London Borough of Islington

Planning Committee - 1 March 2018

Minutes of the meeting of the Planning Committee held at Council Chamber - Town Hall on 1 March 2018 at 7.30 pm.

Present:	**Councillors:**	Khan (Chair), Donovan-Hart (Vice-Chair), Picknell (Vice-Chair), Fletcher, Gantly, Kay, Convery, Williamson and Gill
Also Present:	**Councillors:**	Williamson and Gill (substitutes)

Councillor Robert Khan in the Chair

368 INTRODUCTIONS (Item A1)

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

369 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillors Ward and Nicholls.

370 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillors Gill and Williamson substituted for Councillors Ward and Nicholls.

371 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

372 ORDER OF BUSINESS (Item A5)

The order of business would be B2 and B1.

373 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 6 February 2018 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

374 RICHARD CLOUDESLEY SCHOOL, 99 GOLDEN LANE, LONDON, EC1Y 0TZ (Item B1)

Demolition of the former Richard Cloudesley School, City of London Community Education Centre; garages and substation; erection of a 3 storey building with rooftop play area (Class D1) (2300.5 sqm GEA) and a single storey school sports hall (Class D1) (431 sqm GEA) to provide a two form entry primary school; erection of a 14 storey building (plus basement) building to provide 66 social rented units (Class C3) (6135sqm GEA), and affordable workspace (Class B1a) (244sqm GEA), landscaping and associated works.

(Planning application number: P2017/2961/FUL)

In the discussion the following points were made:

- The Planning Officer informed Members that since the publication of the agenda a second despatch paper had been published on the Council website which

addresses objectors concerns especially regarding the noise levels from the playground. Members were advised of the response from the Acoustics officer that the levels of noise were deemed acceptable and expected. However, he has suggested a condition which would restrict the hours of playground use only and not applicable to the MUGA (Multi Use Ground Use) as 7.30am – 6.30pm, Monday to Friday to account for out of school hours. In addition the Planning Officer advised that the uploaded updated report included issues relating to highways, transportation and fire safety as well as a formatting error on paragraph 11.280 of the Committee report which is now correctly presented.

- Since the publication of the updates 2 further objections had been received, one objector raised no new issues while the other objector mentioned the prevalence of bats living in the school building and has requested surveys be undertaken. Although the prevalence of bats was not observed as part of the ecological survey carried out by the applicant's consultant.

- The Planning Officer highlighted a number of corrections in the report. On page 11.124 of page 126, reference to the size of the MUGA has been incorrectly given as 420 sqm instead of 482sqm (the MUGA and the area around it). At page 56 paragraph 10.1 the last sentence which states the 'relevant development plans…' to be deleted. The Planning Officer also noted that the updated servicing condition would be secured by way of condition and not by section 106 and a condition requiring obscure glazing of the southern elevation over floors 1-4.

- In response to concerns about a single staircase, the Planning Officer advised that no objections were submitted by the Fire authority but had suggested a few things such as installation of sprinklers. Members were advised that the applicant had submitted a fire strategy (condition 45 of the report) and on the issue of a single staircase, the Planning Officer advised that this was a scheme different from the Grenfell Tower in London.

- Neighbouring residents questioned the need for a two form entry school as school places were available at a nearby primary school. Objections also raised concerns about the height and massing of the scheme, substantial loss of daylight and sunlight, impact on the amenity of the residential amenity, impact on the character and appearance of the scheme, lack of open spaces, fire safety concerns and parking issues.

- In response, the agent advised that there was a pressing need for a two form school as the school was presently in a temporary location, highlighted a number of benefits such as the provision of affordable homes, delivery of workspaces for small businesses, the improvement of the public realm and the regeneration of the area. In addition, the agent informed Members that with the delivery of social homes, the school would be within the catchment area.

- The agent reminded Members that considering 18,000 people are on the waiting list and 70,000 residents were living in temporary accommodation, social housing would be a significant benefit of the scheme.

- In response to a question from the Chair, the Legal Officer acknowledged that as the site being considered by the Committee straddles both the boundaries of both Islington Council and the City of London Corporation, a decision to grant planning permission would still have to be considered by the planning committee of the City Corporation. In summary for the scheme to proceed, it would require permissions

from both authorities.

- The Chair informed the meeting that he had attended a site visit with Councillors Donovan-Hart, Kay and Williamson which had been helpful in providing an understanding of the context of the application site.

- The Chair reminded Members that, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) the application should be determined in accordance with the development plan unless other material considerations indicate otherwise. Furthermore, in accordance with Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 there is a statutory duty to give considerable weight and importance to the desirability of preserving the setting of listed buildings. The Chair also reminded Members that Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that, with respect of any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Members were further reminded that Paragraph 134 of the National Planning Policy Framework states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- The Chair noted that the Officer's report made clear that there was policy harm in terms of conflict with the Council's tall buildings policy and the acceptability of that harm is something that the committee would have to consider. The Chair advised that the committee would have to reach a decision on harm to heritage assets and if they decide that there is substantial harm to the significance of designated heritage assets then they should refuse the application. However, if there is less than substantial harm to the significance of designated heritage assets then the committee can consider that harm against the public benefits of the proposal. The Chair noted that there was some contention that there would be substantial harm, some contention that there would be less than substantial harm and some contention that there would be nil harm to the significance of designated heritage assets.

- The Chair noted that the GLA considered there would be no harm to heritage assets. It was also noted that Historic England at pre-application stage noted that the height of the residential block should be lower than Great Arthur House, and that this is the case. The Chair observed that the Council's Design and Conservation Officer concluded that there would be less than substantial harm albeit at the higher end of less than substantial harm, and that the Barnwell judgement indicated that, even when it is considered that there will be less than substantial harm, the more harm that is identified the more carefully that harm should be balanced against the benefits of the proposal. The Chair reminded Members that the City of London, in their observations, concluded that the degree of harm to the Golden Lane Estate would be less than substantial and should be weighed against the public benefits, whilst there would be slight, less than substantial harm to the setting of the Barbican (listed building and registered landscape). The Chair sought the views of the committee regarding the degree of harm to the significance of designated heritage assets.

- Councillor Convery noted that the proposal would clearly not result in harm to the fabric of heritage assets. However, it would result in some harm the setting of these assets but the extent of this harm is a subjective judgement. Councillor Convery

considered that the detailing of the proposed residential building would complement that of the Golden Lane Estate whilst not representing a pastiche of, or attempting to mimic, the Estate. Councillor Convery recalled that, at the time of its construction, the Barbican was considered the most 'hideous' development in London, and was now a heritage asset within the setting of the application site. It was noted that the proposed building may not immediately appear entirely in keeping with its surroundings but it has a quality and may one day be viewed as part of the established heritage of the area. Councillor Convery concluded that the harm to designated heritage assets would be slight.

- Councillor Williamson advised that she was broadly in agreement with Councillor Convery's views and observed that, having visited the site, it is clear that it is located within a high density area and in this regard the proposed residential building would not appear out of context. Accordingly, Councillor Williamson concluded that there would be some harm to the significance of designated heritage assets but this harm would be limited.

- Councillor Fletcher commented that there would be some impact on the street scene but in terms of impact on heritage assets it should be noted that the City of London is characterised by tall, high density buildings juxtaposed with much smaller buildings. Councillor Fletcher concluded that the harm from the proposal to designated heritage assets would be minimal.

- Councillor Kay noted that, whilst the degree of harm to the significance of designated heritage assets would not be substantial, she was in agreement with the views of Officers that there would be a significant change which should be carefully considered against the public benefits. The proposal would by no means represent a small change to the character of the site and the development would be highly visible from some viewpoints in the surrounding area.

- The Chair noted that the proposal would result in harm in residential amenity terms, including impacts on daylight and sunlight affecting residents of Basterfield House. Councillor Picknell noted that the design of the Basterfield House flats was such that, whilst there would be a loss of light to bedrooms and kitchens, the dual aspect design of the block was such that there would be no impact on the main living rooms. Councillor Picknell noted that any redevelopment of the site would be likely to result in some impact in terms of loss of light therefore, on balance, it was considered that this harm would be acceptable.

- Councillor Donovan-Hart also noted the dual aspect design and layout of the Basterfield Road flats was such that the main living areas would be unaffected by the proposed development in daylight and sunlight terms.

- The Chair drew a comparison with the Finsbury Tower application approved by the Committee which was considered acceptable in daylight terms as neighbouring residents had previously benefitted from low rise development on the application site and an increase in the height and massing of built form resulted in high losses due to the very high existing Vertical Sky Component.

- Councillor Convery noted that the school roll projections demonstrated an acute educational need for the proposed school within this part of the borough, noting that there has historically been a tendency to underestimate population growth in London whilst the geographical Planning Areas used for planning school places are not perfect. Councillor Convery further noted that the school has already opened and is

currently in unsatisfactory, temporary accommodation and he could not think of another site where the school could be accommodated if the proposal were not accepted. Furthermore, it was noted that he Education Funding Agency were supporting the proposal, as were the City of London and Islington as Education Authorities. Councillor Convery concluded that the education need case was indisputable.

- Councillor Kay noted the views of the parents who had spoken in support of the proposals and observed that there was a clear and compelling case for working with the City of London to deliver the proposed school.

- Councillor Fletcher noted that the current housing crisis dictated that there was a compelling case to support the proposal in terms of a pressing need for the delivery of more social housing within the borough.

- The Chair noted that the 33 units for which Islington would have nomination rights would represent 5% of the annual requirement for the delivery of new social housing units.

- The Chair concluded that in the committee's view the proposed development would result in some harm to the significance of designated heritage assets and some harm to neighbouring amenity but that there was a compelling educational and housing need.

- Councillor Donovan-Hart concluded that there was a justification for granting approval in this case having regard to the context of the application site and the compelling education and housing need.

Councillor Khan proposed a motion to grant planning permission for the reasons set out in the report and the considerations of the committee in the discussions. This was seconded by Councillor Fletcher and carried.

RESOLVED:

That planning permission be granted for the part of the proposed development within the London Borough of Islington for the reasons outlined above and subject to:

a) the conditions set out in Appendix 1; and

b) 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; and

c) the City of London resolving to grant planning permission in respect of duplicate application reference 17/00770/FULL on the same terms as 1 a) and b) for that part of the proposed development within the City of London; and

d) any direction by the Mayor of London to refuse the application or for it to be called in for the determination by the Mayor of London.

AND to delegate to the Corporate Director of Environment& Regeneration in consultation with the Chair of the Committee to make minor amendments to the Heads

of Terms and conditions following the resolution of the City of London to ensure consistency.

375 **WINDSOR STREET CAR PARK, ISLINGTON, LONDON N1 8QF (Item B2)**

Demolition of 12 (twelve) existing garage units and removal of adjacent car parking facilities to facilitate construction of a three storey (plus basement), 11-bedroom (plus staff sleep-in unit) building to accommodate a supported living scheme (use Class C2). The proposal also includes communal kitchen/living/dining facilities, staff offices, laundry, plant room, and accessible bathroom facility. Associated landscaping including courtyard garden areas, refuse and cycle storage provision for both residents and staff, is also proposed.

(Planning application number: P2017/3493/FUL)

In the discussion the following points were made:

- The Planning Officer highlighted a number of typographical errors in the report. Members were informed that the report (paragraphs 6.6 and 24.4) incorrectly refers to the removal of 6 trees and 2 trees respectively instead of the removal and replacement of 4 trees and 1 tree stump. Members were advised that the removed trees would be replaced as part of the landscape strategy submitted by the applicant. Also throughout the report, the number of PV panels is referred to as being reduced from 73 to 40; the number has actually reduced from 73 to 55. The Planning Officer also informed Members that the report erroneously describes 13 Windsor street in paragraph 20.19 as commercial instead of residential but that the BRE assessment remained accurate and did not need to be corrected.

- The Planning Officer informed the meeting that since the publication of the agenda, 4 new objections had been received and 4 further objections had been made. In addition, a further 15 new letters of support for the scheme had been received.

- With regard to the objectors concerns of possible contamination, the Planning Officer informed Members advised that this could be addressed by way of a condition which will ensure an investigation survey for any possible residue is undertaken before any works commences.

- In response to a resident's concern that the loss of a tree was a subject of a Tree Preservation Order, the Planning Officer advised that although Packington Street lies within a conservation area, and as such the tree would be afforded some level of protection as a result of this, Council records did not indicate that the tree in question had a TPO attached to it.

- Members were advised that the loss of the off street car parking and garages due to the proposed scheme was welcomed as Islington Council promotes schemes that deters car movement and car ownership in the borough and aligns with council policy on parking.

- Objections raised included loss of light, light pollution, noise & disturbance and quality of accommodation. Concern was raised that the scheme would not result in a satisfactory level of accommodation for future occupiers of the building. Members were advised by neighbouring residents that the design of the buildings would not be suitable for residents as it represents a form of institution which was not ideal for the intended client group. Other concerns included inadequate and inaccurate consultation, overdevelopment of the site and the loss of parking resulting in parking

pressures to neighbouring streets.

- The Project Manager of the scheme informed Members that the building would provide accommodation for adults with a range of support needs. Members were informed that due to accommodation shortages within the borough, the Council has had to place over 130 residents outside the borough and providing a building within the community would provide a place for tenants with family ties. Members were advised that the building has been designed to ensure that tenants having been fully assessed would be able to live independently and still interact with the community.

- The meeting was also informed that accessibility to shops and close proximity to transport modes was welcomed and that Adult Social Services would be responsible for the allocation of rooms in accordance with the standard procedure and it remains in Council ownership in perpetuity.

- Members were advised that the scheme had been revised prior to the formal submission of the planning application, to take into consideration concerns raised by neighbouring residents. The building had been moved further back from the boundary of the residents of Packington Street and the height of the scheme had been reduced to address overlooking concerns. Also the number of units had now been reduced from 14 to 11 with the result that additional facilities such as communal space had been able to be incorporated into the design to meet the request from the client user and Family Carers Reference Group.

- In response to concerns raised by the objector the applicant informed Members that the revised scheme was as a result of extensive consultation with members of the local community and a number of meetings had been facilitated with local residents. Members were advised that resident's input had informed the design process of the proposals and if planning permission was granted, consultation with residents of Packington street would still continue in order to resolve any issues.

- Members acknowledged the pressing demand for this type of accommodation in the borough especially as most of the Council's residents were being accommodated outside the borough. Members noted the arguments around the application of social care policy and discussions on the best solutions of housing people with learning disabilities, however noted that this was not a matter for planning committee as Members of the Committee were guided solely on planning matters and policy.

- Members welcomed Officers reassurances that any provider of the services would have to be registered with the Care Quality Commission.

- Members acknowledged the objectors concerns around sunlight, daylight, density and scale of the scheme, but noted that with any scheme sited within a dense setting, this scheme appears to be a modest application in terms of any breaches such as sunlight/daylight loss and overlooking.

- The Chair noted the sensitivity of this application and that this would require a balancing act between future residents being able to live in appropriate accommodation and possible impact of those that would potentially be affected. Members noted the slight breaches in terms of daylight and sunlight, the overlooking concerns but considered the separation distances of over 18 metres between the scheme and windows of residents in Packington Street as sufficient and that any loss of privacy was minimal.

- Members agreed that in planning terms, the scheme was policy compliant, was set within a community and in close proximity to transport modes, that the design of the building would provide sufficient amenity space for residents it serves and have minimal impact on the amenity of neighbouring residents and benefit the area in terms of its attractiveness.

- A suggestion to include as a condition for a contamination survey to be undertaken to identify whether there were any contaminants on the site which would need to be treated, was agreed.

Councillor Convery proposed a motion to address site contamination issues raised by the Objector. This was seconded by Councillor Picknell and carried.

RESOLVED:

That planning permission be granted subject to the conditions and set out in Appendix 1 of the officer report plus the amendments above and the additional condition outlined above relating to contamination concerns and conditional upon the prior completion of a Directors' Agreement securing the heads of terms as set out in Appendix 1 of the officer report.

The meeting ended at 10.30 pm

CHAIR