

240 Seven Sisters Road, Finsbury Park

in the London Borough of Islington

planning application no. P2017/3429/FUL

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

The proposal

Demolition of existing buildings and redevelopment of site to provide a 10-storey building to accommodate a 192-bedroom hotel with associated landscaping, cycle spaces and refuse/servicing arrangements. The application also details a ground floor restaurant.

The applicant

The applicant is **Tide Construction Ltd** and the architect is **TP Bennett**

Key dates

Stage 1 Report: 13 November 2017

Committee Meeting: 9 October 2018

Strategic issues

Principle of development: Noting the town centre location and the sites excellent transport links, the proposed hotel use is supported in line with London Plan Policy 4.5

Urban design: The overall height, massing, layout and elevational treatments of the scheme are acceptable in strategic design terms.

Outstanding **sustainable development** and **transport** issues have also been addressed.

The Council's decision

In this instance Islington Council has resolved to grant planning permission subject to conditions and the completion of the Section 106 agreement.

Recommendation

That Islington Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take and does not therefore wish to direct refusal.

Context

1 On the 6 October 2017 Mayor of London received documents from Islington Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 3E of the Schedule to the Order 2008:

- 3 E . (a) “which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated; and
- 3 E . (b) comprises or includes the provision of more than 2,500 square metres of floorspace for a use falling within any of the following classes in the Use Classes Order—” (ix) class C1 (hotels)

2 On 13 November 2017 the Mayor considered planning report D&P/4432/01, and subsequently advised Islington Council that the application was generally acceptable in strategic planning terms however did not comply with the London Plan for the reasons set out in paragraph 34 of that report but that the possible remedies set out in that same paragraph of the report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor’s concerns (see below). On 9 October 2018 Islington Council decided that it was minded to grant planning permission, and on 22 January 2019 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged or direct Council under Article 6 to refuse the application. The Mayor has until 17 December 2018 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons will be made available on the GLA’s website www.london.gov.uk.

Consultation stage issues summary

5 At consultation stage, Islington Council was advised that the application was generally acceptable in strategic planning terms but did not comply with the London Plan for the reasons set out below:

- **Principle of development:** Noting the town centre location and the sites excellent transport links, the proposed hotel use is supported in line with London Plan Policy 4.5.
- **Mix of uses:** The proposed mix of uses (including a basement music venue) is supported. The loss of A Class uses at the site would not prejudice the vitality or offer of the wider town centre, however, the applicant is strongly encouraged to maintain an ongoing dialogue with the existing occupiers, in order to facilitate the timely and successful relocation of small businesses from the site. The applicant must also demonstrate that the proposed music venue would be suitably soundproofed in order to avoid the potential for future noise complaints.
- **Urban design:** The proposed design is generally supported; however further attention should be given to the proposed blank elevation to the northeast of the plot in order achieve full compliance with London Plan Policy 7.1.

- **Inclusive access:** The proposed approach to access and inclusion complies with London Plan policies 4.5 and 7.2.
- **Sustainable development:** The applicant must provide further details on the proposed energy strategy and sustainable drainage proposals in order to demonstrate compliance with London Plan Policies 5.2 and 5.13.
- **Transport:** The applicant is required to address issues associated with: cycle parking access, design and quantum, clarify drop-off/pick-up facilities, further consider the public realm including tree planting, investigate off-carriageway servicing, re-assess the construction, delivery and servicing strategies and undertaker revisions the trip generation and associated revision of the travel plan.

Strategic planning policy and guidance update

6 On 1 December 2017, the Mayor published his draft London Plan for public consultation.

7 On 24 July 2018, the Government published the revised National Planning Policy Framework.

8 On 13 August 2018, the Mayor published Minor Suggested Changes to his draft London Plan, which should be taken into account on the basis explained in the NPPF.

Application update

9 Since consultation stage, GLA officers have engaged in discussions with the applicant, the Council and TfL officers with a view to addressing the above matters. The resulting changes to the application are set out below. Furthermore, as part of the Council's draft decision, various planning conditions and obligations have been proposed to address the above concerns and ensure that the development is acceptable in planning terms.

Principle of development

10 The proposals are in accordance with Policy 4.5 of the London Plan, and Policy E10 of the draft London Plan, which seek to optimise visitor accommodation in town centre locations. The principle of the redevelopment of this long-vacant site for visitor accommodation alongside complimentary restaurant use is strongly supported.

Mix of uses

11 At consultation stage it was noted that the proposed mix of uses (including a basement music venue) was supported. However, since consultation stage the proposed music venue has been removed from the scheme. Whilst it had originally been envisaged that the Council may acquire and operate this Class D2 space, it has now been established that this will not be the case. Accordingly, the applicant has undertaken further market testing of the proposed basement music venue. This demonstrates that the proposed venue would not be viable in this location. Therefore, in the absence of a clear end user (and noting an apparent lack of demand for the form of space originally proposed), officers accept the removal of the Class D2 space from this scheme.

Urban design

12 London Plan Policies 7.1 and 7.4 and draft London Plan Policies D1 and D2 require development to have regard to the form, function and structure of an area and the scale, mass and

orientation of surrounding buildings. At consultation stage, whilst the overall design quality was recognised as good, the applicant was advised to address the blank northern elevation of the proposed scheme. As requested, the application was subsequently revised to increase the design quality of this elevation through the introduction of additional brick detailing. The design quality of the scheme is now supported in accordance with London Plan and draft London Plan policies.

Sustainable development

13 The applicant has provided the additional information requested at consultation stage relating to overheating, worksheet calculations, the district energy network, the site heat network, and photovoltaics. The carbon dioxide savings do not meet the requirements of the London Plan and the draft London Plan. Whilst the carbon savings fall short of policy requirements, it is accepted that all opportunities to provide on-site savings have been fully exhausted, and a carbon offset payment of £ 328,440 has been secured. The proposals are acceptable in accordance with Policy 5.2 of the London Plan and Policy S12 of the draft London Plan.

Transport

14 At consultation stage TfL raised concerns to the tree planters proposed on Seven Sisters Road due to the potential for pedestrian congestion and crowding. Clarification was also sought on trip generation and servicing impacts, as well as a Hotel Management Plan to restrict bookings by groups of more than 4 hotel guests at a time and an increase in short-stay cycle parking to current London Plan standards. All of these issues have since been resolved by the applicant and Islington Council through the revisions of further detail and revisions.

15 Coach and taxi drop off areas originally included in the development proposal have been removed due to limited space in the public realm around the site and to prioritise travel by sustainable and active modes. Construction Logistics, Delivery and Servicing and Travel Plans have all been secured by condition, with wording to ensure no deliveries are permitted at the site from 7-10am and 4-7pm without written consent from TfL, including during construction. This will help protect public safety in accordance with the Mayor's Vision Zero action plan and prevent problematic traffic congestion on the TLRN. Exact locations for the short-stay cycle parking and construction access have been agreed with the applicant and Council. The Section 106 agreement also includes an obligation for the applicant to enter into a Section 278 agreement with TfL as the highway authority for Seven Sisters Road, so that public realm improvements around the site proposed as part of the development will be delivered and funded by the applicant. This is supported and resolves all extant transport issues identified at consultation stage.

Response to consultation

16 Islington Council publicised the application by sending 582 consultation letters to neighbouring properties on the 22 September 2017 and issuing site and press notices on 28 September 2017. A further consultation was undertaken in August 2018 as a result of amendments to the proposals. Letters were sent to occupants of 582 adjoining and nearby properties and a site notice and press advert were displayed. The public consultation of the application therefore expired on 07 September 2018, A total of 2 responses were received from both consultations, with comments summarised as follows:

In support:

- Generation of employment opportunities,
- Introduction of activity to the frontage of Seven Sisters Road,
- General design commentary,

- Public realm works.

In objection

- General design principles,
- Public realm and highway,
- Advertisements,
- Design revisions,

17 The following statutory bodies commented as follows:

- **Transport for London** – conditions suggested covering; protection of London Underground infrastructure, no group booking given lack of coach facilities, cycle store provision, construction, traffic management. Concerns regarding lack of disabled travel provision, pedestrian safety and service/refuse arrangements were also raised.
- **London Underground** – condition suggested requiring the submission of a design and method statement for all of the foundation, basement and ground floor structures to protect LUL infrastructure.
- **Crime Prevention Design Officer** - various design advice offered to prevent guests becoming victims of crime, cycle stores to be located in areas of good surveillance, bin store security.
- **Network Rail** – Network Rail has no objection in principle to the development. Various conditions and informatives were suggested to protect the railway infrastructure.
- **English Heritage** – No objection
- **London Fire and Emergency Planning Authority** – Various advice offered covering; access to buildings, inclusion of sprinklers, evacuation procedure, compliance with Building Regulations.
- **Thames Water** – suggested a condition to ensure the water network infrastructure can accommodate the proposed development. Suggested an informative to ensure infrastructure is protected.
- **Historic England** - No archaeological requirements advised that application should be determined in accordance with relevant planning policy.

18 Having considered the responses to public consultation, Islington Council has proposed various planning obligations and conditions in response to the issues raised. Having had regard to these, GLA officers are satisfied that the statutory and non-statutory responses to the public consultation process do not raise any material planning issues of strategic importance that have not already been considered in this report, or consultation stage report D&P/4432/01.

Draft Section 106 agreement

19 The draft section 106 agreement includes the following provisions:

- Financial contributions: Code of Construction Practice Monitoring Fee, Affordable Workspace Contribution, Carbon Offset Contribution,
- Employment and Training - compliance with the Employment and Training Code,
- Construction – code of construction practice, CoCP response document,
- Local procurement - compliance with the Council’s Code of Local Procurement,

- Decentralised energy network - Updated Energy Statement, Development Design and Construction, Connection to District Heating or Shared Heat, Agreement with Provider, Review of Connection Feasibility,
- Travel plan – submission of Draft Full Travel Plan to the Council for the Council’s written approval,
- Green Performance Plan - submit a draft of the Green Performance Plan prior to Implementation of the Development,
- Accessible transport - Accessible Transport Contribution unless prior to Commencement of Development it has ensured the provision of 22 (twenty two) accessible parking bays within the vicinity of the Site to the Council’s satisfaction confirmed in writing,
- Car Free
- Highways Agreement - The Owner shall not Implement or permit the Planning Permission to be Implemented until the Owner has entered into the Highways Agreement,
- Pedestrian safety measures during construction - The Pedestrian Safety Measures have been implemented including entering into a S278 highways agreement with TfL if necessary,
- Sex industry - The Owner shall use reasonable endeavours to ensure that the Development is not used by the sex industry.

Legal considerations

20 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice.

Financial considerations

21 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.

22 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

Conclusion

23 Having regard to the details of the application, the matters set out in the committee report and the Council's draft decision notice there are no sound planning reasons for the Mayor to intervene in this particular case and no basis to direct refusal. It is therefore recommended that the Mayor allow Islington Council to determine the case itself, subject to any action that the Secretary of State may take.

for further information, contact GLA Planning Unit (Development & Projects Team):

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