

From: simon@spplanning.co.uk
To: [planningpolicy](#)
Subject: Local Plan Representations
Date: 18 October 2019 16:17:21
Attachments: [R19002.005 reps SA FP4.pdf](#)
[R19002.006 reps FP6.pdf](#)

Please find attached representations made in respect of:

- Local Plan Policy FP6 “Finsbury Park”
- Site Allocation FP4, 129-133 Fonthill Road and 13 Goodwin Street.

We would be grateful if you could confirm receipt.

regards

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Date: 18 October 2019

Ref: M19002

ISLINGTON LOCAL PLAN REGULATION 19 DRAFT – REPRESENTATIONS:

SITE ALLOCATION FP4, 129-131 & 133 FONTHILL ROAD & 13 GOODWIN STREET, FINSBURY PARK, LONDON N4 3HH

Background

- 1.1 These representations are made on behalf of Dawnelia Developments One Limited, the owner of 129-131 & 133 Fonthill Road & 13 Goodwin Street, Finsbury Park, London N4 3HH (the "subject site"). They relate to proposed Site Allocation FP4 which affects the subject site. They are submitted in-conjunction with representations on draft Local Plan Policy FP6.

The Site

- 1.2 The subject site is located in the Finsbury Park Town Centre and the area has a PTAL rating of 6b 'excellent access to public transport' which is the highest rated publicly accessible level as defined by Transport for London (TfL). It is occupied by three buildings, namely:
- 1.3 129-131 Fonthill Road N4 3HH (including 14 Goodwin Street): This comprises a part 4-storey and part 2-storey late-twentieth century building located on the corner between Fonthill Road and Goodwin Street. It includes a pair of retail units facing Fonthill Road at ground floor level and a café/restaurant facing Goodwin Street (No. 14 Goodwin Street). The upper floors, which are accessed from Goodwin Street, have most recently been used as storage units.
- 1.4 133 Fonthill Road N4 3HH: This is a 3-storey Victorian terrace building with a shop on the ground floor. The upper floors are accessed directly from the street have been occupied by a clothing company.
- 1.5 13 Goodwin Street N4 3HQ: this comprises a 3-storey terrace building with an office unit on the ground floor and a storage unit on the upper levels. The former extends a significant distance to the rear and abuts the rear boundaries of 135, 137, 139 and 141 Fonthill Road.

The Site Allocation

- 1.6 The entry for the subject site included in the adopted Local Plan, Site Allocations document (2013) is provided at Appendix 1. The “allocation and justification” reads:

Retail-led mixed use development to complement the unique character of Fonthill Road (as a fashion corridor) and contribute to the vitality of Finsbury Park District Town Centre. Active retail frontage at ground floor, particularly along Fonthill Road.

*Other suitable uses include hotel, employment (use classes A1, A2, A3) and business (B1) subject to evidence there is adequate provision for servicing. **An element of residential may be acceptable.** [our emphasis]*

- 1.7 The proposed new site allocation (reference FP4), also attached at Appendix 1, proposes the replacement of the above with a new “allocation and justification” which reads:

Retail-led mixed use development to complement the specialist shopping function of Fonthill Road (as a fashion corridor) and contribute to the vitality of Finsbury Park Town Centre. Active retail should be provided on the ground floor. Upper floors should provide office floorspace and, where appropriate, workshop space related to ground floor specialist retail functions, including appropriate well-designed SME workspace.

- 1.8 For reasons that are not clear, it is proposed that the final sentence of the current allocation, which states that “*an element of residential may be acceptable*”, has been omitted from the text of the proposed new allocation. This gives the impression – rightly or wrongly – that some residential use within the site may not be acceptable in principle in the future and the only uses that would be acceptable would be retail and office use. This renders the redevelopment of the site unviable.
- 1.9 For the reasons set out below we believe this is unjustified and the site allocation should continue to recognise that an element of residential accommodation may be acceptable and, in fact, is necessary to make a mixed-use redevelopment scheme deliverable.

Soundness

- 1.10 For proposed Site Allocation FP4 to be sound it should be:
1. Consistent with the strategic policies set out in the draft Local Plan and the London Plan;

2. The Site Allocation should be worded so as to ensure the desired form of development is viable and therefore likely to be delivered; and
3. Justified, fair and reasonable.

1. Consistency

- 1.11 Among the strategic policies in the draft Local Plan, is Policy SP6, which relates specifically to Finsbury Park and therefore the subject site. Part E of this policy states:

In principle, residential development will generally only be suitable on upper floors in the Town Centre. However, acceptability on upper floors will be judged on a case-by-case basis, factoring in the need to conserve sufficient ancillary space to allow for commercial uses to continue to operate successfully.

- 1.12 The text supporting the above (paragraph 2.71) states:

Residential development will generally be resisted in the Town Centre on ground floors or below in order to retain the predominant commercial function of the Town Centre. Residential uses on upper floors in the Town Centre may be acceptable, dependent on the need to conserve sufficient ancillary space to allow for commercial uses to continue to operate successfully. Other impacts, including the impact on the amenity of adjacent occupiers, will also be considered in line with relevant policies.

- 1.13 In other words, one of the proposed strategic policies in the draft Local Plan makes it clear that development proposals that include an element of residential use in the Finsbury Park area are acceptable in principle provided they do not result in a loss of commercial uses and are designed to ensure that commercial uses can continue to operate successfully.

- 1.14 Part C of proposed strategic Policy H1, "Thriving Communities", states:

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

- 1.15 The text that accompanies the above (paragraph 3.14) notes:

Islington faces an extreme set of circumstances when it comes to need and land supply. Land supply in Islington is constrained, and the borough is small and densely populated. Local evidence demonstrates that the need for new housing in the borough is significant...

- 1.16 Islington is densely developed and there is limited undeveloped land within the borough (Pretty much all of the site allocations are either occupied by buildings or benefit from planning permission). In the borough new dwellings are predominately created as part of the redevelopment under-utilised sites where intensification is appropriate. As the Council seeks to protect commercial uses in most circumstances, a large proportion of new dwellings can only be created as part of mixed-use developments.

- 1.17 As well as being consistent with the Local Plan, Site Allocation FP4 - and the aforementioned Local Plan policies - need to be consistent with the London Plan. Policy GG2, “*Making the best use of land*” in the draft London Plan, consolidated changes version (July 2019) states:

To create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must:

A enable the development of brownfield land, particularly in Opportunity Areas, on surplus public sector land, and sites within and on the edge of town centres, as well as utilising small sites.

AA prioritise sites which are well-connected by existing or planned public transport.

B proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling

BA applying a design-led approach to determine the optimum development capacity of sites.

- 1.18 Planning permission was granted in August 2010 (ref: P090839) and subsequently the timescale for implementation was extended in May 2014 (ref: P2013/1931/FUL) for the erection of a five storey building plus basement to provide for a 92 bedroom hotel and three commercial

units comprising: two A1 retail units fronting Fonthill Road and a flexible A1/A3 unit.

- 1.19 This permission, which has lapsed, would have resulted in an uplift in floorspace from about 1200sqm to nearly 2300sqm. It should therefore be evident to the Council that there is significant scope to increase the amount of floorspace within the subject site, which is clearly in a very accessible location close to a range of amenities and services.
- 1.20 The Council has not applied a design-led approach to the determine the capacity of the subject site and therefore the scope for intensification in manner that can meet the policies aims identified above with the inclusion of an element of residential use. In the absence of this, a set of drawings are attached at Appendix 2 (which will form the basis of a planning application in the near future). This draft scheme for the subject site demonstrates that a mixed-use redevelopment scheme could provide improved retail space on the ground floor, better quality flexible employment space suitable for SMEs in an independent building, *plus* self-contained flats. The objectives of Site Allocation FP4 can be met with “an element of residential” and therefore the allocation should be explicit in recognising this.
- 1.21 Amending Site Allocation FP4 in this way would ensure it is in line with London Plan Policy GG2 as the allocation would be based on a proactive design-led approach that supports additional homes as part of higher density development in locations such as Finsbury Part which is extremely well-connected to jobs, services, infrastructure and amenities.

2. Deliverability and viability

- 1.22 Notwithstanding the above, sites identified in the Site Allocations document should be deliverable and viable. As noted in the earlier representations made by Turley (22 March 2018) planning permission has been granted in recent years for substantial amounts of business floorspace in the area. In particular, the planning permission for the residential-led development at the nearby Andover Estate (P2017/2065/FUL) includes over 5000sqm of affordable workspace. This will be on top of the +2000sqm of B1 floorspace that would be provided within the residential-led City North development, which is a short distance to the east of the subject site.
- 1.23 In the context of high levels of future supply of business floorspace in the area, and limited evidence of high levels of demand, the

redevelopment or partial redevelopment of the subject site for solely commercial uses is simply not viable. Much of the space within the site is currently either vacant or let as lock-up type storage space. The only way a redevelopment scheme for the subject site will be delivered in the foreseeable future is if it contains an element of residential. Even then viability is marginal.

3. Justified, fair and reasonable

- 1.24 As currently drafted Site Allocation FP4 would appear to essentially prohibit any uses other than retail or business use on the subject site. This goes beyond Policy FP6 which essentially requires the retention of existing uses and “strongly encourages”, the intensification of B1, B2 and/or B8 uses. As things stand, the subject site - and site allocations FP5 and FP6 – would be subject to allocations that are more restrictive than would be applied to any development coming forward on sites in Finsbury Park that are not identified in the Site Allocations document. This approach has not been justified.
- 1.25 It is noted that the site allocations for 139-149 Fonthill Road (FP11) and 221-223 Seven Sisters Road (FP9), both immediately to the south of the subject site; and the Finsbury Park Station Island (FP3) a short distance to the east of the subject site, all refer to commercial uses “potentially with” or “alongside” “an element of residential”. There is no obvious reason why these adjoining and nearby sites have potential for an element of residential use and the subject site is not. The allocation as it stands is unfair and unreasonable as it places a restriction on the subject site that goes beyond proposed Policy FP6 without any justification.

Summary and Conclusions

- 1.26 As demonstrated by the draft scheme for the subject site, there is an excellent opportunity to deliver new housing in a highly sustainable town centre location as part of a high quality retail/business-led redevelopment scheme. Such a scheme would provide improved retail and office space which would enhance the vitality and viability of Finsbury Park, as would the economic contribution made by new residents of the area resulting from the provision of an element of housing. This would be entirely in line with draft Local Plan Policies SP4 and H1 and, most notably, London Plan Policy GG2. As it stands, Site Allocation FP4 is a clearly inconsistent with these policies. It is also

evident that the redevelopment of the subject site solely for commercial uses would not be viable and therefore undeliverable.

- 1.27 At present, the absence of recognition that the subject site is capable of providing an element of housing renders the Local Plan unsound. In addition, for the reasons set out in the representations made in response to draft Local Plan Policy FP6, the reference to “*workshop space related to ground floor specialist retail functions*” should be removed.
- 1.28 For the reasons set out above, and in the associated representation on Policy FP6, the site allocation should read:

Retail-led mixed use development to complement the unique character of Fonthill Road (as a fashion corridor) and contribute to the vitality of Finsbury Park District Town Centre. Active retail frontage at ground floor, particularly along Fonthill Road.

Business floorspace, including appropriate well-designed SME workspace, should be provided to replace existing floorspace. Subject to the adequate replacement of retail and business uses, potentially with an element of residential.

APPENDIX 1: Site allocation entries

Site FP2

129-131 & 133 Fonthill Road and 13 Goodwin Street



Address, location, postcode	129-131 & 133 Fonthill Road and 13 Goodwin Street, N4
Ownership	Dawnelia Properties Ltd
Approximate size of site	597m ²
Current/previous use	A mixture of vacant buildings, retail and cafe use.

How was the site identified and relevant planning history	Site identified from planning application database. The site currently has planning permission (P090839, August 2010) for a five storey building to provide a 92 bedroom hotel and three commercial units with two shop (A1) units on Fonhtill Road, and flexible retail/restaurant (A1/A3) unit fronting Goodwin Street.
Allocation and justification	<p>Retail-led mixed use development to complement the unique character of Fonhtill Road (as a fashion corridor) and contribute to the vitality of Finsbury Park District Town Centre. Active retail frontage at the ground floor, particularly along Fonhtill Road.</p> <p>Other suitable uses include hotel, employment (use classes A1, A2, A3), and business (B1), subject to evidence there is adequate provision for servicing. An element of residential may be acceptable.</p>
Design considerations and constraints	<p>Development should contribute to an improved public realm, transport and pedestrian links.</p> <p>Development should conserve and enhance the setting of locally listed buildings (including the postal sorting office at 4-5 Goodwin Street and 138 Fonhtill Road) and the historic character of the area including its Victorian heritage.</p> <p>Thames Water has indicated that there may be issues with water supply capability associated with this site. As such applicants must demonstrate that early engagement has been undertaken with Thames Water and that appropriate measures have been agreed to mitigate any potential problems associated with water supply.</p>
Estimated timescale	2012-2016

Site Allocation FP2 (Adopted Site Allocations document, 2013)

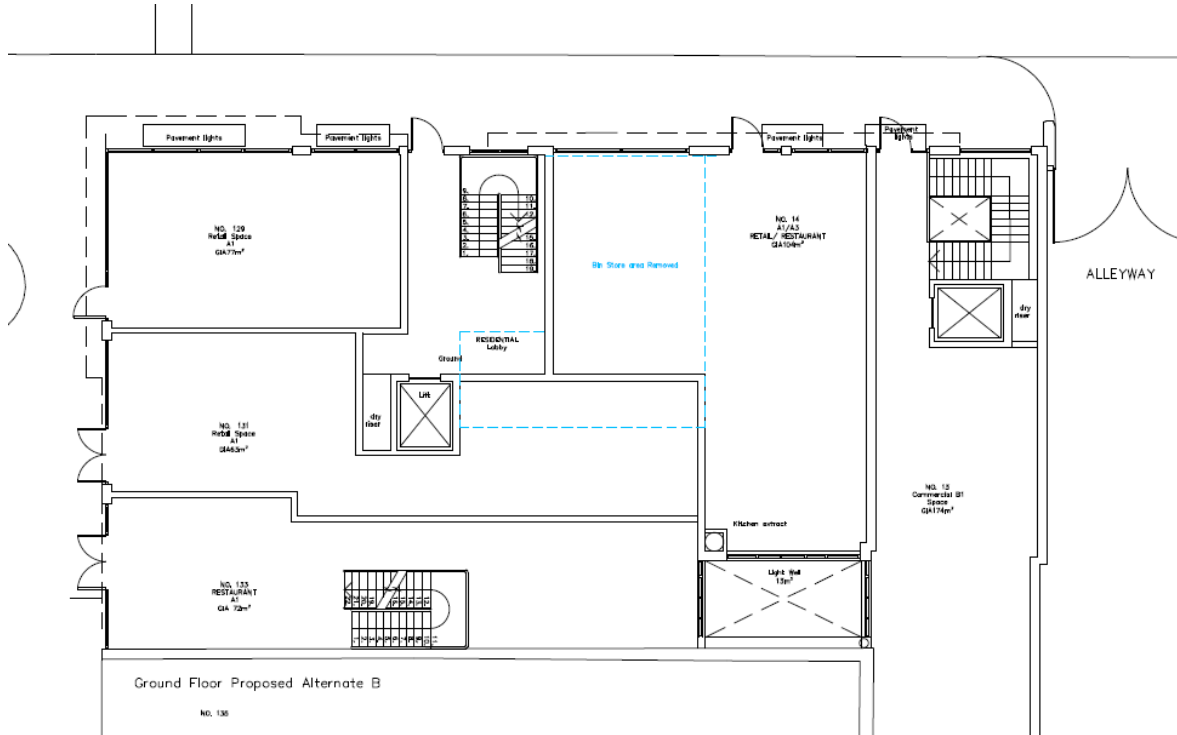
FP4: 129-131 & 133 Fonthill Road & 13 Goodwin Street



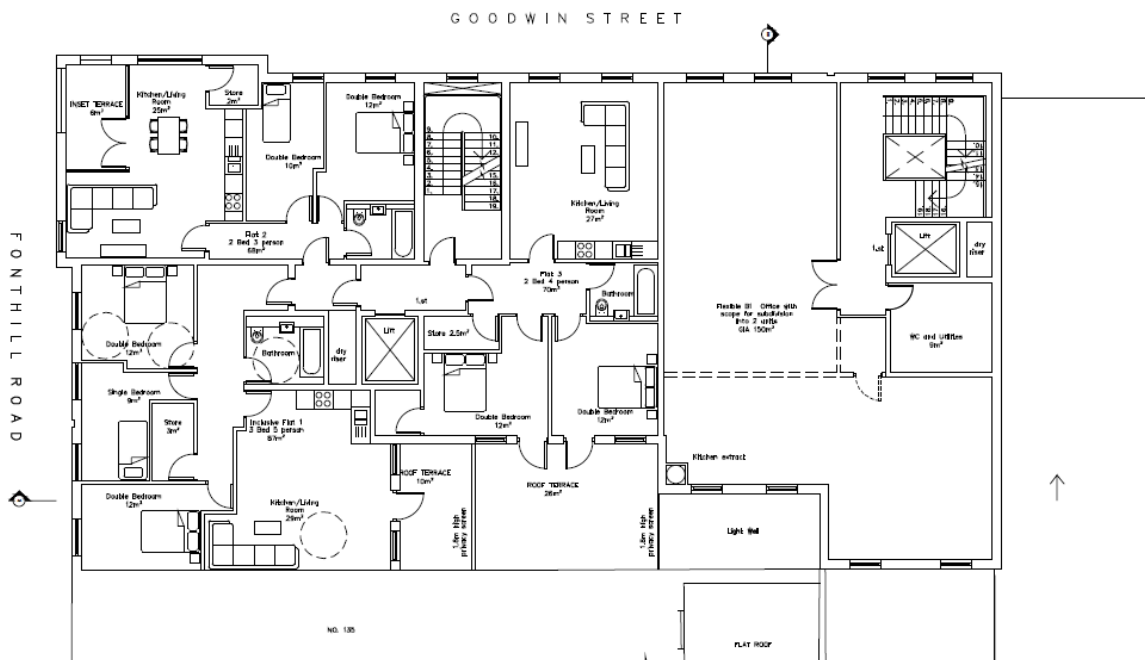
Address	129-131 & 133 Fonthill Road & 13 Goodwin Street, N4
Ownership	Dawnelia Properties Limited
Approximate size of site	601sqm
Current/previous use	Retail, restaurant (A1/A3)
How the site was identified and relevant planning history	2013 Site Allocation (FP2)
Allocation and justification	Retail-led mixed use development to complement the specialist shopping function of Fonthill Road (as a fashion corridor) and contribute to the vitality of Finsbury Park Town Centre. Active retail should be provided on the ground floor. Upper floors should provide office floorspace and, where appropriate, workshop space related to ground floor specialist retail functions, including appropriate well designed SME workspace.
Site designations and constraints	<ul style="list-style-type: none"> Finsbury Park Town Centre Primary Shopping Area Fonthill Road Specialist Shopping Area
Development considerations	<ul style="list-style-type: none"> Development should contribute to an improved public realm, transport and pedestrian links. Upgrades to the wastewater network may be required as a result of development on this site (including as a result of cumulative impacts). Developers should engage with Thames Water at the earliest opportunity to determine whether wastewater capacity exists. Upgrades to the existing water network infrastructure may be required as a result of demand anticipated from development on this site (including as a result of cumulative impacts). Developers

Site Allocation FP4 (Draft Site Allocations document published for consultation in October 2019).

APPENDIX 2: Draft retail/business/residential redevelopment scheme



Draft ground floor plan showing 3 retail units facing Fonthill Rd (left), an A1/A3 unit facing Goodwin St and the entrance to the office building (right)



Typical upper floor showing flats (left) and flexible office space in independent building (right)

Date: 18 October 2019

Ref: M19002

ISLINGTON LOCAL PLAN REGULATION 19 DRAFT – REPRESENTATIONS:

LOCAL PLAN POLICY FP6 “FINSBURY PARK”

Background

- 1.1 These representations are made on behalf of Dawnelia Developments One Limited, the owner of 129-131 & 133 Fonthill Road & 13 Goodwin Street, Finsbury Park, London N4 3HH (the “subject site”). They relate to proposed Local Plan Policy FP6 “Finsbury Park” and are submitted in-conjunction with a representation made in respect of Site Allocation FP4.

Policy FP6

- 1.2 Parts C and D of draft Policy FP6 “Finsbury Park” state:

C. The Specialist Shopping Area at Fonthill Road is a unique agglomeration of specialist clothing stores which adds significant value to the character and vitality of the Town Centre and wider area. This specialist shopping role must be strongly protected and enhanced.

D. Finsbury Park has potential to develop as a CAZ satellite location for additional business uses, due to its excellent transport links to Central London and to the wider South East, and its relatively low rents. In order to realise this potential, diminution of B1, B2 and/or B8 uses will resisted and further intensification of these uses, particularly units suitable for SME occupation and B1(c) ‘maker space’, will be strongly encouraged.

- 1.3 The supporting text at paragraphs 2.69 and 2.70 states:

2.69 Fonthill Road is designated as a Specialist Shopping Area due to its important and widely recognised fashion cluster, which contributes significantly to Finsbury Park’s character and vitality. All development in this area must contribute or complement the specialist function of Fonthill Road, in line with Policy R7. Fonthill Road used to be a successful garment manufacturing hub although the manufacturing element has fallen into decline over the past thirty years. The Council will work with traders and partners to reinvigorate manufacturing and workshop functions on Fonthill Road to enhance its uniqueness and create a sustainable commercial environment that allows

traders here to continue running viable businesses. This may include provision of business floorspace above shops.

2.70 Finsbury Park has significant potential to develop as a unique satellite location, outside the CAZ, for additional business uses, due to its excellent transport links to Central London and to the wider South East, and its relatively low rents. In developing this potential location, the focus should be on promoting and enhancing the nascent fashion, tech and creative industries through provision of units suitable for SME occupation and B1(c) space, particular 'maker space', as well as affordable workspace where appropriate. Ensuring adequate provision of such spaces in Finsbury Park will enable opportunities for the establishment of a mix of dynamic, sustainable local businesses.

Soundness

- 1.4 Development plan policies should be underpinned by an evidence base which should clearly demonstrate there is a need or demand for specific land uses or functions that are put forward in plan policies.
"Manufacturing and workshop functions in Fonthill Road"
- 1.5 Paragraph 2.69 recognises that *"Fonthill Road used to be a successful garment manufacturing hub but that this has fallen into decline over the past thirty years"*. The decline has been terminal. There is no longer any garment manufacturing in Fonthill Road: the garments sold in the street are imported.
- 1.6 The Council suggests that the manufacturing and workshop functions on Fonthill Road can be re-invigorated and seems to suggest there is a demand for this from traders in the street. There is no evidence that such a demand for this from traders. The manufacture of the types of garments sold in Fonthill Road is simply not economically viable in London due to overseas competition (i.e. lower wages in Asia and the Far East).
- 1.7 There is nothing in the Evidence Base documents produced by the Council that suggests that the viability of the specialist clothing stores in Fonthill Road, is currently, or likely to be in the future, dependent on the provision of workshop or "maker space" on upper floors. The second half of paragraph 2.69 is simply mis-placed wishful thinking.
- 1.8 Whilst it is laudable that the Council want to strongly protect and enhance the specialist shopping role of Fonthill Road, the reality is that

this is impossible in the long-term. The Council cannot control whether the shops in Fonthill Road are occupied by independent garment retailers or by chain retailers selling food, homewares, electrical goods etc or any other retail uses that fall within Use Class A1. There is no evidence that such A1 occupiers would not need workshop/maker space.

"CAZ satellite location for additional business uses"

- 1.9 The Council's Employment Land Study describes Finsbury Park Town Centre as a "relatively small B-use employment space market" (paragraph 6.3.32) and refers to the City North project that *"could transform the area, with over three hundred new homes and over 10,000sqm of commercial space, including up to 4,000sqm of B1 space"*.
- 1.10 The report provides a set of "recommendations" for business space outside the CAZ at paragraph 8.7.2. The fourth bullet points states:

*"Generally, Finsbury Park is the most viable location for encouraging non-CAZ B-use employment generating development, thanks to its excellent transport links.
We believe that the location should be examined with a view to determining the potential to provide an office location that takes advantage of its strategic transport links. [our emphasis]*
- 1.11 Essentially the Employment Land Study recommends further work to establish whether (1) Finsbury Park actually has potential as a "CAZ satellite", and (2) and if so, how this can be delivered.
- 1.12 There is nothing in the evidence base that clearly demonstrates that there is a current or likely demand from small businesses to locate in Finsbury Park. In fact, paragraph 7.4.7 refers to research carried out for the GLA that pointed to the growing importance of the CAZ fringe in providing accommodation for small businesses. This research included *"evidence of new locations being sought out and occupied by small businesses", including "a discernible flow from Shoreditch into Aldgate, a new cluster ... around King's Cross ... an increase in small units at Paddington ... and the South Bank is growing in importance as a recognised destination for small office users"*.
- 1.13 The emerging London Plan does not indicate that Finsbury Park has potential as a "CAZ satellite location." In Annex 1 it is noted that *"Stratford and Old Oak Common will share the hyper-connectivity of the CAZ and could have the potential to function as future CAZ satellites,*

should the demand for office floorspace exceed the capacity of the CAZ". It should follow therefore that the potential for a CAZ satellite at Finsbury Park must also be dependent on the demand for employment space in CAZ, and the CAZ fringe, exceeding supply.

- 1.14 If, Finsbury Park does become a location for small businesses, there is a supply of space in the pipeline and existing B-use space that is under-utilised (such as that at 129-131 Fonthill Road). Further new, or improved, business floorspace is only likely to come forward as part of mixed-use development that includes an element of residential use. 100% commercial development in Finsbury Park is simply not viable. The Council's vision of a CAZ satellite at Finsbury Park will be hindered if this is not recognised under Policy FP6 and site allocations in the area, such as allocation FP4 fail to recognise the need to enable development rather than making it unviable.

Suggested Amendments

- 1.15 Part D of draft Policy FP6 should be amended to read:

D. Finsbury Park has potential to develop as a CAZ satellite location for additional business uses, due to its excellent transport links to Central London and to the wider South East, and its relatively low rents. In order to realise this potential the loss of business space will resisted and intensification encouraged where viable.

- 1.16 The second half of paragraph 2.69 from "Fonthill Road used to be..." onwards should be deleted.
- 1.17 Paragraph 2.70 should recognise that the potential for a CAZ satellite at Finsbury Park is dependent on the demand for employment space in the CAZ (and CAZ Fringe) exceeding the supply. The reference to "maker space" is unnecessary – "maker space" is B1c space.