

CONSULTATION REPORT

Planning Brief for the Gifford Street Railway Embankment and 351 Caledonian Road

October 2012



1. Summary

- 1.1** The Draft Planning Brief for the Gifford Street Railway Embankment and 351 Caledonian Road site was developed to guide any future development of the site (see Figure 1 for a site plan). The draft planning brief supports the Council's fairness objectives by specifying that any development proposals for the site should incorporate new housing, including much needed family-sized and affordable homes.
- 1.2** Public consultation on the Draft Planning Brief started on Monday 28 May 2012 and closed Monday 2 July 2012. Two drop-in sessions were held at the Jean Stokes Community Centre (Bemerton Estate) on Wednesday 13 June 2012 5pm and 8pm and Saturday 16 June 2012 between 10am and 1pm.
- 1.3** The results of the public consultation will be presented to the Council's Executive at its meeting on 18 October 2012. At this meeting the Executive will be asked to adopt the final planning brief.
- 1.4** Approximately 1600 letters were distributed to residents, businesses and stakeholders in the surrounding area defined in Figure 2, and information about the consultation was posted on the Council website. Council officers also attended a meeting of the Bemerton Management Committee, which was held on Thursday 14 June 2012.
- 1.5** The letter contained a description of the brief including the planning objectives as well as information about the website and drop-in sessions.
- 1.6** Eight responses were received in total and the key points raised were:
- Concern about the impact of future development on the Site of Importance to Nature Conservation (SINC) (Borough Grade 1)
 - Interest in what public access to the SINC will be provided in the future
 - Concern about the noise and nuisance for local residents caused by the construction of any future development
 - Concern about the impact of any future development on the residential amenity of neighbouring properties
 - Importance of the relationship between any future development and Carnoustie Drive/Pembroke Street
 - Importance of the relationship between any future development and the adjoining vacant sites.
- 1.7** Section four of this report summarises feedback from the consultation, and the Council's response to these key issues. It also lists the other minor amendments made to the revised planning brief.

2. Background

- 2.1** The Gifford Street Railway Embankment and 351 Caledonian Road site lies in the west of the borough in the Caledonian ward. The surrounding area is mixed use in character and consists of residential, commercial and some industrial and warehousing uses.

2.2 The site slopes approximately seven metres downhill from north to south and can be divided into three parts (as shown in Figure 1 below):

- A. Vacant land fronting Caledonian Road (formerly 351 Caledonian Road)
- B. Concreted area (adjacent to the railway line)
- C. Site of Importance to Nature Conservation (SINC) (Borough Grade 1).

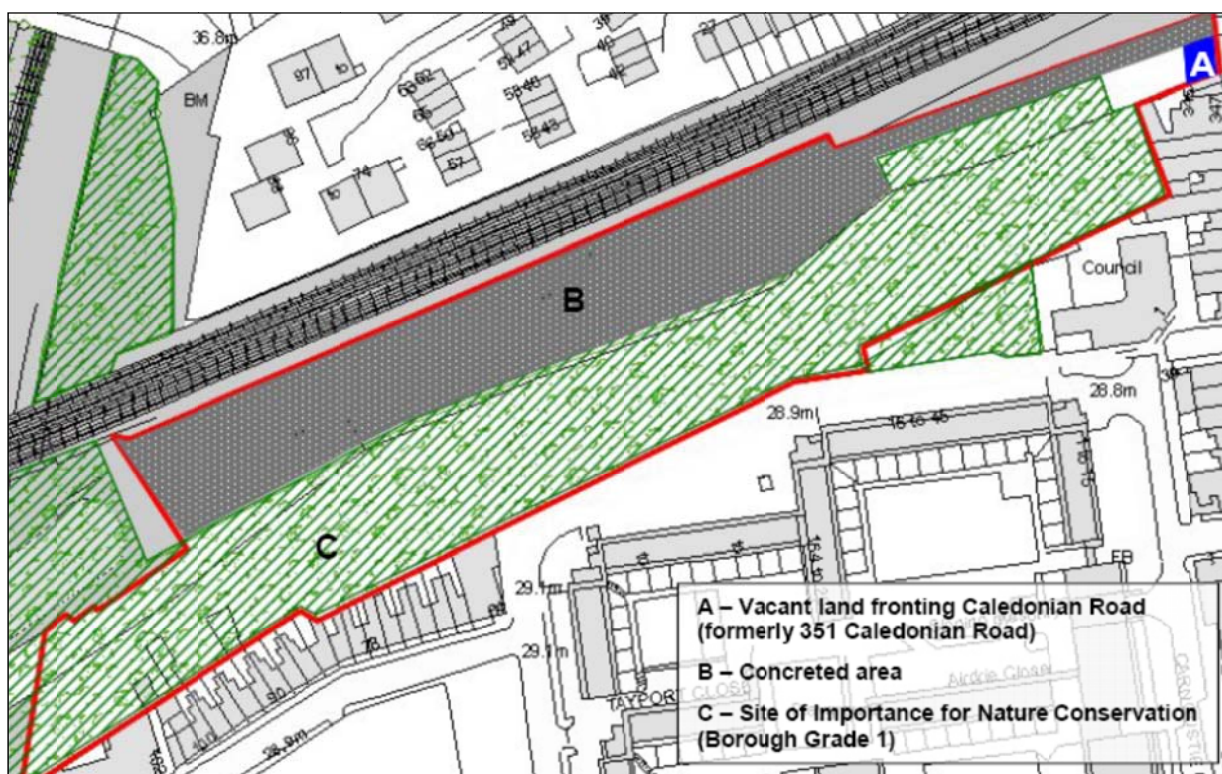


Figure 1. Site plan

- 2.3** The site was compulsorily acquired for the construction of a high-speed railway between the Channel Tunnel and an extended St Pancras Station. To facilitate the use of the site for Channel Tunnel Rail Link (CTRL) works, the building at 351 Caledonian Road and a warehouse building were demolished, leaving only a two-storey office building which has not been occupied since 2001 and is now derelict.
- 2.4** The concreted area adjacent to the railway line was then used for access and works-related storage. The concreted area has also since been used for storage and access related to works at King's Cross Station and the North London Line. The North London Line works were the most recent of these works, and were completed in 2011.
- 2.5** Following completion of the CTRL in 2007, the owners of the site (London and Continental Railways) marketed the site for sale or long lease. In response to this action taken by the site owners, the council prepared a draft planning brief for the site to give prospective developers an indication of the scale and nature of development likely to be considered appropriate for the site. The council consulted on this draft planning brief in May 2009.

- 2.6 During 2008 and 2009, the Council was in the midst of an extensive and ongoing programme of engagement with local residents, organisations and other stakeholders about Islington's planning policies, and in particular, the borough's Core Strategy. Islington's Core Strategy (adopted in February 2011) is the Council's key planning policy document. Accordingly, the draft planning brief prepared in 2009, during the development of the Core Strategy, has now been revised and provides guidance that reflects the policies included in the adopted Core Strategy document. It is also consistent with the emerging Development Management Policies and Site Allocation Development Plan Documents, which have been under development since 2009. The draft planning brief took account of comments submitted during consultation on draft versions of these documents; in particular those relating to emerging Site Allocation KC5, which applies to the site covered by the brief.

3. Methodology

- 3.1 Approximately 1600 letters were distributed to residents, businesses and stakeholders in the surrounding area defined on the attached plan (see Figure 2 below).



Figure 2. Consultation letter distribution area

- 3.2** The letter distributed to local residents included:
- a brief background of the site
 - details of where to find the Draft Planning Brief on the Council website
 - details of how to request a hard copy of the document
 - an invitation to the drop-in information sessions
 - information on what will happen once the public consultation period has finished, including approximate timescales
 - a request for comments and concerns about the draft Planning Brief
 - a note that we will post the consultation report on the website soon after consultation.
- 3.3** Information about the consultation was also posted on the Council website. The Council's Gifford Street Embankment webpage (www.islington.gov.uk/giffordstreetembankment) displayed:
- a brief background of the site
 - details of how to request a hard copy of the document
 - details of the drop-in information sessions
 - information on what will happen once the public consultation period has finished, including approximate timescales
 - a request for comments and concerns about the draft Planning Brief
 - a note that we will post the consultation report on the website soon after consultation.
- 3.4** Two drop-in information sessions were held at the Jean Stokes Community Centre during the consultation period: on Wednesday 13 June 2012 between 5pm and 8pm and Saturday 16 June 2012 between 11am and 2pm. Council officers also attended a meeting of the Bemerton Management Committee, which was held on Thursday 14 June 2012.
- 3.5** During the public consultation period the Draft Planning Brief was available for download on the Council website:
- in hard copy on request
 - in hard copy at the drop-in sessions
 - on request in foreign languages, audio, large print and Braille.
- 3.6** Interested parties were invited to give us their feedback on the draft planning brief. The responses received were scanned and logged. Respondents expressing a wish to be kept informed of future consultations were added to the consultee list.

4. Response to public consultation

- 4.1 Eight responses were received including one that was received after the consultation period had ended. These responses were included with the other consultation responses. Six people registered their attendance across the two drop-in information sessions.
- 4.2 Two responses to the draft planning brief were from local residents and one was from the landowner. The remaining five responses were from the following stakeholder groups:
- Bemerton Management Committee
 - Cally Rail Group
 - Transport for London
 - London Underground
 - Natural England
- 4.3 The key points raised during the public consultation were:
- Concern about the impact of future development on the Site of Importance to Nature Conservation (SINC) (Borough Grade 1)
 - Interest in what public access to the SINC will be provided in the future
 - Concern about the noise and nuisance caused by construction of any future development on local residents
 - Concern about the impact of any future development on the residential amenity of neighbouring properties
 - Importance of the relationship between any future development and Carnoustie Drive/Pembroke Street
 - Importance of the relationship between any future development and the adjoining vacant sites.
- 4.4 The Council's response to these key points and any amendments to the planning brief are detailed in the following section.

5. Response to key points

1. Concern about the impact of future development on the Site of Importance to Nature Conservation (SINC) (Borough Grade 1)

Some respondents to the public consultation highlighted their concerns about the potential loss of land designated of Site of Importance to Nature Conservation (SINC) (Borough Grade 1) as well as the impact of any future development on the quality and biodiversity of the SINC.

The draft planning brief (paragraph 3.3.3) identified that a large part of the site is designated as SINC and is composed of areas of woodland, scrub and rough grassland. It went on to explain in paragraph 4.2.8 that in line with the Council's Core Strategy (CS15) and emerging Development Management Policies (DM36 Part C) as well as London Plan Policy 7.19, development proposals for SINC land would only be permitted in wholly exceptional circumstances. Paragraph 4.2.8 of the draft planning brief read as follows:

Core Strategy Policy CS15 (Open space and green infrastructure) Part D states that biodiversity across the borough should be protected and enhanced and that SINC's will be protected in line with their hierarchical importance. Further detail is provided within the emerging Development Management Policies (Policy DM36 Part C). This clarifies that sites of Metropolitan and Borough Grade 1 importance (as this site is classified) are offered the strongest protection. Consistent with these policies and London Plan Policy 7.19 (Biodiversity and access to nature) Part D, development proposals on such sites will only be considered in wholly exceptional circumstances where there are clearly demonstrable, over-riding planning benefits. In such circumstances the Council would require high-quality re-provision of the Site of Importance for Nature Conservation (SINC), including at least an equal habitat area and value.

The Council considers that this paragraph adequately reflects the relevant planning policies on the issue and provides the SINC with strong protection. Therefore no additions or amendments have been made in response to this point.

However, since the draft planning brief was consulted on, some parts of the emerging Development Management Policies document have been revised (in line with their own consultation exercise) and the latest version of the document has now been submitted (on 16 August 2012) to the Planning Inspectorate. The emerging Development Management Policy relevant to the protection of SINC land (DM36 Part C) has been slightly changed as a result of this process.

Paragraph 4.2.8 of the draft planning brief (4.2.7 of the revised planning brief) has therefore been amended to reflect this change, and now reads as follows:

Core Strategy Policy CS15 (Open space and green infrastructure) Part D states that biodiversity across the borough should be protected and enhanced and that SINC's will be protected in line with their hierarchical importance. Further detail is provided within the emerging Development Management Policies (Policy DM36 Part C and supporting text) which clarifies that planning permission will not be given for schemes which adversely affect designated SINC's of Metropolitan and Borough Grade 1 importance (as this site is classified). Consistent with these policies and London Plan Policy 7.19, the Council will only consider proposals in such areas in wholly exceptional circumstances where high quality re-provision will be required, including at least equal habitat area and value.

2. Interest in what public access to the SINC will be provided in the future

Several of the responses to consultation indicated an interest in the future management and access arrangements for the SINC.

The draft planning brief identified that any development on the site should allow for the future provision of supervised public access to the SINC, but it did not detail any future management and access arrangements. As stated in paragraph 4.2.9 of the draft planning brief, the Council's aspiration is for supervised public access to be provided to sections of the SINC for education or recreational purposes. This remains the Council's aspiration, but at this stage it is not possible to define specific management and access arrangements. Such arrangements can only be defined as part of the planning application process once a development proposal has come forward from the landowner.

The Council has noted the response to consultation on this issue and it will be taken into account once a development proposal has come forward. In accordance with the response, the Council will work with the developer to plan and create an area of value to the local community, while ensuring that it also protects the quality and biodiversity of the SINC. The privacy and security of neighbouring properties will also be a priority in the planning of any future publicly accessible nature conservation area.

3. Concern about the noise and nuisance for local residents caused by the construction of any future development

Some respondents had concerns about the potential for noise and nuisance as a result of the site works and requested that the revised planning brief include more about the Council's requirements for how the site works of any future development would need to be managed.

The draft planning brief did not address this issue because it is not an issue normally addressed in a planning brief. Information on the code of practice for construction sites is normally provided early in the planning application process, when development proposals have been made rather than at the planning brief stage.

However, given that some respondents have experienced problems with construction noise and nuisance in the local area in the recent past, it was considered appropriate in this case to highlight the behaviour and practices expected during any works on the site. The following text has been added to the revised planning brief as paragraphs 4.2.49 to 4.2.51 under the new sub-heading 'Construction':

The Council recognises that construction works are an important part of the borough's development and improvement. However, in accordance with the Council's 'Code of Practice for Construction Sites' any works on the site should be carried out using the 'best practicable means' of controlling noise and vibration at all times.

Furthermore, in terms of community relations, the Council expects that the developer appoint a member of staff to work with local residents, the business community and the Council. This liaison officer must be available at all times while the site is in use.

The Council will also require that the developer display a poster on the site boundary that includes information such as the contractors' names, the name of the liaison officer, and a contact number and address for complaints. The Council will expect that the liaison officer is responsible for logging complaints and taking appropriate action.

4. Concern about the impact of any future development on the residential amenity of neighbouring properties

Some respondents highlighted their concerns about the impact of any future development on the residential amenity of neighbouring properties, particularly in terms of over-dominance of new development and the impact on security.

Paragraph 4.2.22 of the draft planning brief highlighted that any future buildings on the site would need to respect the amenity of neighbouring residential properties. It read:

UDP Policy D3 (Site Planning) requires that new buildings respect the amenity of neighbouring residential properties in terms of light, privacy and outlook. Therefore, it must also be demonstrated that any development proposals would not have a significant detrimental impact to the amenity of any neighbouring properties.

In response to concerns about over-dominance and the impact on the security of neighbouring properties, paragraph 4.2.22 of the draft planning brief (4.2.20 of the revised planning brief) has been amended to read:

In accordance with UDP Policy D3 (Site planning) and emerging Development Management Policy DM1 (Design) Part A, development proposals should: 'x) provide a good level of amenity...' and 'xi) not unduly prejudice the satisfactory development or operation of adjoining land...' Therefore neighbouring properties should not experience over-dominance or suffer an unreasonable loss of light, outlook, privacy or security as a result of new development on the site.

5. Importance of the relationship between any future development and Carnoustie Drive/Pembroke Street

Some respondents to consultation on the draft planning brief highlighted the potential benefits of new buildings overlooking Carnoustie Drive/Pembroke Street, while others suggested that funding made available to the Council as part of any development should be invested in improving Carnoustie Drive. Paragraph 4.2.31 of the draft planning brief (paragraph 4.2.29 of the revised brief) read as follows:

As stated in Islington's Urban Design Guide (adopted 2006), 'it is important that buildings are organised to ensure that the streets and spaces around them feel safe to use while not undermining residents' privacy.' In line with this, any development on the site should seek to ensure that natural surveillance of the surrounding streets and public spaces, in particular between the site and the Bemerton Estate (Pembroke Street, Carnoustie Drive and Gifford Street) is maximised, while ensuring that private space is secure

The Council considers that this paragraph adequately identifies the opportunity that development on the site presents to make new connections between the site and its surrounding area and no additions or amendments have been made in response to this point.

However, in response to the suggestion that the planning brief identify the possibility of Section 106 funds being secured for improvements to Carnoustie Drive, the following text has been added to paragraph A2.4.4 of the draft planning brief (paragraph A2.4.5 of the revised planning brief) as a bullet point:

Financial contributions towards public realm improvement works on surrounding streets, in particular Carnoustie Drive

Response to key points

Finally, it was also suggested that the revised planning brief should make reference to the Bemerton Links and Spaces (BLiS) report completed in 2009. The BLiS report sets out proposals for improvements to the streets and spaces in and around the Bemerton Estate and was the result of an extensive community planning process. In response to this suggestion, the following text has been added to paragraph 4.2.32 of the draft planning brief (4.2.30 of the revised planning brief):

Consideration should be given to how development proposals could support the aims, objectives and delivery of the Bemerton Links and Spaces report (BLiS).

6. Importance of the relationship between any future development and the adjoining vacant sites

On the theme of the relationship of any future development with the surrounding area, it was also suggested that the planning brief should highlight that the future development of the two sites that adjoin the site towards the south east corner (shown in green and orange hatching in Figure 3 on page 6 of the draft and revised planning brief) should also respect the aims and objectives of the draft planning brief. Paragraph 4.2.32 of the draft planning brief stated that:

Consideration should also be given to how any development proposals relate to the buildings on the 1 Lyon Street site.

It did not make reference to any considerations that should be made when developing proposals for the vacant adjoining sites (1 Lyon Street and the triangular site hatched in green on Figure 3 on page 6 of the draft and revised planning brief) because they are not owned by London and Continental Railways and do not form part of the site which is the subject of the planning brief.

However, in response to feedback during consultation the Council considers it appropriate to recognise that development proposals for these adjoining sites should respect the aims and objectives of the planning brief. Therefore, the following text has been added to the revised planning brief as paragraph 4.2.31 of the revised brief:

Consideration should also be given to how development proposals for the site would relate to any future development on the vacant adjoining sites (1 Lyon Street and the triangular site hatched in green on Figure 3 of this brief). Correspondingly, development proposals for the vacant adjoining sites should respect the aims and objectives of the planning brief and consider how they would relate to any future development on the site of interest to this brief.

6. Minor amendments and additions

Added and amended text is shown in *italics*

- **Paragraph 2.0.6** – The paragraph has been amended to read as follows:

Both the documents have been through ‘publication’ stage in winter 2011, *and subsequently revised (in line with consultation in May and June 2012 on proposed further changes) and submitted to the Planning Inspectorate on 16 August 2012 with a view to adoption by early 2013.* Relevant policies within these plans should therefore be considered and are highlighted where appropriate.

- **Figure 3. Site location plan** – The description of the triangular parcel of land hatched in ‘green’ has been amended to read: Islington Council land.

- **Paragraph 3.1.2** – The paragraph has been amended to read as follows:

The Council-owned 1 Lyon Street site and a triangular plot of land, *also owned by the Council* and designated as part of the Site of Importance for Nature Conservation (SINC) (Borough Grade 1), adjoin the site to the south east. 1 Lyon Street was, until earlier this year, the site of a former Council housing office building. *The housing office has been demolished,* and the Council intends to provide affordable homes on the site. This project is still in the early stages. Local residents and stakeholders will be consulted in advance of any planning application for the 1 Lyon Street site being submitted.

- **Paragraph 3.2.1** – The paragraph has been amended to read as follows:

The site is considered to be in use for railway related purposes (sui generis). A large part of the site is designated as a Site of Importance for Nature Conservation (Borough Grade 1 Importance)

- **Paragraph 3.3.3** (paragraphs 3.3.3 and 3.3.4 of the revised planning brief) – The paragraph has been split into two paragraphs and the text has been revised to read as follows:

A large part of the site (1.2ha) is designated as a Site of Importance for Nature Conservation (SINC). A recent borough wide Habitat Survey (2011) was carried out to re-assess the ecological value of SINC across the borough. This concluded that the site should remain a SINC of Borough Importance (Grade 1). The SINC is composed of areas of *scrub, small areas of rough grassland and woodland. Unfortunately however, there are also several areas of the site that have been invaded by Japanese Knotweed.*

The woodland at the rear of the terrace 321-349 Caledonian Road is mostly composed of mature sycamore and the rest of the trees are oak, ash and elm. The scrub is mostly bramble with the grassland areas dominated by false oat grass. Fifteen individual and two area Tree Preservation Orders apply to the site (see Figure 4).

Minor amendments and additions

- **Paragraph 3.4.1** – The following bullet points have been added:

The need to demonstrate to the satisfaction of London Underground that the loading imposed on the tunnels or structures is not increased and any new development on the site would not have a detrimental effect on their tunnels and structures either in the short or long term.

The need to demonstrate to Transport for London's engineers that there will be no detriment from any future development on Transport for London's infrastructure.

The site is largely 'made ground' and any development would therefore need to address the potential instability of the slope.

The Caledonian Road frontage falls within the Barnsbury Conservation Area. This will affect the design of any new buildings on this part of the site.

The following bullet point has been amended to read:

The site's proximity to existing rail lines (the North London Line, Channel Tunnel Rail Link, East Coast Mainline and Piccadilly line) as well as the planned Thameslink link to the East Coast Mainline and the location of the CTRL portal means that any future development on the site would need to address potential noise and vibration issues.

- **Figure 5. Site constraints** – The plan has been amended to include the following; the HS1 access gate, the London Overground access gate, the Barnsbury Conservation Area boundary and the middle level sewer that runs under the site.
- **Paragraph 4.2.3** – The following paragraph has been removed (no longer relevant owing to change in paragraph 3.2.1):

By allocating the site for housing, open space and retail uses, the council has accepted the principle of the loss of the existing warehousing use, subject to the provision of the allocated uses. Therefore, where proposed uses are consistent with those set out in the emerging Site Allocations Document, applicants will not need to demonstrate lack of demand for the existing warehousing use. If the allocated uses are not proposed, applicants will need to justify any loss or reduction of warehousing land, consistent with Core Strategy Policy CS13 (Employment spaces) and Development Management Policy DM31 (Loss of existing business floorspace).

- **Appendix 1** – The existing point in the Statement of Community Impact under 'Future occupants of housing – concerns' has been amended to read:

Possible noise and vibration owing to the site's proximity to existing rail lines (the North London Line, Channel Tunnel Rail Link, East Coast Mainline and Piccadilly line) as well as the planned Thameslink link to the East Coast Mainline.

Minor amendments and additions

- **Paragraph A2.4.4** – The following text has been added as a bullet point:

Financial contributions towards Crossrail as part of the Mayor's Community Infrastructure Levy in line with London Plan Policy 8.3

- **Paragraph A2.4.5** – The following bullet pointed text has been moved from paragraph 2.4.5 (The following planning obligations may also be sought...) to paragraph 2.4.4 (Possible S106 Heads of Terms for this site will include (but will not be limited to) the following matters...):

Compliance with the Code of Employment and Training and the facilitation of construction work placements during the construction phase of the development.

- **Paragraph A2.4.6** – The following text has been added:

In accordance with Core Strategy Policy CS13 Part C, the Council will require that any development on the site provides on-site construction training opportunities for local people. Given that the site falls on the boundary of an area (which includes the Bemerton Estate) that is in the top ten per cent most deprived areas in the borough (according to 2007 Index of Multiple Deprivation data), the Council encourages the developer to maximise the number of on-site construction training opportunities and apprenticeships created by any and give priority to local people when filling such roles.