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Planning Policy Team
London Borough of Islington
Islington Town Hall,
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18 October 2019

Dear Sir or Madam

**LONDON BOROUGH OF ISLINGTON
PLANNING ISLINGTON'S FUTURE: CONSULTATION ON THE DRAFT LOCAL PLAN
(REGULATION 19 STAGE)
SITE ALLOCATIONS DPD (REG 19) - REPRESENTATION ON BEHALF OF DOMINVS GROUP**

Following instructions from Dominvs Group ('the Landowner'), ROK Planning have been commissioned to make representations in respect of the London Borough of Islington's ('the Council') ('LBI') Local Plan Site Allocations DPD – Regulation 19 Draft (September 2019).

The main purpose of the representations is to:

1. Continue representations to draft policy following previous submissions to the regulation 18 consultation.
2. Avoid the site being allocated as a development site (including development considerations and incorrect timescales) given that the site is about to be fully developed and preparatory works are underway on site.
3. Highlight concerns that policy B3 as drafted could lead to vacant ground floor business space and needs to be amended to ensure maximum flexibility in terms of future land uses so as to avoid the space becoming vacant for an unnecessarily long period of time.
4. Highlight concerns that appendix 4 is ambiguous.

Background

Dominvs Group previously issued representations in line with the Regulation 18 Stage version of the emerging Islington Local Plan dated 14 January 2019 and these should continue to be read alongside these updated representations.

Planning permission was granted in April 2018 (Ref: P2017/2754/FUL) for "Demolition of existing

MOT garage (Use Class B2) and the erection of a 5 storey building to provide 2no. commercial units (Use Class B1/B8) at ground floor, 15 residential units above (4x1 beds, 11x2 beds, Use Class C3), with cycle parking, refuse storage, plant, landscaping, and associated engineering works.”.

Development construction is due to commence in line with wider planning work being undertaken in respect to the discharge of relevant planning conditions. The scheme is therefore deliverable immediately and will contribute materially to Islington’s Five-Year Housing Land Supply (‘5YHLS’) as per the delivery of 15 residential units.

The Landowner

Dominvs Group is a hotels, real estate and private equity family-owned business and is the freehold owner of the 202-210 Fairbridge Road site referred to as site OIS12 in the emerging Site Allocations Document.

We note that the relevant details in terms of site ownership i.e. ‘**Dominvs Property Developments Ltd.**’ are to be updated in line with the request made at Regulation 18 and as confirmed within the London Borough of Islington’s Regulation 19 Consultation Statement (September 2019). The Landowner has no further comment on this matter.

Allocation and Justification

The proposed allocation states that “...*Should the site be subject to further amendments or new applications; proposals should ensure no net loss of business floorspace and prioritise intensification of business floorspace.*”

The Landowner’s representations at the Regulation 18 preparation stage called into question the need for the site’s allocation due to the near commencement of construction at the time of submitting their representation.

The Council responded within the *Local Plan Regulation 19 Review Consultation Statement (September 2019)* stating that;

“It is possible that even with planning permission that construction may be delayed and subject to subsequent planning permissions in the future, thus the allocation will be retained.”

The Council is fully aware of the Landowners intention to bring forward redevelopment on the site as per ongoing discussions in respect of LPA Ref. P2017/2754/FUL. The Landowner is in the process of discharging relevant commencement planning conditions and have been doing so since July 2018, with relevant preparatory works undertaken on the site to commence the permitted development once

lawfully obliged by the Council.

Whilst paragraph 23 of the NPPF (2019) actively seeks to promote a clear strategy for bringing sufficient land forward, and allocating sufficient sites to deliver the strategic priorities of the area, the broad basis of this is to plainly expedite the delivery of emerging sites that are subject to early stages of pre-application engagement or planning application. In effect, and with planning permission granted, the strategic objectives have already been achieved on this site in line with the relevant local planning policies DM5.1 and DM5.2 and through the delivery of housing and employment floorspace. The premise of the site allocation therefore serves no purpose in this sense, given there is no enabling role in allowing an already permitted development to come forward on the site.

As such, we would question the relevance of including a site allocation on this site, given any future redevelopment is suitably and effectively governed by non-strategic policies and controlled by relevant land use designations. We maintain therefore that the site allocation be withdrawn.

Should removal of the allocation not be considered acceptable, the Landowner maintains that the Council should request that the wording is amended to ensure maximum flexibility of the floorspace in the future so as to avoid the space becoming vacant for an unnecessarily long period of time should marketing not prove successful.

Whilst reference to the allocation being amended to refer to the *prioritisation of business floorspace only* is noted, this still does not go far enough in ensuring the maximum flexibility of the floorspace in the future.

As such the application of emerging Local Plan Policy B3, which seeks to protect existing business floorspace throughout the borough, remains integral in the assessment of any future site allocation on the site. As is stated within the Local Plan: Strategic and Development Management Policies – Regulation 19 draft, draft Local Plan policy B3(B) states that: -

(B) Proposals resulting in the net loss of business floorspace within the CAZ, Bunhill and Clerkenwell AAP area, PELs, LSISs, Town Centres, LSAs, and non-designated locations, either through change of use or redevelopment, will be refused unless there are exceptional circumstances which demonstrate:

- (i) there is no demand for the use of the floorspace, unit, building and/or site for a business use appropriate to the role and function of the area. Evidence must be submitted demonstrating that such space has been vacant and continuously marketed for a period of at least 24 months, in line with Appendix 1; and*
- (ii) the loss of business floorspace – either individually or cumulatively – would not compromise the operation of the wider area, and that the proposed nonbusiness use is compatible with existing uses (including consideration of amenity impacts on uses in the*

vicinity).

(C) In addition to Part B which relates to all business floorspace, where existing business uses are industrial in nature – i.e. B1(c), B2 or B8 uses, or Sui Generis uses which are akin to industrial uses – there must be at least no net loss of industrial uses as part of development proposals. Marketing requirements for proposals involving the net loss of industrial uses must market the floorspace for continued industrial use; where a proposal is outside an LSIS, marketing must be primarily for industrial use but could include marketing for other business uses as a potential option.

In the supporting text to draft Local Plan policy B3 at para. 4.41, the Council states that:

“Proposals for the redevelopment of existing business floorspace for the provision of non-business uses must demonstrate that the proposed non-business use is compatible with existing uses, and does not have a detrimental individual or cumulative impact on the role and economic function of the wider area”.

Therefore if, (a) the relevant policy criterion can be met in line with draft Local Plan policy B3(B) including the relevant marketing criterion being met and (b) the proposals can be demonstrated to be compatible with the existing uses, which as permitted, will contain residential uses on the upper floors, the site allocation needs to be more flexible in allowing alternative uses on the site in the future. This is particularly important given the prevailing mix of uses in the area and therefore should not be restricted to the prioritisation of business floorspace only, given alternative uses such as residential will remain suitable in the future.

The policy wording “other business uses as a potential option” needs to be accompanied by a definition of what other business uses constitute, and should be widened to include D1 in locations such as this where there is a prevailing mix of uses including a significant amount of residential use.

Draft Policy B3(C), which states that “there must be at least no net loss of industrial uses as part of development proposals”, is too inflexible and restrictive in terms of potential future uses depending on site specific circumstances. This policy should be less restrictive and include a pathway to potential alternative uses via vacancy and marketing evidence. Otherwise there is a strong chance that floorspace which isn’t taken up by industrial uses will remain vacant for a long period of time.

Appendix 1 part 4 should not include the words “The examples provided are not an exhaustive list”. Including these words means that the policy is not clear and concise and could lead to uncertainty in the application of policy and decision making. This is supported by paragraph 16 of the NPPF (2019) which requires that development plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. In our mind, this is not currently achieved by reason of the current policy wording.

The approach, in accordance with Dominvs’s representation at Regulation 18 Stage, while continuing

to protect the existing employment floorspace, would allow for maximum flexibility of the space should the market dictate that other uses be more suitable to the site, therefore avoiding long term vacancy. This approach would be entirely consistent with both adopted and emerging policy.

Development considerations

We continue to question the inclusion of development considerations given that the planning permission P2017/2754/FUL is currently being implemented and the fact that this consideration, among others have already been taken into account in the permitted scheme and deemed acceptable on their own merit and in line with the adopted Development Plan.

While we accept the considerations would apply to a new/amended scheme. We perceive them to be unnecessary in light of the planning permission secured on the site.

Estimated Timescales

We maintain that the Council's estimated development timescale of 2021/2022 – 2025/2026 as set out in the Islington Local Plan Site allocations document (September 2019) are not accurate or indeed necessary. These timeframes should be updated to reflect the construction programme of the permitted scheme which will be delivered by 2020/21.

Summary

We look forward to continued engagement with officers in relation to the emerging Local Plan and would ask that we are kept informed of any amendments proposed to Site Allocation OIS12 in particular, as a result of these representations.

I trust this is in order. I reserve the position to further amplify these representations as necessary during the plan review process and participate in the Examination in Public as necessary.

In the meantime, if you have any queries relating to the proposals, please feel free to contact Noah Warwick (noah.warwick@rokplanning.co.uk) (M: 07704 146935) or myself.

Yours faithfully



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