

London Borough of Islington

**Planning Committee - 9 January 2024**

Minutes of the meeting of the Planning Committee held at Council Chamber - Town Hall on 9 January 2024 at 7.30 pm.

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

**Councillor Martin Klute in the Chair**

**91      INTRODUCTIONS (Item A1)**

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

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

Apologies were received from Councillors Jackson and McHugh.

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

There were no declarations of substitute members.

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

There were no declarations of interest.

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

The order of business would be as per the agenda.

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

**RESOLVED:**

That the minutes of the meeting held on 27<sup>th</sup> November 2023 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**97      CASTLE HOUSE 37-45 PAUL STREET FITZROY HOUSE 13-17 EPWORTH STREET AND 1-15 CLERE STREET LONDON (Item B1)**

Demolition of the existing buildings and construction of a part 5, part 6 and part 7 storey building with basement, comprising Class E(g)(i) Office floorspace, including the provision of affordable workspace, alongside Class E(a) Retail, Class E(b) Food and Drink and Class E(d) leisure uses at ground, lower ground, and basement levels. The proposals also

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comprise the delivery of a dedicated off-street servicing yard and the delivery of cycle parking alongside the provision of landscaped roof terraces and wider public realm works at grade, and all associated and ancillary works (Departure from Development Plan)

(Planning application number: P2022/2893/FUL)

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In the discussion the following points were made:

- Chair reminded meeting that following committee's decision to defer the application in October 2023 the whole application would not be revisited but consideration would be limited to the 3 reasons for deferral.
- Planning Officer informed the meeting that between the 12 October 2023 committee meeting to the publication of the agenda, 13 additional objections were received raising the number to the 183 reported in the deferral committee report. However since the publication of the deferral committee report, a further 16 representations have now been received raising the total number to 199.
- In terms of Affordable workspace, planning officer clarified that the scheme provides a 13.6% of the uplift in Class E(g)i office floorspace for market rent and a 12.1% of the total uplift in Class E(g)i office floorspace.
- Planning Officer reminded meeting reasons for deferral at the last meeting in October, to allow for further assessments and mitigation proposals relating to the impact on daylight and sunlight to all of the neighbouring properties with failing BRE measurements; the setback of the upper two floors to be increased and detailed on a separate section, drawings to demonstrate that the sight lines have been positioned correctly and for the applicants to revisit their consultation with local stakeholders.
- The revised application shows that the sixth floor has been further set back from the main elevation of Epworth Street along the 'factory' element and the fifth and sixth floor chamfered corners along the Paul Street elevation have also been stepped-back further from the main elevation.
- The Planning Officer stated that the reduction in height and mass to western most module to Epworth Street sees a substantial reduction in both height and mass which creates an enhanced neighbourly relationship in relation to the properties on the opposite side of Epworth Street and to those buildings immediately to the west on Tabernacle Street will provide a positive impact on the scheme itself and on its setting.
- Members were advised that transgressions are still reported to neighbouring 10 Epworth Street, 24 Epworth Street, 43 Tabernacle Street, 17-18 Clere Street, 20 Clere Street, 28 Paul Street and 54 Paul Street, noting that the habitable rooms affected to 10 Epworth Street, namely bedrooms and kitchens face the site, while the main living spaces are located facing south and do not face the application site. All the units are considered dual aspect.

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- Planning Officer stated that due to the reduction in floorspace by way of the removal of storeys and further setbacks, respectively at fourth, fifth and sixth floor levels, the amount of proposed office floorspace has reduced by 411sqm.
- An objector, resident of 24 Epworth street was concerned that developers had completely ignored committee's request regarding further consultation, the revision to the top 2 floors to ensure it is not visible from the public realm and improve the daylight and sunlight impact to all neighbouring residents and not only those with protected characteristics. Objector stated that applicants did not engage with residents in the proper sense, that residents were not privy to substantive documents such as draft plans, section drawings and daylight and sunlight assessment and an offer of a meeting was only made available 2-3 days to the end of the consultation period.
- In terms of massing, objectors expressed the view that this was a derisory 1.62% in overall reduction to the roof. Objector reminded committee that residents of Clere Street will still experience BRE transgressions which the developer continues to ignore despite Hackney Council's objections. Another issue raised was the developers preference for demolition rather than retrofitting, contrary to Council's commitment to reduce carbon emissions.
- Another resident living in 17/18 Clere Street was concerned that the upper floors would still be still visible from the public realm, that diagrams without scale makes it difficult to verify applicants drawing, and that the only noticeable changes to the previous scheme was the changes to the planting on the roof terrace. Members were reminded that the applicant has disregarded Islington policies on height of buildings, carbon emissions, consultation and drawing protocols. Objector also reiterated the need for the applicant to come back with a scaled down and appropriate building suitable for the location with less BRE transgressions to neighbouring properties.
- Another objector was concerned that the developer had not engaged with the community despite committee's recommendation at the October meeting, that the late meeting scheduled by the applicant in December was a farce; that developer failed to share its BRE figures following its decision to cut back, that reduction to the scheme was a mere 1.26%, that the residential properties above the pub will experience a high percentage of BRE failures and windows on the 4<sup>th</sup> floor will result in a 400% reduction in light. Objector stated that providing CGI images was an attempt by applicant to hide transgressions, reminding committee that the application is full of procedural defects and cost to the neighbourhood amenity would be too high.
- Another objector living in Tabernacle Street reiterated similar points above, specifically the 2 issues of community engagement and lack of respect to the community. Objector reminded meeting that residents did not have enough time to engage and scheduling a meeting 3 days before deadline indicates the lack of respect. Meeting was advised that attempt to invite Islington's Planning Officers to visit the area was not taken up, that developer's response has been lacklustre, that residents felt betrayed and that noise assessment had not been carried out.
- In response the applicant reminded meeting that following its deferral the revised scheme has taken on board reasons for deferral, that the setback on the upper floor has resulted in the removal of over 4,500sqm with the result that it has significantly reduced the visual impact from the streets, that the change to the overall massing is to minimise the impact on vulnerable neighbours.
- The applicant reminded committee that changes has improved the outlook, that the removal of 2900sqm floor space opposite 10 Epworth Street and the height drop of 4.2m has improved the outlook for residents of 10 Epworth Street, that the impact of light levels is insignificant. Members were reminded that despite the scheme receiving support from both planning officers and Design Review Panel, the team

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listened to community concerns and introduced significant measures to protect residents especially those recognised as vulnerable.

- The applicant acknowledged that while adjustments may appear small it has a huge amount of benefit.
- On the issue of consultation with residents, the applicant reiterated all attempts to engage with residents since March 2022, that letters were sent out to key stakeholders including ward councillors, Executive Members and Community project groups, that a dedicated website was launched and flyers were letter dropped to over 1400 residents, pop up event was hosted and a virtual meeting was facilitated. Members were advised that since July 2023 18 separate dates was offered to residents.
- In terms of pre submission documents, meeting was advised all necessary documents were made available on the Planning Portal and on the dedicated website.
- Meeting was advised that feedback received from meeting with residents, fell into 2 categories, being denied access to information which already existed and a further reduction to the Clere Street elevation so as to mitigate daylight/sunlight loss. On the latter concern, applicant advised that technical analysis indicate that a cut back of a couple of metres would make no difference to the visual impact to daylight and sunlight loss as most of the units are dual aspect and that habitable rooms are not affected.
- The applicant stated that to achieve no harm from the proposed development as a result of BRE losses, the elevation would need to drop about 20metres on the boundary with the top upper floor and a set back of about 14metres which will be contrary to the local plan and asking for intensification of office use will not be deliverable.
- In response to a question on why set back to all elevations had not been considered besides the relatively small cutbacks that was carried out on the Clere Street elevation, the applicant indicated that there was an understanding from the committee's recommendation at the deferred meeting was to reduce the visual impact from the street level to the upper floors. It was also stated that in relation to BRE guidelines, the building is right for the site, that it will provide huge benefit to the local area noting that jobs and improvement to the public realm will offset the harm from the building.
- In response to Hackney Council's objection as noted at the October meeting, the Planning Officer advised that no further representation was received from Hackney Council.
- On the question of consultation between residents and developer, Planning Officer informed meeting that it is not a statutory or legal requirement for the local planning authority to be involved in.
- With regard to objectors claim that revised application had not been shared with the community groups before submission, applicant advised that following deferral in July and August 2023, meetings scheduled and an offer for site tour had not been taken up, and information requested by residents had already been considered at earlier meetings.
- In response to a question, meeting was advised that Planning officers had not been shown evidence of the applicant's claim that analysis of other elevation setbacks including the Clere Street elevation had been explored but not proposed. The reason for this analysis not being shared with officers was not clear.
- Members had concerns that other elevations had not been looked into besides the Epworth Street elevation, that Hackney Council's objection regarding the BRE transgressions to Clere Street still remains. The Chair advised the meeting that although one of the reasons for deferral was for further consultation with the residents, this was more to foster good relationship between both parties going

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forward, and as highlighted by the legal officer was not a statutory obligation, and as such could not be used as a reason for refusal if the committee was so minded.

- Members acknowledged that although site is within urban setting and transgressions are expected, BRE guidance could not be strictly applied, however the committee considered that the applicants should explore further mitigating the light losses to those properties in Clere Street, as this formed part of the previous reason for deferral, and there was no evidence that this had been addressed
- Cllr Convery moved a motion to defer the application for applicant to consider amendments that deal with transgressions in daylight/sunlight loss to 17-18 and 20 Clere Street properties. This was seconded by Councillor Poyser.
- The Chair in summary reminded meeting that the item is deferred again specifically to interrogate possible mitigation of the sunlight/daylight impact to the two buildings on Clere Street noting that the unavailability of evidence from the applicant regarding the claimed previous analysis of setbacks to those elevations and impact would have been helpful, and might have left the committee in a different position with regards to it's decision

Councillor Convery proposed a motion to defer application. This was seconded by Councillor North and carried.

### **RESOLVED:**

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

The meeting ended at 9.18 pm

**CHAIR**