

London Borough of Islington

Planning Committee - 20 February 2024

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 20 February 2024 at 7.30 pm.

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

Councillor Martin Klute in the Chair

98 INTRODUCTIONS (Item A1)

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

99 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillors Clarke and Poyser.

100 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

101 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

102 ORDER OF BUSINESS (Item A5)

The order of business would be as per the agenda.

103 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 9 January 2024 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**104 FORMER HOLLOWAY PRISON , PARKHURST ROAD, LONDON N7 0NU
(Item B1)**

Non-material amendments to planning permission ref: P2021/3273/FUL dated 05/08/2022. The amendments proposed include the installation of a second staircase into Block C1 and C2 for the purposes of fire safety with associated internal layout changes resulting in modifications to the dwelling mix, the number of wheelchair dwellings, floorspace for non-residential uses, cycle parking spaces and alteration(s) to elevation(s) resulting in amendment to Condition 2 (approved plans) and Condition 35 (Accessible housing).

(Planning application number: P2024/0027/NMA)

In the discussion the following points were made:

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- Planning Officer informed meeting that issue for consideration is if the changes to Plot C of the consented scheme is a non-material amendment to the overall original consent.
- Any non-material amendments may be applied for to approve a negligible or insignificant change to the planning permission.
- Meeting was advised that whether or not the proposed amendment(s) are considered to be non-material rather than material will depend on the specific details of the existing planning permission. It was noted that a change which may be considered 'non-material' in one case could be considered 'material' in another.
- Meeting was advised that there is no statutory definition of 'non-material' so any determination is left for the local authority who is the decision maker.
- Planning Officer advised that Section 96A of the Town and Country Planning Act 1990 (as amended) states that "A local planning authority may make a change to any planning permission, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material". Also members were reminded that "in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section on the planning permission as originally granted".
- In addition to the above, meeting was advised that while there are no changes to the number of dwellings within the development, there will be reductions in the number of bedspaces within the larger two and three bed dwellings, reduction in the number of wheelchair dwellings within this part of the development, a reduction in the number of cycle parking spaces and a reduction in the area of flexible commercial floorspace. It was also noted that there would be a small increase of 1.2sq.m the internal size area of the Women's Building, however there would be no changes to the footprint of the buildings or the built envelope.
- Meeting was advised that applicant has chosen to utilise Section 96a of the Town and Country Planning Act, also known as a non-material amendment which allows the local planning authority to make a change to any planning permission if they are satisfied that the change(s) are not material.
- Meeting was advised that officers are of the view and recommend that changes are non-material amendment. The changes necessary, derive from a legislative requirement for residential buildings above 30m in height to accommodate a second staircase. The amendments to the building, the layout and aspects of the scheme in relation to use, layout and composition are non-material in the context of the original planning application and while wide consultation has been carried out, there are no impacts arising to neighbours or other interested parties generated by this application.
- Planning Officer reminded committee that while applicants have been given the ability to either conform with the pre-existing building safety regime concerning second staircases, or to proceed with compliance with the pending regulatory change, the applicant has decided to install a second staircase in both blocks C1 and C2 which exceed the height of 30m and in doing so, it is proposed that the existing staircase core situated within the very centre of block C1 and C2 will be enlarged so as to incorporate a staircase either side of the central corridor. Each core segment either side of the corridor will retain either an evacuation lift or a fire-fighting lift in addition to a staircase.
- As a result of the changes, meeting was advised that at the lower and upper ground floor level, the proposed staircase amendments impact upon the layout and siting of building management facilities such as plant, utilities, cycle parking, toilets and showers and generally involves the re-siting of partitions rather than the removal of such facilities.
- A flexible commercial space at lower ground floor level is also proposed to decrease minimally. At the ground floor level, the number of cycle parking spaces is reduced

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from 296 to 248. However, the fundamental layout of the Women's Building remains the same with the same functions and divisions across the floor plan.

- Meeting was informed that from the first floor upwards within block C which is entirely residential, the larger staircase and lift core results in 8 units per floor being retained in block C1 and 8 units per floor in block C2. Also in block C1, the floorspace dedicated to effective functional residential use decreases from 573sq.m to 547sq.m, in block C2, the residential floorspace decreases from 575sq.m to 544sq.m.
- The Planning Officer noted that the changes above when repeated across all floors, the fire safety amendment gives rise to overall modifications that results in the loss of 36 x 2b4p units and the gain of 42 x 2b3p units; the loss of 16 x 3b5p units and the gain of 10 x 3b4p units while seeing no change to the overall number of units within the scheme. In terms of the number of wheelchair dwellings, this number decreases from 10 to 3 within this part of the development. Furthermore, across the site, these changes result in the loss of 12 habitable rooms, all of which are in the social rent tenure.
- An objector informed Committee that there should be other ways for the extra staircase to be accommodated, that the proposed changes should be considered as material; concerns about the Women's building's garden and the reduction in the number of social rent three bedroom properties will result with 58 fewer social rent bedspaces within the development (535, down from 593) and requesting that this be compensated for elsewhere within the development.
- Another objector noted that decent sized housing, including units with three bedrooms for overcrowded families in Islington, is very important for resident and needs to continue to be a priority on this site especially in light of Council claims that there is an under-supply of family sized accommodation in the Borough.
- It was also noted by an objector that across all the blocks there will be a reduction of 21 wheelchair accessible units, that there is a significant reduction in the number of social rent properties in Plot C that are wheelchair accessible (from 10 flats to 3) which is necessary to maintain the mix of family homes within the development.
- Concerns about the impact of the proposal on the amenity of residents with the increase in the number of flats without the minimum recommended daylight levels; that the social housing of the scheme with single aspect will give rise to poor ventilation, severe overheating as windows will remain unopenable windows on the highly polluted Parkhurst Road frontage thereby making many flats uninhabitable.
- Ward Councillors were concerned that the amendments would not address specific needs on the waiting list of 1900 residents on the housing register especially with the loss of larger family sized dwellings, reminding Committee that a recent scrutiny review on the issue of overcrowding recommended the need to build more 4/5 bedrooms. There was also concerns that the proposed changes were applied to social housing rather than the dwellings that will be sold privately.
- In response the applicant informed the meeting that following the initial decision by Department of Levelling Up, Housing and Communities (DLUHC) around its plans to mandate a second staircases for new tower blocks with a height of over 30m and its subsequent amendment in July 2023 that the height limit for which a second staircase is required was reduced to 18m, the team decided to address this early for fire safety reasons .
- Meeting was advised that as a responsible social landlord, Peabody decided to go ahead and introduce this requirement of a staircase to blocks C1 and C2, that other options were considered however it is important to note that the blocks have inherent constraints, first that it cannot be moved closer to the Camden/Parkhurst Road as there is insufficient space. Also it could not be moved closer to Category A London Plain Tree due to its protected zone; or moved to the Cat and Mouse Library or Block D due to the daylight /sunlight impact that it would have.

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- Meeting was advised by applicant that increasing the height of the block was not an option due to the viewing corridor towards Central London townscape and also daylight and sunlight impact.
- In light of above constraints, the applicant has worked collaboratively with Planning Officers to strike a right balance with the result that proposal has ensured no loss in floor area to the Women's Building, however this has come at the expense of some loss to the commercial floor space, albeit still able to provide a café for use by the community.
- Applicant acknowledged that the introduction of second stair-case has resulted in the loss of bedrooms in social rented units in blocks C1 and C2, that there are no changes in the number of homes provided in total, that the scheme will still deliver 155 social homes in blocks C1 and C2 and its 65% affordable homes. Applicant acknowledged the reduction of wheel-chair homes by 7 but noting that the overall provision site wide as a result of this amendment remain policy compliant.
- While the amendments propose the loss of cycle parking and compensation options officers have had regard to the current condition 24 which requires an application to discharge this condition on other phases of the development.
- The applicant informed the meeting although not within the scope of this application, that the applicant is willing to explore the opportunity to recover the loss of bed spaces and wheel-chair homes in phases 2 & 3.
- Applicant informed meeting that changes proposed will not result in any overheating to the flats nor any daylight and sunlight impact albeit noticeably there is a slight improvement as recent assessment have indicated.
- In response to concerns that changes proposed could be replicated onto other phases and could be regarded as material, the planning officer advised that member's focus is on the merits of the application before the Committee and not a hypothetical proposal which may or may not occur.
- In response to a question on what could happen if planning permission is not granted, the applicant advised that it would continue with the consented scheme or alternatively put in a s73 application, which would likely result in a long and arduous design and planning process which would result in the delay of delivery of social housing.
- In summary, meeting was advised that based on applicant's perspective, the changes to the consented scheme is fire safety and delivery of house driven, however it is important to note that 2 bedroom units are highly required in that part of the borough and this has been taken into consideration.
- In response to a question on whether the applicant is willing to provide assurance that it would recoup all of the losses from phase one in other phases of the development, the applicant confirmed that the team is committed and will provide a written undertaking of what applicant has confirmed to Committee.

Councillor North proposed a motion to grant planning permission. This was seconded by Councillor McHugh 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, the committee agreed it considered the proposals a non-material amendment.

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The meeting ended at 9.00 pm

CHAIR