

London Borough of Islington

**Planning Committee - 18 March 2021**

Minutes of the Zoom meeting of the Planning Committee held on 18 March 2021 at 7.30pm.

**Present:**      **Councillors:**      Klute (Chair), Kay (Vice-Chair), Picknell (Vice-Chair), Chowdhury, Clarke, Ismail, Khondoker, Poyser and Woolf

**Councillor Martin Klute in the Chair**

**219      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.

**220      APOLOGIES FOR ABSENCE (Item A2)**

Apologies were received from Councillor Convery.

**221      DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

There were no declarations of substitute members.

**222      DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

**223      ORDER OF BUSINESS (Item A5)**

The order of business would be as per the agenda.

**224      MINUTES OF PREVIOUS MEETING (Item A6)**

**RESOLVED:**

That the minutes of the meeting held on 9 February 2021 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them. Agreement of the minutes was confirmed via a recorded vote taken by the chair, which showed that of the 9 members present at the meeting, 7 agreed, one abstained, and one recused themselves on the basis of having not been present at the meeting in question.

**225      1 LOWTHER ROAD, LONDON, N7 8US (Item B1)**

Demolition of the existing community mental health centre and the subsequent erection of a part 2, part 3, part 4 storey building for mental health outpatient facilities with associated cafe and office space, landscaping and public realm works.

(Planning application number: P2020/2910/FUL)

In the discussion the following points were made:

- The Planning Officer advised committee that site which is roughly rectangular in shape with a wider splayed frontage onto Liverpool Road to the south, is bordered by Lowther Road on its western flank and Chillingworth Road to the north. It is adjacent to the St Mary Magdalene Conservation Area which adjoins the site to the immediate north-east. It is also situated opposite St Mary's House (located to the north), which is a grade II listed building on Chillingworth Road.
- Members were informed that the surrounding area is predominately characterised by residential apartment blocks and some semi-detached terraced houses, with one property (No. 551 Liverpool Road) sharing the site boundary to the north-east. The average height of buildings in the area varies from three to four storeys, though there are some buildings of more significant height such as the listed building on Chillingworth Road, which rises up to six storeys in height. The nearby Council estates of Mersey and Ringcross, which also make up the character of the local area, are expressed as housing blocks of 5-6 storeys in height.
- A public consultation was carried out, 493 letters were sent out to neighbouring residents of which officers received 25 objections raising concerns about loss of daylight and sunlight, loss of privacy and increased overlooking, excessive height, scale and massing, impact on heritage assets, unacceptable construction impacts, overdevelopment of the site, noise and disturbance and anti-social behaviour from proposed use.
- With regards to daylight and sunlight losses, the Planning Officer explained that that a full daylight and sunlight assessment of all surrounding windows, rooms and gardens had been carried out, noting that although there are some minor losses of daylight to windows within neighbouring properties on Liverpool Road and Chillingworth Road, none of these result in noticeable adverse impacts to the rooms that they serve, however the proposal would have more noticeable impacts on two townhouses on Lowther Road and apartments in Arcadia Court, on the corner of Lowther Road and Chillingworth Road.
- The Planning Officers informed Members that in total 7 kitchens, 5 bedrooms and 2 living rooms in Arcadia Court would be adversely affected in Arcadia Court, that this is due largely to the undeveloped nature of the application site and the narrowness of Lowther Road, and that the retained levels of daylight to the affected windows are not considered unreasonable for an inner London location. The Planning Officer reminded the Committee that these impacts still need to be fully appreciated and weighed up in the overall planning balance.
- On the loss of daylight, the Planning Officer informed the meeting that a number of different scenarios have been modelled to ascertain what impacts alternative forms of development would have on neighbouring windows. For example, the removal of a floor was modelled and a 3-storey building was tested. The resulting impacts of a 3-storey building were understandably less but similar, for example the losses of daylight distribution of a ground floor bedroom would go from 45% to 41%, of a first floor kitchen would go from 62% to 57% and of a 2<sup>nd</sup> floor living room would go from 29% to 23%.

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- On the schemes impact on neighbouring amenity such as overlooking, outlook, sense of enclosure, noise / disturbance and transport impacts, the meeting was advised that with appropriate conditions, these impacts can be successfully mitigated and minimised and are detailed in Appendix 1 of the report.
- The Planning Officer acknowledged that the scheme has an adverse impact in terms of overshadowing to the garden of 551 Liverpool Road with a certain area no longer experiencing 2 hours of sunlight on the 21<sup>st</sup> March. A plan showing the losses of sunlight to the garden was shown to Committee.
- Meeting was advised that all windows facing neighbouring properties within 18 metres (not over an adopted highway) as well as some windows on the Lowther Road elevation overlooking Lowther Road would be required to be obscured and a privacy screen is proposed around the third floor roof terrace facing the properties on Liverpool Road.
- With regards to potential construction impacts, meeting was informed that a construction environmental management plan would be required to provide relevant details of how impacts on neighbouring residents will be minimised during the demolition and construction process.
- With regards the height, scale and massing, members were informed that based on reviews by the Council's independent Design Review Panel the proposal is considered to represent a reasonable townscape response given existing building heights in the surrounding area.
- The Planning Officer advised that in terms of the stated overdevelopment of the site and the potential for noise, disturbance and traffic as a result of the operation of the development, there has been considerable scrutiny over the numbers of people likely to visit the site in the future. The Transport Assessment submitted with the application refers to a theoretical maximum of 260 appointments a day, assuming all rooms are occupied 100% of the time. This has been presented to demonstrate that this in itself would not have adverse impacts on surrounding highway network given the high PTAL level of the site. As a starting point however, the Trust would expect to provide services to the same 723 patients as present with between 200 and 250 appointments a week, with the additional capacity required to accommodate the clear growth trajectory in terms of the need for mental health services in Islington.
- With regards to concerns from residential occupiers about 'anti-social behaviour' and criminal activity from the every-day operation of the proposed use, meeting was advised that consultations have been carried out by the Metropolitan Police, specifically the Design out Crime Group, who have confirmed support for the principles of the proposal and the way the design has been developed. The Planning Officer acknowledged that nonetheless, for this planning application to be acceptable and successful and to create a well-managed facility that is in harmony with its neighbours, the applicant has offered and detailed in the report, details of lighting, CCTV, secured by design measures and management arrangements to be required as noted in conditions 9 and 31 of the report in the event of permission being granted.
- On potential noise from plant room, meeting was advised that the applicants have assessed the background noise level at night and during the day and

details of how the plant noise will remain 5db below the background level are secured by conditions 11 and 12 in the report

- An objector from Arcadia court speaking on behalf of Lowther road residents indicated that he had no objections against the provision of a mental health facility especially when it results to an improvement to the present facility, however in this instance it should be refused with regards to concerns about its design, overlooking, loss of privacy, daylight and sunlight loss and a sense of enclosure. He also indicated that the size of the building was not in keeping with the character of the area.
- Objector was concerned that despite studies demonstrating the impact of loss of natural light on people's well-being and welfare, the scheme has led to loss of sunlight to 10 homes which is contrary to council's guidelines. He was also concerned with the noise levels from the plant room especially as it is less than 10m from Arcadia court.
- Members were advised that the original capacity of the existing building on site is for 16 members of staff. Following a member's question the applicant confirmed that the proposed maximum level of staff for the building was 78 staff, this included staff from amalgamation of other NHS services onto the site which is a change from its original purpose.
- An objector was concerned that the developer was taking advantage of the highway rule of 18metres to a neighbouring property as in case this was just about 10metre and will result in the loss of her privacy and impact on her amenity. It was also noted that most of the dwellings will have to depend on artificial lighting. Finally the objector advised that if committee is minded to grant planning permission, it should be with stricter conditions principally to protect privacy on all sides of the scheme, that all overlooking rooms should have opaque windows and opening hours should be restricted from 8am to 6pm Monday to Friday which is reasonable and is in line with other type of NHS facilities.
- Another neighbouring resident of Chillingworth Road was concerned with the footprint of the proposed building especially with it being built close to the pavement and boundary of a property adjoining Liverpool road; that the building was too tall and unacceptable. It was also noted that the proposed opening hours was too excessive especially as the facility is in a residential area, and that opening hours should be limited to weekdays only and no weekend operation. The objector reminded members not to disregard overshadowing concerns to part of the rear gardens of 551-553 Liverpool Road. The objector, however indicated that that if committee is minded to grant planning permission that condition 33 should be revisited with a view to restricting opening hours to prevent the facility being open on weekends to protect the amenity of neighbouring residents.
- An Arcadia Court resident informed the committee that her flat is directly affected by the proposed scheme, that the 18metre rule has not been applied and that the scheme is more than an NHS facility considering it has other purposes and in her opinion the planning officers have been generous with the applicant to her detriment and requested that the scheme be refused on a number of grounds highlighted by other objectors.

- In response to objectors concerns, the applicant informed Committee of broad support for an enhanced mental health facility in the borough, reiterating that the scheme provides flexible workspace for healthcare professionals. Members were advised that the proposed development would not change the use class of development and it creates 2,391sqm GIA medical use (Class E) floorspace which would include consultation, treatment, exam rooms, and meeting rooms with associated flexible agile working areas for healthcare professionals, a small ancillary café, and an accessible courtyard and roof terrace accessible to staff members.
- With regards to the potential increase in capacity from its original building, the applicant acknowledged that the 3<sup>rd</sup> floor ancillary offices which is referred to as agile working facilities is fundamental to the aims and objectives of the proposal.
- On the issue of staffing levels, the applicant indicated that the proposed mental health outpatient facility will form part of an integrated and coordinated strategy to improve the mental and physical health of Londoners and to reduce health inequalities, that the facility will involve the sharing and integration of new improved facilities in a very accessible location. The applicant confirmed that the site is one of 30 sites managed by the Trust, delivering a range of inpatient and community adult mental health services and that a number of the buildings at these sites are ageing, not fit-for-purpose, inaccessible and difficult to reach and are considered to add to the stigma associated with mental health.
- The applicant reassured the meeting that the facility is a non-residential health service for visiting members of the public and that the use of the proposed building falls under the new Class E(e).
- The planning agent explained that the current building is outdated and not fit for purpose, however the new scheme is as a result of working in conjunction with council officers to comply with council policies. He also acknowledged daylight and sunlight losses, noting that this is due to narrowness of Lowther road and that committee should give due consideration in this instance that the benefits of the scheme outweigh the impact of the scheme on residential neighbouring amenity.
- In response to concerns that the facility had limited green space, the applicant advised that the landscape design positively contributes to the setting of the new build as well as the wider context. The retention of three mature trees to the front of the site is welcomed as is the creation of a new pocket park.
- On the issue of opening hours the applicant acknowledged that although in general mental health services have not been good in offering its services out of normal working hours, there is presently a huge demand for extra support and services. The applicant reassured the meeting that at no time during those proposed extended operating hours would the facility be fully utilised especially as there will be staffing challenges.
- On employment opportunities for people with mental health issues, the applicant acknowledged plans to offer simple type of jobs behind the counter of the café as a means to provide support for those users experiencing mental health issues and prepare them for the future.

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- With regards to privacy concerns especially with Lowther road residents and those residents adjoining the scheme, the applicant acknowledged some obscure screening had been proposed for some dwellings across the public highway which has been conditioned were planning permission to be granted, noting that many of the dwellings affected did have dual aspect and will not be expected to be screened.
- In terms of anti-social behaviour concerns, the applicant advised that overwhelming majority of users do not engage in such activities, however in instances where such activities arise it will be managed under the Trust's behaviour management strategies. The applicant noted that the scheme aims to create a positive environment which helps to remove the stigma that is associated with people with mental health conditions.
- During deliberation, the Chair noted the recommendation from the Design Review Panel's, acknowledging that the facility is to be a day centre with no overnight stay for patients, not staying overnight and it being available for use by voluntary organisation, however these would need to be balanced with concerns about the impact of the loss of both daylight and sunlight to neighbouring residents, noise concerns from the roof plant, activities in the building, request for screening and hours of operation.
- Member acknowledged resident's concerns but agreed with the merits of the applicant's argument, that in future there is an increasing demand for the service due to an increase in people experiencing mental health conditions. Member noted efforts by the applicant to mitigate the effects of the loss of daylight by attempting to remove a storey from the building as having no significant improvement. Member requested for more screening of the windows for Lowther road residents to protect their privacy.
- A member was concerned that with the facility being in a residential area, consideration should be given to restricting the hours of operation, expressing concerns that the scheme did not offer a lot of green and opens spaces which would benefit users of the facility in terms of their well-being.
- A Member's motion to amend opening hours requested to address the objectors concerns was moved but not seconded.
- A member welcomed further screening and the obscuring of all windows along Lowther road especially as the site is within a very tight and narrow area. In terms of daylight and sunlight losses, Member noted regrettably that this appears to be a design issue with no easy solution available to address it. With regards the proposed hours of operation member welcomed it as this would allow the facility to be used for many activities.
- A member welcomed the facility as it will be supporting people with mental health conditions. Member had no concerns with the proposed flexible hours, acknowledging light losses.
- A member indicated that although he had original concerns about the over development of the site, in terms of its height and the mass of the building, on reflection he acknowledges that this might be due to the fact that the site was underdeveloped.
- In response to a suggestion of introducing green walls to alleviate the intensification concerns of the site, the Planning Officer confirmed that

investigating the feasibility of a green wall had been included in the landscape condition.

- A suggestion to amend screening condition 32 to restrict all overlooking across Lowther Road although Council policy does not require screening across public roads was agreed so as to protect the privacy of Lowther Road residents. Committee agreed to delegate the wording of the screening condition to both the Planning Officer and the Chair of the Planning Committee.
- A member's motion to reduce the proposed opening hours to 8am- 6pm Monday to Friday, was defeated.

Councillor Klute proposed a motion to grant planning permission. This was seconded by Councillor Poyser 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 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 as amended above, the wording of which was delegated to officers;

**226 233-239 & 241-243 PENTONVILLE ROAD & 172-176 KINGS ROAD, N1 9NG  
(Item B2)**

Rear and roof extensions (including dormer windows) to 233-239 and 241-243 Pentonville Road behind retained front and side facades following partial demolition; connection of 233-239 and 241-243 Pentonville Road with 172-176 King's Cross Road; provision of new and refurbished Office floorspace (Use Class B1a); creation of new retail unit (Use Class A1) at ground and lower ground floors of 241-243 Pentonville Road; replacement shopfronts to Pentonville Road facades; and associated servicing areas and plant.

Councillors Kay and Ismail did not participate or deliberate on this item as they gave their apologies and left the meeting

(Planning application number: P2020/0632/FUL)

In the discussion the following points were made:

- The Planning officer advised committee that the application relates to a number of buildings on the southern side of Pentonville road and the northern part of Kings cross road and that site is designated within the Central Activities Zone (CAZ), Kings Cross Key Area and the Northdown Road Employment Growth Area.
- Site is located within the Kings Cross Conservation Area and although buildings on site are not statutory listed, there are a number of statutory

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listed buildings adjoining and close to the site. Buildings on site are locally listed.

- Although the proposal seeks to partially demolish some of the buildings, it will still retain its primary and some secondary facades to provide refurbished office on newly connected floorplates including an extended basement level. The proposal also seeks to replace the existing shopfronts.
- Key planning considerations are its site history, land use design and appearance and impact on heritage assets, neighbouring amenity, transport and highways and energy sustainability.
- Members were advised that in terms of land use, the proposal will result in an increase in both office and retail floor spaces on site.
- The scheme has been revised in particular with a view of addressing outstanding concerns relating to scale, height, bulk, design, appearance and its impact upon heritage assets. Revisions have also been taken with regards to the design of the appearance of the rear extension and the roof pitch on the Pentonville Road buildings.
- Members were informed that a previous scheme was refused by the Council on 18 November 2016 due to loss of workspace suitable for small and medium enterprises, demolition of three locally listed buildings, mass and scale of buildings and the quality of the development. A subsequent appeal on 17 October 2017 was dismissed by the Planning Inspectorate.
- Planning Inspector considered that the appeal scheme was too dominant within the street scene along Pentonville Road giving the church a subordinate appearance which would erode its significance. In addition, members were informed that the Planning Inspectors had concerns regarding the demolition of locally listed buildings, describing it as notable and a regrettable loss of a non-designated heritage asset which makes a positive contribution to the significance of the Conservation Area.
- In terms of land use consideration meeting the Planning Officer acknowledged that the scheme is considered acceptable given the increase of office space which is identified as a priority use for the location in the CAZ and EGA
- Islington DM5.4 policy sets out the need for affordable work space which equates for 5% of the floor space and the scheme is policy compliant. In addition the proposal provides suitable sized units for SME's located at ground floor level to the Kings Cross building and it benefits from the road entrance, cycle and refuse storage.
- Since the refused appeal scheme, the applicant has worked with Design Review Panel, noting that the revised scheme now proposes to retain the facade of Pentonville and Kings Cross elevation, thereby overcoming one of the reasons for refusal. Also the height, mass and bulk of both of the roof extensions have been reduced and the scale and proportions of the proposed dormer windows across the scheme have been revised in favour of diminution with the result that the scheme is not considered to unacceptably diminish the significance of a designated heritage assets and their setting.



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- On the issue of the scheme's impact on neighbouring amenity members, the Planning Officer advised that site is not bounded or near any residential areas as adjoining areas are places of worship, offices and visitor accommodation serviced apartments. A Daylight and Sunlight assessment was submitted and there is no reduction in daylight and sunlight levels beyond BRE guidelines to the nearest residential properties.
- The energy efficiency and sustainability proposals have been reviewed by Council officer, that the proposal will achieve a 52% reduction with the rest being offset by a financial contribution which will be secured by a condition.
- The Planning officer acknowledged that although the proposal would result in the partial demolition of locally listed buildings, the facade and key features are to be preserved. The Planning Officer noted that the benefits from the scheme is considered to outweigh any harm that it might have as it will result in an increase in priority employment use within the CAZ and Employment area.
- The Planning officer advised of an amendment to condition 20, to include further wording which protects the retail element of the scheme within Use Class E from being changed to another use through permitted development.
- The agent informed the meeting that the scheme will create more work spaces that will be attractive, flexible and fit for purpose and reminding the meeting that the aim of the project is to give life to the building by providing high quality office spaces. In addition committee was advised that the scheme also delivers affordable housing contribution, a more energy efficient and less carbon emission building, with retail units that enhances the street scene.
- The architect reiterated that the design outcomes follows discussions and advice from both the Design Review Panel and council officers, that the scheme is now considered appropriate for its settings, ensures the provision of high quality offices for SME's and importantly restores the building back to its previous glory.
- Chair welcomed the revised scheme noting that is a well-designed building in comparison to the refused scheme in 2017 and is policy compliant.
- Committee agreed that the wording of condition 20 be amended which will ensure that retail use is protected, be delegated to the Planning Officer and to be agreed by the Chair.

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; 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 as amended condition above, the wording of which was delegated to officers;

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**SITE OF FORMER CHARTER HOUSE( ALSO KNOWN AS CAXTON HOUSE) , 2 FARRINGDON ROAD & UNITS 501-520 LONDON CENTRAL MARKETS GATE 30,45 CHARTERHOUSE STREET, LONDON , EC1M 3HP (Item B3)**

Stopping Up Order of existing highway fronting Charterhouse Street and Farringdon Road under Section 247 of the Planning Act 1990 to enable the development of 33 Charterhouse Street, EC1M 3HP (references P120484).

Councillors Kay and Ismail did not participate or deliberate on this item as they gave their apologies and left the meeting  
(Planning application number: P2021/0246/FUL)

In the discussion the following points were made:

- Meeting was advised that the area of land is on the corner of Farringdon Road and Charterhouse Street and is outside the hoarding of the Crossrail works site for Farringdon Station and opposite Smithfield Market. The application relates to a triangular piece of the highway piece of the footway which is a highway, maintained by the council and is included in the council's List of Streets as highway maintained at the council's expense.
- The Planning Officer advised that no objections had been received from the Council's Highway Officer to the proposed stopping up of this section of Charterhouse Street and that this stopping up will not impact on vehicular traffic as there is sufficient room on the remaining footway for the free flow of pedestrians.
- Members were advised that the proposed stopping up of the area of land is necessary to enable the approved development proceed and is acceptable in highway terms. In addition Members were reminded that obligations will still remain in terms of consultation and a local inquiry may be held should the stopping even with the application being approved by the Committee

Councillor Klute proposed a motion to approve the stopping up. 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, approval was given to the stopping up, subject to the applicant first entering into an indemnity agreement to pay all the council's costs in respect of the stopping up, on the following basis.

The meeting ended at 9.45 pm

**CHAIR**