

London Borough of Islington

Planning Committee - 3 February 2020

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD - Islington Town Hall on 3 February 2020 at 7.30 pm.

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

Councillor Martin Klute in the Chair

139 INTRODUCTIONS (Item A1)

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

140 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillor Kay.

141 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

142 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

143 ORDER OF BUSINESS (Item A5)

The order of business would be B2 and B1.

144 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 16 December 2019 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

145 423-425 CALEDONIAN ROAD, N7 9BQ (Item B1)

Addition of 2 mezzanine floors in units 1B and 1C at 423 Caledonian Road to provide 651 sqm (GIA) of additional B1 (business) space and change of use of unit 1A from A1 (retail) to B1 business; Change of use of units 8A and 9A at 435 Caledonian Road from B1 (business) to D2 (gym).

(Planning application number: P2019/1424/FULL)

In the discussion the following points were made:

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- The Planning Officer highlighted corrections to the committee report. Paragraph 6.2 of the report on page 13 which refers to B1(a) office floorspace should be amended to read B1 Business floorspace. Paragraph 6.5 on page 14 regarding B1 floor space should be amended to read 464 sqm and not 454sqm. Finally, page 19 of the report, paragraph 11.3 should be corrected to read 651sqm and not 65sqm.
- The Planning Officer informed members that an additional condition is recommended to secure the delivery of the mezzanine floor space prior to the occupation of the gym. Furthermore, an additional Head of Term is recommended to be incorporated into the deed of variation to the Section 106 agreement. The Head of Term would update a separate requirement under the original Section 106 agreement for the developer to implement a scheme to mitigate the impacts of the residential development on the Haywards Adventure Playground. The updated obligation would secure a minimum payment of £315,000 for the Council to implement a scheme of mitigation. Details of the wording to be delegated to officers.
- The planning officer advised the meeting that planning permission was granted in August 2016 for a mixed use redevelopment on the site which is located within the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS).
- Members were advised that the introduction of gym use within the LSIS would conflict with policy DM5.3(d) and accordingly would represent a departure from the Development Plan. However, in this case it should be noted that the site has been the subject of a mixed use redevelopment which represented a departure from the Development Plan and which included a substantial quantum of non-business floorspace including 252 residential units. The site is also distinguished from the remainder of the LSIS on the basis that the flexible B1 use floorspace is suitable for office (B1a) and research and development (B1b), uses as well as the B1(c) use which policy DM5.3 seeks to protect. It was acknowledged that the planning service is now taking a more stringent approach in relation to sites coming forward for redevelopment in the LSIS. However, in this case regard should be had to the fallback position (2016 planning permission for residential led mixed use development) which offers the potential for unfettered office floorspace within the B1 units. Members were advised that the proposed gym use was considered acceptable having regard to the location and characteristics of the site, including its mix of uses, which now represents a clear distinction from the remainder of the LSIS.
- The Planning Officer advised committee that if members were minded to grant planning permission, unit 1c (440sqm GIA) would be secured as alternative affordable work space provision to the 394sqm GIA unit which was secured under the original planning permission (representing a betterment). Members were advised that Council's Inclusive Economy officers had visited the unit during construction and considered that unit 1c would

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provide superior affordable workspace accommodation.

- The Committee were advised that a Market Report submitted with the application detailed a number of justifications for the proposed change of use from B1 to D2 at paragraph 6.9 (page 15) of the report. These included a lack of natural daylight to the units, less straightforward access arrangements and an inefficient layout which present challenges in letting the units as offices.
- A member was concerned that when consent was granted in 2016, it was based on an understanding by the applicant that there was demand for a range of B1 uses. It was noted that the applicant has argued a lack of demand for office (B1a) use but had presented no evidence of a lack of demand for other B1 uses.
- In response to questions about unit uptake, members were informed that some of the units had been let to Terence Higgins Trust and Real Media whilst there have been enquiries and interest from architects and creative businesses who are interested in locating at the development, in particular as rents at nearby Kings Cross are high.
- In relation to a question about the loss of ground floor B use space arising from the gym use, officers acknowledged that there would be a reduced degree of loss through the re-provision of the B Use floorspace across both ground and mezzanine levels within units 1A-1C.
- Members were advised that Unit 1A would be secured for B1(c) use only through recommended condition 7 which would represent a betterment in terms of securing the use of floorspace to support the primary economic function of the LSIS.
- During deliberation, the Chair requested members to note that circumstances had changed since consent was granted 4 years ago, including in relation to the Council's approach to development proposals in the LSIS and the emerging policy framework.
- In light of noise concerns raised by Environmental Health, the Chair suggested that conditions 3 and 4 be amended to secure measures to mitigate 'noise and vibration' resulting from the gym use, rather than just noise. Members agreed that conditions 3 and 4 to be amended to address potential noise and vibration from the use of the gym.
- A member reminded the meeting that when scheme was granted permission 4 years ago, it was regarded then as a major departure from policy by allowing housing onto industrial site and members considered at the time that there should be no further concessions or deviations from the approved scheme. The member reiterated that the scheme would result in a net loss of

ground floor space with no evidence of lack of demand for B1 uses other than offices, whilst the grant of planning permission would undermine future attempts to protect the primary economic function of the LSIS.

- Councillor Convery proposed a motion to refuse on the grounds stated above. This was seconded by Councillor Poyser which was defeated.

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 1 of the officer report and the additional condition outlined above, amended condition and additional S106 Head of Term; 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 as amended above, the wording of which was delegated to officers.

ADDITIONAL HEAD OF TERMS:

A payment of at least £315,000 to cover off-site mitigation measures to address the impacts of the development granted planning permission under application reference P2015/3989/FUL on the Haywards Adventure Playground.

ADDITIONAL CONDITION:

The use of the gym shall not commence until the construction of the mezzanine floors within Units 1b and 1c has been completed.

Reason – In order to ensure that there is no loss of Class B1 business floorspace as a result of the Class D2 gym use.

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PAUL ANTHONY HOUSE, 724 HOLLOWAY ROAD, ISLINGTON LONDON N19 3JD (Item B2)

Two storey roof extension to the existing building to create additional office space(B1a Use Class) along with associated refurbishment and external alterations. (Planning application number: P2018/3191/FUL)

In the discussions the following points were made:

- The Chair reminded members that at the last meeting in November 2019 item was deferred to enable both council officers and TFL representatives consider a revised delivery and servicing arrangements, however this had not been possible as TFL had not changed their view, insisting that no loading will be allowed from Holloway Road.

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- The Planning Officer informed the meeting that since agenda was published a further 4 representations were received from objectors. In addition, the Planning Officer informed members that although conditions 2 and 5 with regards to the approved plans and cycle storage as published in the report needs to be amended to read 1649 instead of 1648, however noting that the correct details were published on the council website.
- The Planning Officer informed the meeting that following the site visit by LBI Planning officers, LBI Highways officer and LBI Public Realm Engineer to observe existing operations and discuss potential alternative options for deliveries and servicing, the proposed arrangements will now be by creating a loading bay on street on Fairbridge Road with deliveries being directed through the Holloway Road entrance. Refuse and Recycling collections will continue to be from the Fairbridge entrance.
- The Planning Officer advised that the proposed arrangement is to be secured through planning obligations within a section 106 legal agreement and that the existing single parking bay on Fairbridge Road, close to the junction with Holloway Road, will be re-designated into a dedicated loading bay whilst parking bays will be created replacing the double yellow line area on Fairbridge Road directly in front of the site.
- Members were advised that limiting the deliveries through the Holloway Road entrance and restricting refuse and recycling to one day a week will be secured through a final Delivery and Servicing Plan in condition 13.
- Objectors acknowledged the efforts of the committee in addressing their concerns with the servicing and delivery arrangements. Objectors raised some issues with condition 9, requesting that construction activities should be from Holloway Road. There was also concern about the size of articulated vehicles involved in the construction works and its impact on the amenity of residents. However in general the objectors were now more supportive of the proposed dedicated loading bay closer to Holloway Road and that deliveries would be directed through Holloway Road entrance of the building.
- In response to objector's preference for all construction works to be from Holloway Road instead of Fairbridge Road, the applicant indicated that this was not possible as TFL had objected to any works being carried out on Holloway Road, however on completion of the works, servicing and deliveries will commence via Holloway Road.
- On the resident's concerns about vehicle idling especially during the construction period and its impact on the air quality within the neighbourhood, the meeting was informed that this would be covered in finalised construction method statement.
- The applicant acknowledged that in terms of construction activities and concerns by residents a more detailed Construction Method Statement will be

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submitted before works commence. On the request to remove the shutters, the applicant confirmed that this will be removed and replaced by a 1.5metre wooden door as shown in the proposed elevations.

- The Chair acknowledged the efforts of officers in addressing objectors concerns, welcoming their support for their scheme.

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

The meeting ended at 8.35 pm

CHAIR