

Zumbado-Sadarangani, Sara

From: Philip Kratz <pkratz@gscsolicitors.com>
Sent: 17 October 2019 19:18
To: planningpolicy
Subject: OBJECTION - Proposed Submission (Regulation 19) Development Plan Documents: Strategic and Development Management Policies and Site Allocations

Follow Up Flag: Follow up
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Categories: REG 19 RESPONSE, Ben

Dear Mr Johnson,

I refer to your notification letter of 5 September 2019; I am instructed by Nexcon Solutions Limited, the owners of 230-238 York Way, London N7 9AG and 1-3 Brandon Road, London, N7 9AA to respond to the current consultation exercise on the Proposed Submission (Regulation 19) Development Plan Documents (Strategic and Development Management Policies and Site Allocations).

My clients OBJECT to both the Strategic and Development Management Policies and the proposed Site Allocations documents in their present form.

My clients are concerned that (1) the strengthening of policies will fetter their future ability to develop at this location, or indeed to raise secured finance on normal commercial terms, and (2) the strings attached to the proposed Site Allocations are suggestive of an ever more restrictive policy regime, which will make the future good management of holdings in this locality more difficult, and make it much more likely that there will be “bad neighbours”.

My clients note the context of the existing authorised uses (warehouses, B8, and offices and light industrial, B1), and the proposed nearby allocations (and justification) for “*Retention and intensification for industrial uses (B1c, B2 and B8); Office floorspace will only be acceptable as part of a hybrid workspace scheme*”. They further note the “Development considerations”, namely:-

- Building height should not exceed five storeys, including lift overruns and plant areas.
- Proposals should seek to provide an active frontage at ground level fronting York Way.
- Prominent corner location of site warrants a high quality, well-designed building.
- Adequate access and servicing arrangements in relation to business / industrial uses should be incorporated into any proposal. Access for servicing and deliveries should be on-site.

My clients are concerned that the proposed allocation is too restrictive, and that the development considerations are not flexible enough, and that these parts of the proposed Site Allocation should be amended accordingly; if so amended, they may be prepared to withdraw their objection.

In amplification of their objection my clients would point out as follows:-

- It is axiomatic that new accommodation will be required to support economic growth and prosperity within the borough, including the globally significant and dynamic creative clusters in this general locality, and to prevent the loss of growing businesses that are currently based in the borough.
- It is noted that the Vale Royal and Brewery Road “Industrial and Warehouse Area” (IWA) represents the only Locally Significant Industrial Site (LSIS) in Islington. The LSIS is characterised by a mix of business activities, which (as amplified below) confirms the need for flexibility of approach when intensification happens, rather than an approach which simply seeks to reserve land for uses which may or may not actually need to be there; as is apparent from the evidence base, the uses in the area have evolved over time, meaning that industrial / warehouse uses have become much less significant (and therefore of less importance to the economy of the borough).
- In this context, my client considers that it would be sensible to put in place a more flexible policy context in the new Local Plan which seeks to minimise the **loss**, in quantitative terms, of general industrial and warehouse

use where appropriate, but which nonetheless allows for the best and most efficient use of land, taking account of:-

1. The shift from industrial / warehouse activity to B1 that has already happened without causing harm in parts of the IWA / LSIS (and which does not always require express planning permission);
 2. The reality that B1(a) and other modern business accommodation can be co-located with industrial and storage uses in a way that would make more efficient use of land, consistent with planning policy at a London-wide and national level;
 3. The fact that intensification of B1 uses in particular will provide significant local employment and economic opportunities; and
 4. The fact that the area is not “sensitive” from a visual impact or townscape perspective but represents a highly sustainable location to optimise redevelopment opportunities, and so should not be subject to an unjustified and mechanistically-applied blanket policies (including those on height).
- By way of background, in January 2016 the Council published the “London Borough of Islington Employment Land Study” (“the Study”), to inform the Local Plan review process based on a methodology which is compliant with NPPF guidelines, and the PPG on Housing and Economic Needs Assessments; it forms part of the Council’s evidence base for the Local Plan review, based on a policy and property market review, assessment of site availability and supply, employment and market forecasts and policy recommendations.
 - The Summary at the beginning of the Study provides a useful overview of the key findings of the assessment noting, **“There is an opportunity to consider how to intensify ‘industrial’ land-use in the Borough with a greater provision of hybrid space (which combines features of office, light-industrial, studio and production space)”**. The Study also notes that **“what remains of Islington’s industrial activity is projected to continue to diminish”**, and, **“whilst the remaining industrial land should be maintained the nature of activities and occupiers on this land are likely to continue to evolve. The Vale Royal / Brewery Road Area will have a role in providing for the emerging market of hybrid / flexible space”** (pages v-vi). Section 6.2 of the Study considers the Vale Royal/Brewery Road LSIS in detail, stating that, **“at the very least, there should be a no net loss of employment space: this should be the minimum position. Ideally, we would prefer to see efforts to intensify uses and being flexible about what user classes are permitted in what space”** (para. 6.2.39). The Study then provides its recommendations for planning policy for the Vale Royal / Brewery Road LSIS noting that, **“opportunities should be sought for intensification of business uses on the LSIS, particularly through the provision of hybrid space”** (para. 8.7.2).
 - In addition to its own evidence base, it is important to consider policy and guidance at regional level, as set out in the Mayor’s Spatial Strategy. The Draft Replacement London Plan 2018 (which is at a more advanced stage in the plan-making process), provides an important context for the Council’s emerging policies, with which they will need to be in general conformity. Draft London Plan Policy E6 (“Locally Significant Industrial Sites”) requires boroughs, through their development plans, to designate locally significant industrial sites, **“...justified by evidence in local employment land reviews taking into account the scope for intensification, co-location and substitution (set out in Policy E7)”**. Draft London Plan Policy E7 sets out a detailed framework within which such reviews should take place, which is justified in paragraph 6.7.1 which states that, **“all boroughs are encouraged to explore the potential to intensify industrial activities on industrial land to deliver additional capacity and to consider whether some types of industrial activities (particularly light industrial) could be co-located or mixed with residential and other uses”**.
 - It is clear from both the Council’s own evidence base and the Mayor’s emerging London Plan that protecting appropriate land for industrial and warehouse uses can be justified. However, it is equally clear that a rigid and inflexible preservation of the LSIS for **solely** industrial and warehouse uses without any flexibility would completely disregard the recommendations of the Council’s own evidence base, and would fail to comply with the Mayor’s objective to make more efficient use of land through the co-location of industrial activity with other uses.
 - As currently drafted Policy SP3 of the draft Islington Local Plan therefore fails to recognise the fundamental shift which has already taken part in this part of the LSIS, despite the observations of its own Study.
 - In this context, my clients support the recommendation of the Study, (and draft London Plan) that there should be no net loss of industrial floorspace within the LSIS. However, the consequence of draft Policy SP3 (parts C and D), which presume against the introduction of additional office space, would serve to artificially limit potential future growth and prosperity, to no good planning purpose. A more appropriate policy framework (for the southern part of the LSIS) would seek the retention of the existing amount of industrial and

storage use (based on quantitative floorspace), but with a flexibility to enable the introduction of B1 business floorspace (including offices), as part of mixed-use developments that would enable the more efficient use of land in accordance with sustainable development objectives.

- My clients therefore object to Policy SP3 as currently drafted, and to the “Development considerations” set out in the Site Allocations document.
- **Further, my clients would ask to be notified through me at the email address above and/or the postal address below of :-**
 - **the submission of the local plan for independent examination under section 20 of the Planning and Compulsory Purchase Act 2004 (“the Act”);**
 - **the publication of the recommendations of the person appointed to carry out an independent examination of the local plan under section 20 of the Act; and**
 - **the adoption of the local plan.**

My clients would add that if amendments could be introduced to reflect their concerns, then they would be minded to support the resultant policies; if not, then they will pursue these objections at the public examination in due course.

I look forward to receiving acknowledgement in due course.

Kind regards,

Philip Kratz

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