

London Borough of Islington

Planning Committee - 2 May 2019

Minutes of the meeting of the Planning Committee held at Council Chamber - Town Hall on 2 May 2019 at 7.30 pm.

Present: Councillors: Klute (Chair), Picknell (Vice-Chair), Convery and Graham

Councillor Martin Klute in the Chair

- 83 INTRODUCTIONS (Item A1)**
Councillor Klute welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.
- 84 APOLOGIES FOR ABSENCE (Item A2)**
Apologies were received from Councillors Kay, Khondoker, Chapman, Spall and Woolf.
- 85 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
Councillors Gill, Poyer and Gantly substituted for Councillors Kay, Khondoker and Woolf respectively.
- 86 DECLARATIONS OF INTEREST (Item A4)**
There were no declarations of interest.
- 87 ORDER OF BUSINESS (Item A5)**
The Chair informed the meeting that although the agenda lists 5 items for consideration, members will receive a single presentation after which each item will be considered on its merit individually by objectors, agent and members.

The order of business would be as per the agenda.
- 88 MINUTES OF PREVIOUS MEETING (Item A6)**
RESOLVED:
That the minutes of the meeting held on 2 April 2019 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 89 FORMER NORTH LONDON MAIL CENTRE, 116-118 UPPER STREET, LONDON , N1 1AA (Item B1)**
Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to vary condition 45 of planning permission ref: P2017/2870/S73. The variation relates to the hours of use of the approved Class D2 Uses (Gym and Cinema).

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(Planning application number: P2018/2463/S73)

In the discussion the following were made:

- The meeting was informed that the report erroneously stated 20 objectors instead of 22 however all the issues raised had been addressed in the report.
- The Planning Officer advised that the proposed variation of hours in this town centre location is supported in policy terms.
- Meeting was advised that no objections had been received by the Council's Public Protection Officer with the proposed variation of hours especially as the units are located in basements which will limit noise breakout.
- In response to questions about the licensing framework hours, the Planning officer advised members that it is Sunday to Thursday, 8.00am to 11.00pm and Friday and Saturday, 8.00am to midnight.
- Objectors were concerned that extending the hours of use for the gym and cinema would impact the amenity of neighbouring residents. In addition objectors were concerned that the proposal is an attempt to circumvent the original permission and concerns still remain on how cinema goers attending late screenings of films would be able to exit the site.
- In addition objectors were concerned about the impact of parking on neighbouring streets, the increasing number of service vehicles and the associated noise generated throughout the day and that there were no adequate controls and safeguards in place to prevent people leaving these premises and using Moon and Studd Street as a thoroughfare.
- Members were advised that with regards to the gym, the proposal seeks an extra opening hour for users going to work earlier while in the case of the cinema, the proposal to extend the closing time was to cater for late film screening after 11pm. Members were advised that these cinemas had 6 small screening rooms and not the normal sized cinema which attract bigger audiences.
- The agent advised that customers will be encouraged to leave via upper street as most of the operators will receive a management plan detailing the requirements placed on all tenants and in particular restaurant staff who will be required to inform customers of the exit routes.
- The agent informed the meeting that in terms of managing security and prevention of anti-social behaviour, there will be a dedicated patrol officer on site to provide directions and a CCTV monitor would be in place to address any concerns. In terms of vehicular access, the meeting was informed that this will be via Studd Street, where bollard and physical security staff will be present in a new gatehouse facility.
- Members noted that with regards to varying the hours of use of any premises or business, this should be within the Council licensing framework hours.
- The chair suggested that an informative be added to the approval stating that, in the Committee's view, 'approved hours' is intended to refer to trading hours, which was agreed

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 informatics set out in Appendix 1 of the officer report and an additional informative outlined above; 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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**FORMER NORTH LONDON MAIL CENTRE, 116-118 UPPER STREET,
LONDON , N1 1AA (Item B2)**

Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to vary condition 6 of planning permission ref: P2016/2471/FUL
The variation relates to the hours of use of the Restaurant/Café (use class A3 unit)

(Planning application number: P2018/2464/S73)

In the discussion the following points were made:

- The meeting was informed that the report erroneously stated 20 objectors instead of 22 however all the issues raised had been addressed in the report.
- The Planning Officer informed members that the description of the item should be amended to read - the variation relates to the hours of operation for the previously approved Class A1/A3 uses).
- The Planning Officer advised that the proposal to vary the hours of operation is supported in planning policy terms and would not result in demonstrable harm owing to the appropriate mechanism in place to safeguard neighbouring amenity. Members were advised that no objections were received from both the Council's Public Protection Officer and Council's licensing officer.
- Members were advised that appropriate mechanisms will be put in place to safeguard neighbouring amenity, in the form of a Night Time Security Management Plan.
- Objectors were concerned that extending the hours of operation would result in an increase in noise levels from the restaurant and café which would impact the amenity of neighbouring residents who live in close proximity to the site. Concerns were raised that the proposed hours is contrary to the Council's licensing hours and would differ from other A3 units and should not be granted as it is setting a precedent.
- In response, the agent informed members that the request for a change of hours was to remove any ambiguity that exists with the wording 'shall not operate' as it is not clear whether this applies to customers. The agent reassured the Committee that the extension was to allow staff sufficient time to open up and close up the restaurant and café.
- With regard to the Council's trading hours and licensing hours and how it related to staff and customers, the planning officer advised members that condition 6 in the report is clear and removes any form of ambiguity as it states that the hours of

operation when business can be opened to members of the public.

- Members were concerned with the proposal the hours of use and that it should align with the licensing framework hours as any attempt to deviate from the consented hours would be contrary to Council policy.
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- Members agreed not to amend the consented hours that was granted in the previous permission and that the reasons be delegated to officers.
- Councillor Klute proposed a motion to refuse planning permission. This was seconded by Councillor Graham 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 refused and the reasons stated above, the wording of which was delegated to officers.

Reasons:

1. Given the location of the unit (G7A) in close proximity to nearby residential occupiers, in particular Studd Street and Moon Street, the proposed extension of hours of operation would result in an unacceptable impact to residential amenity due to noise and disturbance, and as such would constitute an un-neighbourly form of development. The proposal is therefore contrary to policies 4.7 and 7.15 of the London Plan 2016 and Policy CS5 of the Islington Core Strategy 2011 and policies DM4.2 and DM4.3 Of the Islington Development Management Polices 2013.
2. The applicant has failed to provide measures to mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed development (in respect of social and environmental improvements relating to highways, public open space, public realm; local training and employment initiatives; code of construction practice and monitoring; biodiversity; car club provision; car-free scheme, cycle/access path from Studd street to Almeida street; affordable housing; public art). The proposal is therefore contrary to policies 3.12; 3.13; 4.12; 5.3; 5.18; 7.5; 6.13 and 7.19 of the London Plan 2016 and Policies CS5; CS10; CS12; CS13; CS14; CS15 and CS18 of the Islington Core Strategy 2011 and policies DM6.5; DM7.4; DM8.5; DM9.2 of the Islington Development Management Polices 2013.

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**FORMER NORTH LONDON MAIL CENTRE, 116-118 UPPER STREET,
LONDON , N1 1AA (Item B3)**

Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to vary condition 5 of planning permission ref: P2017/2870/S73
The variation relates to the hours of use of the Class A3 Units including G1a and G2a within Block A and G5 within Block B.

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(Planning application number: P2018/2465/S73)

In the discussion the following points were made:

- The meeting was informed that the report erroneously stated 20 objectors instead of 22 however all the issues raised had been addressed in the report.
- The Planning Officer advised that the proposal to vary the hours of operation is supported in planning policy terms and would not result in demonstrable harm owing to the appropriate mechanism in place to safeguard neighbouring amenity. Members were advised that no objections was received from both the Council's Public Protection Officer and Council's licensing officer.
- Objectors were concerned that extending the hours of operation would result in an increase in noise levels from the restaurant and café which would impact the amenity of neighbouring residents who live in close proximity to the site. Committee was informed that the proposal is contrary to the Council's licensing hours and would differ from similar A3 units in the area.
- In response to concerns about the level of noise from customers of the café and restaurant, the agent reminded committee of the prior use of the site which involved heavy Royal mail vehicles regularly moving in and out of the site all day long and that the proposal meets council policy by providing a mixed development of housing and light employment businesses. The acknowledged that there will be activity in and around the site, the level of noise from the scheme would not be comparable to the previous activity.
- Members reiterated that in terms of varying the hours of use of any premises or business, that the operating hours should be within the Council licensing framework hours.

The chair suggested that an informative be added to the approval stating that, in the Committee's view, 'approved hours' is intended to refer to trading hours, which was agreed

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 informatics set out in Appendix 1 of the officer report and an additional informative outlined above; 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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FORMER ROYAL MAIL SORTING OFFICE 5-6 ALMEDIA STREET AND 128 & 130 UPPER STREET N1 1AE (Item B4)

Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to vary condition 23 of planning permission ref: P2017/2866/S73. The variation relates to the hours of use and servicing times of Class A1 (Retail) Units and flexible use Class A1/A3 (Retail/Cafe-Restaurant) Units of the Mitre PH.

(Planning application number: P2018/2462/S73)

The applicant informed the meeting that the above item is to be withdrawn from consideration.

RESOLVED:

It was noted that the item has been withdrawn by the agent on behalf of the applicant.

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**ROYAL MAIL SORTING OFFICE 5-6 ALMEDIA STREET AND 128 & 130
UPPER STREET LONDON N1 1AE (Item B5)**

Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to vary condition 44 of planning permission ref: P2017/2866/S73

The variation relates to the hours of use allowing extended hours of use of approved Class D2 Use (Gym).

(Planning application number: P2018/2466/S73)

In the discussion the following points were made:

- The meeting was informed that the report erroneously stated 20 objectors instead of 22 however all the issues raised had been addressed in the report..
- The Planning Officer informed Members that the gym is located 2 stories below ground level in the lower basement, so the proposal to vary the hours would not result in additional noise levels, nor would it give rise to any detrimental disturbance to neighbouring residents.
- Members were advised that the proposal is acceptable and in accordance with relevant policy.
- Objectors were concerned that the proposal to extend the proposed hours of use of the gym would impact the amenity of neighbouring residents and the application was an attempt to circumvent the original permission.
- In response the agent reminded Members that the application remained the same, a D2 use and the proposal to vary the opening hours would be specific to the opening hours to cater for users who want to use the gym earlier before going to work and did not include any request to extend the closing hours. The agent advised that the proposal would have minimal impact on the residents and their amenity as most users were likely to be residents of the Islington Square development.
- Members noted that in terms of varying the hours of use of any premises or businesses, the operating hours should be within the Council licensing framework hours.
- The chair suggested that an informative be added to the approval stating that, in the Committee's view, 'approved hours' is intended to refer to trading hours, which was agreed

RESOLVED:

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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 an additional informative outlined above; 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

The meeting ended at 9.25 pm

CHAIR