



PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department
 PO Box 333
 222 Upper Street
 LONDON N1 1YA

PLANNING COMMITTEE		
Date:	20 September 2014	NON-EXEMPT

Application number	P2014/1017/FUL
Application type	Full Planning Application
Ward	Barnsbury
Listed building	Not Applicable
Conservation area	Not Applicable
Development Plan Context	<ul style="list-style-type: none"> - Employment Growth Area - King's Cross and Pentonville Road Key Area (Core Strategy CS6) - Not located within the Central Activities Zone (CAZ) - Within 200metres of RS2 Crossrail 2 - RS2 Crossrail 2 (Hackney-SW) safeguarding - CPZ Area - Site within 100m of a TLRN Road - LV7 Local view from Dartmouth Park Hill - Within 50m of New River Conservation Area - Within 50m of Chapel Market/Baron Street Conservation Area - KC1 Pentonville Road, Rodney Street and Cynthia Street
Licensing Implications	None
Site Address	130-154, 154A, Pentonville Road, (including, 5A Cynthia Street, 3-5, Cynthia Street, 2, Rodney Street), Islington, London, N1 9JE
Proposal	Comprehensive redevelopment of the site to provide for a mixed use development consisting of 3,879sq m (GIA) of a Car Hire Facility (sui generis use class) comprising of offices and 150 parking spaces and 873sq m (GIA) of office (B1 use class) floor space and 118 residential units (C3 use class), along with

	associated communal amenity space, children's play space, landscaping, cycle spaces, refuse storage. The building would consist of the following storey heights: - Rodney Street: part 5 and part 7 storeys;- corner of Rodney and Pentonville Road: 10 storeys;- Pentonville Road: part 5, part 6 and part 7 storey's with a set back floors at 8th and 6th floor levels; and- Cynthia Street: 4 storeys with a set back 5th.
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Case Officer	John Kaimakamis
Applicant	Groveworld Rodney Street Ltd
Agent	Savills

1. **RECOMMENDATION**

The Committee is asked to resolve to **GRANT** planning permission:

1. subject to the conditions set out in Appendix 1;
2. conditional upon 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
- 3 subject to 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

2. BACKGROUND

2.1 This application was presented to the Planning Committee on 22 July 2014 with an officers' recommendation for approval. However, the Planning Committee resolved to refuse the application on the grounds that the proposal failed to intensify employment uses of the site and that there were issues with the financial viability appraisal. Detailed wording on the reasons was delegated to officers (see draft minutes of that meeting attached as **Appendix 1**). Officers have brought the proposal back to the Committee for further consideration as there is a concern that the proposed reasons for refusal were not matters pursued by the Council when it made its decision on an earlier application on the site for broadly the same proposal. This decision subsequently went to appeal and the appeal was dismissed.

2.2 The report to Committee on 22 July 2014 did not make it sufficiently clear that the employment offer (including both office floorspace and Europcar floorspace) has not changed between this application and the appeal application. Similarly there has been no change in material circumstances and no change in the policy situation which would lead members to take a contrary view on the same offer. The appeal decision should act as a material consideration in the determination of this application as, although it found that the scheme was lacking in providing good standard of amenity, it did nonetheless give clear agreement to the other matters.

2.3 The matters in relation to affordable housing/viability and the employment offer were fully considered within the previous appeal and were accepted by the Inspector as being reasonable. In paragraph 72-73 of the appeal decision it is stated,

"Although the scheme is residential rather than employment led, it would provide for the transformation of an underused car rental business that would increase employment on the site from some 69 jobs to 121 jobs. The scheme was supported by a viability study. The Framework identifies that policies should avoid the long term protection of employment sites where there is no reasonable prospect of them being used for those purposes."

2.4 The Inspector refused planning permission in respect of the appeal scheme for amenity issues alone. The overall planning balance was summed up in paragraph 76 of the appeal decision:

"There are substantial benefits of the scheme in respect of the character and appearance of the area and the positive provisions in respect of housing and employment creation. Nevertheless these do not outweigh the substantial harm that I have identified in respect of the effects on the living conditions of the occupiers of adjacent residential properties in respect of daylight and sunlight, for residents in Hill House. For the reasons given above, I conclude that the appeal should be dismissed."

Having considered the council's previous position in relation to the appeal and the Inspector's decision the council sought legal advice on this matter. This advice is reported in the exempt part on the Agenda

3. SUMMARY AND CONCLUSION

Summary

In the previous appeal proposal, the Inspector accepted that the appeal scheme provided substantial benefits in terms of housing and employment creation. It has been clarified since the proposal was last presented to members on 22nd July 2014 that the current application proposes the same level of affordable housing and employment provision as that contained within the appeal scheme. The appeal decision and the issues that were agreed as being acceptable must act as a material consideration in determination of this application. There has been no change in policy context nor in material circumstances that could now lead members to take a differing view. The Committee is therefore asked to consider the legal advice reported in the exempt part of the agenda .

Conclusion

It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 – RECOMMENDATIONS of the original report (attached as Appendix 1 to this report).

Appendix 1: Committee report as presented on 22nd July 2014