

London Borough of Islington

Planning Committee - 15 October 2019

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD - Islington Town Hall on 15 October 2019 at 7.30 pm.

Present: **Councillors:** Klute (Chair), Kay (Vice-Chair), Mackmurdie, Clarke, Poyser and Woolf

Councillor Martin Klute in the Chair

114 INTRODUCTIONS (Item A1)

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

115 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillors Picknell, Convery and Graham.

116 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

117 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

118 ORDER OF BUSINESS (Item A5)

The order of business would be as per the agenda.

119 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 9 September 2019 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

120 141-157 WHITECROSS STREET LONDON, EC1Y 8JL (Item B1)

Retrospective application for a second level basement and extended first level basement as well as change of use of the rear of the approved retail areas to office (B1a Use Class) and ground floor rear extensions to provide 1,412sqm of office floorspace. The application also includes the retention of retail frontages, changes to the internal layout of the retail floorspace and other minor shopfront alterations.

(Planning application number: P2019/0194/FUL)

In the discussion the following points were made:

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- Members were advised that the excavation of the additional basement level is a breach of the approved planning permission, hence the need to remedy the situation. Members were informed that applicant has been advised that any planning application for the retention of the lower basement level would need to be supported by extensive engineering information before its consideration.
- The Planning Officer acknowledged that although the proposal would result in a reduction in retail floorspace in the Local Shopping Area which is inconsistent with DM Policy 4.6, the applicant has submitted relevant marketing evidence demonstrating lack of demand.
- In response to a question on significant changes between the approved and proposed scheme, the Planning Officer noted its similarity in terms of residential space, however changes exist to the retail space.
- With regard to the basement, the meeting was advised that the structural method statement submitted by the applicant has been verified by an appropriately qualified structural engineer. In addition, Members were advised that the construction of the basement is well considered and in accordance with good engineering practice.
- The Planning Officer informed the meeting that the planning enforcement team had requested that applicants fulfil their financial obligation within 30 days of finalisation of the legal agreement. Conditions also needed to be timed for compliance prior to occupation of the office space.
- In response to questions as to why the applicant had proceeded with further works beyond the approved permission, the Planning Officer indicated that there appeared to the Applicant's advisor to be some ambiguity on whether permission was required for basement evacuation as is the case of residential basement going further another level.
- The applicants representative apologised for submitting a retrospective application, indicating that it was not intentional but based on advice which they acknowledge as not correct.
- Members requested an informative to be included not approving the applicant carrying out a development without seeking planning permission.

Councillor Klute proposed a motion to grant planning permission and to include an informative as noted above. This was seconded by Councillor Woolf and carried.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, 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.

121

145-157 ST JOHN STREET LONDON, EC1V 4QJ (Item B2)

Refurbishment and extension of existing building including additional seventh floor level as well as an extension to the rear of the existing building (from ground level to roof level) and front and rear roof terraces at the upper level, replacement of the building's facade to accommodate retail (Class A1) / professional and financial services (Class A2) and office space (B1(a) use) on the ground floor and office space (Class B1(a)) in the remainder of the building, with public highway improvements and other associated works.

(Planning application number: P2018/1229/FUL)

In the discussion the following points were made

- The Planning Officer informed the meeting that the site is within the Clerkenwell Green Conservation Area and also in close proximity to several statutory and locally listed buildings. In addition, the Planning Officer acknowledged that the site is within an Employment Priority Zone in the CAZ and the provision of high quality Class B1 office accommodation is consistent with the aims of the development plan
- Members were advised that the proposal will provide an additional 1,897 square metres of floor space and 150 square metres of flexible retail/professional and financial service floorspace and details of facing materials to be used will be submitted and approved as noted in condition 3 of the report.
- The Planning Officer noted the financial contributions which will be secured by the Head of Terms, including a contribution towards the landscaping enhancements and other financial contributions towards improving the existing footways along St John Street; a more accessible entrance to the building as well as towards Affordable Workspace and Affordable Housing.
- The Planning Officer reminded members that as the site is located within the setting of listed buildings and within a conservation area, it is important that the impact on these heritage asset be assessed in line with the Council's statutory duty to preserve and enhance heritage assets. The Officer highlighted the issues raised by the Design and Review Panel and that they have been addressed with subsequent revisions.
- With regards to privacy concerns, the Planning Officer informed members that adjoining buildings to the rear are currently occupied for office use and that in terms of overlooking the criteria differs when considering an office development compared to residential development. In addition, the Planning Officer acknowledged the potential for overlooking from roof terraces,

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however in this instance due to the location of the roof terraces, the proposal is considered not to result in any significant privacy loss.

- The objector, whose firm occupies the floor space in an adjacent building was concerned that the proposed extension would have an unacceptable impact on his firm's business which requires daylight. The objector informed members that he had not been consulted about the proposal by the Applicant, and had only found out about the scheme through the planning consultation. He advised that he had recently renewed his lease for another 5 years. In addition the objector stated that information provided about the scheme was misleading especially regarding the separation distance from the extension.
- In response to objectors claim about inaccurate plans, drawings and separation distances, the Planning Officer clarified that all plans and drawings on the website are accurate and to scale, which has been confirmed with site visits. Members were informed that planning officers are not privy to contractual arrangements between landlords and objectors, which in any event are not planning matters, and that the statutory consultation was carried out.
- On the issue of the sunlight/daylight assessment methodology employed by the applicant, members were informed that BRE testing had been employed to the residential dwellings but general guidance was applied with regards the office developments. The Planning Officer requested that reference in paragraph 10.93, that BRE testing had been carried out should be removed.
- The Chair noted the views of the Council's Design and Conservation Officer, that there is some harm to the visual appearance and historic character of the Grade 1 Listed Church as well as the Conservation Area, and therefore great weight should be placed on this in the planning balance.
- Members were concerned that BRE testing had not been submitted with the application in relation to the neighbouring office. It was suggested that a BRE assessment should be undertaken so that members could know the impacts. Members agreed that the item be deferred so that the applicant carry out a BRE assessment and an opportunity for officers to clarify the assessment of impact to heritage assets.
- The Chair requested a site visit for members in particular to understand how neighbouring occupiers may be impacted.
- Councillor Poyser proposed a motion to defer item for the reasons noted above. This was seconded by Councillor Woolf and carried.

RESOLVED:

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

122 WATERLOW BUILDING WHITTINGTON HOSPITAL, MAGDALA AVENUE, LONDON, ARCHWAY N19 5NF (Item B3)

Redevelopment of the former Waterlow Building and construction of a replacement (temporary) building for Use Class D1 purposes with associated parking, landscaping and associated works.

(Planning application number: P2019/1773/FUL)

Prior to the committee presentation, the planning officer raised several points of clarifications and corrections, these matters included:

- Page 161, paragraph 9.3 of the agenda, reference to condition 18 be amended to read condition 17
- Page 162, paragraph 11.8 of the agenda, reference to condition 19 be amended to read condition 18
- Page 171 paragraph 16.26 of the agenda, reference to condition 18 be amended to read condition 17
- Page 179 paragraph 18.24 of the agenda, reference to condition 25 be amended to read condition 21
- Page 184 paragraph 20.2 of the agenda, reference to condition 7 be amended to read condition 8
- Page 186 Paragraph 22.5 of the agenda, condition 19 to be amended to read condition 18
- Page 188 paragraph 237 of the agenda, reference to condition 6 be amended to read condition 7
- Also imposition of condition 3 regarding drawings of the traffic management plans submitted by applicant be included in list of drawings to be approved

In the discussion the following points were made:

- The Planning Officer reminded members that demolition of the building had been given prior approval on 4 July 2019 and that the temporary nature of the building is part of a development chain called Project Oriel which involves both Camden and Islington NHS Foundation Trust.
- The Planning Officer informed the meeting that following advice, a number of revisions had been made by the applicant notably the reduced height of the temporary building in comparison to the existing waterlow building as this will ensure that the amenities of neighbouring residential properties are not compromised and furthermore that the building would not be overly dominant from public views
- The Planning Officer highlighted the benefits of the scheme, that it would be able to facilitate the delivery of Project Oriel, a £100m health infrastructure project; the removal of a derelict building that had been empty for 15 years to be replaced by a temporary building which will ensure the comprehensive master plan being delivered in the future delivering both a modern health

care provision and much needed homes within the borough.

- In response to concerns of a possible extension through a S73 application process after the 5-year period, the Planning Officer advised that in discussions with NHS representatives, the proposal is simply to facilitate part of the wider NHS master plan, and that there is an expectation that applicant after the end of the 5-year period will be seeking to erect a permanent structure on the exact site. Members were advised that any attempt to extend the temporary permission will have to be considered on its merits and emerging planning policies by the planning committee at that time.
- In response to concerns that the master plan had not been submitted as part of the application, the Director of Whittington Estates informed the meeting that in the last 12 months, the organisation had been in discussion with other parties on the master plan which is a very complex project. Members were informed that at present the master plan was not available to be made public, however some elements of the plan had been shared with senior planning officers and dialogue would continue. A suggestion that prior to the plan being considered by the committee, the applicant should share it with members at the pre planning advice stage was noted.
- With regards to the cost of the temporary building and future plans after the end of the 5-year period, members were reminded that the new building is a modular building and of high quality and the decision to go with this option on this site was because it was decided that this was the most cost effective option. In terms of materials that will be used both externally and internally of the building, members were informed that the building can be easily dismantled and materials are reusable.
- The Planning Officer advised that 14 cycle stands will be provided on the site and that the car parking spaces were not confined to the users of the temporary building but for use by the wider Whittington hospital staff.
- With regard to the ceramic tiles being proposed for the building, the meeting was informed of condition 4 in the report requiring physical samples to be approved which will ensure appropriate quality of materials are used.
- A suggestion on whether the applicant consider realigning the proposed building with the adjoining highway road to improve the appearance of the building was noted. In addition, members agreed that an informative be recommended that states that applicants use all their endeavours to realign the building was noted.
- A request that an informative be included for the applicant to reuse the materials from the building was agreed.

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- A suggestion on restricting the number of car spaces by 4 spaces in the next 2 to 3 years in line with the Council's policy on car free developments was noted.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations, planning permission be granted subject to the conditions and informatives set out in Appendix 2 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

The meeting ended at 9.35 pm

CHAIR