

London Borough of Islington

Planning Committee - 18 May 2020

Minutes of the meeting of the virtual Planning Committee held on 18 May 2020 at 7.30 p.m.

Present: **Councillors:** Klute (Chair), Kay (Vice-Chair), Picknell (Vice-Chair), Mackmurdie, Clarke, Convery, Poyser and Woolf
Also Present: **Councillors:** Nathan

Councillor Martin Klute in the Chair

167 INTRODUCTIONS (Item A1)

Councillor Klute welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.

168 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillors Graham and Spall

169 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members

170 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest

171 ORDER OF BUSINESS (Item A5)

The order of business would be as per the agenda

172 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 23 April 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

173 139 - 149 FONTHILL ROAD, LONDON, N4 3HF (Item B1)

Refurbishment and extension of the building to include the erection of a single-storey fourth floor roof extension and a two storey rear extension to the front part of the building and a two storey roof extension to the rear part of the building to provide retail (Use Class A1) floorspace, business floorspace, (Use Class B1 and B8) and flexible floorspace (Use Classes A2/B1/D1/D2) together with 4 no. residential dwellings (Use Class C3) and creation of roof terraces. Basement excavation to

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increase the depth and extent of the existing basement. Demolition of existing chimney and rebuilding and enlargement of existing tower. Alterations to front elevation including new shopfronts and associated works.

It was noted that a previous application had gone to appeal

(Planning application number: P2019/2563/FUL)

In the discussion the following points were made:

- The Planning Officer informed members that this was a resubmission following an application that was refused in January 2018 and was subsequently dismissed on appeal in February 2018.
- Members were advised that condition 22 had been included in the planning permission which removes the additional windows from the rear of the site.
- The Planning Officer informed the meeting that the proposed extensions, alterations and additions to the existing building would result in improvements to its overall appearance.
- With regards the appeal decision, the Planning officer reminded the meeting, that the latest scheme proposes the same built form as the appeal scheme, however the 5 single aspect residential units have been removed and are replaced with B1 office floorspace.
- The Planning Officer informed the meeting that the scheme has addressed the sole reason for the dismissal of the appeal through the removal of the proposed single aspect residential units at fourth floor level which have been replaced with additional B1 floorspace, whilst the built form matches the appeal scheme.
- In response to concern as noted in the report that only £9881 was being paid by the applicant when the contribution as stated in Council policy, it should be a contribution of £200000, the Planning Officer stated that the Council's Viability Team had reviewed the independent viability appraisal, and agreed with its conclusions that the scheme is not able to provide the full contribution towards off site affordable housing, and therefore in this instance a contribution towards off site provision of affordable housing via a S106 agreement would be the most appropriate response.
- In addition, the Planning Officer highlighted the conclusion of the Independent viability appraisal which stated that the scheme could only support the provision of 80 sq. metres of floorspace for a period of 5 years rather than the required 10 years, as required by the policy. The scheme had been tested through the viability appraisal, and as a result this provision is not considered to be in conflict with the aims of the policy.
- In response to a question about the A1 use, the applicant assured the committee that the specialist retail area would be protected in relation to the new provision.
- The Planning Officer informed the meeting that the application secures on site Affordable workspace, affordable housing contribution, façade enhancements such as new shopfronts and the reinstatement of the tower which aims to improve the appearance of the locally listed building. This is to be secured by planning obligation.

- The Planning Officer reminded members that the planning benefits from the scheme offset the minor net loss of retail floorspace which is restricted by the site's constraints and improvements to access and common spaces, and the minimal impacts on daylight, limited to a small number of neighbouring residential properties.
- Members welcomed the retention of the A1 use at ground floor with improvements to layouts, access and frontages.

Councillor Klute proposed a motion to grant planning permission recommendations. This was seconded by Councillor Kay and carried.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations at this meeting, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and conditional upon the prior completion of a Section 106 agreement of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1

174

EDWARD RUDOLPH HOUSE, 69-85 MARGERY STREET, LONDON, WC1X 0JL (Item B2)

Demolition of the existing building and construction of a 5 storey building (plus roof top plant enclosure and further basement excavation to the existing basement/lower ground level), to provide for a total of 5,660sqm (GIA) of office floorspace (Use Class B1a), along with a new substation, cycle parking and changing facilities, refuse and recycling storage, hard and soft landscaping, and associated works.

(Planning application number: P2019/3464/FUL)

The Chair informed the meeting that given the number of objectors to the application he would allow 5 speakers, in addition to considering the written submission and a submission from Councillor Nathan.

In the discussion the following points were made:

- The Planning Officer informed the meeting that the scheme had been revised, in order to take account of comments of the Design Review Panel and objections from residents.
- Following consideration of the report of the Planning Officer, discussion took place on the issues of loss of daylight/sunlight, mirror massing, design/height of the new building, the brick colour of the new scheme not being in keeping with the area, and the lack of adequate consultation with residents.
- The Planning Officer stated that the scheme had been revised to take account of the Design Review Panel comments in respect of the height of the

building, and it was felt that whilst some properties would face a loss of light, the retained light would be acceptable.

- With regard to the issue of mirror massing, the Planning Officer stated that it given the scheme is within an urban area, that the existing building is low level type, the loss of light is not seen as a major transgression.
- On concerns about the use of the roof terrace, the Planning Officer referred to condition 7, that the hours of use has been amended to reflect that the roof terraces could only be used between the hours of 8.00 a.m. – 6.00 p.m.
- In response to a question about the consultation process, it was stated that this had not been possible at pre-application stage due to confidentiality issues, however there had been consultation following this with residents.
- An objector referred to the loss of light to properties in Yardley Street and these properties were situated close to the new development and that it was felt that the loss of light contravened the guidelines. In addition, it was stated that the building was too high, and if appropriate consultation had taken place a number of the objectors concerns could have been addressed. He added that the proposed changes would be significant to residents.
- Concerns were raised with regard to the loss of light to both Bagnigge and St.Anne's House particularly on the ground floors, and that there had been no provision for the Railtrack and TfL implications on the development. The development is adjacent to a conservation area, and to a number of residential buildings, and the fire escape provision was questioned.
- An objector stated that she was a resident of St.Anne's House and the proposal for a roof terrace would particularly affect the living rooms of families who rely on natural light. The height and scale of the building was in her view unacceptable. Plants in dwellings be impacted by loss of light from the proposal. In addition, she stated that the proposed development in grey brick was not in line with the other properties in the area, which were mainly red brick.
- Reference was made to the objections from the Amwell Society, Mount Pleasant Forum and the Margery Street Tenants and Residents Association and that it was felt that the grey brick was incongruous to the area, and that whilst the development was an improvement on the existing site this did not mean that it was an acceptable development.
- Concern was raised with regard to the cube being proposed on the corner of Yardley Street as not visually acceptable for pedestrians, cyclists and motorists especially as they would be viewing a grey brick wall. Also the loss of daylight/sunlight to properties is not acceptable. The Objector was concerned that in some instances, the scheme would result in a loss of light of 30% to many properties and 40% in some cases, which could have been avoided if residents had been consulted at an earlier stage so that they could work with developers on these issues to provide a more acceptable development.
- An objector stated that she lived in Attneave Street and that she was concerned by the proposed demolition of the boundary wall and expressed concern at the loss of light due to the height of the building, as this would affect the main living rooms of residents and their view.

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- Councillor Nathan expressed the view that it was clear that residents were not satisfied with the consultation process and the development was not sympathetic to the area in his view. Councillor Nathan enquired whether the pandemic would result in the development not being fully occupied.
- In response to objections raised, the agent for the applicant responded that he was not aware of any sales at the moment, however this was a high quality development and presently could not respond as to whether the pandemic would have an effect on sales.
- The agent for the applicant stated that there had been a number of meetings with Planning officers and 4 meetings with the Design Review Panel, and the development had evolved as a result of these discussions. In addition the agent acknowledged the objections from the Design and Conservation officer in relation to the impact on listed buildings in the area, however it was felt that this was a high quality development from a high quality architect, and that the scheme also provided significant improvements to the public realm.
- On the issue of massing, the agent added that the development ranged from 2-5 metres high, which is due to the gradient of Margery Street. In addition the agent indicated that the choice of brick and the range of materials being proposed complemented the area.
- On the issue of amenity, the agent added that the proposal would not have been submitted to the Committee if it was felt that the daylight/sunlight issue had not been resolved satisfactorily, and the necessary guidelines had not been met.
- In terms of 'overlooking' concerns, the agent indicated that this was an improvement of the previous scheme, that would result in an improvement for the environment of residents. It was added that refurbishment of the existing site had been considered, however it had been considered that demolition was more appropriate.
- The agent added that in respect of the point raised relating to Railtrack and TfL discussions had taken place and there no concerns had been raised.
- In response to the concerns about consultation process, it was stated that a public meeting with the community had taken place in December 2019, and feedback had been 'taken on board', and the redesign of the scheme had taken account of these. The site of the development was one that tended to design itself, and it was felt to be a high class quality development.
- In relation to the point raised in relation to fire escapes, it was stated that a fire safety expert had been consulted and fire safety measures complies with building regulations.
- Meeting was informed that 1184 residents were leafletted in addition to local Ward Councillors, and 313 residents had been consulted as part of the formal consultation, and that 30 representations had been received. The agent stated that he felt that appropriate consultation had been carried out and copies of the application were also available on the Planning portal 'on line'. It was accepted that part of the consultation had taken place over the Xmas period, however this reflected the timing of submission of the planning application. The agent stated that he felt that efforts had been made to consult local residents.

- In response to a question on design, the agent stated that adjustments had been made to the height of the building as much as possible, and part of the building had been built into the ground, and ceiling height had been reduced. The development had been designed in an urban context and it was felt to be acceptable in the location, and had been amended in the light of comments from the Design Review Panel.
- A Member expressed the view that there had been a number of concerns raised by residents and that these needed to be considered sufficiently.
- A Member stated that the arguments on both sides were finely balanced, however she was concerned about loss of daylight/sunlight issues and the development not being sympathetic to the surrounding area.
- A Member stated that whilst appreciating that the proposed development was an improvement on the existing building, there are still concerns about the grey brick being proposed, the daylight/sunlight issues, insisting that guidelines on light should be strictly adhered to. Members were advised that there were substantial light loss issues at the rear of the properties in Attneave Street, and added that he did not consider the use of mirror massing was acceptable. In addition, he felt that the consultation process had not been satisfactory.
- Members generally were of the view that there could be a more acceptable development proposed that would be more amenable to residents.
- A suggestion that the item be deferred in order for the applicant to address the issues of concern relating to daylight/sunlight issues, the grey brick/height of the development and that there should be better consultation undertaken with residents, particularly in relation to defined resident groups who had raised objections.

Councillor Kay proposed a motion to defer the application,. This was seconded by Councillor Poyser and carried unanimously

RESOLVED:

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

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SITE OF FORMER HARVIST UNDER FIVES NURSERY, HORNSEY ROAD, LONDON N7 7NN (Item B3)

Erection of a new building, up to 5 storeys in height, to provide 29 flats, together with associated amenity space and detached refuse store. Departure from the Development Plan.

(Planning application number: P2018/4131/FUL)

It was noted that a previous application had been submitted to appeal, which had been dismissed in 2018

In the discussion the following points were made:

- The Planning Officer highlighted some changes to be made with regards to paragraph 10.54 line 6 which needs to be deleted. The Council's viability officers do not agree with the scale of deficit suggested by the applicant, but advise that even with the omission of the nursery the scheme would be viable.
- Members were advised that the improved offer of 52% affordable housing and in particular the 73% social rent tenure, are considered to be acceptable in policy terms .
- The Planning Officer informed the meeting that the scheme proposes a new building and this provides an opportunity to enhance the existing estate with good quality amenity and open space.
- In terms of design, meeting was advised that the present scheme has evolved as a result of the previous appeal, Design Review Panel and pre-application advice.
- On the issue of amenity, the meeting was informed that the proposal is not considered to have an unacceptable impact on neighbouring amenity in terms of daylight, sunlight, outlook, privacy, noise and disturbance or an increased sense of enclosure subject to condition.
- The Planning Officer informed the meeting that the provision of new housing and the redevelopment of a site which has been left in a state of disrepair for a long time is to be welcomed.

Councillor Klute proposed a motion to grant Planning Permission. This was seconded by Councillor Kay and carried unanimously

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections, 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.

The meeting ended at 10.20 p.m.

CHAIR