

Reference: DGM/YD/DP5346

Date: 11 May 2023

**FAO: Joseph Hennessy**

Development Management and Building Control

London Borough of Islington

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Dear Sir/Madam,

**REGENT'S WHARF, 10-18 ALL SAINTS STREET, LONDON, N1 9RL**

**APPLICATION UNDER SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) FOR NON-MATERIAL AMENDMENTS TO PLANNING PERMISSION REFERENCE P2019/3481/FUL**

On behalf of our client, BentallGreenOak, please find enclosed an application for non-material amendments to planning permission P2019/3481/FUL granted on 08 December 2020 for:

*Redevelopment of the site at 10 - 18 All Saints Street including the refurbishment and extension of 10-12 All Saints Street (including part roof extension and installation of rooftop plant and enclosure) to provide additional Class B1 business floor space with flexible Class A1/B1/D1 (retail/office/non-residential institutions) floorspace; demolition of 14, 16 and 18 All Saints Street and erection of a part 5 (ground plus 4) and part 6 (ground plus 5) storey building with basement and rooftop plant and enclosures providing Class B1 office floor space and flexible Class A1/A3/B1/D1/D2 (retail/restaurant & cafe/business/non-residential institutions/assembly & leisure) floor space at ground floor; and associated hard and soft landscaping.*

This application follows four previous applications for non-material amendments (Refs: P2021/0711/NMA, P2021/0983/NMA, P2022/1129/NMA and P2022/2200/NMA).

**Proposed Amendment**

This application proposes to amend the wording of Conditions 30 and 31, as previously discussed and agreed with London Borough of Islington officers. The proposed changes would replace the requirement for the applicant to submit details to the Local Planning Authority with



a requirement to comply with the measures set out in the detailed Light Pollution Study enclosed with this application.

### Condition 30

The existing wording of Condition 30 is as follows:

*Prior to the occupation of the development hereby permitted, a 'Lighting and Mitigation Strategy' to prevent unnecessary light pollution of the Regent's Canal, shall be submitted to and agreed in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details unless otherwise agreed in writing. The strategy shall require an earlier curfew of the suggested 23:00pm within ILP guidance due to the proximity of residential receptors to the Proposed Development. The lighting plan must adhere to the restrictions of category E2 for the canalside and category E3 on All Saints Street.*

*Thereafter the development shall be operated in accordance with the approved Lighting and Mitigation Strategy details.*

*Reason: In order to prevent the development having any adverse impact on the biodiversity of the Regent's Canal by way of light pollution.*

The proposed amended wording of Condition 30 is as follows:

*The development hereby permitted shall be implemented in accordance with the Light Pollution Study dated April 2023 (Issue 1) prepared by Watkins Payne unless otherwise agreed in writing with the Local Planning Authority.*

*Thereafter the development shall be operated in accordance with the approved Light Pollution Study details.*

*Reason: In order to prevent the development having any adverse impact on the biodiversity of the Regent's Canal by way of light pollution.*

### Condition 31

The existing wording of Condition 31 is as follows:

*Details of measures to adequately mitigate light pollution affecting the east facade of Ice Wharf South, Ice Wharf North, the north façade of 1-3 All Saints Street and the properties opposite the Regent's Canal shall be submitted to and approved in writing by the Local Planning Authority, prior to construction of the facades of Building A. The*



*lighting plan must adhere to the restrictions of category E2 for the canalside and category E3 on All Saints Street. These measures may also include:*

- *Automated black out roller blinds;*
- *Lighting strategies that reduce the output of luminaires closer to the facades;*
- *Light fittings controlled through the use of sensors;*
- *Motion sensors to switch lights off when spaces are unoccupied (operational 24/7); and*
- *Installation of external fins.*

*The development shall be carried out strictly in accordance with the details so approved prior to the first occupation of the development hereby approved and shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.*

*Reason: In the interests of good design, security and protecting neighbouring and future residential amenity and existing habitats and associated wildlife, in particular bats from undue light-spill.*

The proposed amended wording for Condition 31 is as follows:

*The development hereby permitted shall be implemented in accordance with the Light Pollution Study dated April 2023 (Issue 1) prepared by Watkins Payne unless otherwise agreed in writing with the Local Planning Authority.*

*The development shall be carried out strictly in accordance with the details so approved prior to the first occupation of the development hereby approved and shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.*

*Reason: In the interests of good design, security and protecting neighbouring and future residential amenity and existing habitats and associated wildlife, in particular bats from undue light-spill.*

### Justification

The enclosed Light Pollution Study prepared by Watkins Payne contains the details required by the wording of the current Conditions 30 and 31, including:

- Mitigation details for light pollution affecting the east facade of Ice Wharf South, Ice Wharf North, the north façade of 1-3 All Saints Street and the properties opposite the Regent's Canal.



- Demonstration of adherence to Environmental Light Zone E4 on All Saints Street and along the canal towpath (the WSP report, attached to the enclosed Light Pollution Study, confirms that the canal tow path generally falls within category E3 but directly opposite the site, at the bottom of Treaty Street, the appropriate category is E4).
- Details of the proposed curfew of 22:30 to protect residential amenity.

Please note that E3 and E4 are considered to be more appropriate Environmental Light Zones for the site than E2 and E3. This has been discussed and agreed with London Borough of Islington's Planning and Environmental Health officers and is corroborated by the WSP report.

The reasons given by the Local Planning Authority for imposing these two conditions were to prevent the development having an '*adverse impact*' on biodiversity and to protect residential amenity. As demonstrated by the enclosed report, the completed development would represent a significant improvement on the pre-existing light pollution conditions at the Site. Consequently, there would be no adverse impact caused in relation to biodiversity and existing residential amenity would be protected. The objectives of Conditions 30 and 31 would therefore be fully met.

Having regard to the above, we therefore consider that these amendments represent a non-material change to the approved scheme.

#### Submitted documents

The following information has been submitted in support of this application:

- Completed Application Form, prepared by DP9; and
- Lighting Pollution Study April 2023, prepared by Watkins Payne.

The application fee has been calculated at [REDACTED] which has been paid via the Planning Portal. We trust the enclosed is sufficient for you to progress with the determination of the application.

Should you have any queries please do not hesitate to contact Yasmin Darch at this office.

Yours faithfully



**DP9 Ltd.**