

London Borough of Islington

Planning Committee - 20 June 2017

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 20 June 2017 at 7.30 pm.

Present: **Councillors:** Klute (Vice-Chair), Donovan-Hart (Vice-Chair), Nicholls, Fletcher, Court, Kay and Ward
Also Present: **Councillor** Martin Klute in the Chair (Items B5 & B6)
Alice Donovan-Hart (Items B1,B3 & B4)

Alice Donovan-Hart in the Chair

285 INTRODUCTIONS (Item A1)

Councillor Donovan Hart welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.

286 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillors Khan, Picknell and Gantly.

287 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

288 DECLARATIONS OF INTEREST (Item A4)

The Chair informed the meeting that due to issues around predetermination Councillor Klute, the Vice Chair would be chairing the meeting while Item 5 & 6 – The Old Sessions House was being considered. The meeting was informed that the Chair would be chairing all the other items on the agenda.

289 ORDER OF BUSINESS (Item A5)

The Chair informed the meeting that Item 2, 469 Hornsey Road, Islington London, N19 3QL had been withdrawn by Officers as responses from a statutory consultee had not been received.

The Chair informed the meeting that based on the level of public interest, the items on the agenda will be taken in the following order, B5& B6, B3, B4 and B1.

290 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 27 April 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

291 APPOINTMENT OF PLANNING SUB-COMMITTEES (Item A7)

Members noted the report proposing the memberships and Chairs of the Planning Sub-Committees.

RESOLVED:

- a) That the Sub-Committees be confirmed as five member Sub-Committees and the Terms of Reference be noted.
- b) That it be noted that the allocation of seats was determined in accordance with the advice in the report.
- c) That Councillors Klute, Nicholls, Picknell, Gantly and Ward be appointed as members of Planning Sub-Committee A for the current municipal year or until their successors are appointed.
- d) That Councillors Donovan-Hart, Khan, Court, Kay and Fletcher be appointed as members of Planning Sub-Committee B for the current municipal year or until their successors are appointed.
- e) That it be noted that Councillor Klute had been appointed Chair of Planning Sub-Committee A and Councillor Donovan-Hart had been appointed Chair of Planning Sub-Committee B for the current municipal year or until their successors are appointed.

292 1-9 WHITE LION STREET,LONDON, N1 9PD (Item B1)

The construction of a single storey roof addition at 9 White Lion Street to create additional B1 office floorspace and associated alterations including rooftop plant/enclosures; Demolition of existing building to the rear of 9 White Lion Street and construction of a new building to create basement, ground plus six upper floors comprising flexible A1 retail/A3 restaurant and cafe (ground floor), B1 office (basement, and first to third floors), and six residential units (fourth to sixth floors); together with landscaping and associated works.

(Planning application number: P2016/4721/FUL)

In the discussion the following point was made:

- In response to a question on the preference for off -site financial contributions rather than the provision of affordable homes on site, the Planning Officer advised that this was only applicable where the proposal was for the provision of over 10 dwellings.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

293 469 HORNSEY ROAD, ISLINGTON LONDON, N19 3QL (Item B2)

The Chair informed the meeting that the item was being deferred on advice of Planning Officers as an objection from Network Rail (a statutory consultee) regarding the application was still in place. It was hoped that the objection could be overcome through clarification prior to the Sub-Committee meeting however no responses to attempts to contact Network Rail had been received.

294

**ISLINGTON ARTS FACTORY, 2 PARKHURST ROAD & 2A PARKHURST ROAD,
LONDON, N7 0SF (Item B3)**

P2015/0330/FUL:

Redevelopment of the site consisting of demolition of the existing garage structure, refurbishment of the Grade II listed former Verger's Cottage and former Sunday School building to provide 413 square metres (GIA) of office floorspace (Use Class B1), refurbishment and conversion of the Church building to provide 7 private residential units (2 x 1-bed, 4 x 2-bed and 1 x 3-bed) and construction of a new 5-storey building with basement below to provide 792 square metres (GIA) of community floorspace (Use Class D1) and ancillary cafe, 132 square metres of office floorspace (Use Class B1) and 18 affordable residential units (7 x 1 bed, 9 x 2 bed and 2 x 3 bed), resulting in a total of 25 residential units (9 x 1-bed, 13 x 2-bed and 3 x 3-bed), along with associated landscaping, access, parking and public realm works.

P2016/5054/LBC:

Refurbishment and conversion of Grade II listed former Verger's Cottage and refurbishment of former Sunday School building to provide 413 square metres (GIA) of office floorspace (Use Class B1), including repairs to and reinstatement of window glazing and frame, along with demolition of link extension to the rear.

(Planning application number: P2015/0330/FUL & P2016/5054/LBC)

In the discussion the following points were made:

- On 27 April 2017, Planning Committee resolved to grant planning permission subject to conditions in the Officer's report along with an additional condition regarding the continued use of the work space by the Arts Centre.
- The Planning Officer informed Members that due to an administrative error, Exan a car repair company which occupied the site had not been invited to present their verbal objections to the Committee.
- There had been no changes to the scheme since it was considered at the meeting on 27 April 2017 and the objections raised by Exan were considered in the planning officer's Committee report.
- The objector on behalf of Exan stated that as the site is in a designated Employment Growth Area (EGA), the proposal is contrary to Council Policy as the EGA aims to protect all existing employment uses. Exan would not be able to operate effectively as it uses the site for the storage of its cars.
- The objector requested consideration of the application should be deferred until City of London was able to provide a suitable site which met Exan's requirements.

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- The agent representing City of London informed Committee (despite this issue not being a material planning consideration) that Exan's lease had expired and had on a number of occasions met with Exan's representative to resolve the issue and offered a number of alternative sites in the locality which Exan had not taken up.
- The planning officer outlined that the Council's policies for sites within Employment Growth Areas safeguard existing business floorspace and proposals for redevelopment must incorporate the maximum amount of business floorspace reasonably possible on the site. The planning officer outlined that the existing business floorspace of 790 square metres was being replaced by 546 square metres of business floorspace. The officer explained that the lesser re-provision was supported in this instance because the replacement business floorspace (office) generated a higher employment density, the new business floorspace would provide modern new facilities, whilst a financial viability appraisal had been submitted demonstrating that the maximum amount of business floorspace was being re-provided on the site and this was confirmed by the Council's independent assessor BPS.
- The planning officer also stated that the proposal must be viewed as a whole, and that the redevelopment would also provide affordable housing, re-provision of an existing social community use along with a legal financial obligation towards employment and training. The proposal required to be assessed against all policies and material considerations and that on balance the replacement business floorspace proposal was considered acceptable.
- Members noted that disputes between landlord and tenant was not a consideration for Planning Committee.

RESOLVED:

That planning permission be granted subject to conditions in the officers report and the additional condition regarding the continued use of the work space by the Arts Centre and subject to s106 legal agreement heads of terms as set out in the Appendix to the original report of the 27th April Planning Committee.

295

LONDON METROPOLITAN UNIVERSITY, 166-220 HOLLOWAY ROAD, ISLINGTON, LONDON, N7 8DB (Item B4)

The erection of a 2 storey extension to J-Block which would increase the height of the building to a total of 4 storeys. Alterations to the retained ground and first floors, including replacement windows (with aluminium perforated shading panels) and doors; partial brick infill to windows and openings on north east and south west elevations; ventilation panels and 3 new external doors on south west elevation(s); and new entrance with brick surround on South East elevation. Demolition of first floor walkway bridges from J-Block to F-Block and Tower Level 1; external plant (including first floor plant screen); and associated works.

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(Planning application number: P2017/1383/FUL)

In the discussion the following points were made:

- Planning Officer informed Members that the proposal would not result in a change of use but rearranges the type and layout of the university accommodation.
- In response to questions about sunlight and daylight loss in some of the rooms, the Planning Officer advised Members that the rooms affected by loss of sunlight would still receive similar levels of daylight to current levels and that no neighbouring rooms would experience unacceptable losses of both sunlight and daylight.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

296 THE OLD SESSIONS HOUSE, 22 CLERKENWELL GREEN, LONDON, EC1R 0NA (Item B5)

Variation of Condition 10 (Access to External Areas) and Condition 18 (Hours of Operation) of Planning Permission P2016/1613/S73 dated 20/09/2016 for 'Change of use from Masonic Lodge to a mixed use scheme comprising retail, restaurant/bar, office and Private Member's Club (Sui Generis), erection of roof extension and alterations to roof to create two roof terraces (including a roof top pool) and insertion of rooflights, installation of roof top plant, replacement of windows, erection of ground floor boundary railings to rear and flank elevations and internal alterations/restoration works (including excavation of sub-basement below yard).'

The amendments consist of the proposed use of the external areas of the site for non-licensable activities after 10:30pm and a change to the hours of operation of the top floor bar (A4 use) and the lower ground floor retail/restaurant (A1/A3) uses including later terminal hours on Fridays and Saturdays.

(Planning application number: P2016/4841/S73)

The Chair informed the meeting that both Items B5 and B6 would be considered as one item.

In the discussion the following points were made:

- Planning Officer advised that assessment of the Noise report by the Council's Public Protection Officer concluded that the use of the outdoor areas after 22:30 for non-licensable areas would not result in unacceptable levels of disturbance to neighbouring occupiers.
- Planning Officer advised that the applicant had submitted a Management Plan for Premises Licence document and a Smoking Policy which would manage any potential disturbance and had provided assurances of being able to mitigate any potential disturbance from the use of the external areas and operation of the

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premises.

- The applicant would be required to apply for a Premises License for the hours being proposed irrespective of planning considerations.
- In response to a question regarding the levels of noise, the Acoustic Officer advised that the methodology employed was a more appropriate method for people noise, the nature and duration of people shouting, laughing etc and that comparing data obtained when measuring noise levels from similar type of establishments for non-licensable activities demonstrate that the use of these external areas would not result in unacceptable levels of disturbance to neighbouring properties.
- In response to questions on how details in the Management Plan would be monitored especially if the plan is amended by the operator, the Planning Officer advised that any changes would require submission in writing to the Local Planning Authority and as part of that further assessment various internal consultees would be consulted, including noise officers.
- Members were concerned with the applicants request to vary opening and closing times which had been granted at a previous meeting of the Committee as there was no evidence of any changes in circumstances and importantly lack of information regarding the future operator of uses on both the ground floor and the top floor and the nature of these businesses to justify the hours of operation that the applicant is seeking.
- Members agreed the difficulty of assessing the impact of noise on neighbouring amenities especially as presently there was no business activity in operation in the building.
- Residents were concerned about the management plans, as it does not mirror plans of other business premises in the vicinity and also a dearth of information regarding issues on acoustics, capacity of the premises, smokers, rubbish, deliveries and traffic.
- Members discussed the suggestion that a temporary one year use of the external areas would allow an opportunity to make an assessment of the impact of the use during this period

Councillor Klute proposed a motion to approve in principle, access to the smoking area for a temporary period of one year following commencement of the use, but retain the operating hours that had been previously approved, pending clearer information about the proposed operators of the spaces.

Condition 10 is amended as follows;

CONDITION: For a temporary period of one year from the commencement of the use with which it is associated, no further persons shall be given access to the external areas serving the property for licensable activities as defined under the Licensing Act 2003, including all external lower ground floor areas and the roof terraces hereby permitted after 22:30 hrs.

After 22:30 hrs and until the terminal hours of each use detailed in Condition 18 of this permission, the four areas defined on the hereby approved plans ref: 'Basement Plan as

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Proposed', 'Second Floor Plan as Proposed' and 'Roof Plan as Proposed' (received 16/03/2017) shall only be available for non-licensable activities as defined under the Licensing Act 2003. Prior to the closing time of each of the site uses, the associated external area as defined on the approved plans shall be cleared of all people.

After 22:30 hrs all entry and exit doors and windows onto the external areas shall be kept shut, except for the purposes of allowing access to and egress from the areas designated for use for non-licensable activities. Any lighting to the roof terraces must be turned off on any day when the relevant external areas are no longer in use.

After expiry of this temporary use, the specified terraces shall revert to the use/purpose for which it was previously used prior to the grant of this planning permission.

REASON: In the interest of protecting neighbouring residential amenity. The temporary use of the external areas is such that the Local Planning Authority is only prepared to grant permission for a limited period in view of the special circumstances of this case and in order to test the degree of noise nuisance that use of these areas would have on residential amenity.

Condition 18 is thus amended as follows;

Condition 18 The café / restaurant (A1/A3 use class), drinking establishment (A4 use class) and Private Members Club (sui generis use class) shall only operate during the hours of:

- 10:00 - 23:30 Monday to Saturday
- 12:00 - 23:00 Sundays

Except on Good Friday: 12:00 to 23:00

Christmas Day: 12:00 to 15:30 and 19:00 to 23:00

New Year's Eve except on a Sunday: 10:00 until the time authorised on the following day

New Year's Eve on a Sunday, 12:00 until the time authorised on the following day.

If there are no permitted hours on the following day, 00:30 on the 31st December.

Note: These closure hours are inclusive of a maximum 30 minutes drinking up time.

REASON: In the interests of protecting residential amenity and minimising anti-social behaviour and nuisance within the Farringdon cumulative impact area (for alcohol licensed premises) that this site sits within as set out in the Finsbury Local Plan (2013) including policy BC8G that addresses concentration of such uses. Additionally, this condition would secure compliance with policies: DM4.2 and DM4.3 of the Development Management Policies (2013) and the Council's Licensing Policy which is a material consideration.

This was seconded by Councillor Nicholls and carried.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report plus amending condition s10 (temporary 1 year period) and 18, set out within the report to reflect the hours of operation that was previously agreed; and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

297 **THE OLD SESSIONS HOUSE ,22 CLERKENWELL GREEN, LONDON, EC1R 0NA (Item B6)**

Variation of Condition 10 (Access to External Areas) and Condition 18 (Hours of Operation) of Planning Permission P2016/1614/S73 dated 20/09/2016 for 'Change of use from Masonic Lodge to a mixed use scheme comprising retail, restaurant/bar and office (Sui Generis use), erection of roof extension and alterations to roof to create two roof terraces (including a roof top pool) and insertion of rooflights, installation of roof top plant, replacement of windows, erection of boundary railings to rear and flank elevations and internal alterations/restoration works (including excavation of sub-basement below yard).' The amendments consist of the proposed use of the external areas of the site for non-licensable activities after 10:30pm and a change to the hours of operation of the top floor bar (A4 use) and the lower ground floor retail/restaurant (A1/A3) uses including later terminal hours on Fridays and Saturdays.

(Planning application number: P2016/4842/S73)

In the discussion the following points were made:

- Planning Officer advised that assessment of the Noise report by the Council's Public Protection Officer concluded that the use of the outdoor areas after 22:30 for non-licensable areas would not result in unacceptable levels of disturbance to neighbouring occupiers.
- Planning Officer advised that the applicant had submitted a Management Plan for Premises Licence document and a Smoking Policy which would manage any potential disturbance and had provided assurances of being able to mitigate any potential disturbance from the use of the external areas and operation of the premises.
- The applicant would be required to apply for a Premises License for the hours being proposed irrespective of planning considerations.
- In response to a question regarding the levels of noise, the Acoustic Officer advised that the methodology employed was a more appropriate method for people noise, the nature and duration of people shouting, laughing etc and that comparing data obtained when measuring noise levels from similar type of establishments for non-licensable activities demonstrate that the use of these external areas would not result in unacceptable levels of disturbance to neighbouring properties.
- In response to questions on how details in the Management Plan would be monitored especially if the plan is amended by the operator, the Planning Officer advised that any changes would require submission in writing to the Local Planning Authority and as part of that further assessment various internal consultees would be consulted, including noise officers.
- Members were concerned with the applicants request to vary opening and closing times which had been granted at a previous meeting of the Committee as there was no evidence of any changes in circumstances and importantly lack of information regarding the future operator of uses on both the ground floor and the top floor and the nature of these businesses to justify the hours of operation that the applicant is seeking.

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- Members agreed the difficulty of assessing the impact of noise on neighbouring amenities especially as presently there was no business activity in operation in the building.
- Residents were concerned about the management plans, as it does not mirror plans of other business premises in the vicinity and also a dearth of information regarding issues on acoustics, capacity of the premises, smokers, rubbish, deliveries and traffic.
- Members discussed the suggestion that a temporary one year use of the external areas would allow an opportunity to make an assessment of the impact of the use during this period

Councillor Klute proposed a motion to approve in principle, access to the smoking area for a temporary period of one year following commencement of the use, but retain the operating hours that had been previously approved, pending clearer information about the proposed operators of the spaces.

Condition 10 is amended as follows;

CONDITION: For a temporary period of one year from the commencement of the use with which it is associated, no further persons shall be given access to the external areas serving the property for licensable activities as defined under the Licensing Act 2003, including all external lower ground floor areas and the roof terraces hereby permitted after 22:30 hrs.

After 22:30 hrs and until the terminal hours of each use detailed in Condition 18 of this permission, the four areas defined on the hereby approved plans ref: 'Basement Plan as Proposed', 'Second Floor Plan as Proposed' and 'Roof Plan as Proposed' (received 16/03/2017) shall only be available for non-licensable activities as defined under the Licensing Act 2003. Prior to the closing time of each of the site uses, the associated external area as defined on the approved plans shall be cleared of all people.

After 22:30 hrs all entry and exit doors and windows onto the external areas shall be kept shut, except for the purposes of allowing access to and egress from the areas designated for use for non-licensable activities. Any lighting to the roof terraces must be turned off on any day when the relevant external areas are no longer in use.

After expiry of this temporary use, the specified terraces shall revert to the use/purpose for which it was previously used prior to the grant of this planning permission.

REASON: In the interest of protecting neighbouring residential amenity. The temporary use of the external areas is such that the Local Planning Authority is only prepared to grant permission for a limited period in view of the special circumstances of this case and in order to test the degree of noise nuisance that use of these areas would have on residential amenity.

Condition 18 is thus amended as follows;

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If there are no permitted hours on the following day, 00:30 on the 31st December.

Note: These closure hours are inclusive of a maximum 30 minutes drinking up time.

REASON: In the interests of protecting residential amenity and minimising anti-social behaviour and nuisance within the Farringdon cumulative impact area (for alcohol licensed premises) that this site sits within as set out in the Finsbury Local Plan (2013) including policy BC8G that addresses concentration of such uses. Additionally, this condition would secure compliance with policies: DM4.2 and DM4.3 of the Development Management Policies (2013) and the Council's Licensing Policy which is a material consideration.

This was seconded by Councillor Nicholls and carried.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report plus amending condition s10 (temporary 1 year period) and 18, set out within the report to reflect the hours of operation that was previously agreed; and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

The meeting ended at 9.15 pm

CHAIR