

Planning Sub Committee A - 1 February 2024

Minutes of the meeting of the Planning Sub Committee A held at Council Chamber, Town Hall, Upper Street, N1 2UD on 1 February 2024 at 7.30 pm.

Present: **Councillors:** North (Chair), Convery, Hamdache and McHugh

Councillor Toby North in the Chair

25 INTRODUCTIONS (Item A1)

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

26 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillor Clarke.

27 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

28 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

29 ORDER OF BUSINESS (Item A5)

The order of business would be as per the agenda.

30 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 11 July 2023 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

31 PART BASEMENT (RESTAURANT), 190 CITY APPROACH, CITY ROAD, LONDON, EC1V 2QH (Item B1)

Section 73 Application to vary Condition 2 of Planning Permission 841340 dated 15 June 1984 to amend the hours of operation to 11:00 to 00:00 Monday to Thursday, Sunday, and Bank Holidays and 11:00 to 01:30 (the following day) Friday and Saturday.

(Planning application number: P2023/2844/S73)

In the discussion the following points were made:

- The application site comprises a basement unit located within a prominent corner building at the junction of City Road, Bath Street and Shepherdess Walk. The building is six stories high on the City Road frontage and drops to five stories with a setback sixth floor to the Bath Street frontage. An additional two stories have been

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recently constructed above the existing building. The building is not statutory nor locally listed but it is located within the Moorfields Conservation Area.

- This section of City Road is predominantly commercial in character with residential accommodation on the upper levels. Moorfields Eye Hospital and Old Street roundabout are located to the east.
- The site also falls within the designated Central Activity Zone, City Fringe Opportunity Area, Archaeological Priority Area and the Licensing Bunhill Cumulative Area.
- The amendments include the extension of hours of operation to 11:00 to 00:00 Monday to Thursday, Sunday, and Bank Holidays and 11:00 to 01:30 (the following day) Friday and Saturday (Increase of 1 extra hour Monday to Thursday and 2 ½ hours on Saturday).
- It is noted that Condition 2 (Hours of operation) of Planning Permission 841340 dated 15 June 1984 erroneously missed mentioning Saturdays. The proposed amendments to the hours of operation would therefore also gives an opportunity to clarify the opening hours for Saturdays.
- Meeting was advised that no objections were received from the Public Protection Division (Noise Team) as the proposed change is additional hour Monday to Thursday and 2.5hrs on Saturday, noting that the premises licence for the previous operator, the Bavarian Beerhouse has permitted opening hours in line with this.
- Also the Designing Out Crime Officer commented that in principle, the proposal does not appear to be contentious from a crime prevention perspective.
- Meeting was reminded that there is currently an extant premises licence in place under the Landlord's name Monopro Limited.
- A noise management plan with guidance on minimising disturbance, antisocial behaviour and noise impacts from patrons' access and egress as well as a complaint procedure has been submitted and it sets out mitigation measures which would involve responsibility for the management controls assumed by the manager, trained staff and event organisers. It was also stated that the external door to the premises will be kept closed during the evening, except when being used for immediate access and egress, in order to minimise noise break-out from the premises. In addition, signs would be prominently displayed by the door and there would be polite notices from staff reminding patrons and smokers of the proximity of neighbours and encouraging them to keep their voices down. Taxis will be encouraged to turn off their engines while waiting and not sound their horns. A phone number and an email address will be provided to nearby residents to allow efficient notification of the premises if noise levels are causing a disturbance.
- It was also noted that previous premises had a sound limiter fitted which was calibrated at 85.2dBA in the main bar area (along with settings for linear sound levels and low frequency bands at 63 and 125Hz), set for where *"music played from within the venue spaces was barely audible at the listening position, and would therefore be considered inaudible within the residences of the closest noise sensitive receivers."* The submitted noise report notes that the proposed operator is London Shuffle and that the *"operator only intends to have background, ambient music in the premises, with no loud or live music."* Due to its ambient nature, the music would be inaudible outside the premises and would not have enough energy to transmit between floors up the building. A further condition has been attached to the application (Condition 5) stipulating that no music or other amplified noise arising from the operation of the part basement unit shall be audible outside the premises, nor transmit between floors up the building and for a sound limiter to be fitted. In view of this the Council's EPPP Team have no objections to the proposed change of hours. This is also taking into account that there is currently a premises licence with a number of related licensing management controls on the license holder.

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- The proposal is considered acceptable subject to suitable conditions as set out in Appendix 2 and it is recommended that the application be approved.
- Whilst the residents' concerns relating to disturbance, noise and antisocial behaviour are acknowledged, the proposed change of the hours of operation is by 1 extra hour Monday to Thursday and 2 ½ hours on Saturday and the EPPP TEAM have no objections. This is also taking into account that there is currently a premises licence with a number of related licensing management controls on the license holder.
- Overall, the proposal is considered acceptable, subject to conditions relating the limitations for music levels at this site and stipulation to follow the noise management plan as set out in Appendix 2, the proposal would not prejudice the residential amenity of the neighbouring amenity and would comply with Policy D14 of the London 2021 and Policies Plan PLAN1 and DH5 of the Islington Strategic Development Management Policies (2023).
- A resident leaseholder was concerned that the venue was inappropriate for this location, that previously there had been issues with disturbance, noise and anti-social behaviour which affected neighbouring amenity. In addition issues such as noise from relocated air filters, consultation letters not received by all residents and that planning statement has incorrect details of floor uses.
- In response the agent informed the meeting that the proposal to increase the hours of operation by 1 extra hour Monday to Thursday and 2.5hrs on Saturday was simply to align it with the licensing conditions and in particular to address the Saturday opening hours.
- Meeting was advised that the scheme would not be viable if the opening hours are not amended within the building.
- In response to a question, Planning Officer stated that no evidence of viability was provided as part of the application by the agent.
- On the issue of smoking and vaping concerns of residents, It was agreed that details in the Operational Management Plan could be strengthened to address this issue, that wording to be delegated to Planning Officers and the Chair.
- Councillor McHugh moved a motion that a temporary planning permission be granted for a year in order to monitor the impact on the residents of the extra opening hours requested by the applicant. This was seconded by Councillor North.

Councillor McHugh proposed a motion to grant temporary planning permission for a year. This was seconded by Councillor North 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 as amended below, the wording of which was delegated to officers.

Revised Condition 4

A detailed operational management plan for the drinking establishment shall be submitted and approved by the Local Planning Authority prior to commencement of the use hereby approved. The Scheme of Management shall include (as appropriate):

- a. sound insulation measures***
- b. a full dispersal policy and procedure;***
- c. a door policy;***

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- d. *signs to request patrons to leave in a quiet manner and not to loiter in the surrounding streets;*
- e. *servicing and delivery times/arrangements;*
- f. *bottling out and waste management noise and times;*
- g. *control and levels of noise from any amplified music within the unit*
- h. *designation and control measures of any noise from any designated smoking & vaping areas;*
- i. *close down policy with amplified music shut-off and increased lighting;*
- j. *security, including any additional proposed CCTV;*
- k. *any additional external or security lighting;*
- l. *capacity;*
- m. *private hire facilities/functions;*

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: To ensure that the operation of the development does not impact on residential amenity.

Revised condition 2

CONDITION: Notwithstanding the hereby approved plans, the approved hours of operation is granted only for a limited period, being 12 months from the first commencement of the use. The temporary hours of operation approved are as follows

11:00 to 00:00 Monday to Thursday, Sunday, and Bank Holidays and 11:00 to 01:30 (the following day) Friday and Saturday.

12 months after the commencement of the use and associated operating hours a further consent will need to be obtained to operate the use under the above hours for a longer period of time.

Reason: The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (noise and nighttime disruptions) in order to protect amenity of both residential premises that adjoin the site.

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LAND ADJOINING TURNBULL HOUSE, WINDSOR STREET, LONDON, N1 8QG (Item B2)

Installation of a new generator and erection of associated enclosure with surrounding landscaping to support the operation of the Supported Living Accommodation building approved via planning permission ref: P2017/3493/FUL.

(Planning application number: P2023/2863/FUL)

In the discussion the following points were made:

- The site forms part of the Cumming Estate, made up of 3 x 5-storey residential blocks to the east and a 6-storey residential block to the west. To the south of the site is a terrace of locally listed 3-storey Georgian townhouses with basements and with rear gardens. To the north, on the opposite side of Windsor Street, is a 3-storey building in commercial use.
- Meeting was advised that this is a council owned application.
- The site is located in St Mary's & St James' Ward, does not lie within a Conservation Area however the southern boundary of the site forms the northern most extent of the Duncan Terrace / Colebrooke Road Conservation Area.
- Planning permission is sought for the installation of a new generator enclosure within the Turnbull House estate open space, adjacent to the recently built supported living residential accommodation on Windsor Street. Associated landscaping is also proposed to surround the enclosure.
- Consent for the supported living residential accommodation on Windsor Street was granted under planning permission ref: P2017/3493/FUL, dated 09/05/2018. The approved fire strategy for this development requires a secondary supply to provide power to the wheelchair evacuation lift in the event of an emergency. Given the

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nature of the approved development, the necessity of providing a generator for a fire evacuation lift is recognised.

- The applicant explored a number of options to provide the generator within the site boundary of the supported living development, which were presented to the Local Planning Authority for review. Due to the minimal amount of external amenity space provided within the supported living development, it was advised that the options presented would not be acceptable due to the impact they would have on the residential amenity of future residents. The application therefore seeks permission to install the generator and associated housing outside of the original site boundary, within the Turnbull House estate open space.
- The proposal would install a 19sqm generator enclosure adjacent to the supported living development within the grounds of Turnbull House. This part of the grounds was included within the blue line of the supported living residential development as the site was not large enough for construction site offices to be contained within the red line boundary. There was an agreement in place between Islington's New Build Team and Islington's Estates Services Team that this land could be used to facilitate development. To allow this space to be used for site offices, the removal of three trees and some thick undergrowth was required. The replacement of these trees was required by the Directors' Letter associated with permission ref: P2017/3493/FUL and it was the intention of the New Build Team to provide these alongside new grassland once the site office is removed. A new agreement is in now place between Islington's New Build Team and Islington's Estates Services Team which confirms that this part of the estate open space may be used as the permanent location of the required generator housing.
- To mitigate the loss of area to be returned to open space, the application proposes an enhanced landscaping scheme around the generator housing, which incorporates the three trees already approved to be planted in the space.
- Meeting was advised that the main issues arising from this proposal relate to, land Use policy; design & conservation; landscaping and biodiversity; neighbouring amenity; air quality and energy & sustainability.
- It was noted that the proposed development is small in scale and sufficiently set away from neighbouring residential property
- In terms of land use policy, meeting was advised that the proposals would result in the net loss of 19sqm of estate open space that currently serves Turnbull House. Whilst estate open space is protected under Local Plan Policy G2, the application proposes planting which would result in a greener, more attractive area of landscaping than was previously provided on the site. The proposals are therefore considered to be consistent with land use policy objectives.
- In terms of design and conservation, the proposed generator housing would be timber screening and the structure would largely be obscured by vertical greening and surrounding landscaping. Furthermore, despite the site's adjacency to the Duncan Terrace/Colebrooke Row Conservation Area, it is considered that the proposals would not have a detrimental impact on and would preserve its setting.
- In terms of neighbouring amenity, it is considered that the small size of the proposed structure would not result in any unacceptable impacts to daylight and sunlight, overshadowing, overlooking or outlook.
- The proposal to introduce a generator in this location presents issues of noise and air pollution. However, given the minimal operating times, and subject to the conditions recommended, it is considered that the proposed generator would not have an unacceptable impact in both respects.
- In terms of sustainability, the applicant proposes the use of sustainable materials, and the design maximises opportunities for permeable drainage. Whilst Officers requested that the applicant explore the feasibility of providing a battery powered generator to minimise air quality impacts, the applicant provided satisfactory

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justification for the use of diesel, in the limited cases where the generator being required to be used.

- Although the proposals would result some very minor noise and air pollution impacts, it is considered that these issues can be suitably addressed via conditions. Furthermore, the resulting loss of estate open space is outweighed in the planning balance by the benefits of an enhanced landscaping scheme and the ensured operation of the Windsor Street supported living development fire evacuation lifts in the event of an emergency.
- The application is considered to be acceptable and is recommended for approval subject to conditions.
- Councillor McHugh proposed a motion to grant planning permission. This was seconded by Councillor North and carried.
- Committee agreed to delegate the rewording of condition 7 in relation to the use of the generator to the planning officer- see below

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.

Reworded CONDITION 07: The hereby approved generator shall not be used except in the event of a power cut or for required urgent/emergency testing.

Testing of the hereby approved generator shall not take place between the hours of 1800 and 0800 on any day, and not at any time on Sundays, Bank Holidays or after 1300 on a Saturday.

The duration of the testing is to be commensurate with the test requirements and not to exceed 20 minutes and only twice a year if required.

REASON: To protect the amenity of adjacent properties.

The meeting ended at 8.30 pm

CHAIR