

London Borough of Islington

Planning Committee - 4 June 2024

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 4 June 2024 at 7.30 pm.

Present: **Councillors:** Klute (Chair), Hayes (Vice-Chair), North (Vice-Chair), Clarke, Convery, Ogunro, Steadman and Hamdache

Councillor Martin Klute in the Chair

113 INTRODUCTIONS (Item A1)

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

114 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillors Cinko-Oner and Spall.

115 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

116 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

117 ORDER OF BUSINESS (Item A5)

The order of business would be as per the agenda.

118 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 19 March 2024 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

119 MEMBERSHIP, TERMS OF REFERENCE AND DATES OF MEETINGS (Item A7)

Meeting was advised that at the meeting of Annual Council on 16 May 2024 membership of the Planning Committee was agreed.

Chair informed the meeting that Vice Chair of the Planning Sub Committee's be appointed by the respective bodies.

RESOLVED:

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- a) That the Sub-Committees be confirmed as five member Sub-Committees and that the terms of reference be noted.
- b) That the allocation of seats was determined in accordance with the advice in the report.
- c) That Councillors North, Convery, Cinko-Oner, Steadman and Ogunro be appointed as members of Planning Sub-Committee A for the current municipal year or until their successors are appointed.
- d) That Councillors Hayes, Clarke, Klute, Spall and Hamdache 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 North had been appointed Chair of Planning Sub-Committee A and Councillor Hayes had been appointed Chair of Planning Sub-Committee B for the municipal year or until their successors are appointed.
- f) That it be noted that any member who was a member or substitute member of the Planning Committee could substitute at any meetings of either Sub-Committee if they had not been appointed as a member of the Sub-Committee.

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69-85 EDWARD RUDOLPH HOUSE, MARGERY STREET, LONDON WC1X 0JL **(Item B1)**

Demolition of the existing building and erection of a 4-storey office (Use class Eg(i)) building, including cycle associated cycle parking, waste and recycling storage, plan enclosure to the roof, hard and soft landscaping, and associated substation

(Planning application number: P2023/2059/FUL)

In the discussion the following points were made:

- Chair reminded Committee that application has already been appealed for non-determination by the applicant, so the Council will have to defend its position, noting that officers have advised in the report that in its present state it would be advising Committee that the application be refused .
- In addition to the above, members would need to consider the 9 reasons for refusal provided by officers.
- Planning Officer informed meeting that since agenda was published an addendum has been published which clarifies a number of issues in the committee report, revisions to the reasons for refusal and some typographical errors.
- Site is located on the south side of Margery Street and comprises a two-storey office building, presently vacant with measures in place to prevent squatters and accessibility, previously occupied by the Children's Society, with approximately 2,543sqm of office floorspace and a servicing yard accessed from Margery Street. The site is predominantly surrounded by residential accommodation at Margery Street, Yardley Street, Wilmington Square and Attneave Street.
- In terms of background and history, meeting was advised that a previous application on the site was submitted to the council and refused by Planning Committee in July 2020. It was refused on the 4 grounds of design and appearance, impact on neighbouring heritage assets, grade 2 listed buildings and neighbouring conservation areas, impact on neighbouring amenity specifically to daylight transgressions, loss of outlook and a sense of enclosure.

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- The refusal was appealed by the applicant and subsequently dismissed by the Planning Inspectorate in March 2022 on grounds that the main issues to the proposed scheme had not been addressed, on whether or not the proposed development would preserve the settings of nearby listed buildings with particular regard to Nos. 21-23 Yardley Street and 25-37 and 38-39 Wilmington Square; whether or not the development would conserve the setting of the New River Conservation Area; the effect of the design of the proposed development on the character and appearance of the streetscene; the effect on the living conditions of the occupiers of neighbouring properties having regard to daylight and outlook and whether the benefits of the proposed development as well as the any other relevant matters would outweigh the harm in determining the planning balance .
- Members were informed that the Planning Inspectorate in conclusion stated that that although it had not found that the heritage harms were sufficient to outweigh the benefits on their own, it would still form part of the planning balance, that the harms to the street scene, the living conditions of the nearby occupiers when added to the planning balance, the cumulative weight of harms does outweigh the benefits which would arise from the scheme.
- Key planning considerations highlighted by the Planning officer included land use, design and appearance, impact upon heritage assets, neighbouring amenity, transport and highway and energy and sustainability.
- With regards to land use, site is within Central Activities Zone (CAZ) as outlined in the London Plan, Priority Employment Area as outlined in the Local plan and in the Existing use as Offices.
- Affordable workspace units of 251sqm is proposed at basement and lower ground level which will be accessed at ground floor level from Yardley Street. Although policy compliant in terms of floor space, the Council's Inclusive Economy Team have objected to the proposed units with regard to its location in the basement and lower ground level, the awkward layout of the units and is deemed to be of poor standard quality when taken into context with the proposed market office floor space of the building.
- Planning Officer acknowledged the removal of a floor from the previous scheme which has considerably improved the relationship of the proposed building and is considered a positive change however officers still felt that the changes fell short of meeting the main challenges of activation of Margery Street elevation and the existing quality of the streetscene remains poor. It was also noted that the breaks and planters introduced in between the bays does not provide sufficient activation or animation but simply reinforces the corporate approach in the design of the scheme.
- Planning Officer stated overall that in terms of design and appearance the scheme has made improvements however the key issues of such as the impact on street scene, the lack of finesse on Yardley street, the corner entrance, amenity issues in the southern elevation still remains.
- Although site is not located within a conservation area but lies immediately adjacent to the New River Conservation Area and the Rosebery Avenue Conservation Area to the south, the proposal is considered to adversely affect the character and heritage protection of the nearby listed building.
- It was noted that although the proposal will cause less than substantial harm to the significance of the heritage assets, officers were of the view that the suggested benefits is considered overstated and only policy compliant.
- The proposal does not fulfil the local policy requirement of high quality architectural design to overcome the level of harm to the heritage assets.
- In terms of residential amenity, the proposal is considered to be acceptable except for the impact caused to daylight received to neighbouring windows and rooms and loss of privacy and therefore the functionality of the adjoining shared amenity spaces.

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- The proposal seeks to introduce vast amount of fenestration to all floors of the building to address loss of privacy but are deemed as insufficient mitigation measures.
- In terms of daylight loss, buildings such as Bagnigge House, St Anne's House, 17-23 Atteneave Street and Sherston Court still experience transgressions albeit an improvement to the appeal scheme.
- Although Energy and Sustainability statement was submitted and accepted by the Council's Energy team, the assessment in carbon emission especially the regulated and unregulated emissions fell short, and that in the absence of this information against the 2011 baseline, the energy officer has objected to the proposal and especially in the absence of detailed commitment as to how the proposal will meet the GLA 'Be Seen' requirements.
- With regard to the whole life carbon assessment, meeting was advised that in terms of upfront carbon carbon emissions of 747kgCO₂e which meets GLA requirement benchmark, however the operational carbon emissions of 457kg CO₂e is objected to.
- On the issue of circular economy, statement was submitted by applicant, elements of which were supported by Council's Sustainability officer however the omission of details on reuse and recycled materials were vague.
- Meeting was advised that no flood risk assessment was required, however an updated drainage strategy was submitted which includes confirmation that an allowance of 40% for climate change proposed and a maintenance plan. Also important to note that there was no objection from Thames Water subject to conditions.
- On daylight and sunlight loss, the Planning Officer acknowledged a betterment from the appeal scheme, a VSC improvement in terms of quantum and quality and BRE has seen an improvement, however transgressions remain in terms of NSC for ground floor levels.
- In response to issues around overlooking, meeting was advised that a number of options were discussed with the applicants on ways of mitigating the concern towards the rear such as securing glazing to protect the residential amenity of that external space however officers did not feel it would mitigate the issue.
- A member was concerned that the whole life carbon assessment did not include pre-demolition activities.
- A number of representations were received in support of officers recommendation to refuse, notably stating that the removal of a floor had not reduced the loss of daylight, that there still exists substantial loss of daylight to 10 properties in Bagnigge House. Members were reminded that the building should be refurbished rather than it being demolished, that the suggestion by the developer that the only viable option is to demolish should not be accepted by the local planning authority. Loss of privacy and the issue of servicing and delivery arrangement had not been fully addressed.
- On the issue of servicing and delivery, meeting was reminded that the previous appeal scheme had similar servicing arrangements from Yardley Street as there is concern that Margery Street being a oneway street with cycling access, there are safety concerns to pedestrians. However, due to the constraints of providing on-site servicing, officers believed that off-site servicing could be supported in this instance. Members raised concerns that off-site servicing arrangements would compromise pedestrian and cyclist safety and should form an additional reason for refusal.
- Chair in summary reminded committee that the essence of the meeting is two- fold, first to consider if the Committee would have refused the application and secondly to consider the reasons for refusal and if necessary amend the wording of the reasons and also for applicants to revisit the issue of possible site servicing and delivery arrangements similar to what is in place at the moment.
- Committee agreed to amend the wording for both reasons 1 and 2 and that

- Reason 1 to read as following ‘ The proposed development, by virtue of aspect of its design, results in a building which fails to respond to or enhance the existing local context. It appears incongruously and therefore harmfully within the street scene. This is due to the design of the floor to ceiling fenestration within the elevational bays, presents an uncharacteristically corporate street elevation, insufficiently articulated materiality, and an out of scale, poorly detailed and non-contextual cantilevered corner entrance. The elevational design throughout is considered to undermine the quality of the streetscape and visual amenity of adjoining sites. The proposal is therefore contrary to London Plan (2021) policies GG2, D3 and D4, Islington Local Plan (2023) policies PLAN1 and DH1, and national (National Design Guide) and local (Urban Design Guide SPD) guidance.
- Reason 2 to read as following: The proposed development by reason of its design fails to conserve or enhance the setting of Grade II listed buildings on Yardley Street and the New River Conservation Area. The proposal falls short of the high-quality contextual design demanded by this transitional location. The proposal would adversely affect the character and special architectural and historic interest. The works would therefore cause harm to the significance of the heritage assets, contrary to paragraph 208 of Chapter 16 (conserving and enhancing the historic environment) of the National Planning Policy Framework 2023, London Plan (2021) policy HC1, Islington Local Plan (2023) policies DH1 and DH2, and guidance contained within Islington’s New River Conservation Area Design Guidelines (2002) and Islington’s Urban Design Guide (2017).

Councillor Klute proposed a motion to refuse planning permission and the reasons for refusal subject to amending the wording of reasons 1 and 2 as stated above. An additional reason for refusal on insufficient information being submitted to demonstrate that on-site servicing was not feasible was proposed, the wording of this was to be delegated to officers. This motion was seconded by Councillor North and carried.

RESOLVED:

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

The meeting ended at 8.45 pm

CHAIR