

London Borough of Islington

Planning Committee - 5 December 2017

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 5 December 2017 at 7.30 pm.

Present: **Councillors:** Khan (Chair), Donovan-Hart (Vice-Chair), Nicholls, Fletcher, Picknell, Gantly, Kay, Ward and Convery

Councillor Robert Khan in the Chair

342 INTRODUCTIONS (Item A1)

Councillor Khan welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.

343 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillor Court.

344 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

345 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

346 ORDER OF BUSINESS (Item A5)

The order of business would be B2, B3 and B1.

347 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 7 November 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

348 20 ROPEMAKER STREET, 101-117 FINSBURY PAVEMENT AND 10-12 FINSBURY STREET, LONDON, EC2Y 9AR (Item B1)

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Demolition of the existing buildings and erection of a 27-storey building (part 10, part 15, part 20, part 25, part 27-storeys) with 3 basement levels to provide for 63,507 square metres (GIA) of office floorspace (Use Class B1(a)) and 1,222 square metres (GIA) of flexible retail/professional services/restaurant/café floorspace (Use Class A1/A2/A3) along with associated access and servicing arrangements, cycle parking, refuse storage and landscaping works.

(Planning application number: P2017/3103)

In the discussion the following points were made:

- Members were informed that since publication of the agenda, a response had been received by Network Rail, who have requested a condition relating to drainage, method statements/APPM, earthworks/excavations and tunnels if planning permission is granted.
- The Planning officer also advised that since publication of the Officer's Report, the applicant had offered 955 square metres of SME workspace contained within the proposal, at a discounted rate of 60% of the market rental value for a period of 15 years.
- Members were advised that the scheme would provide suitable office floor space to be occupied by micro and small enterprises and the proposal would result in public realm improvements, widening of footway pavements and the introduction of a place making tree at the junction of Ropemaker Street and Finsbury Pavement.
- With regards to housing provision, Members were informed that an off-site contribution of £4,639,680 is to be secured by legal agreement.
- In response to objectors concerns about the loss of light and lack of consultation, Members were advised that letters had been sent out including residents of the Heron building and the loss of light was minimal in the context of 5 windows being impacted at relatively low levels when weighed against the other advantages of the scheme.
- In response to the agent's assertion that the scheme would bring in business rates to Islington Council, the legal officer advised Members that this was not a material consideration.
- Members discussed the provision of employment at the site and the number of local jobs that would be created. A request for London Living Wage to be paid was requested by Councillor Kay with the applicant advising that was outside the scope of the development stage, but that a commitment during the construction phase for that to be paid would be made.
- A query regarding the net or gross job number increase was raised by Councillor Convery.
- Members welcomed the scheme as policy compliant, especially with its commitment on providing employment opportunities for apprentices.

Councillor Fletcher proposed a motion to grant planning permission. This was seconded by Councillor Ward and carried.

RESOLVED:

That planning permission be granted subject to the conditions set out in Appendix 1 of the officer report and the additional condition outlined above; and conditional upon 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 as amended above and subject to any direction by the Mayor of London to refuse the application or for it to be called in for determination by the Mayor of London.

349

REGENTS WHARF, 10, 12, 14, 16 AND 18 ALL SAINTS STREET, LONDON (Item B2)

Redevelopment of the site at Regent's Wharf including the refurbishment and extension of 10-12 Regent's Wharf (including part one/part two storey roof extension) to provide additional Class B1 business floorspace with ancillary flexible Class A1/A3 (retail/restaurant) and flexible Class A1/B1/D1 (retail/business/non-residential institutions) floorspace at ground floor level; demolition of 14, 16 and 18 Regent's Wharf and erection of a part 5 and part 6 storey building with rooftop plant enclosure providing Class B1(a) office floorspace and flexible Class A1/A3/B1/D1/D2 (retail/restaurant & café/business/non-residential institutions/assembly & leisure) floorspace at ground floor; and associated hard and soft landscaping.

(Planning application number: P2016/4805/FUL)

In the discussion the following points were made:

- The Planning Officer advised that an objection had been received from Historic England and the key points are summarised as follows:
 - Some elements of the proposed scheme would result in small improvements to the locally listed buildings however the scheme would result in harm to the conservation area, and that the heritage benefits of the scheme are minor and would not balance this harm.
 - Scale and design of the new dormer windows to the canal side elevation of No. 10 would be extremely dominant and would introduce an entirely alien, prominent feature to the roofscape.
 - The large extensions at the south end of building 10 would have a detrimental impact on the appearance of the building.
 - Creation of an expanded upper storey to building 12 will mean a dominant area of the building does not relate to this historically functional building's original use.
 - Substantial alterations proposed to locally listed buildings would reduce the prominence of these important buildings in the street scene, and thereby reduce their legibility as industrial buildings and cause harm to the Regent's Canal West Conservation Area.
 - Revisions should be sought to reduce the harm caused by the proposed works, particularly regarding the design of the proposed canal side roof structure and fenestration to building number 10.
- The Planning Officer advised that a further representation had been received from the Greater London Industrial Archaeology Society (GLIAS) clarifying the extent of the windows on the canal-side elevations of buildings 10 and 12, as originally constructed. The GLIAS also referred to evidence that the dormer windows to the canal-side elevation of building 10 were original features. The Planning Officer advised that it is therefore likely that the dormer windows were original features of

the building. The Planning Officer further advised that the dormer windows currently provide little benefit in terms of daylight receipt to the existing accommodation and the top loft floor space is uncomfortable, suffering from poor daylighting and overheating. The proposed dormer windows would therefore provide for an improved quality of internal accommodation whilst their design is supported by the Council's Design and Conservation Officer.

- The Planning Officer reported that the Tree officer raises no objections to the removal of the alder trees which as they have reached their growth potential and represent a constraint to achieving a better overall landscaping scheme on the site. Furthermore, removal, coppicing and replanting of the trees is not a realistic option.
- The Planning Officer advised that detailed plans had been received which satisfactorily addressed concerns raised by the council's accessibility officer. A fire evacuation strategy should be secured by condition.
- The Planning Officer advised that a resident of Ice Wharf has raised concerns that the 4m high secondary gate to the vehicular access could provide unwanted access to his balcony. The applicant has reviewed this arrangement and has agreed that the gate can be reduced in height to 2.5m, with details to be secured by condition.
- The Planning Officer advised that further objections had been received raising concerns regarding noise and disturbance from the restaurant during the hours when the windows are open. Further objections had also been received from neighbours on grounds detailed in the reports including visual impact, excessive height, loss of daylight and sunlight, increased noise and disturbance, design that is out of character.
- The Planning Officer advised that a letter had been received from the local MP seeking an assurance that daylight and sunlight impacts will be fully considered in assessing the application.
- The Planning Officer highlighted typographical errors in the report, listed as follows:
 - Agenda Page 144, paragraph 11.52 –the BRE Guidelines stipulate that [delete the remainder and replace with] “diffuse daylighting of the existing building may be adversely affected. This will be the case if either:
 - The VSC measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value
 - The area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.”
 - Top of page 148 – [delete] ‘no real noticeable loss of daylight’ [and replace with] ‘diffuse daylighting of the existing building may be adversely affected’. The same correction is required to the top of the table on page 157.
 - Page 146 paragraph 11.62 the properties listed also achieve full compliance with the NSL / DD and therefore these properties do achieve full compliance with the BRE as they pass both daylight tests and therefore accords with the correct application of BRE. In checking these, we have identified that there is one room within 31 Thornhill Bridge Wharf (Room 2) that would experience a loss of 24.35% of Daylight Distribution and therefore must also be reported for failing one of the BRE tests.
 - Paragraph 11.67 [delete] “and therefore these rooms should not experience a noticeable loss of daylight.”

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- The Planning Officer advised that VSC/NSL tables are provided to identify that there are noticeable daylight losses in excess of BRE Guidelines to each window / room identified in the table. The ones shaded will experience transgressions under both the VSC and NSL assessments and will experience harmful loss of daylight. It was explained that, whilst greater discussion is given over to those windows / rooms that fail both tests that is because the impact will be most significant to those properties. It was confirmed that the tables identify all rooms or windows that fail the daylight and sunlight tests (plus the additional room at 31 Thornhill Bridge Wharf) and that the figures presented were all correct.
- In the discussion it was advised by officers that the losses of daylight were some of the highest levels of loss brought to Committee in recent years, but that the reason it was brought was due to the assessment that owing to the Ice Wharf properties' position in extreme closeness to the site boundary shared with the development site, those properties represented an unneighbourly relationship which when weighed against the benefits of the proposal including the 3000sqm uplift of commercial floorspace including 5.38% AWS for 15 years at peppercorn rent that for officers it tipped the balance towards a recommendation for approval.
- It was also specified by officers for further information purposes that the losses equal to or in excess of 40% of VSC to windows numbered 14. Two of those windows would experience losses of 62% and 64%. In terms of Daylight Distribution, a total of 4 rooms would experience losses of greater than 40% with losses of 49%, 59%, 69% and 70% all to combined living / kitchen dining rooms.
- In response to a question on whether the revised application had been referred back to the Design Review Panel for any updated comments, the Planning Officer advised that as most of the issues raised had been addressed through revisions to the scheme, Officers did not deem it necessary.
- Residents of the Ice Wharf developments requested that the application be deferred as there were concerns about the impact of the proposal with regards to loss of light, loss of privacy due to its size, height, scale and massing. An objector was concerned that the loss of light to over 36 windows in the Ice Wharf development would impact on their quality of life and their amenity if planning permission was granted. It was suggested that deferring the item would allow Members the opportunity to visit and assess the impact of the scheme on the amenity of neighbouring residents.
- With regards to concerns about the massing of the scheme, Members were advised that the applicant had removed the sixth floor from the previous scheme which represented a significant improvement to the scheme. Members were also advised that privacy concerns could be satisfactorily addressed through a condition if planning permission was granted.
- The applicant advised that in conjunction with Planning Officers, the scheme had been revised to address concerns regarding the height, scale and massing of the scheme. The applicant reiterated that the scheme would result in a high quality office development providing 5.38% of the overall office floor space as affordable workspace to be managed by a designated affordable workspace provider at a peppercorn rent for a period of 15 years.
- Members acknowledged the site constraints and its challenges for the developer and welcomed the provision of workspace for small businesses and employment

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opportunities for local residents but had concerns in relation to the amenity of the Ice Wharf residents. Members considered that the level of harm to the residential amenities outweighed the benefits of the scheme as losses of daylight were significant.

- Members agreed that the item be refused planning permission on grounds relating to scale and massing, impact on neighbouring amenity and harm to the character and appearance of the conservation area.
- The Committee Members agreed that the exact wordings on reasons for refusal be delegated to the Planning Officer, to be agreed by the Chair.

Councillor Convery proposed a motion to refuse planning permission on reasons provided above.

This was seconded by Councillor Donovan-Hart and carried.

RESOLVED:

That planning permission be refused for the reasons set out above, the wording of which was delegated to officers in conjunction with the chair.

Reasons for Refusal:

1. The proposed development, by reason of its inappropriate layout, height, massing and proximity to nearby residential properties would result in unacceptable harm to the amenity of these residential occupiers through loss of daylight and sunlight, loss of outlook and sense of enclosure. This harm makes the proposal contrary to Policy 7.6 of the London Plan (2016), Policy DM 2.1 of Islington's Local Plan: Development Management Policies (2013), as well as BRE 'Site layout planning for daylight and sunlight: a guide to good practice' (Second Edition 2011) and the benefits of the scheme are not considered to outweigh this harm.
2. The proposed development and in particular the visually prominent new roof and inappropriate dormers, the excessive height and massing and its visual prominence, would fail to relate positively to its surroundings, would be harmful to the local townscape and to the locally listed building, and would adversely affect the setting of the Regents Canal West Conservation Area. The proposed development is therefore contrary to policies 7.4 and 7.8 of the London Plan 2016, policy CS9 of Islington's Core Strategy 2011, and policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013.

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SITE OF ELECTRICITY SUB-STATION OPPOSITE 15-27 GEE STREET AND CAR PARK SPACES 90-98 GOSWELL ROAD, EC1 (Item B3)

Demolition of existing boundary walls and brick substation enclosure and erection of a seven storey building to provide 3,956 sqm (GIA) office (Use Class B1a) floorspace on part ground floor and Levels 1-6 and 94 sqm (GIA) retail floorspace on part ground floor.

(Planning application number: P2017/3389/FUL)

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In the discussion the following points were made:

- Members were informed that item was deferred at the Committee on 7 November 2017 as there were concerns about the lack of provision of an active retail or leisure floor space on the ground floor.
- Members were advised that the applicant had addressed this concern through the introduction of a ground floor retail unit on part of the ground floor fronting Gee Street whilst the small/micro unit office workspace would be located partly on the ground floor and partly on the first floor.
- The Planning Officer advised that the Council has received a number of representations and that the Planning Service had been advised that the initial consultation letters produced in September were not received. The re-consultation was therefore the first notice received by some residents who had now written. Accordingly, residents have raised concerns that they have not been provided with sufficient time to provide responses. Members were advised that the Council had fulfilled its statutory publicity requirements for major planning applications set out within The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- The Planning Officer advised that 8 further objections have been received which raise concerns which are summarised as follows. Excessive height, overbearing visual impact, loss of daylight, increased footfall, increased demand for on-street parking, out of character, overlooking and loss of privacy – in particular by reason of narrow road and excessive amount of glass, offices will overlook bedrooms and bathrooms, light pollution, measures to address light pollution don't work in practice. Objectors requested the Planning Committee visit flats at the rooftops (15-27 Gee Street to appreciate the impact of the proposed development).
- The Planning Officer also advised that a representation had been received from Clerkenwell and Shoreditch County Court raising concerns regarding noise and disturbance during the construction period affecting court proceedings and construction traffic impeding access to the court building by custody vehicles. It was therefore recommended that conditions 4 and 18 be revised to indicate that Her Majesty's Court and Tribunal service are consulted on the Construction Management Plan and Construction Logistics Plan and the Delivery and Servicing Management Plan.
- Objectors who addressed the Committee stated that the road width was 5.4m and that over this distance the potential for overlooking and loss of privacy was felt to be acute. They raised concerns over the length of the office working day to include cleaner's hours and raised concerns for safety. They did not consider curtains to be appropriate due to potential for them not to be used.
- In addressing these concerns, the applicant referred to the policy applying between facing residential habitable room windows and not to apply across a highway. However, the agent did advise that they would be willing to accept a planning condition to address overlooking requiring such features as blinds.
- Councillor Fletcher in her discussions felt that the massing was acceptable but that she held concerns regarding privacy and the provision of sheet glass opposite residents. It was queried what discussions regarding privacy took place with officers.

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- Councillor Convery advised that the retail provision was satisfactory and referred to the Baltic Street application where obscure glazing / fins were provided to address privacy across the highway.
- The Committee agreed to defer the item so as to allow the applicant provide a more permanent solution to the issue of overlooking and loss of privacy. Suggestions of using obscure glazed windows was noted.

Councillor Kay proposed a motion to Defer. This was seconded by Councillor Fletcher and carried.

RESOLVED:

That consideration of the application be deferred for the reasons outlined above.

The meeting ended at 9.40 pm

CHAIR

The meeting ended at 9.40 pm

CHAIR