raised as an objection by several neighbouring residents. Based on representations from neighbours, it appears that the current use of the site is for low level parking and garages used for related residential purposes.
- 9.30 The updated transport details and assessments have shown that the use could function satisfactorily without any significant increases in traffic movements in and around the site. The likely number of daily visits to the site is low, the existing ramp access allows two cars to enter and exit the site in forward gear. There is also availability for some unloading of cars in the immediate locality. Therefore the council is satisfied that the scale and intensity of the proposed storage facility operations can be accurately quantified and that the identified impacts of the proposal do not have the potential to cause material harm to adjoining residents in terms of noise pollution, air pollution from cars entering and leaving the site as the use functions, subject to conditions restricting hours of operation.

- 9.31 The council has fully considered the council's noise officer's comments in relation to the proposed hours of operation in this case. Bearing in mind the detailed evidence of the proposed intensity, management and how the use of the site would function as well as the scale of the development it is considered that the proposed operation hours are reasonable within this context. It is also important to note that the floor above the proposed use is not in residential use which would lessen any potential noise disturbances on adjoining residents in this case. The proposed opening hours are detailed below:
- Monday to Friday from 8 am until 8 pm;
 - Saturdays 9 am until 6pm; and
 - Sundays and Bank Holidays 10 am until 4pm.
- 9.32 Security & anti-Social behaviour problems: Concerns have been raised by residents regarding the potential for security issues and anti-social behaviour in and around the site. It is considered that the creation of a commercial use here with associated lighting and CCTV would increase surveillance at lower ground and ground levels and would increase surveillance into and around the site as compared to the existing situation.
- 9.33 The proposed operator also carries out extensive vetting and security checks of all its new customers including passport, utility bill and address checks. Potential customers of the facility are shown around the facility by appointment only and departing clients are managed and need to give 14 days notice to Metro Ltd who can manage the removal of their stored goods. Users and their stored goods would be monitored by the business on an ongoing basis. This is critical to the business model, as potential customers wish to have certainty their stored goods will be secure also. Therefore it is considered that with these management procedures in place, new CCTV facilities, in conjunction with the active use of the site that surveillance around the site would be increased and would therefore deter rather than encourage anti-social behaviour in this case.
- 9.34 The proposal is considered acceptable and accords with London Plan Policies 7.6, 7.14 and 7.15 as well as Development Management Policies DM2.1 and 6.1 Paragraph 32 of the NPPF states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".
- 9.35 The council has considered this guidance carefully in the assessing this proposal. The additional transport evidence and assessments submitted as part of this application clearly show that the residual cumulative impacts of the proposed development would not be severe and therefore the proposed development is considered to accord with paragraph 32 of the NPPF.

- 9.36 Refuse facilities: It is considered that the use itself would not create any undue refuse related to the commercial units. However the council seeks additional details to ensure the final refuse facilities address the uses needs adequately to be secured via suggested condition 7.

Accessibility

- 9.37 The existing site is accessed by a sloped driveway with no steps as existing. Bearing in mind the existing characteristics of the site and the scale of the proposed development it is not considered realistic for any more substantial accessibility improvements to be made to the site over and above what exists at present on site.

Sustainability

- 9.38 It is important to note the minimal external alterations involved within this development. The proposal seeks permission for the majority of existing internal space. It is considered that given the scale and type of the change of use proposed that it would be unreasonable to require any substantial carbon offsetting figures or adherence to environmental standards such as BREEAM in this case.

Summary

- 9.39 The proposed change of use is considered to be an acceptable land use in this residential location. The submitted evidence states that the use could function without materially impacting highways, pedestrian and cyclists' safety and movements throughout the immediate area nor would it exert a material adverse impact on the amenity levels of adjoining occupiers. Further summary is provided at paragraphs 3.1 to 3.6 of this report.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 9.40 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's Community Infrastructure Levy (CIL) is chargeable on planning applications of this size on grant of planning permission. The applicant is encouraged to contact Islington's CIL Team to discuss the CIL liability of the proposal.
- 9.41 In order to mitigate the likely impacts of this development on the surrounding environment the applicant has agreed to the following Heads of Terms being included in a Section 106 Agreement prior to issue of decision for approval. A service level agreement between the Service Directors of Housing and Environment and Regeneration would also required to be entered into and signed before the issuing of any approval of permission at this address.

1. The contribution of £869 towards transport and public realm improvements within the vicinity of the site.
2. A contribution of £10,000 to help fund improvements to the New North Road Safety and Environmental Scheme.
3. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
4. Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

9.42 The council considers the above heads of terms to be necessary to mitigate some of the effects of the development on the local area.

National Planning Policy Framework

- 9.43 The NPPF sets out 12 core planning principles that should underpin decision-taking. Of these, the current proposal is particularly strong in relation to the effective reuse of brownfield land, and is compliant with elements of other core planning principles. Paragraph 7 of the NPPF sets out 3 dimensions of sustainable development (economic, environmental and social). The proposed development is considered to be compliant with these 3 dimensions.
- 9.44 The proposal is considered to be compliant with the NPPF's planning policies regarding building a strong, competitive economy (section 1) & promoting sustainable transport (section 4).

10. SUMMARY AND CONCLUSION

Summary

- 10.1 The Council's Core Strategy (2011) policies and Development Management Policies (2013) have been fully considered in assessing the planning merits of the proposed change of use from ancillary residential car parking (C3 use class) to a warehouse operation (B8 use class).
- 10.2 It is considered that subject to securing the suggested conditions, Service Level Agreement and securing the Heads of Terms listed in this report as part of a S106 agreement the potential impacts of this development on the surrounding highways functioning and residential amenity would be mitigated suitably. These would make the proposal acceptable in planning terms and to accord with the Council's planning policies with no other material planning considerations being present to justify a refusal of the application in this case.

10.3 The updated Transport Assessment, Management Strategy details and assessments have illustrated that the proposed use can function fully without materially affecting car and cyclist traffic movements and safety through the area while not exerting any undue pressure on existing on street facilities. This is all while safeguarding the amenity levels of adjoining occupiers. The current application is considered to have fully addressed the previous reason for refusal in this case.

Conclusion

10.4 It is recommended that planning permission be granted subject to conditions, Directors Service Level Agreement & S106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

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

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	CONDITION: The development hereby permitted shall be begun not later than the expiration of two years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved plans list
	CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: Site location plan, 130212GD Issue 9 (existing and proposed drawing), 130212GD Issue 9 (phase 1 to phase 3 drawing) Approved documents: Covering letter from Daniel Watney dated 7 th March 2014, Metro Storage Management Summary booklet, & Transport Statement produced by Odyssey Markides Project No 13-256 dated March 2014.

	<p>REASON: To comply with Section 70(1) (a) of the Town and Country Planning 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	<p>CCTV & Security and fire safety Details</p> <p>CONDITION: Details of any scheme of:</p> <ol style="list-style-type: none"> a) CCTV; and b) general / security lighting. c) Any sprinkler systems necessary <p>shall be submitted to and approved in writing by the Local Planning Authority, and installed, prior to the first occupation of the development. The details shall include the location and full specification of all luminaries, cameras (detailing view paths), lamps and support structures.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the resulting security features are appropriately located and designed and in the interest of protecting neighbouring residential amenity.</p>
4	<p>Noise controls</p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>REASON: To ensure that the operation of fixed plant does not impact on residential amenity.</p>
5	<p>Hours of operation</p> <p>CONDITION: The hereby approved B8 Storage use shall not operate outside the hours of:</p> <ul style="list-style-type: none"> • Monday to Friday 8am to 8pm • Saturdays 9am to 6pm • Sunday and Bank Holidays 10am to 4pm <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>

6	Management Plan – compliance
	<p>CONDITION: The storage operation hereby approved shall be operated at all times in accordance with the requirements of the Management Summary submitted and approved.</p> <p>REASON: In the interest of ensuring the proposed storage use does not have an adverse impact on neighbouring residential amenity and highways safety and functioning.</p>
7	Refuse facilities and management details
	<p>CONDITION: Details of the dedicated refuse / recycling enclosure together with a waste management strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite; and the approved enclosure shall be provided/erected prior to the first occupation of the B8 storage use hereby approved.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
8	Personal permission for Metro LTD
	<p>CONDITION: This planning permission shall operate for the benefit of Metro LTD only and shall not endure for the benefit of the land nor any other person for the time being having an interest therein. On cessation of the use the entire premises shall revert to its original use being ancillary parking garages.</p> <p>REASON: In order to ensure that appropriately scaled and intensive B8 uses are maintained within the building and to safeguard adjoining residents amenity levels into the future.</p>

List of Informatives:

1	S106
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	Community Infrastructure Levy (CIL) (Granting Consent)
	INFORMATIVE: Under the terms of the Planning Act 2008 (as amended)

and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.

Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

APPENDIX 2: RELEVANT POLICIES

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

National Guidance

The National Planning Policy Framework 2012 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.

Development Plan

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

A) The London Plan 2011 - Spatial Development Strategy for Greater London

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.1 London in its global, European and United Kingdom context
Policy 2.9 Inner London

3 London's people

Policy 3.1 Ensuring equal life chances for all
Policy 3.2 Improving health and addressing health inequalities thresholds

4 London's economy

Policy 4.1 Developing London's economy
Policy 4.12 Improving opportunities for all.

5 London's response to climate change

Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening

6 London's transport

Policy 6.2 Providing public transport capacity and safeguarding land for transport
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.11 Smoothing traffic flow and tackling congestion

7 London's living places and spaces

Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.13 Safety, security and resilience to emergency
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes

8 Implementation, monitoring and review

Policy 8.1 Implementation
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Policy CS10 (Sustainable Design)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

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

DM8.6 Delivery and servicing for new developments

Designations

The site has 1 designation under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Major Cycle Route LCN 8

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Environmental Design
- Planning Obligations and S106
- Urban Design Guide 2006

London Plan

- Accessible London: Achieving and Inclusive Environment
- Sustainable Design & Construction