

London Borough of Islington

**Planning Sub Committee A - 27 April 2020**

Minutes of the virtual meeting of the Planning A sub committee held on 27 April 2020 at 7.30 p.m.

**Present:**      **Councillors:**      Picknell (Chair), Clarke, Convery, Graham and Mackmurdie

**Councillor Angela Picknell in the Chair**

**107      GUIDANCE FOR MEMBERS OF THE PUBLIC PARTICIPATING IN AN ISLINGTON COUNCIL VIRTUAL MEETING USING ZOOM (Item A1)**

Noted

**108      INTRODUCTIONS (Item A2)**

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

**109      APOLOGIES FOR ABSENCE (Item A3)**

There were no apologies for absence.

**110      DECLARATIONS OF SUBSTITUTE MEMBERS (Item A4)**

There were no declarations of substitute members

**111      DECLARATIONS OF INTEREST (Item A5)**

There were no declarations of interest

**112      ORDER OF BUSINESS (Item A6)**

The order of business would be as per the agenda

The Chair stated that the Committee had received letters of objections in respect of a number of items under discussion and that these had been considered by the Committee

**113      MINUTES OF PREVIOUS MEETING (Item A7)**

**RESOLVED:**

That the minutes of the meeting held on 14 January 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**114      10-16 THEBERTON STREET, LONDON, N1 0QX (Item B1)**

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Reinstatement and installation of walls at basement and ground floor levels to separate 14 and 16 Theberton Street, 10 and 12 Theberton Street and partially separate 12 and 14 Theberton Street: install a ground floor at rear of 12 and 14 Theberton Street by infilling atrium: installation of extractors to rear, and change of use of ground and basement floors of 12 and 14 Theberton Street at Class A3 restaurant with associated internal alterations

( Planning Application Ref: no: PL2018/3913/FUL)

Discussion with this application was considered in conjunction with Item B2, although votes with regard to its recommendation was taken separately. In the discussion the following points were made:

- The Planning Officer reminded members that the application under consideration had been previously refused, however the revised scheme had incorporated a number of amendments.
- Members were informed of the significant history relating to this site and included an enforcement action, an appeal to the Planning Inspectorate which had been refused, and importantly planning breaches dating back numerous years
- The Planning Officer informed members that the revised scheme had reduced the number of covers from 181 to 150, and importantly the large space had been partitioned so that the space in the restaurants would be more intimate and would be in keeping with other restaurants in the area. This reduced space will reduce the ability for the premises to hold large banqueting events.
- With regard to noise concerns, the meeting was advised that applicant has submitted an updated Acoustic Report. In addition Public Protection had been consulted about the proposal and are satisfied that the proposal is acceptable, subject to conditions providing limits to operational noise of the extractor flues, covering permitted hours, operating hours and timers on flues and internal insulation details.
- Members were advised that the additional extractor fans will be designed to ensure that the noise levels are set 10DB below current background sound levels, which is 5DB lower than the Council's the current expected level. There are additional conditions imposed on the applicant to ensure compliance with the measures proposed.
- In response to a Member's question, the Planning Officer stated that 12/14 Theberton Street would be one unit and included the beneficial reinstatement of internal features.
- In response to Members concerns about the noise levels, the Planning Officer stated that in regard to the rear extraction units officers were of the view

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that the impact is not such that the application should be refused. In terms of loading hours, time restrictions have been imposed so as to limit any harm to neighbours as much as possible.

- With regard the high number of tables and chairs outside the restaurant, the meeting was advised that this would require a licence. Planning Enforcement officers would be monitoring the site to ensure compliance with any permission. In addition, the Planning Officer informed the meeting that in terms of recycling, arrangements would need to be put in place prior to first occupation of the premises.
- An objector stated that this site had an unfortunate history where the owner had 'flouted' planning law, carried out the development unlawfully over a 7 year period. The owner had also failed to comply with enforcement notices and was taken to the Crown Court over this where he pleaded guilty.
- An objector further stated that they objected to the fact that there would be an 80 cover restaurant and this could cause large groups of diners to be present causing noise/inconvenience to residents. In the event of planning permission being granted then this should be for four separate restaurants and not for enlarged premises at 12/14 Theberton Street and that the issue of partitioning should be dealt with separately.
- An objector added that given the owners previous history they were sceptical of the application. The Planning Officer responded that given the previous history of the site there were a number of conditions recommended on the application, as outlined in the report, and that these would be monitored closely.
- An objector stated that he suffered continual noise from the extractor fans and was unable to sit in his garden or his terrace, and the noise could also be heard with the windows closed. The fans were on 24 hours per day and he did not feel this necessary and exacerbated problems for residents, and that the 10DB limit should be reduced and that residents had not been consulted in relation to the additional extraction fans.
- The applicant's agent stated that the owner had invested heavily in the site and the borough and that this was a long standing restaurant serving the community. He acknowledged the problems with the site in previous years, noting that this was regrettable, however the applicant now wished to regularise the situation and move forward.
- The agent informed Members that the aim of the application is to address all the concerns highlighted in the report, that detailed discussions had taken place with Planning officers in order to create a different dining experience in the restaurants, produce small, intimate dining areas, more in keeping with other restaurants in the area.

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- In response to an objector describing the area as solely residential, the agent informed the meeting that part of Theberton Street is not only mixed use and dominated by restaurants but remains an important part of the Angel Town Centre.
- With regard to issues and concerns as a result of the extractor fans, the agent stated that the units will comply with strict planning restrictions and would not have any significant impact on the amenity of neighbours. The applicants agent added that noise levels would be controlled and a planning condition will ensure that this is adhered to. In addition a noise report has been submitted with application.
- A Member stated that she did not feel that the objectors were making unreasonable demands and that she felt that the issues raised in relation to noise, the number of restaurants and the 24 hour extractor fans were reasonable ones. The Chair stated that whilst recognising these concerns there were a number of conditions placed on the applicant to ensure compliance and it would be for Council officers to ensure compliance is taking place.
- In response to the issue of the change of use for 14/16 Theberton Street and whether if this was a separate application the Committee may have been minded to refuse it, the Planning Officer reminded members that the Planning Inspectorate had raised no objection to the A3 use of 14/16 Theberton Street.
- In response to a question, the Legal Adviser reminded members that the Committee should determine applications on their planning merits, and that the conduct of the applicant is not under consideration.
- A Member expressed the view that residents had suffered 7 years of distress and that there needed to be an effective dispersal policy in operation. It was stated that a dispersal policy would be in place, enforced by Licensing officers, and it was not felt relevant to consideration of this application. In response, the meeting was informed that condition 12 in the report will address this issue.

Councillor Picknell proposed a motion to grant planning permission. This was seconded by Councillor Clarke.

### **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, subject to the conditions outlined

**115** **10-16 THEBERTON STREET, LONDON, N1 0QX (Item B2)**

Reinstatement and installation of walls at basement and ground floor levels to separate 14 and 16 Theberton Street, 10 and 12 Theberton Street and partially separate 12 and 14 Theberton Street by infilling atrium: installation of extractors to rear: and change of use of ground and basement floors of 12 and 14 Theberton Street to Class A3 restaurant with associated internal alterations

(Planning application number: P2018/3973/LBC)

Discussion with this application was considered in conjunction with Item B2, although votes with regard to its recommendation was taken separately. In the discussion the following points were made:

- The Planning Officer reminded members that the application under consideration had been previously refused, however the revised scheme had incorporated a number of amendments.
- Members were informed of the significant history relating to this site and included an enforcement action, an appeal to the Planning Inspectorate which had been refused, and importantly planning breaches dating back over 7 years
- The Planning Officer informed members that the revised scheme had reduced the number of covers from 181 to 150, and importantly the large space had been partitioned so that the space in the restaurants would be more intimate and would be in keeping with other restaurants in the area. This reduced space will reduce the ability for the premises to hold large banqueting events.
- With regard to concerns about noise, works are needed to reduce noise and this would be by works to the existing ceilings, noise installation and the insertion of internal walls.
- Members were advised that the additional extractor fans will be designed to ensure that the noise levels are set at 10DB, which is below Council's the current expected level. There are additional conditions imposed on the applicant to ensure compliance with the measures proposed.
- In response to a Member the Planning Officer stated that 12/14 Theberton Street would be one unit and had listed building issues which would be addressed by the proposals and it was welcomed that the listed building obligations were restored.

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- In response to questions from Members concerning noise the Planning Officer stated that in regard to the rear extraction units this was felt not to be significant and were not of a significant nature to refuse the application. In terms of loading hours these had been set to limit the harm to neighbours as much as possible. There had been an issue with tables and chairs outside the restaurant and enforcement officers would be monitoring this. In addition, in terms of recycling arrangements needed to be put in place prior to first occupation of the premises.
- An objector stated that this site had had an unfortunate history where the owner had 'flouted' planning law, carried out the development unlawfully over a 7 year period. The owner had also failed to comply with enforcement notices and taken to the Crown Court over this where he pleaded guilty.
- An objector further stated that they objected to the fact that there would be an 80 cover restaurant and this could cause large groups of diners to be present causing noise/inconvenience to residents. In the event of planning permission being granted then this should be for four separate restaurants and not for enlarged premises at 12/14 Theberton Street and that the issue of partitioning should be dealt with separately.
- An objector added that given the owners previous history they were sceptical of the application. The Planning Officer responded that given the previous history of the site there were a number of conditions placed on the applicant, as outlined in his submission, and that these would be monitored closely.
- Reference was made to a previous application by the applicant and a Member enquired how many covers would have been acceptable at that time and that the figures put forward were a false comparison. Theberton Street was a residential street.
- An objector stated that he resided in Sudd Street and his back garden backed onto the restaurant and he suffered continual noise from the extractor fans and he was unable to sit in his garden or his terrace, and the noise could also be heard with the windows closed. The fans were on 24 hours per day and he did not feel this necessary and exacerbated problems for residents, and that the 10DB limit should be reduced and that residents had not been consulted in relation to the additional extraction fans.
- The applicant's agent stated that the owner had invested heavily in the site and the borough and that this was a long standing restaurant serving the community. There had been problems with the site over the previous years and it was acknowledged that this was regrettable and the applicant now wished to regularise the situation and move forward.
- Members were advised that the proposals will address the concerns and that detailed discussions had taken place with Council officers in order to create a different dining experience in the restaurants into more small, intimate areas

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more in keeping with other restaurants in the area. He added that he did not feel that Theberton Street was a residential street, and that that part of it was mixed use and dominated by restaurants and an important part of the Angel Town Centre.

- With regard to the extractor fans, whilst sympathetic to resident's concerns he stated that the units comply with strict planning restrictions and he did not feel there would be a significant impact. The applicants agent added that the noise levels would not increase and there is a planning condition to provide a noise report to confirm that the noise levels were compliant with regulations.
- A Member stated that she did not feel that the objectors were making unreasonable demands and that she felt that the issues raised in relation to noise, the number of restaurants and the 24 hour extractor fans were reasonable ones. The Chair stated that whilst recognising these concerns there were a number of conditions placed on the applicant to ensure compliance and it would be for Council officers to ensure compliance is taking place.
- A Member referred to the 2008 refusal of the planning application for the site and enquired whether planning permission would have been granted at that time if the whole block's use would have been for restaurant space. There is potential for additional noise from the site and the applicant's statement that Theberton Street is mixed use did not mean that this should be for all restaurants to be in one block.
- The Member was concerned that the Committee were being asked to agree to a deal with the applicant and resolve their previous concerns and that decision on this item was being shaped by the decision of the Planning Inspectorate. A member was concerned that Committee was being asked to accept the change of use for 14/16 Theberton Street where as if this was a separate application the Committee would have refused it. In response, the Planning Officer reminded Members that the Planning Inspectorate raised no objection to the A3 use of 14/16 Theberton Street.
- The Legal Adviser reminded the meeting that the Committee should determine the applications on their planning merits, and it was not the conduct of the applicant that should be under consideration.
- In response to a view by a member that considering residents had suffered 7 years of distress, it was imperative that an effective dispersal policy be put in place, the Planning Officer stated that a dispersal policy would be in place which will be enforced by Licensing officers, and it was not relevant to consideration of this application. In addition the meeting was informed that condition 12 in the planning permission will address this concern.

Councillor Picknell proposed a motion to Grant Listed Building Consent. This was seconded by Councillor Clarke 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, listed building consent was granted subject to the conditions and informatives set out in Appendix 1 of the officer report.

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**137-139 ESSEX ROAD, LONDON, N1 2NR (Item B3)**

Demolition and replacement of front and rear facades (including roofing) and additions to the roof, to include a one-storey extension fronting Essex Road, and two-storey extension fronting Asteys Row (with glass box above) to accommodate 5x1 no.1 BR unit (2 person), 2x no. 2 BR units (3 person), 1xno.2BR units (4 person), x 1 no. 3 BR (5 person unit) residential units: refurbishment of existing ground and first floor and creation of part basement level Class B1 office space (115 sq. metres) and retention of ground floor (150 sq.m.) Class A1 retail unit fronting Essex Road

(Planning application number: PL2018/4159/FUL)

In the discussion the following points were made:

- The Planning Officer reminded the meeting that item was deferred after consideration by the committee at its meeting on 7<sup>th</sup> November 2019 for a number of reasons. The reasons include the retail frontage and quantum issues; sustainability credentials of the proposal; sunlight/daylight impacts and issues of overlooking, loss of outlook and dominance.
- Members were advised that further information had been submitted by the applicant to address the above concerns, for example amendments had been made specifically to the 3<sup>rd</sup> floor. Amended plans have included a revised proposed north elevation and applicant has provided a sunlight and daylight analysis.
- The Planning Officer informed the meeting that the amendments in the revised application would reduce the sense of enclosure and outlook loss concerns raised by the neighbour. Meeting was informed that although officers acknowledge outlook is affected, it is not considered materially harmful and a reason to refuse planning permission.
- With regard to the loss of retail space which would have to be considered in against the retail function of the Angel Town Centre, the meeting was advised that the revised proposal now results in the retention of a further 50sq.m A1 space ensuring that a total of 1500sq.m A1 space is retained at



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ground floor within the development.

- On the sustainability concerns raised at the previous committee meeting, the Planning Officer advised that the applicant had submitted a Technical Note which seeks to ensure that measures regarding the existing retail & office refurbishment, residential unit services, ventilation, overheating, rainwater and lighting were compliant.
- In addition Members were advised that the sustainability measures now being proposed are now considered acceptable with a condition proposed which ensures that there will be a 19% reduction in regulated CO2 emissions of at least 25% in comparison with regulated emissions from a building which complies with Building Regulation.
- A resident neighbour was concerned that concerns regarding access in the existing Astey's Row still remain; the revised plans had minimal changes and would still have a visual impact on the Conservation Area. Other issues raised by the objector was the applicant unwillingness to consider other options in addressing the loss of both daylight and sunlight. Meeting was also advised that her views and concerns had not been taken into consideration since item was deferred.
- In response to the objectors concern, the agent informed the meeting that following the meeting in November 2019, amendments had been made to the scheme to reduce the impact of neighbouring amenity; the sense of enclosure, loss of outlook. The meeting was informed that issues that affected the amenity of neighbours have been sufficiently addressed.
- On the loss of retail space, the agent informed the meeting that in working with planning officers, it is the view that the loss of the rear and side part of the retail area would not be harmful to the character of the Town Centre.
- Members welcomed the scheme as acceptable as it provides a mixed use scheme of high quality, retaining retail space within the Angel Town Centre. Members noted the proposed cut back of the 4<sup>th</sup> floor extension further which mitigates harm by way of outlook, enclosure and a loss of daylight and sunlight to the neighbouring windows.

Councillor Picknell proposed a motion to grant planning permission. This was seconded by Councillor Mackmurdie 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.

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**COTTAM HOUSE, 36-40 YORK WAY, LONDON, N1 9AB (Item B4)**

Installation of new doors to York Way entrance: erection of a ground floor infill extension to rear and installation of new doors to provide additional B1 floorspace: replacement of existing ground floor windows to rear elevation: replacement store room door: replacement of existing rooftop plant equipment: new stepped terrace and platform lift at rear ground floor: and associated works

(Planning application number: P2020/0021/FUL)

In the discussion the following points were made:

- The Planning Officer informed the meeting that conditions had been imposed which are outlined in the report, with updated wording to some conditions verbally presented.
- A Member made reference to the change in use from B1 to B1c light industrial, and the servicing space at the rear, and whether these issues had been considered by officers and expressed the view that vehicular access should be from York Way.
- An objector insisted that both items B4 and B5 should be considered together and expressed concern about the increase in noise levels as a result of the new plant being installed. In response, the Legal Adviser stated that each application needed to be considered separately as they were different planning applications.
- In response to the concerns that the lift at the rear would be used for servicing, the Planning officer acknowledged the Platform lift at the rear of the building is to enable access for disabled people.
- An objector stated that the courtyard is also the front garden for residents of the Ironworks building, and that the proposal which will result in a significant increase in deliveries would impact on residents amenity.
- A suggestion that a condition be included in the planning permission to ensure that all deliveries should be through the York Way entrance was noted.
- The applicant acknowledged that the new rear platform lift was for disabled access only and this replaces a steep ramp, and complies with building regulations. In terms of noise from the new plant to be installed, he stated that it is envisaged that noise from the site would reduce, and this was an exciting development for the fashion/textile industry and the site would be the UK HQ. The applicant stated that he was willing to accept an additional

condition that there would be no use of the courtyard for deliveries, and that the courtyard should only be used for those servicing the building, and vehicular delivery access should be from York Way. Members were reminded that the additional condition in term of delivery was more relevant to item B5 and not B4.

Councillor Convery proposed a motion to grant planning permission. This was seconded by Councillor MackMurdie and carried unanimously

**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.

**118 COTTAM HOUSE, 36-40 YORK WAY, LONDON, N1 9AB (Item B5)**

Change of use of ground floor from office (Class B1) to clothing manufacturing place and showroom (Sui Generis) for a temporary period of 2 years

(Planning application number: P2019/3552/FUL)

In the discussion the following points were made:

- The Planning Officer informed the meeting that site is located within the Central Activities Zone and an Employment Growth Area and that the section of York Way is predominantly mixed-use in character, with many commercial and residential buildings and some ground floor retail/restaurant/bar uses.
- Members were advised that the application for consideration is for a temporary period of 2 years.
- The Planning Officer informed the meeting that G2G processing use is akin to a B1(c)(light industrial use) and that showrooms can fall under a number of different use classes, including A1(retail).
- The Planning Officer acknowledged that there would be a slight increase in vehicular access to the site which will have no impact on impact on highway traffic.
- On the issue of noise and vibration concerns, the meeting was advised that the applicant has submitted an acoustic report and the Council's Public Protection (Noise) officer have welcomed the proposal subject to conditions which will address operational noise limits for the new equipment and the

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installation of a timer. Members were also informed that the report indicated that the plant would be contained in a double glazed glass enclosure.

- The Planning Officer stated that a number of conditions have been included in the planning permission which addresses issues around the operations on the site, as outlined in the report.
- A Member of the Public, was concerned that placing the new plant/machinery at the end of the courtyard was like an 'echo chamber', and this would exacerbate noise to residents of the Ironworks Building. A resident was concerned that considering the planning permission was only limited for 2 years, an alternative site should have been found, and in his view the proposed site was in the wrong place.
- Meeting was reminded by residents that the owners were a Hong Kong based company and the owners renting the site were both connected and requested for a more effective condition relating to deliveries be imposed and that the application was not in accordance with the vision for the Regents Quarter development.
- A resident stated that on moving into the development in 2005 there was no discussion at that time of it being an industrial site. He added that the proposed plant/machinery was only in existence in another part of the world, and was sited in a converted water mill and contained in a shipping container.
- An objector was concerned that there was insufficient information provided by the applicant with regards to vibration and mitigation measures which needs to be addressed before granting planning permission.
- A Member of the Public stated that the noise acoustic report submitted by the applicant was flawed and that no noise monitoring had been conducted in the courtyard and that only background noise was measured. The machinery that would be used was for industrial manufacturing and was not B1 use. It was also felt that deliveries should be to the York Way entrance.
- The applicant's agent stated that the proposed tenant is Mills Fabrica UK and that company and the Cottam House site is owned by a Hong Kong company, however they were operated as separate companies. The application was only for a temporary period of 2 years, and was an exciting opportunity for the process to be viewed before moving onto another location.
- The applicant's agent stated that the applicant was willing to accept the conditions on noise/vibration limitation and that he was confident that there would be no impact on residents. This is an innovative scheme in terms of recycling and manufacture, and is a unique opportunity for the borough.

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- A Member stated that he supported the scheme, and that whilst he appreciated that residents were concerned, the flexibility of B class usage was protected and the Regents Quarter was originally intended for a mixed use.
- The applicant's agent stated that he was willing to accept the additional condition proposed and acknowledged that there will be no use of the courtyard for vehicular access, other than servicing, and vehicular access should be via the York Way entrance.
- Members agreed that the additional condition which addresses the concern about the use of the lift to the rear be delegated to the Planning Officer and the Chair.

Councillor Convery proposed a motion to grant planning permission, subject to the additional condition referred to above. This was seconded by Councillor MackMurdie and carried unanimously.

### **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.

The meeting ended at 10.35 p.m.

### **CHAIR**