

London Borough of Islington

Planning Committee - 21 July 2020

Minutes of the virtual meeting of the Planning Committee held on 21 July 2020 at 7.30 pm.

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

Councillor Martin Klute in the Chair

185 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.

186 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillors Graham and Spall.

187 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

188 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

189 ORDER OF BUSINESS (Item A5)

The order of business would be as per the agenda.

190 MINUTES OF PREVIOUS MEETING (Item A6)

Meeting was informed that the sentence on page 8 of the Minutes which reads - "The Council's legal officer highlighted that a risk in any further appeal would be that setting aside the Inspectors views relating to the acceptability of sunlight daylight impacts could be construed as unreasonable behaviour." – be deleted from the minutes due to an error by the clerk.

RESOLVED:

That subject to the deletion of the paragraph noted above, the minutes of the meeting held on 23 June be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

191 10-18 REGENTS WHARF, ALL SAINTS STREET, LONDON N1 9RL (Item B1)

Redevelopment of the site at 10 - 18 All Saints Street including the refurbishment and extension of 10-12 All Saints Street (including part roof extension and installation of rooftop plant and enclosure) to provide additional Class B1 business

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floor space with ancillary flexible Class A1/A3 (retail/restaurant) and flexible Class A1/B1/D1 (retail/office/non-residential institutions); demolition of 14, 16 and 18 All Saints Street and erection of a part 5 (ground plus 4) and part 6 (ground plus 5) storey building with basement and rooftop plant and enclosures providing Class B1 office floor space and flexible Class A1/A3/B1/D1/D2 (retail/restaurant & cafe/business/non-residential institutions/assembly & leisure) floor space at ground floor; and associated hard and soft landscaping.

(Planning application number: P2019/3481/FUL)

Councillor Mackmurdie left the meeting during consideration of this item and therefore did not take part in the discussion or vote on this item

In the discussion the following points were made:

- The Planning Officer reminded the meeting that the item was deferred for the applicant to address a number of concerns as set out at the conclusion of discussions at the previous meeting:
 - There was a general concern about scale and massing and in particular that the visual impact of plant proposed on the roof should be further mitigated.
 - There was a concern about the visual "balance" between the locally listed building 10a, and new elements of the development at 14 All Saints Street. The dark colouration of material on the central element of the new building on All Saints Street was considered to relate poorly to building 10a.
 - Members sought a better explanation as to why a hybrid energy solution involving the canal wouldn't be workable.
 - Members were concerned that noise and disturbance from the operation of plant and some of the commercial uses (café's restaurants etc) would adversely impact on the amenity of nearby residents.
 - Light pollution plan associated with the proposal would adversely impact on biodiversity and residential amenity.
- Meeting was also informed that applicant was requested to explore the possible use of hybrid energy solution involving the canal, address the noise and disturbance from the operation of plant and some of the commercial uses (café's restaurants etc) as it will impact the amenity of nearby residents and for the applicant to consider its light pollution plan.
- The Planning Officer informed Members that a second despatch was published which captured the various submissions raised by the objectors since the agenda was published one of which was the failure to re consult on the revised plan and a letter from Emily Thornbury MP. Members were reminded that due to the nature of revisions, all of which resulted in a reduction of the impact of the development, there was no requirement for there to be a further consultation.

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- Meeting was advised that 8 further objections had been received reiterating concerns originally raised and addressed in the report. The Planning Officer reassured Members that amenity concerns had not been ignored, but had been taken into consideration during deliberations at the meeting of 23 June.
- On the issue about the proliferation of plant enclosures with differing heights across the scheme, the Planning Officer advised Members that the revised plans show that the enclosures have been consolidated and their height and bulk have been reduced. In addition, the Planning Officer indicated that with regards to scale and massing and visual impact of roof top plant, a number of reductions to the bulk and mass of building have been made since the 23 of June meeting, specifically removal of lift over-runs, made possible by reducing the performance of the passenger lifts.
- Members were advised that the roof plant now falls behind the parapet of the retained canal side building which is considered to meaningfully reduce the visual impact in key views of the site.
- Meeting was advised that the design and materiality of the roof top enclosures had been revised under the newly submitted drawings, that the roof enclosures will now be cladded in a simplified light grey standing seam metal material which has the benefit of being slightly more visually recessive, allowing the historic buildings to remain the features of interest in views of the development.
- The Planning Officer reiterated that Officers consider the current changes to be a further enhancement over the scheme considered on 23 June 2020 and a significant enhancement over the appeal scheme.
- With regards to concerns about the visual "balance" between the locally listed building 10a, and new elements of the development at 14 All Saints Street, the Planning Officer advised that revisions have been made to the scheme to better integrate the new building and building 10a when viewed from all Saints Street, that the colour of the anodised aluminium panels has now been reconsidered and revised to a mid-grey that echoes the tones of the roof extension of the building at 6 – 8 All Saints Street and has a softer relationship with the locally listed building at 10a. Members were advised that the lighter colour is less visually dominating, and prevents the locally listed building at 10a from being visually overwhelmed, reducing the impact to the locally listed building and conservation area and that Officers consider the current changes to be an enhancement over the scheme considered on 23 June 2020 and a significant enhancement over the appeal scheme.
- On the suggestion for possible use of a hybrid energy solution involving the canal in addition to air source heat pumps, the meeting was informed that the Canal and River Trust (CRT) as the Trust has concerns that it may impact the canal's ecology, and that some kind of pumping system would be required in addition to increase the water flow in this section of the canal.

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Also Members were informed that no guarantee was received from CRT that the canal would always be filled with water, a difficulty for the applicant as a separate energy backup system would be required in the event the canal water is not useable due to its maintenance and dredging activities. In addition, Members were advised that there is no policy requirement to use the canal and that the proposed solution of using air source heat pumps is policy compliant.

- With regards to noise and disturbance from the use of the gate and plant/equipment, the Planning Officer advised that this would be controlled via recommended planning conditions 9, 12, 17 and 43 and in the case of operation of uses such as the café and outdoor area, this would be controlled via recommended planning conditions 11, 32, 33, 34. The officer confirmed that it is customary for the Council to deal with issues of this sort via the mechanism of planning conditions.
- The Planning Officer informed the meeting of recent information received from the applicant of their proposal to remove from the scheme the restaurant use and replace it with B1 office space, had been noted and that this change is acceptable in principle. Meeting was informed that officers had no objection to a change in use as the loss of a restaurant will have a positive impact on neighbouring amenity. This proposal was unanimously welcomed by the committee.
- Members were reminded that if the committee was minded to agree the proposed change, this would require a change in the description, and hence a re-consultation on this one point, prior to any permission being granted. Following consultation the decision would be delegated to planning officers, in conjunction with the legal officer and the Chair.
- On the issue of light pollution, conditions 29 and 30 have been recommended to secure a lighting mitigation plan outlining a curfew time for all internal and external lights on automatic turn off, external lights on motion sensor, screening on windows to prevent light spill.
- With regard to sunlight and daylight impact, the Planning Officer reminded members that although not a reason for deferral, it is important to note that sunlight/daylight impacts were considered by the Planning Inspector at appeal as "harmful" but "not unacceptable". It was highlighted that notwithstanding the Inspector's view, the current scheme delivers significant improvements in terms of sunlight and daylight impact over the appeal scheme. The applicant also asserted that the amendments to the scheme since deferral had delivered further minor improvements to sunlight and daylight impact, bringing a further 7 windows into compliance with BRE recommendations, although these improvements were not formally quantified and presented to the committee as the applicant indicated that since it was not a reason for the scheme's deferral, it was not viewed as a requirement, however the latest improvement in mitigating transgressions

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could be forwarded to planning officers.

- The Planning Officer reiterated a number of planning benefits from the scheme for example, new office spaces, the use of the canal during construction activities thereby removing some heavy construction vehicles and associated traffic from the roads, affordable workspace, financial contributions towards offsetting projected residual CO2 emissions from the development.
- A condition to safeguard the proposed office space and preventing the applicant subsequently introducing a café or restaurant into the space in the future was proposed and seconded.
- Objections raised centred on issues such as lack of consultation with the revised scheme, the failure of the applicant to address the alternative heating options, disregarding design officers views about the scheme and amenity concerns . Resident welcomed the latest suggestion to remove the restaurant, however was concerned that noise from users of the 12 balconies had not been addressed . There was also concerns about the scale and massing of the scheme as it not been sufficiently addressed. Concern was also raised with the speed of the revised scheme being brought back to committee.
- A resident was concerned that the present scheme was being compared with the appeal scheme which in itself lacks merit and also that concerns regarding the plant on the roof had not been addressed especially with it's visual impact on the conservation areas.
- In response, the agent informed the meeting that the revised application had taken on board comments from residents, businesses and members. The agent highlighted the amendments made to the scheme for example the reduction of some of the height level of the plants of those left on the roof and efforts had been made to secure a design that will mitigate some of the visual impact .
- The agent acknowledged Planning Officers comments about replacing the restaurant use with office space as it also addresses objectors' concerns about noise levels.
- Finally the agent reiterated the benefits from the scheme, noting its impact in boosting the local economy by providing jobs, the affordable workspace, reducing the carbon emissions, use of the canal during construction therefore removing 1,000 constructions from plying on the road.
- In response to concerns of visible plants on the roof, the agent reminded members that some plants and equipment had been relocated to the basement, the need to comply with BSO standards, indicating that nothing

more could be done on this issue as the building needs to be efficient.

- During deliberation, the Chair reminded members to address the reasons for deferral and representations received, noting the work carried out with regards to the scale and massing of the scheme and the Planning Inspectors report regarding the sunlight and daylight loss. On the issue of materiality, meeting was advised that the suggested material is less oppressive and the change of use from restaurant to office space subject to some technical changes will address amenity concerns.
- A member acknowledged efforts to mitigate the scale and massing of the scheme, the constraints of the Planning Inspectors report, the objectors constructive involvement throughout the process, noting that their contribution has resulted in improvements to the scheme and welcomed the removal of the restaurant.
- A member acknowledged the reduction in the roof line, a recognition that this is an old industrial building by the canal and the appropriateness of the plant on the roof.
- On the issue of further consultation, the Chair reiterated that this consultation would be specific to the change in description and would not relate to the rest of the application.
- Members agreed that the exact wording of the revised recommendation be delegated to the Planning Officer and the Chair.

Councillor Clarke proposed a motion to grant planning permission subject to including a condition which safeguards the office space. This was seconded by Councillor Klute and carried.

RESOLVED:

1. That planning permission should be granted with the revised description of development removing reference to the purely A1/A3 space and replacing it with: Redevelopment of the site at 10 - 18 All Saints Street including the refurbishment and extension of 10-12 All Saints Street (including part roof extension and installation of rooftop plant and enclosure) to provide additional Class B1 business floor space and flexible Class A1/B1/D1 (retail/office/non-residential institutions) ground floor of 10a, All Saints Street elevation; demolition of 14, 16 and 18 All Saints Street and erection of a part 5 (ground plus 4) and part 6 (ground plus 5) storey building with basement and rooftop plant and enclosures providing Class B1 office floor space and flexible Class A1/A3/B1/D1/D2 (retail/restaurant & cafe/business/non-residential institutions/assembly & leisure) floor space at ground floor, All Saints Street elevation; and associated hard and soft landscaping.

Subject to:

- (i) the conditions set out in Appendix 1 [as amended by the second dispatches and to remove any conditions made redundant through the change to office space and to include a condition to prevent the introduction of ancillary restaurants/bars into the newly created office space]; and
- (ii) 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 [as amended]

Subject only to consideration of (i) and (ii) below

2. That the final decision (including any additional conditions or S106 obligations that are needed) to be delegated to the Director of Planning and Development (in conjunction with the Chair of the Planning Committee, and subject to consideration of:

- (i) updates to all the relevant planning application documents in respect of the amended description of development; and
- (ii) the outcome of consultation with all relevant stakeholders and residents in respect of the amended description of development.

192 EDWARD RUDOLF HOUSE, 69-85 MARGERY STREET, ISLINGTON 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)

In the discussion the following points were made:

- The Planning Officer reminded the meeting that the application was presented at the Planning Committee meeting on 18 May 2020 where the item was deferred in order for the applicant to address issues relating to daylight/sunlight, the grey brick, the height, scale and massing of the development and the request for a better consultation to be carried out particularly with resident groups to address their concerns.
- Members were advised that the Applicant had submitted additional supporting documents, however it should be noted that the scheme has not been amended in regards to the built form such as bulk, massing and height.
- On the issue of daylight and sunlight concerns, the meeting was advised that the applicant had submitted a document which included visualisations of the existing and proposed buildings, the mirror imaging exercise undertaken and a BRE compliant cutback scheme, and providing an overall summary of the

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daylight, sunlight and overshadowing impacts to neighbouring properties.

- An addendum report has been published and a further 4 objections have been received raising similar issues as noted in the report.
- The Planning Officer reiterated that these further representations include similar concerns that were raised when the item was considered at the last meeting, that the proposed development would cause harm to the amenity of neighbouring residential properties, specifically to sunlight/daylight.
- Members were advised that on balance the harm to neighbouring amenity weighs against the scheme, however it is important to recognise the urban context in which the site is set and that some amount of impact is almost unavoidable in situations where buildings are close together.
- Members were also reminded to note that the existing building is much lower than existing buildings on the opposite side of Margery Street as evident in the mirror massing exercise which was undertaken by the applicant using alternate targets (a methodology allowed by the BRE guidance) and acknowledging this would be within or very close to the BRE guidance. Members were informed that the units currently receive very high levels of light (more than would be usual in such a dense urban area), this is evident with all windows which face the site (except for Sherston Court) achieving a retained value of at least 18% in regards to Vertical Sky Component.
- The Planning Officer acknowledged that in many cases, dwellings with rooms or windows impacted, these units also have other rooms and windows which will not be impacted. Some units are dual aspect and the main living areas face away from the application site, and this means the impacts will cause less of an issue for those units. Officers consider that there are circumstances in this case which mean that the weight afforded to this impact is moderated.
- Meeting was informed that in terms of the materiality concerns, the applicant has proposed an alternative brick colour of yellow brick instead of the warm grey.
- A Bagnigge House resident was concerned about the lack of sunlight to his and other residents dwellings, queried the information and figures reported in the tables as erroneous, especially as makes reference to nonexisting bedrooms on the ground floor. The resident also queried why consultation was not carried out, the impact of the height of the building as it limits light into residents living room and that that the building is not compatible with neighbouring buildings, requesting that the plant room on the roof should be in the basement. Objector enquired why the amended plan did not show any fire escape and was concerned with dust from the railway ventilation shaft especially on the health of neighbouring residents.

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- Another objector representing Margery Street Tenants and Resident Associated was concerned that applicant had not addressed the issues for which the item was deferred, except provide drawings that shows what needs to be done to address the loss of daylight and sunlight. The objector insisted that some residents would experience a loss of over 20% in daylight and sunlight and was particularly concerned with vulnerable residents. The resident queried whether permission had been granted from British Railway as it was their land.
- Another objector was concerned about being provided with the wrong date to respond to the revised plans. Issues raised included noise as a result of construction activities, the length of demolition activities and that worrying for most neighbouring residents was that residents would have resort to the use of artificial lighting as the scheme would result in loss of daylight. Objector was concerned with the height of the development, describing it as oppressive to residents and that the area has no demand for office spaces especially as there are lots of empty office spaces.
- In response, the agent reminded members that the proposal is considered to have responded to the comments raised by the DRP on issues such as scale, height and massing, detailed design and that it has been designed and revised to mitigate the impact upon neighbouring amenity and nearby heritage assets.
- The agent informed members that since the last meeting, the application has proposed a yellow colour instead of the warm grey colour, however acknowledging that nothing has been done with regards to the height of the scheme, explaining the mirror massing of assessing the loss of daylight and sunlight, and reminding members that in understanding BRE transgression it is important that the scheme be viewed as a site within a built up area.
- On the issue of consultation, the agent informed members that consultation was undertaken, an exhibition was held, leafletting occurred to neighbouring homes and ward councillors were written to.
- The agent reiterated the planning benefits from the scheme as stated in the report, the increase in work office space; affordable work space; financial contribution towards employment and training for local residents; and improvement in the public realm.
- During deliberation, the Chair acknowledged his disappointment that the BRE mirroring massing presentation provided by the applicant demonstrated the extent to which the building would have to be cut back in order to make all existing windows BRE compliant, whereas the essence of the reason for the item being deferred was not to achieve full BRE compliance, but to make some improvements over the proposal previously presented.

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- A member was concerned that the only difference from when the item was deferred, was the revised colour change to the scheme and did not think a deferral would help as issues of loss of daylight and sense of enclosure had not been addressed, suggesting a refusal.
- The Chair suggested that the scheme was not acceptable due not only to concerns about daylight and sunlight loss but also other factors such as the design and appearance, impact on neighbouring heritage assets, and amenity impacts.
- Committee agreed to delegate the exact reasons for refusal to planning officers and the Chair.

Councillor Poyser proposed a motion to refuse planning permission. This was seconded by Councillor Mackmurdie and carried.

RESOLVED:

That planning permission be refused for the reasons set below , the wording of which was delegated to officers in conjunction with the chair.

REASONS:

1. DESIGN:

The proposed development, by virtue of its design and in particular the horizontal emphasis of the street facing elevation, and including the materiality, cube entrance, height, bulk and scale result in a building which fails to respond to the local context, appears overly dominant in the street scene and would be an incongruous and visually intrusive form of development. The proposed development is considered to be detrimental to the character and appearance of the street scene and harmful to the visual amenity of adjoining sites and the public realm and contrary to London Plan (2016) policies 7.4 and 7.6, Islington's Core Strategy (2011) policy CS9, Islington's Development Management Policies (2013) policy DM2.1. The benefits of the scheme are not considered to outweigh this harm.

2. HERITAGE IMPACTS

The proposed development by reason of its bulk, scale, design and proximity to Grade II listed buildings on Yardley Street and to the New River Conservation Area would result in an overly dominant feature that is harmful to the setting of the Grade II listed buildings and the character and appearance of the Conservation Area, failing to be sympathetic in form and scale to the local identity. The harm is not outweighed by public benefits and as such the development is contrary to London Plan (2016) policy 7.8, Islington's Core

Strategy (2011) policy CS9, Islington's Development Management Policies (2013) policy DM2.3.

3. AMENITY IMPACTS

The proposed development, by reason of its inappropriate layout, height, massing and proximity to facing residential properties would result in unacceptable harm to the amenity of nearby residential buildings through loss of daylight receipt experienced by those properties, loss of outlook and sense of enclosure. This harm makes the proposal contrary to policy 7.6 of the London Plan (2016), policy DM2.1 of the Development Management Policies (2013) as well as BRE 'Site layout planning for daylight and sunlight: a guide to good practice'. The benefits of the scheme are not considered to outweigh this harm.

4. S106

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 affordable housing, affordable workspace, public realm improvements, Compliance with the Code of Employment and Training and Code for Construction Practice, contributions to mitigate employment, training and accessible transport impacts, provision of a Travel Plan, removal of redundant drop curbs, a bond to cover the cost of repairs to the footway and highway, a charge for offsetting CO2 emissions, a Green Performance Plan, connection to a local energy network is viable). The proposal therefore conflicts with London Plan (2016) policies 2.9, 2.10, 2.11, 3.8, 4.1, 4.3, 4.12, 5.1, 5.2, 5.3, 5.6, 5.18, 6.3, 6.4, 6.5, 6.13, 7.1, 7.2 and 8.2, Islington's Core Strategy (2011) policies CS7, CS8, CS10, CS12, CS13, CS14 and CS18, and Islington's Development Management Policies (2013) policies DM2.1, DM4.1, DM5.1, DM5.4, DM7.1, DM7.2, DM7.3, DM7.4, DM8.2, DM8.3, DM8.5 and DM9.2.

193 **FORMER TERRITORIAL ARMY CENTRE, 65-69 PARKHURST ROAD, LONDON N7 0LR (Item B3)**

Redevelopment of site to provide 118 residential units in buildings ranging from 3 to 6 storeys in height, accessible car parking, cycle parking, landscaping and other associated development

(Planning application number: P2020/0648/FUL)

In the discussion the following points were made:

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- The Planning Officer informed the meeting that site comprises a three storey former Territorial Army (TA) Centre facing Parkhurst Road, has a number of one and two storey ancillary buildings with extensive areas of hardstanding.
- Site has remained vacant since 2013, identified in the site allocations document as residential, not within a Conservation Area, but abuts Mercers Road/Tavistock Conservation Area and the Hillmarton Conservation Area borders the site to the north and west.
- In terms of updates, Planning Officer advised that officers would no longer seek to include a preventing wasted housing supply clause in the S106 agreement.
- The presenting Officer informed the meeting that applicant had submitted a revised plan with correct numbers in condition 2 for approval if planning permission is granted.
- An objection was received from a Moriarty Close resident raising concerns about construction impact, loss of light, issues which are addressed in the officers report.
- The Planning Officer reminded members of the long and complex history to the site, that a first application was submitted in 2013 which proposed 112 units but only offered 14% as affordable housing. The application was refused planning permission by committee as members had concerns about height and massing, construction impacts and the amenity concerns on neighbouring occupiers. Applicant appeal was subsequently dismissed by the Planning Inspector.
- The Planning Officer advised that another application was submitted in 2016 to address Inspectors concerns about design and amenity. This resulted in the overall height of the scheme being reduced, however the number of homes provided was reduced to 96, and the applicant argued that the reduced number of units would not make the scheme viable to provide affordable housing. Members were reminded that although the applicant had addressed the inspector's concerns in all other respects, it refused the proposal on grounds that it had not provided affordable housing in line with Council policy. This decision was subsequently challenged by the applicant at the High court. However, the appeal was lost as the judge found that the scheme was expected to comply with the Council's development policy.
- With regards the present scheme, members were advised that the current application is similar to the 2016 scheme in terms of height, location and footprint but where the previous scheme only provided 96 units looking over the site, the present application now offers 118 within a similar

envelope.

- In addition, Members were informed that half of the proposed units (59) would be affordable, and that the affordable offer would be split approximately 70/30 between social rent and shared ownership, with 41 being available for social rent which complies with housing policy.
- In terms of design, the Planning Officer advised that it has changed slightly with additional windows incorporated, and some of the upper floor setbacks being removed to accommodate the additional units.
- The Planning Officer reiterated that the key issue with the scheme over the years is the long standing issue of not providing affordable housing and the impact of the scheme on the amenity of adjoining occupiers.
- Meeting was informed that local residents have objected to the impact of the scheme on their amenity but officers consider that the scheme would have limited impact in terms of overlooking, loss of privacy and loss of daylight and sunlight as appropriate screening will be provided on balconies to address these issues and a condition has been recommended for screening details to be submitted for approval before occupation. It was also clarified to the meeting that the decision on the acceptability of the screening details, once submitted for the discharge of condition, rests with officers
- The meeting was informed that the applicant submitted a daylight sunlight report which assessed daylight to windows and rooms to surrounding properties were assessed for the impact of the proposal on daylight. The report suggests that the proposal would have a minimal impact on neighbouring residents in terms of daylight as the losses are relatively small and that this had to be balanced against the benefits of the proposal and the planning history.
- Meeting was informed that parent of children attending the Willows Children Centre have raised concerns about loss of daylight into some of the rooms and loss of privacy.
- In response, the Officer advised that results show that the larger windows under canopies would be affected in terms of VSC, but all rooms would continue to benefit from good daylight distribution. In addition, the Planning Officer advised that both Rooms 1 and 2 have multiple windows and would continue to receive good daylight from high level windows to the north and south elevations above the canopies
- Members were reminded that the impact of development on the children's centre was considered in the two previous applications, that with the 2013

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proposal existing VSC levels were higher and despite the proposal being taller, impacts were limited. Similarly the daylight sunlight report for the second scheme in 2016, similar in terms of height and massing to the current proposal, recorded much lower existing VSC levels and greater reductions, similar to the current proposal.

- The Planning Officer informed that the 2016 scheme was not refused on amenity grounds and the Inspector did not consider the amenity impacts of the proposal as being a matter of concern in his decision.
- Members were reminded that the daylight sunlight report shows that without the obstructions, VSC levels for the worst affected windows would be broadly compliant.
- A resident from Moriarty Close, speaking on behalf of residents congratulated the Council for being able to obtain the affordable housing requirement, however had concerns that the Inspectors comment about the difficulty of addressing overlooking impact to 61 and 62 Moriarty Close had not been addressed. The resident questioned description of the skylight in the report and had doubts about the results of the sunlight daylight assessment.
- In response to safeguarding concerns raised by users of the Centre, the Planning Officer advised that south facing windows of the nursery were more than 18 away from the closest windows of the new development and that the closest windows on the west facing elevation are less, 13m away but would not face the development directly. Furthermore, the combination of the canopies and the increasing height of the proposed development mean there would not be any direct overlooking to the children's centre's rooms.
- Members were advised that to alleviate concerns of the users of the Centre, the applicant convened a public meeting where the privacy of the nursery was raised and the submitted application included screening to balconies at 1st – 4th floor levels on the north west elevation to prevent overlooking of the outdoor space of the nursery. Following representation from users of the nursery the applicant has included screening to the balconies on the north east corner as well.
- With regards to overlooking concerns, meeting was advised that it is not considered that the windows to the north west elevation would overlook the amenity space as majority of windows are to bedrooms and located in the corners of the rooms, and the elevation is angled away from the children's centre so there would be no view of the outdoor space from the centre of the rooms and views from the windows would look across the south west corner of the play space. Members were advised that a condition to require details of privacy measures to be installed on the new building to prevent undue overlooking is recommended and details should

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be discussed with the children's centre.

- In terms of construction impacts, the Planning Officer informed the meeting that in the event that planning permission is granted, this would be subject to a condition requiring a Construction and Environmental Management Plan which covers noise and dust to be submitted and approved in writing to the local planning authority before works commence and would require liaison with the Children Centre.
- The Planning Officer highlighted the benefits of the scheme as it would provide an additional 118 new housing, 59 of which would be affordable and 12 of which would be wheel chair accessible. Members noted the concerns raised by residents and were also mindful of the planning history of the site, measures to mitigate the impact and the benefits of the proposal.
- In response, the agent reiterated the history of the scheme and the whole process of producing a development which proposes a mix of high quality residential accommodation, including family-sized homes, by making optimum use of previously developed land.
- In summary the agent indicated that the proposal would provide good quality accommodation for future residents with all units exceeding the national floorspace requirements and having good access to natural daylight and sunlight. The scheme would ensure that majority of units would also have private amenity space in the form of gardens, terraces or balconies, along with of communal amenity space, and of public realm, including dedicated children's play space.
- In response to a suggestion to amend condition 23 in the planning permission to ensure that the playspaces is made available to all users, meeting was advised that this will be discussed with legal officers on whether this could be incorporated and tightened in the S106 agreement.
- The proposal's housing density and dwelling mix is considered acceptable and in line with the London Plan and the Council's own policies. The proposed housing is considered to be of a high quality in terms of unit sizes, amenity space, natural lighting, floor-to-ceiling heights, storage provision and access to refuse, recycling and bicycle storage facilities.
- Councillor Klute proposed a motion to grant planning permission. This was seconded by Councillor Clarke 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.

194 GALLERY SUITE BUSINESS DESIGN CENTRE, 52 UPPER STREET, ISLINGTON LONDON N1 0LR (Item B4)

Change of use of the Gallery suite from Class B1 (offices) to Class D2 (Gymnasium) with minor external alterations including replacement of existing entrance doors.

(Planning application number: P2019/2821/FUL)

In the discussion the following points were made:

- The Planning Officer informed the meeting of a number of updates since the agenda was published. Members were advised that although the report indicated 4 objectors, officers have been informed that one of the objectors represents a number of people in an household, so the total is now 20 objectors. In addition complaint received from a resident about a generator left outside the Business Design Centre (BDC), although not relevant to the application, has now been addressed by BDC.
- Meeting was informed that the site lies outside identified primary frontage but within the Angel Town Centre and that the proposed D2 use is a use which is identified as being generally appropriate to the Town Centre and complementary to the function of the Town Centre as a primary focus for retail.
- The Planning Officer informed the meeting that the application site is predominately located on the first floor level and the building itself is of limited architectural merit, but is located within The Angel Conservation Area and adjacent to the Barnsbury Conservation Area.
- Members were informed that the building itself covers the majority of the 1,116m² site with little external space and to the east of the site there is a four storey building currently occupied by the Hilton Hotel with the Upper Street car park directly underneath. To the south of the site, is the former Royal Agricultural Hall building, now operating as the Business Design Centre (BDC) which is Grade II Listed. The application site contains linking bridges to the main BDC buildings, as well as the Hilton hotel building to the east of the site on levels 2 and 3 respectively.
- Members were advised that the application site is limited to the first floor area (level 2) and a small section of the ground floor area (level 1) as entrance and that the floorspace involved in this change of use proposal is 1,116m². The Planning Officer reiterated that the proposal only seeks permission for change of use of the existing building and no new floorspace would be created, that access to the site will be via Berners Road, noting

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that there will be will be no access from Barford Street and that servicing and delivery will remain on Liverpool Road.

- Meeting was informed that the proposal also includes minor external works comprising of a replacement door at the ground floor level.
- With regards to the loss of office accommodation and the request to change its use, members were advised that the site has remained vacant since June 2016 and is considered acceptable following the assessment of the submitted marketing information. Meeting was advised that the report states that there is no realistic prospect of bringing the site back into office use due to the lack of demand for the space shown and that council's policies allow consideration of alternative uses which are suitable for the site and the wider Town Centre.
- On the impact of the proposal on the amenity of neighbouring residents, meeting was informed that the proposed gym would have an acceptable impact towards neighbouring amenity, subject to its operation and management being controlled by appropriate conditions, particularly towards the residential properties on Barford Street, as well as the neighbours nearby on Liverpool Road.
- In addition to a change of use, Members were advised that the proposal would also provide an opportunity for improvement of the energy efficiency of the building.
- Members were advised that the applicant had originally proposed to operate the gym from 0530 (5:30am) to 2300 (11:00pm), seven days a week, however considering its close proximity to neighbouring residential properties located on the opposite side of Barford Street, officers have recommended condition 10 to protect the neighbouring amenity by recommending opening hours of 0630 – 2200 (6:30am – 10pm).
- Neighbouring residents had concerns, that the area has sufficient provision of gyms, the noise levels from the users of the gym and impact of parking as a result of the additional users of BDC. It was suggested that if members are minded to grant planning permission, opening hours on Saturday and Sunday should revert to shorter hours and restrictions should be placed on the music levels
- On the neighbours request to have a responsible officer in place to report noise levels, meeting was advised that the contact details will be available on Pure Gym's website.
- The applicant in response reminded members that the site was originally developed as a health club back in the 1990s, before its conversion into office and has remained vacant since June 2016, that it will complement the services available for users of the nearby Hilton hotel, provide employment

opportunities, appeal to young people and help improve both the physical and mental well being of gym users.

- Members were advised that the proposal would not increase the level of overlooking as the Barford Street elevation (north) would remain unchanged, including the retention of the obscure glazing on the first floor level. In addition, the meeting was informed that given that the windows already exist and the fact that the application site and the neighbouring properties on Barford Street are separated by the public highway, the proposed change of use of the building would not result in any additional level of overlooking compared to the existing lawful use as office. The Planning Officer stated that the applicant has agreed to keep the windows fixed shut and obscurely glazed, which will be secured by condition (**Condition 4**).
- The proposed development would not extend the host building and therefore, it is considered that the proposal would not cause harm to the outlook of the neighbours who front onto the site, and the proposal would also not result in any increase in sense of enclosure.
- With regards to noise concerns raised by neighbours, the meeting was informed that the Acoustic Officer has raised no objection to the proposal and has recommended that a sound limiter be set up to control sound levels which will restrict the noise level of the unit and within three months of installation a certificate of the completion and verification of the calibration and set up, including details of the sound system, shall be submitted and approved by the Council. (**Condition 5**).
- In response to a question, the Council's Acoustic Officer informed the meeting that although it cannot be assumed that the proposed gym would cause the same level of noise and disturbance to the neighbours as the previous health club, the measures proposed by the applicant, the closing of the windows during hours of operation, the obscuring and boarding over of windows and the noise limit is sufficient to address those concerns.
- Councillor Klute proposed a motion to grant planning permission. This was seconded by Councillor Poyser 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.

The meeting ended at 11.45 pm

CHAIR