

Planning Sub Committee B - 1 November 2022

Minutes of the meeting of the Planning Sub Committee B held at Council Chamber, Town Hall, Upper Street, N1 2UD on 1 November 2022 at 7.30 pm.

Present: **Councillors:** Poyser (Chair), Ibrahim, Hayes and Klute
Also **Councillors:**
Present:

Councillor Dave Poyser in the Chair

16 **INTRODUCTIONS (Item A1)**

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

17 **APOLOGIES FOR ABSENCE (Item A2)**

Apologies for absence were received from Councillor McHugh.

18 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

None.

19 **DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of pecuniary or other interests.

20 **ORDER OF BUSINESS (Item A5)**

The order of business would be amended to consider B3, B2, B4, and then B1.

21 **MINUTES OF PREVIOUS MEETING (Item A6)**

RESOLVED:

That the minutes of the meeting held on 13 September 2022 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

22 **29 ST GEORGE'S AVENUE, LONDON, N7 0HB (Item B1)**

Basement excavation to provide additional living accommodation to the existing residential dwelling house with a new front lightwell. Erection of a single-storey rear and side extensions; Installation of metal balustrades to the existing rear outrigger to form a private terrace with associated screening. Replacement of existing single glazed windows with double glazed windows; Installation of 3 roof lights to the rear roof slope and associated alterations

The amendments include:

(a) increase the 1.8 metre boundary treatment to 2 metres.

(Planning application number: P2022/0093/FUL)

In the discussion the following points were made:

- A member asked for clarification on the plans. It was confirmed that there were proposed railings and, screening to protect the privacy of the neighbouring property.
- The objectors raised concerns regarding the impact of the extension on the conservation area, the impact of the extension on residential amenity, in particular, privacy, and the impact on trees caused by development in the area. It was requested that if approved, the removal of a sideways facing window be considered.
- The applicant's representatives explained that they assessed the area to ensure the design was sensitive to the surrounding area. Glazing had been reduced and the rear extension glazing was omitted in favour of a green roof that would provide a more positive visual amenity.
- A objector requested that a large window that faced sideways into a main living space be omitted. The Planning officer said there would not be a loss of privacy due to a 2.8-metre-high boundary wall. The applicant explained the majority of the wall was 1.8 metres and they would be happy to include vegetation or screening.

Councillor Klute proposed a motion to add a condition to increase the boundary treatment from 1.8 metres to 2 metres. This was seconded by Councillor Ibrahim 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 informative set out in Appendix 1 of the officer report and the additional condition outlined above.

23

80-90 HIGHGATE HILL, LONDON, N19 5NQ (Item B2)

Partial demolition/reconfiguration of the external terrace relating to the existing public house and the redevelopment of the adjacent hardstanding car park for the construction of five (3 x 3 bed and 2 x 2-bed) self-contained dwellinghouses (C3 use) and associated alterations.

REASON FOR RECONSULTATION: Revised drawings, Revised Daylight/Sunlight Report, Additional Land use information for car park, Fire Safety Information (including Fire Statement, Fire Strategy, Approved Inspector Letter), Response to objections,

(Planning application number: P2022/1599/FUL)

In the discussion the following points were made:

- In response to a member's question, the planning officer confirmed that the pub could have tables and chairs at the terrace at the front of the property as well as at the terrace to the south of the site.
- The Committee considered recent planning issues on the wider site.
- In response to a member's question, the planning officer advised that handmade bricks had been used in the surrounding area. Although not in the proposal this could be included as a condition if the committee was so minded.
- It was noted that the buildings were higher than the fence at the rear of the carpark however mitigation such as a sloped, green roof had been proposed to soften the impact of the building.
- The objectors raised concerns regarding the accuracy and completeness of materials and analysis related to the application; the protection of pubs in the Local Plan and

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the lack of an independent assessment related to the viability of the pub; the failure to assess harm to heritage assets and the conservation area; that the Conservation Area Design Guidance prohibited the proposed alterations to original features; the mass and scale of the proposed building and the limited provision of measurements; loss of light and overshadowing and a lack of independent assessment; noise from construction and the construction's impact on wildlife; lack of consultation and reply from the applicant; the impact on the wall at the rear of the carpark and its effect on their gardens and trees at the boundary and issues such as the size and management of a gap between a second wall proposed by the applicant; the impact on protected wildlife; the management of trees; how a bus stop servicing two schools would be managed and the children's safety and, that the quality, style, mass and design did not match the local area or historic views.

- The applicant's representatives highlighted to the Committee that the development company was design conscious, sustainably led and aimed to positively affect the built environment for future generations. They had acquired the carpark and the terrace from the pub, who had provided a letter of support for the application and were currently leasing the terrace. Since the refusal of the previous scheme it had been carefully reviewed and significant revisions had been. They posited that the current site was underutilised and detracted from the setting of the conservation area; the proposals addressed previous concerns and provided a much enhanced outlook when compared to the existing outlook of the site; Historic England and the Council's Heritage and Design Officer did not raise an objection to the application but commended its high quality design, which complimented the nature and scale of the street; removing part of the pub's terrace would not cause substantial harm to the setting of the building; it would offer high quality housing on a brownfield site; a £250,000 contribution would be made for the delivery of offsite affordable housing and a CIL contribution of £197,000; thorough research had been done into the site's history and surroundings, which informed the design; inspiration was taken from the local Victorian features and the design was supported by the design and conservation officer; the number of units had been reduced from six to five; the massing had been reduced; neighbouring amenity was not raised in the previous refusal however changes to the mass and scale had reduced any potential harm to adjacent properties; the units were set back from the street and so maintained privacy, had adequate separation from neighbours and quality outdoor space; there was a mix of two and three bedroom units in line with the priority housing needs of the Council; the scheme exceeded minimum space standards for floor areas and private amenity space; all units were dual aspect with step free access to ensure inclusivity; the trade and profit potential of the pub had been evaluated and the pub could continue to operate effectively; the BRE Guidelines 2022 stated that alterations to daylight of less than 20% would be unnoticeable and the largest alteration to the neighbours was 7%, sunlight alterations were also considered unnoticeable; regarding overshadowing the BRE Guidelines 2022 said an amenity space should receive 50% direct sunlight and all the neighbours receive at least 90% direct sunlight;
- The Chair highlighted that one of the objectors had said only the four closest heritage assets had been considered when trying to make the application architecturally consistent. The applicant said there was further details available in the design and access statement and the heritage statement provided by an outside consultant who addressed the overall heritage of the conservation area.
- The Chair asked about the objectors comment regarding the bus stop. It was explained that TfL was a statutory consultant and conditions had been applied

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regarding a construction management plan and the maintenance of the bus stop during construction.

- The Chair asked the Council's legal advisor for their view on potential legal challenges raised by the objectors. It was explained that the matters raised were covered in the officer's report.
- A member asked about the applicant's engagement with residents. The residents felt they had not been engaged and incorrect measurements in the report could have affected the daylight and sunlight modelling as no one had been to their gardens. It was explained by the applicant that as part of their consultation they had spoken to the Highgate Society and the Highgate Conservation Area Action Committee. They had attempted to engage with residents on site but this had been unsuccessful. There had been no other consultation with residents. The Planning Officer explained that they would encourage applicants to speak to residents but there were no statutory requirements for consultation for minor developments.
- It was confirmed that granting planning permission would result in the loss of a part of the pub's terrace.
- A member asked about the boundary wall. It was explained that a full boundary wall survey had been undertaken. It was likely to be a concrete frame retaining the wall, but a fully detailed plan would be part of the phase four process, following planning permission.
- A member highlighted that although there was no statutory requirement for the consultation of neighbours, they would expect residents to be included in the planning process. It was also considered that the design and conservation officer had been integral to this proposal.
- The Chair stated that the report stated there was no daylight/sunlight impact on the neighbours; the lack of consultation with residents was disappointing; the loss of the carpark was not an issue as it was in the centre of town and car travel was discouraged; the loss of part of the terrace was not ideal as outside space was valuable however the case to maintain it was not strong and the design and conservation officer considered the design to be acceptable.

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.

24 LAND TO REAR OF 12 CHADWELL STREET, LONDON, EC1R 1XD (Item B3)

Redevelopment of the land behind 12 Chadwell Street to provide a new three bed dwelling across ground and basement levels with associated amenity space and land scaping the proposal also includes demolition of existing hardstanding.

(Planning application number: P2020/2995/FUL)

In the discussion the following points were made:

- The planning officer highlighted that an additional objection had been raised.
- Members raised questions regarding the bin storage. The planning officer advised that the bins could be stored in the same location but would need to be moved to the front of the properties for collection. The Sub-Committee considered the

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implications of bins stored at the front of the house and the impact of moving the bins on those with disabilities.

- Concerning Paragraph 7.17, a member asked what criteria would be used to decide whether or not an air source heat pump would be used. The planning officer stated that the sustainability statement suggested the pump be used, with gas and enhanced building fabrics being an alternative option if the pump could not be provided. Full justification and a section 73 application would need to be provided to vary or remove that condition.
- The objectors raised concerns regarding access to a right of way; size and scale; damage to the conservation area; threat to high quality legally protected trees; cleaning and maintenance problems caused by autumnal leaves; the use of the heat pump and the need for a noise and impact assessment; bin storage and the integrity of a Thames Water mains pipe.
- The applicant stated that since the previous scheme was refused, they had worked with officers to reduce the footprint of the proposed dwelling; set the front elevation back; reduced the site coverage by 35%; reduced the height; moved the bike storage to reduce visual intrusion from the road; provided a greater level of subservience to the surroundings and provided a greater level of external amenity for future residents. The site was a carpark and the applicant considered that it did not contribute towards sustainable development and the character of the surrounding listed buildings. He posited that planning policy promoted this type of development; the London Plan required small sites to be optimised for housing due to the housing crisis; the development was subservient in scale to the surrounding buildings; did not have prominence from the street; provided potential landscape improvements; an excellent living environment for future residents and safeguarded the amenity of neighbours. It was highlighted that the development achieved or exceeded all space and amenity standards and had been thoroughly assessed in terms of daylight and sunlight.
- The Chair asked why there had not been agreement on the right of way. The agent's representative was not aware of discussions on this. The council's legal representative confirmed it was a private right of access and the sub-committee could not impose a condition.
- The Chair asked about the bin collections. This would be considered private rights rather than a material planning consideration.
- The Chair asked about the impact of the development on the roots of trees. Trees had been considered in a tree impact assessment that had been agreed by the council's relevant officers.
- The sub-committee considered cycle storage. The planning officer advised that cycle storage was in line with the council's policy.
- The sub-committee considered noise pollution from the air source pump. The planning officer advised that this had been conditioned.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to sub-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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THE ALBAN BUILDING RO, 71-73 UPPER STREET, 1 ST ALBAN'S PLACE, LONDON, N1 0NX (Item B4)

Two storey building with excavation below to provide a single storey basement level with rear lightwells to provide new commercial floor space (Class E) (following demolition of existing workshop building) Installation of plant equipment to rear lightwell.

(Planning application number: P2021/0302/FUL

In the discussion the following points were made:

- The planning officer highlighted that an additional objection had been received and that material planning considerations raised had been addressed in the report.
- The objectors raised concerns regarding a proposal for a three storey building on a constrained site; the proposed first floor would add bulk and height to a dense area of residential flats and would reduce neighbour's outlook and increase a sense of enclosure; the size, scale and bulks impact on the character and appearance of a conservation area; comparing the site to previously refused applications considered more harmful did not mean this application was not harmful; the proposed first floor was 5 metres from the boundary of Upper Street Flats and the Council's Policy required an 18 metre back to back distance between habitable windows; No active frontage was provided; neighbour's amenity would be impacted; the underpinning required to create the basement being on land not owned by the applicant; they had provided a letter from a qualified daylight/sunlight consultant who found faults in the modelling and methodology of the submitted daylight/sunlight report, including inaccurate placements of windows and no calculations for the depth of rooms; that their expert had produced a contradictory view on daylight, sunlight and outlook that should be considered new information as the committee could not make a confident decision regarding the impact on neighbours; the use of a heavily serviced alleyway that also stored refuse would cause further congestion and was an inappropriate access, particularly for inclusivity and accessibility reasons; no evidence was provided assessing the impact of the development on existing businesses; false statements and errors in the planning application; a failure to notify landowners and there had been no consultation with residents and business owners.
- The applicant explained to the sub-committee that the proposals were to replace a dilapidated warehouse building in a highly accessible location in need of regeneration. They had engaged with officers and the local community which had led to a policy complaint scheme being presented to the sub-committee; the application delivered 422 square metres of new, high quality, energy efficient, and flexible office space that would contribute to the thriving Small Medium Enterprise (SME) economy within Islington; the principle of new employment floorspace, the overall design, particularly the elevational detailing and materiality had been considered acceptable by planning officers and the planning inspectorate; the scheme had been reduced in height by one story and the separation distance at the rear of the property had been increased; there was less development to the rear of the building in comparison to the existing pitched roof; the proposals improved the relationship between the site and the street; the existing outlook was improved; the daylight and sunlight assessment recognised a minor impact on existing daylight and sunlight levels and were compliant with the BRE Guidelines 2022; a green roof would improve the appearance of the site, reduce surface water run-off and improve biodiversity; the site was car free and delivered significant cycle parking; it would include a financial contribution to street, park and cycle facilities; there had

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been five applications on the site over the past ten years, which had included eight formal consultations and site visits with objectors; that no underpinning was required outside of the site's area; the correct notices had been submitted to landowners; the development would enhance the rear of the alleyway to ensure a high quality scheme and improved environment; a number of reports including fire safety strategies and construction management plans had been prepared by experts and it had been demonstrated that the development could commence safely and without harm to adjacent properties; it would utilise renewable sources of energy including an air source heat pump and it would create natural surveillance.

- A member asked the applicant to clarify whether the alleyway could be better policed. It was explained that windows along that elevation would help to improve natural surveillance.
- A question regarding the impact on the land use by businesses along the street was raised. It was explained that the existing building had a right of way that could be used lawfully without any planning permissions and tracking drawings had been carried out to demonstrate that refuse vehicles could continue to use the site.
- A member asked whether the objector's daylight and sunlight report should be considered new evidence. The planning officer highlighted that the submissions had been considered by officers and also that the previous planning inspector's decision did not bring up any issues with daylight and sunlight.
- The Chair asked whether the land owners had been correctly notified. The legal officer stated that it was not the responsibility of the local authority to go into the details of landownership, but legislation required the applicant to submit that information and if the details were wrong there could be serious consequences. If an error was known the application should not be considered but it was reasonable to assume the information was correct.
- A member asked what consideration had been given to access by disabled people along the alleyway. There would be an accessible cycle path, the building was wheelchair accessible, the only potential issue was a cobbled street that was outside of the plans.
- A member asked about the requirement for 18 metres between residential properties raised by the applicant and whether the condition for obscured windows would apply if one property was residential. It was explained that it was the case that the obscured windows were there to protect the privacy of residents.
- A member asked for clarification on the existing use of the building. The planning officer advised that it was a business floor space, class E. It had historically been used as a workshop, and although it was not currently being used it could be bought back into use.
- In response to a member's question as to whether the footprint of the existing building was comparable to the proposed building, the planning officer explained they were very similar.
- A member acknowledged objectors' concerns about the application having been through a number of previous iterations, but stated the sub-committee had to consider the application in front of them.
- A member commented that the issues raised by the planning inspectorate such as residential units in a business area, the bulk and massing and, the outlook from adjoining buildings had been addressed.

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

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conditions and informatives set out in Appendix 1 of the original 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 original officer report.

The meeting ended at 9.00 pm

CHAIR